

**CITY OF QUINCY
IN COUNCIL**

ORDER NO: 2009-112

May 4, 2009

ORDERED:

Be it ordained by the Quincy City Council, that the Revised Ordinances of the City of Quincy, 1993, as amended, be further amended as follows:

In Title 17. Zoning Chapter 17.12 Zoning Districts.

Section 17.12.035 Quincy Center Districts – Requirements - add the following new sub-Section I entitled, “Public Art Program” as follows:

I. Public Art & Place-Making Program:

It is the purpose of this sub-section to lessen the visual impact of development and to create a Public Art & Place-Making Program for new development and redevelopment in the Quincy Urban Redevelopment District and the Quincy Center Zoning Districts on plots greater than one-quarter acre. The Public Art & Place-Making Program, through the requirements of this sub-section, shall further the commitment of the City of Quincy to the aesthetic enrichment of the community through the creation, preservation and protection of works of art.

1.) Definitions - For the purposes of this section, the following words and phrases shall have the following meanings:

(a) *Artist or Professional Artist* means a practitioner in the visual arts, and shall include visual artists, landscape artists and architects, as well as graphic artists, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person’s status as a professional artist or place-maker include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

(b) *Art, Artwork or Works of Art or Place-Making* means tangible creations by artists exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, architectural elements designed by an artist, and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for purposes of this chapter:

(i) Reproductions or unlimited copies of original artwork.

(ii) Art objects which are mass produced.

(iii) Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist as an integral aspect of a structure or site.

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(c) *Development* means any construction, or redevelopment of any private or public building within the **Quincy Center Urban Redevelopment District or the Quincy Center Zoning Districts**.

(d) *Public Art Commission* means the entity appointed by the Mayor to administer the Public Art & Place-Making Program and administer the Public Art Fund.

(e) *Public Art Fund* means a separate, interest bearing account set up by the City to receive monies for the Public Art & Place-Making Program.

(f) *Remodeling or converting* means changes to the façade of a building, changes to the interior of a building, increases or decreases in the floor area of a building and changes to exterior improvements.

2.) Public Art Commission.

(a) There is hereby established a commission to be known as the **Public Art Commission**.

(b) The Public Art Commission shall consist of five (5) members plus an additional two (2) alternates and one (1) non-voting high school student, all of whom shall be appointed by the Mayor.

(c) The Public Art Commission members shall be nominated as follows:

One (1) nomination by the president of the City Council

Two (2) nominations by the Mayor

One (1) nomination by the Planning Board

One (1) nomination by the Director of the Urban Redevelopment District Agency

One (1) alternate nominated by the Mayor

One (1) alternate nominated by the Planning Director

One (1) non-voting student nominated by the Mayor

(d) A quorum shall consist of three (3) voting members.

3.) Powers and Duties of Commission.

The Public Art Commission powers and duties shall include but not be limited to:

(a) Adoption of Public Art & Place-Making Program Guidelines and amendments thereto;

(b) Authorizing expenditures of \$20,000.00 or less in furtherance from Public Art Program;

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(c) Recommending to the Mayor other expenditures of the Public Art Fund in excess of \$20,000.00;

(d) Establishing an annual administrative budget for the Commission.

(e) Establish an annual calendar which shall include not less than six open public meetings of the Commission.

4.) On-site and Off-site Contributions.

(a) All development, redevelopment, remodeling or converting greater than 20,000 square feet in gross floor area which are in non-residential districts, or within mixed use or multi-family districts on plots greater than one-quarter acre within the **Quincy Urban Redevelopment District or the Quincy Center Zoning Districts**, shall participate in the Public Art & Place-Making Program. When construction is phased, the aggregate gross square footage of the entire project or development shall be added together to determine whether the 20,000 square foot threshold is reached.

(b) Owners have the three choices for participating in the Public Art & Place-Making Program as follows:

(i) **Off-site option:** The owner of a development or re-development may pay as mitigation 1% of the development hard costs, exclusive of land acquisition expenses, to the Commission's Public Art Fund prior to the issuance of a building permit; or

(ii) **On-site option:** The owner of a development or re-development project may provide artwork located at the development site equal to or greater than 1% of the development hard costs, exclusive of land acquisition expenses, for the project.; or

(iii) The owner of the development and the Public Art Commission may agree to allocate part of the funding to pay for "**on-site**" art and place the remainder of the contribution into the "**off-site**" Public Art Fund.

5.) Public Art Fund.

(a) There is hereby created a Public Art Fund administered by the Public Art Commission which shall consist of all contributions received from projects as defined under Part V of this section. The Public Art Fund shall also include cash grants and donations to the City for public art and Place-Making projects from governmental or private resources, and all other funds allocated by the City through DIF funding or any budgetary process for the provision of public art.

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