



## Legislation Details (With Text)

**File #:** 1826-2003      **Version:** 1  
**Type:** Ordinance      **Status:** Defeated  
**File created:** 7/8/2003      **In control:** Rules & Reference Committee  
**On agenda:** 7/30/2012      **Final action:** 7/30/2012

**Title:** To amend the Columbus City Codes, 1959, by enacting proposed Chapter 3115 in order to create the Columbus Public Art Commission and to establish a public art program to provide for the inclusion of public art in public buildings, facilities, and spaces by recommending the acquisition, commission, and/or construction and installation of public art to enhance specific capital improvement projects and to repeal existing Chapter 3115; to amend the Columbus City Codes, 1959, by enacting proposed Chapter 3359.07 Plaza Areas and 3359.27 Downtown Commission in order to give the Columbus Public Art Commission exclusive jurisdictional authority over freestanding works of public art that is not integrated into the architecture of a building and is proposed to be placed on property owned or leased by the city of Columbus, including in, on or over the public right of way and to repeal exiting Chapter 3359.07 and Chapter 3359.27.

**Sponsors:** Andrew Ginther

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/30/2012	1	Columbus City Council	Taken from the Table	Pass
7/30/2012	1	Columbus City Council	Defeated	Fail
9/15/2003	1	Columbus City Council	Tabled Indefinitely	Pass
7/28/2003	1	Columbus City Council	Read for the First Time	
7/22/2003	1	City Clerk's Office	Sent back for Clarification/Correction	
7/22/2003	1	Dev Drafter	Sent to Clerk's Office for Council	
7/11/2003	1	Dev Drafter	Sent to Clerk's Office for Council	
7/10/2003	1	Dev Drafter	Sent for Approval	
7/10/2003	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
7/10/2003	1	Dev Drafter	Sent for Approval	
7/10/2003	1	CITY ATTORNEY	Reviewed and Approved	

**BACKGROUND:** Chapter 3115, Columbus Art Commission, established by City Council Ordinance 1136-60 and amended by Ordinance 387-86, allows for the creation of the Columbus Art Commission. Chapter 3115 is being replaced by a new Chapter 3115 to allow for the creation of the Columbus Public Art Commission and to establish a public art program to provide for the inclusion of public art in public buildings, facilities, and spaces. In consultation with affected city departments, the Commission will recommend public art for specific city capital improvement projects.

**FISCAL IMPACT:** Enactment of this ordinance will not alter the amount of money available for capital improvements. It will result in some of the available capital improvement funds being expended upon public art associated with particular capital improvements projects.

To amend the Columbus City Codes, 1959, by enacting proposed Chapter 3115 in order to create the Columbus Public Art Commission and to establish a public art program to provide for the inclusion of public art in public buildings, facilities, and spaces by recommending the acquisition, commission, and/or construction and installation of public art to enhance specific capital improvement projects and to repeal existing Chapter 3115; to amend the Columbus City Codes, 1959, by enacting proposed Chapter 3359.07 Plaza Areas and 3359.27 Downtown Commission in order to give the Columbus Public Art Commission exclusive jurisdictional authority over freestanding works of public art that is not integrated into the architecture of a building and is proposed to be placed on property owned or leased by the city of Columbus, including in, on or over the public right of way and to repeal existing Chapter 3359.07 and Chapter 3359.27.

Whereas, public art [i] is the result of a process that incorporates original works of art by visual artists in public spaces and which involves the public from selection process to dedication. [ii] is integrated with the work of other design professionals [iii] is of the highest quality and serves the city by enhancing the quality of life for its citizens; and [iv] contributes to the city's image and prestige; and

Whereas, public art enhances good urban design by creating attractive and friendly streetscapes and public amenities that improve the city's livability and potential for economic development; and

Whereas, public art can define and animate public spaces by providing opportunities for surprise, humor and introspection; and

Whereas, public art provides viable mitigation for large-scale capital construction projects and the disruption these projects may cause to the community; and

Whereas, the public art program will operate citywide and with a primary focus on Downtown Columbus; and

