

Staff Report

**PUBLIC ART INSTALLATION IN FRONT YARD SETBACKS  
TEXT AMENDMENT REQUEST**

January 9, 2018

**BACKGROUND:**

City Council referred to staff at its December 19 meeting a request for a Zoning Text Amendment from Pat Brown (Attachment A) to allow for installation of public art on commercial properties along South Duff Avenue. To promote its visibility and aesthetic interest, Ms. Brown would like to install the art (statuary) in the front yard setback along South Duff Avenue.

Statuary is currently permitted within setbacks, but is limited in height to four feet. Larger installations are not permitted unless located outside of setbacks, typically 25 feet back from the property line. Many commercial properties are situated along large arterial streets and it's likely a public art feature four feet in height would often go unnoticed do to the context of the area and speed of travel. To create visual interest and visibility of public art, it would likely need to be taller than the current four-foot exception if oriented to the right-of-way.

Although statuary is allowed in the front yard setback, there is no definition of public art or statuary in the Zoning Ordinance to distinguish it from signage or other ornamental features. This can be an issue when businesses use logos or trademarks that identify their business and could ask for this type of installation in addition to allowed signage. With an allowance for larger features, it may be beneficial to define Public Art to distinguish it from other commercial features. Some City's go so far as to define art as custom designed features that are not mass produced to ensure they are in fact unique art pieces and not ornamental decorations.

**OPTIONS:**

If the City Council is interested in promoting art installations on private property that are publicly visible there are two basic options for zoning changes to allow for this.

**Option 1. Increase height allowance for statuary.**

Allowing for a statuary ten-foot height limit exception in commercial and industrial area front yards would meet most expected art installation needs. This would be a basic change to the ordinance and would likely not include staff review unless the project exceeds 150 square feet. This option would not consider whether the statuary is commercial in nature or unique art. A definition of art that would narrow the scope of the exception could be added as well.

**Option 2. Public art exception.**

The City Council could create an exception that does not prescribe limits on height or size if it is in a defined area of a “public art easement” granted to the City. In this scenario, a property owner would propose an easement on their property that the City would need to accept as an area for the display of public art to allow for the front yard setback exception. The property owner would then need to place a public art feature in this area and signage would not be allowed. The benefit of this approach is to allow more flexibility on the front yard exception, but to also provide more definition on the type and location of installation that would occur.

**STAFF COMMENTS:**

Staff believes promoting public art installation is a positive aesthetic benefit for the community and consistent with many City initiatives involving art. Staff considered options for placement by private property owners of public art in right-of-way rather than on private property and concluded that in most situations it would not be appropriate due to safety and clearance needs. **Allowing for installation of art on commercial and industrial private property is more appropriate. Both of the options described above are straight forward changes to the Zoning Ordinance that can be accomplished in a short amount of time.** If the City Council has interest in a broader set of options or research into other community’s art in private development requirements for public art, City Council would need to refer the item to a future Planning Division Work Plan prioritization discussion.

## Attachment 'A'

November 28, 2017

Patricia J. Brown

3212 West Street

Ames, Ia. 50014

Dear Mayor and Council:

I am currently working on creating an art corridor along Duff Avenue in cooperation with the Arts commission and businesses. I met with Bob Kindred and Kelly Diekman to discuss any regulations that would need to be discussed. I am requesting that the Council forward a request to the Planning Department that will do the necessary changes to allow placement of public art along South Duff.

Thank you for your consideration.

*Pat Brown*

