

COUNCIL ACTION FORM

**SUBJECT: ZONING TEXT AMENDMENT RELATED TO PUBLIC ART INSTALLATION
WITHIN SETBACKS**

BACKGROUND:

On January 9, 2018, the City Council directed staff to prepare a text amendment to allow for placement of public art in setbacks in coordination with Public Art Commission (PAC) approval. This action was in response to a letter from Pat Brown, who is interested in creating an art corridor along South Duff Avenue. The intent is to promote the location of publically visible art installations on private property, as a coordinated effort between the City of Ames Public Arts Commission and local businesses.

Section 29.402 (2)(a) of the Zoning Ordinance, specifically identifies what is allowed to be placed within (or project into) a required building setback. Front yard setbacks are typically the first 25 feet of a lot. An exception currently exists for landscape accents and statuary four feet or less in height to be located within a required setback, However, the Zoning Ordinance is silent regarding "Public Art." It does not include a definition of "Public Art" nor does it identify how "Public Art" might be located on private land. Adding an exception for defined "Public Art" installations will meet the interest of the petitioner and allow for the City to manage the number and types of installations that might occur in front setbacks.

PROPOSED TEXT AMENDMENTS:

The proposed text amendment ordinance is Attachment 1. The proposed amendment allows interested property owners the opportunity to participate in the display of Public Art on their property through designation of an art easement and through the auspices of the City of Ames Public Art Commission and the City Council for the type of art to be displayed. **Only art formally approved by the City and placed in a City accepted easement would be allowed to take advantage of the proposed exception.**

PROCESS FOR IMPLEMENTATION:

Staff envisions use of an "art easement" template for property owners to create easement areas. The easement language will define specific terms of the agreement, such as artwork selection, installation, access, maintenance, and termination of the easement. An individual may approach City staff to obtain the easement document and staff will place the completed forms on an agenda for City Council approval. The easement application may or may not include concurrent review of proposed art work.

Artwork may be offered for consideration by property owners or solicited by the PAC. Artwork may only be utilized that has been approved by the City Council or under the authority of the City Council as designated to the PAC.

On March 7, 2018, the Planning and Zoning Commission (P&Z) reviewed the amendment and voted 4-0 in support of the text amendments to the Zoning Ordinance. Since the P&Z review, the proposed definition of “Public Art” has been slightly modified to better reflect the role of the Public Art Commission and City Council in review and approval of the public art.

ALTERNATIVES:

1. The City Council can approve on first reading the proposed ordinance related to public art installation in setbacks, as attached.
2. The City Council can recommend alternative language for the proposed text amendment.
3. The City Council can request additional information and defer making a recommendation.

CITY MANAGER’S RECOMMENDED ACTION:

The proposed amendment is a reasonable revision to both define Public Art and to accommodate the installation of Public Art on private property within setbacks, when located within an art easement. City staff would work directly with interested property owners to obtain the required art easements which would then be approved by the City Council. Implementation would also be administered in coordination with the PAC.

Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1 as described above.

Attachment 1
Proposed Ordinance

1) A definition of “Public Art” is added into the Zoning Ordinance:

Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

*(163A) **Public Art** means any works of craft or art in any medium that the City of Ames Public Art Commission (PAC) has reviewed and which has been approved, and formally accepted by the City Council (or under the authority of the City Council as designated to the PAC) for temporary or permanent installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means.*

2) Public Art is allowed to be placed within a building setback:

Sec. 29.402. SETBACKS.

(2) Extensions into Required Building Setbacks.

(a) Principal Buildings.

(ii) Full projections allowed. In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

g. Public Art when located within a public art easement accepted by the City of Ames.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY ENACTING A NEW SECTION 29.201 (163A) AND A NEW SECTION 29.402 (2)(a)(ii)(q) THEREOF, FOR THE PURPOSE OF ALLOWING PLACEMENT OF PUBLIC ART IN SETBACKS REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by enacting a new Sections 29.201(163A) and 29.402(2)(a)(ii)(q) as follows:

“Sec. 29.201. DEFINITIONS.

Except as otherwise defined in this Ordinance or unless the context may otherwise require, the following words are defined for the purpose of this Ordinance as follows:

...

(163A) **Public Art** means any works of craft or art in any medium that the City of Ames Public Art Commission (PAC) has reviewed and which has been approved, and formally accepted by the City Council (or under the authority of the City Council as designated to the PAC) for temporary or permanent installation in public locations, in or on publicly owned buildings, on publicly owned land, or in or on other locations leased or provided to the City through donation, easement or other means.

...

Sec. 29.402. SETBACKS.

...

(2) Extensions into Required Building Setbacks.

(a) Principal Buildings.

...

(ii) Full projections allowed. In addition to the minor projections listed in the previous section, the following features are allowed to fully project into required setbacks:

...

q. Public Art when located within a public art easement accepted by the City of Ames.

...”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk

John A. Haila, Mayor