Whereas, for the Department of Public Utilities' capital improvement budget, which is subject to restrictions under the Columbus Charter and Ohio law, it is an appropriate goal to include acquisition of public art on a case-by-case basis subject to those restrictions; and

Whereas, the Commission, as established by this ordinance, shall be an official Commission of the city of Columbus and whose membership shall be appointed by the Mayor with the approval of City Council; and

Whereas, through the adoption of this ordinance the Commission shall conduct a site and collections inventory and produce a maintenance plan for the city's public art collection; and

Whereas, a public hearing was held on July 24, 2003 at which time the Development Commission voted to recommend the adoption of this ordinance to create a Public Art Commission and establish a public art program; and

Whereas, a public hearing was held on July 24, 2003 at which time the Downtown Commission voted to recommend the adoption of this ordinance to create a Public Art Commission and establish a public art program; and

Whereas, on June 24, 2003 the Board of Trustees for The Greater Columbus Arts Council voted to recommend the adoption of this ordinance to create a Public Art Commission and establish a public art program; and

Whereas, it is the purpose of this ordinance to replace Chapter 3115, to establish a public art commission and to provide for the inclusion of public art and artistic enhancements in and to public buildings, facilities and spaces in the city of Columbus; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

Section 1. That existing Chapter 3115 of the Columbus City Codes, 1959, is hereby repealed.

Section 2. That the Columbus City Codes, 1959, are hereby amended by enacting proposed chapter 3115, "Columbus Public Art Commission and to establish a public art program" consisting of ten (10) sections numbered 3115.01 through 3115.10, reading as

follows:

#### 3115.01 Purpose

Establish a public art commission and program to provide for the inclusion of public art in public buildings, facilities and spaces by recommending a percentage of the funds expended on specified capital improvement projects be expended for works of public art.

#### 3115.02 Definitions

- a. "Arts Project Panel" means a group of representatives from such areas as the Columbus residential community, the city, private development, artists, and arts professionals who are charged by the Columbus Public Art Commission with the selection of art for sites within their geographic district that have been specified in the Public Art Project Plan.
- b. "Capital Improvements Budget" means the ordinance approved by City Council that includes all annual capital improvement projects and their respective funding levels, excluding the Department of Public Utilities' projects.
- c. "Capital Improvements Program" means the budgetary planning document approved through resolution by City Council, which lists those capital improvement projects planned for a five-year period.
- d. "Columbus Public Art Commission," "Public Art Commission" or "Commission" means the Public Art Commission established pursuant to section 3115.03 of the Columbus City Codes.
- e. "Deaccession" Deaccessioning is the process of removing a piece of public art permanently from the collection, usually through sale or exchange or any other transactions by which title of outgoing works of public art are transferred from the collection to another institution or individual. Under certain conditions, it may also include disposal by intentional destruction.
- f. "GCAC" means Greater Columbus Arts Council
- g. "Public Art" is all forms of visual arts conceived in any medium, material or combination thereof. Public artwork may be commissioned or purchased and can take the form of discrete, site-specific installations or be integrated into the design and physical development of a capital improvement to which it is attached.
- h. "Public Art Collection" means all existing city-owned art and all future art acquired by the city of Columbus or by the Public Art Commission on behalf of the city of Columbus
- i. "Public Art Focus Project" means a public art project for which a particular focus has been identified and for which an amount greater than one percent (1%) of the total cost of the particular capital improvements project is necessary for the public art enhancements to have the effect desired.
- j. "Public Art Master Plan" means a citywide arts master plan that suggests ways of thinking about, talking about and doing public art that incorporates urban design, community history and current conditions into area specific goals, and larger community building, education, cultural, and citywide goals.
- k. "Public Art Projects" are projects that involve visual artists working through the public art process and resulting in the placement or creation of original works of art in public spaces. Public art projects also include artists serving on design and development teams to identify opportunities to incorporate art in the public space. Works of art designed by artists in collaboration with architects, landscape architects and engineers and initiated by the Public Art Commission may be funded under this ordinance.
- l. "Public Art Project Plan" or "Plan" means a yearly report developed by the Public Art Commission in consultation with the affected city departments. The Plan shall recommend new art projects, including budget and time frame for development, report on the status of on-going projects, identify potential future projects, and list completed projects.

#### 3115.03 Creation - Membership terms

The Columbus Public Art Commission is created and established. The Commission shall consist of nine (9) members appointed by the Mayor with the approval of City Council. The members shall serve without compensation for a term of three years, except that the initial terms of the original members shall be: three (3) for one (1) year; three (3) for two (2) years; and three (3) for three (3) years. No member shall serve more than two consecutive terms. The membership shall be broadly representative of the Columbus community and all fields of the visual arts and fine crafts. They shall include persons who are widely known for their professional

competence and experience in the arts and knowledgeable lay persons. The membership shall include three (3) representatives from the Board of Trustees of The Greater Columbus Arts Council. The Commission shall annually select from its membership a chair who shall preside over its meetings and a vice chair who shall serve in the absence of the chairman. A majority of the members shall constitute a quorum and a majority vote of those present shall be required for any action by the Commission. Vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

#### 3115.04 Commission duties

a. The Public Art Commission shall be responsible for: (1) the oversight and submission of an annual public art project plan for review and approval by the Mayor and City Council for consideration in the Capital Improvements Program; (2) the annual review and determination of appropriateness of buildings, structures, sites, and facilities for the inclusion of public art therein; (3) maintaining a site and collections inventory; (4) maintaining the highest standards for acquisitions to the city's art collection; (5) prioritizing the maintenance and preservation of the art collection; (6) establishing and maintaining a written policy for acquisition of new and/or donated work and deaccessioning of existing works; (7) establishing a Public Art Program which includes guidelines for insurance, maintenance, preservation and conservation of public art, and for public information and education programs; (8) appointing public arts project panelists who will represent the Columbus community and the professional arts community and adhere to the highest standards of artistic quality; (9) adhering to existing city policies for affirmative action and conflicts of interest; (10) creating guidelines which provide for artwork that has relevancy to the site and enhances the quality of life for citizens; (11) conducting appropriate public meetings in the administration of a Public Art Program; (12) development and submission of a public art master plan to the Mayor; (13) seeking private donations and grants to the public art program; (14) advising the Mayor on additional sources of income for the program; and (15) upon request, advising on public art projects beyond city of Columbus public art projects and inventory or those projects for which Commission approval is required.

b. With specific references to the administration of city funds identified for public art projects in the approved city capital improvements budget, the Commission shall:

1. Make periodic reviews, at least annually, of all appropriate city capital improvement projects in cooperation with the Mayor and City Council, the Department of Finance, the Auditor's Office, and appropriate city department representatives for the purposes of recommending schedules and budgets for eligible public art projects.

2. Administer the method or methods of selection and commissioning of artists with respect to the design, execution and placement of public art projects as identified in the public art project plan and approved by City Council.

3. Recommend to the Mayor and City Council, through the Department of Finance as part of the city's annual budget process, and in consultation with affected city departments, public art projects and project budgets with a projected schedule for the completion of those art projects in connection with specific capital improvement projects.

4. Recommend to the Mayor and City Council, public art policies and guidelines for accepting, selecting, purchasing, commissioning, placing and preserving public art projects and other city art acquisitions, gifts or extended loans for art.

5. In developing public art project concepts and designs, make every effort to involve a representation of citizens who reside near each public art project or who use the facility to which the project relates.

6. Develop methods to encourage the development of Greater Columbus and Ohio artists.

7. Ensure that qualified artists of all genders and ethnic groups are represented.

c. In addition, the Commission shall have such other powers and duties as may be appropriate in carrying out the purposes and goals of chapter 3115.

#### 3115.05 Public art funding

a. Without imposing any limitation on the cost of acquisition of public art for any particular capital improvements project, it is recognized that it is an appropriate goal to expend one percent of the capital improvements budget on the acquisition of public art. To that end, each City Department, except for the Department of Public Utilities, shall include in its budget recommendations for the Capital Improvements Program recommendations for public art projects consistent with the Public Art Project Plan. The Department of Public Utilities may also include recommendations for public art projects in its recommended capital improvements program, to the extent such recommendations are consistent with the Charter and applicable Ohio law. The Columbus Public Art Commission shall, as part of the annual budgetary process of the city, recommend to the Mayor, through the Department of Finance, and City Council the

acquisition of public art for specified capital improvement projects. In making such recommendations the Commission shall review the capital improvements projects proposed by city departments for inclusion in the capital improvements program pursuant to C.C.C. Section 333.05.

b. Capital improvement projects eligible for public art funding shall be those projects in which the inclusion of a public art project is a legally permissible expenditure under the laws regulating the expenditure of funds for such capital improvement projects and which are identified by the Commission as appropriate for public art projects. To the extent legally permissible, public art funds expended with respect to a capital improvement project may be pooled on a department or multi-department basis into one or more public art projects, including public art focus projects.

#### 3115.06 Placement of public art projects

a. Each public art project recommended by the Public Art Commission and approved by City Council for implementation, pursuant to the provisions of this chapter 3115, shall be placed at a site that relates substantially to the capital improvement. The department responsible for the funding of a capital improvement project shall include the commissioned artist on the design team and make appropriate space available for the placement of the related public art project. Public art projects shall be placed in full public view on property owned or leased by the city unless the Commission recommends otherwise.

b. Placement of a public art project shall be recommended to the City Council by the Public Art Commission, in the public art project plan, after consultation with the appropriate city department responsible for the funding of the capital improvement project or projects to which the public art project is related.

#### 3115.07 Commission Approval Required

a. Public art acquired by the city shall require the approval of the Commission of the design, acquisition and location thereof, and no existing work of art in the possession of the city shall be in any way removed, relocated, sold or altered without the approval of the Commission.

b. No person shall change the design or location of anything requiring the approval of the Commission of its original design or location without the approval of the Commission.

c. Privately owned public art proposed for placement on property owned or leased by the city of Columbus, including in, on, or over the public right Of way shall require the approval of the Commission for its design and location.

d. Public art requiring the issuance of a special permit at the time of installation shall need to receive the approval of the Commission for the permit to be issued and upon each subsequent application for renewal.

e. During the process of approval, the Commission shall consult with other city Administrative Commissions with binding approval authority.

#### 3115.08 Determinations by Commission

In making the approvals and performing the duties set forth in C.C. 3115.01 to 3115.07, inclusive, it shall be guided by the Council-adopted Public Art Project Plan, the preserving of the proper decor of the city, the maintenance of the proper aesthetic values, the providing for the orderly growth of the city and its artistic treasures, the providing and maintenance of an orderly balance in the location and design of public art, the preservation of property and the uses and condition thereof, and the prevention of blight or deterioration in and around public buildings and public art. All determinations of the commission shall be in accordance and consistent with the Council-adopted Public Art Project Plan and Commission adopted policies and procedure. If the commission shall fail to act upon any matter submitted to it within sixty (60) days after such submission its approval thereof shall be presumed. (Ord. 1136-60.)

#### 3115.09 Severability

The provisions of this chapter shall be deemed severable; and if any such provision shall be held unconstitutional by a court of competent jurisdiction the decision of such court shall not impair any of the remaining provisions. (Ord. 1515-89)

#### 3115.10 Exclusions

Nothing in this chapter shall be construed to exclude, supersede, or exempt public art approved by the Columbus Public Art

Commission from other city of Columbus regulations and requirements, unless otherwise noted in this chapter.

Section 3. That existing Chapter 3359.07 and 3359.27 of the Columbus City Codes, 1959, is hereby repealed.

Section 4. That the Columbus City Codes, 1959, are hereby amended by enacting proposed Chapter 3359.07 Plaza Areas and 3359.27 Downtown Commission consisting of two (2) sections numbered 3359.07 and 3359.27, reading as follows:

#### 3359.07 Plaza Areas

For the purposes of this section plaza areas shall mean any outdoor area that is immediately adjacent to the public right-of-way, excluding alleys, open or covered areas between buildings, or indoor atriums. Plaza areas essentially function as or appears to be an extension of the public right-of-way leading to a building's public entrance. Such improvements shall be:

- (1) Free from heating, ventilating, air conditioning, telecommunications, and other mechanical equipment, unless the downtown commission approves screening such equipment from the public view;
- (2) Accessible to the public;
- (3) Illuminated during hours of darkness;
- (4) Handicapped accessible; and
- (5) Reviewed and approved by the downtown commission pursuant to Section 3359.27(D), Design Review, with due consideration given to the entire provision for pedestrian amenities and their appropriateness to the site and surrounding area, including but not limited to, the provision of seating, lighting, public art that is not on property owned or leased by the city of Columbus including in, on or above the public right of way, walkways, landscaping, fountains, and other public plaza features.

#### 3359.27 Downtown Commission

The downtown commission shall concern itself with the development of the downtown, compliance with the purpose and intent of the downtown district, and the implementation of downtown plans and vision for downtown. The actions and decisions of the downtown commission shall be governed by the principals for downtown development as stated in Section 3359.01, Purpose.

(A) Creation, Membership, and Terms. The downtown commission is created consisting of up to nine (9) members. All members shall work or reside downtown or have substantial involvement in downtown business, planning or development activities. At least one (1) member shall reside downtown. Each member shall be appointed by the mayor, and serve staggered terms. One (1) member shall be appointed for an initial term of one (1) year; three (3) members shall be appointed for an initial term of two (2) years; three (3) members shall be appointed for an initial term of three (3) years; and two (2) members shall be appointed for an initial term of four (4) years. All subsequent terms shall be for a period of four (4) years. There shall be no restriction on the serving of multiple terms. Appointments shall be made so as to include on the commission at all times at least one (1) member engaged as a developer or realtor with experience in the sale or management of downtown properties; one (1) member who is an architect or landscape architect with experience in downtown scale projects; one (1) member who is a professional with historic resources rehabilitation experience; and, one (1) member who is a lawyer with land use law experience. A member of the commission may be removed from service for missing four (4) consecutive meetings or a total of five (5) meetings in one (1) calendar year. Members shall not be paid for commission service.

(B) Rules of Procedure. The downtown commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the downtown district. Four (4) members shall constitute a quorum for the purpose of conducting business. With a quorum, the majority vote of those members present shall be necessary to reverse or modify any condition, requirement, decision or determination; to grant a certificate of appropriateness, recommend approval or disapproval of an area plan, or to take any other action. Whenever a quorum is present and an applicant fails to obtain the majority votes in favor of a certificate of appropriateness then such decision or determination shall be final.

(C) Duties. The downtown commission shall hear and decide on applications for certificates of appropriateness; hear and decide appeals from any person affected by an order, requirement, decision or determination made by the director of the department of trade and development in the administration or enforcement of Chapter 3359, Downtown District; and recommend to Columbus city council the approval or disapproval of a public plan or downtown district code amendment. The downtown commission shall review, based on standards contained in the graphics code or an adopted graphics plan, all graphics associated with any new project requiring a certificate of appropriateness as per city codes 3359, all graphics for any project already receiving a certificate of appropriateness as per city codes 3359, requests for all graphic variances and special permits as provided for by the Graphics Code, all graphics mounted over two (2) stories or twenty-four (24) feet above grade, and all graphics plans.

(D) Design Review. The downtown commission shall hear and decide on applications for certificates of appropriateness within the jurisdiction of the commission. The commission shall have the authority to grant an approval of certificates of appropriateness for the following uses or circumstances: (1) for accessory or nonaccessory surface parking lots; (2) for all parking structures; (3) for projects in which the total floor area exceeds three (3) times the first floor area, and for such other projects that are determined by the director of the department of trade and development to be major projects or are determined to have major effects on other properties, public or private, such determination shall be issued in writing within ten (10) days of the filing of an application for a zoning clearance; (4) for

encroachments into the public right-of-way; (5) plaza areas; (6) skywalks; (7) building setbacks abutting the riverfront public right-of-way and any improvements within the setback; (8) height, massing, and orientation of buildings on sites that are adjacent to the riverfront public right-of-way; (9) for the location and design of public parks and the siting of works of public art not on property owned or leased by the city of Columbus including in, on or above the public right of way ; (10) when an applicant or the commission proposes an alternative to any provision or standard within Chapter 3359, Downtown District; (11) uses listed in Section 3359.04(C), Uses Permitted Only By Certificate of Appropriateness; (12) uses listed in Section 3359.19(D), Uses Permitted Only By Certificate of Appropriateness; (13) uses listed in Section 3359.20(D), Uses Permitted Only By Certificate of Appropriateness; (14) for the enlargement or expansion of any buildings or parking lot approved prior to the adoption of Chapter 3359, Downtown District; and, (15) for any use listed in Chapter 3389 as a use permitted city-wide by a special permit. The commission will utilize the following criteria in the design review process:

(1) That all the provisions and standards, including any established by the commission, of a district, sub-district, or overlay district have been met.

(2) That the proposed building or structure shall not be approved if it is inappropriate to the site and surrounding area. The commission may also consider such things as the provision of parking and loading areas, vehicular access, traffic generation, sun reflectance and sun access to streets and other public areas, building materials, shadows, open space or plazas, public art, lighting, graphics, colors, pedestrian orientation, proximity to residential uses, or any other design features.

(3) That the proposed building or structure is consistent with guidelines prepared by the commission. Such guidelines shall be adopted by city council within one (1) year after the commission is established. In the granting of a certificate of appropriateness, the downtown commission may impose reasonable requirements and conditions regarding the location, character, and other features of the proposed uses or structures to carry out the intent and purpose of Chapter 3359, Downtown District and to otherwise safeguard the public safety and welfare.

(E) Appeals to the Commission. The downtown commission shall hear appeals from any person affected by an order, requirement, decision or determination made by the director of the department of trade and development in the administration or enforcement of Chapter 3359, Downtown District upon application and within such time as shall be set by rule of the commission. The commission may reverse, affirm, or modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination, as in its opinion and consistent with Chapter 3359 ought to be made and to that end shall have the powers of the office from which the appeal is taken. The commission shall not entertain any appeal applied for more than twenty (20) days after the date of the order, requirement, decision or determination appealed from or within such different time as may be specifically provided in Chapter 3359.

(F) Appeals of Commission Decisions. Upon the request of an applicant, any commission decision including denial of a certificate of appropriateness, will be forwarded to city council for reconsideration by the filing of a notice of appeal with the clerk of city council within thirty (30) days after the date of the commission's decision.

(G) Plan Approval. The downtown commission shall recommend approval or disapproval to Columbus city council within the jurisdiction of the commission for any public plan, including but not limited to area plans, streetscape plans, park plans, and major street circulation plans.

(H) Downtown District Amendments. The downtown commission may, at any time, recommend that the department of trade and development prepare minor amendments to Chapter 3359, Downtown District. The downtown commission, with the assistance of the department of trade and development, shall undertake a complete review of Chapter 3359, Downtown District every five (5) years. The first such review shall take place five (5) years from the date the Downtown District was first adopted. Such reviews will be undertaken in order to ensure that it remains relevant and up-to-date. Upon completion of a five (5) year review, the commission shall recommend that the department of trade and development prepare the necessary amendments to bring Chapter 3359, Downtown District, up-to-date.

(I) Exclusions. Expressly excluded from the purview of this Chapter shall be freestanding works of public art, as defined in Section 3115.01(f) not integrated into the architecture of a building and that are proposed to be placed on property owned or leased by the city of Columbus including, in, on or above the public right of way. Such public art shall be within the exclusive jurisdictional authority of the Columbus Public Art Commission pursuant to Sections 3115.07(a), 3115.07(b) and 3115.07(c).

Section 5. That this ordinance shall take effect and be in force from and after the earliest period provided by law.