



# **Public Art Fund Guidelines Amended April 1, 2025**

Contact Information:

Development Services Department  
16705 E. Avenue of the Fountains  
Fountain Hills, AZ 85268  
(480) 816-5122  
[www.fountainhillsaz.gov](http://www.fountainhillsaz.gov)

---

## **What is the goal of the Public Art Fund Requirement of the Zoning Ordinance?**

---

The Town of Fountain Hills has a desire to continually upgrade commercial, industrial, and multifamily projects. Including public art as a part of development is a component of the Town's plan to achieve this goal. The presence of art in development creates a competitive edge by attracting people who are curious about the art. Residents and visitors may pause to enjoy the art's surprising and aesthetic delights and often return to experience it again while shopping or conducting business.

---

Chapter 19 of the Town's Zoning Ordinance establishes architectural review guidelines for development in the Town. Section 19.05(I) helps accomplish the goals of the Town by requiring compliance with the Council-adopted Town of Fountain Hills Public Art Master Plan. This ordinance requires development subject to site plan review to provide a percentage of the cost of development to go toward public art.

---

## **What does the Zoning Ordinance require?**

---

Chapter 19 of the Town's Zoning Ordinance sets forth guidelines for the development of property to ensure quality development in the Town. All proposed retail, service, commercial, wholesale, transportation, industrial, or multifamily developments, re-developments, or expansions, that are subject to site plan review, pursuant to the provisions of Chapter 2 of the Zoning Ordinance are subject to the requirements of Chapter 19.

Section 19.05(I) states: All development proposals subject to design review under this chapter shall be required to comply with the "Percent for Public Art Requirement for Development," as set forth in the Town of Fountain Hills Public Art Master Plan, adopted March 3, 2020, and as may be thereafter amended, prior to the issuance of a certificate of occupancy.

The Town of Fountain Hills Public Art Master Plan includes a requirement that the developer either make a donation to the public art fund or contribute a piece of public art that is acceptable to the Town. The required contribution, regardless of a cash donation or piece of art, shall equal:

- 1% of Total Construction Cost\* for projects of \$1 million or less;
- ¾% of Total Construction Cost\* for projects with a value between \$1 million and \$10 million; or
- ½% of Total Construction Cost\* for projects with a Total Construction Cost over \$10 million.

**\*The Town will determine the Total Construction Cost using objective standards from the most recent edition of the International Code Council (ICC) Building Valuation Data for percentage calculations. The Total Construction Cost will not be based on the actual cost of construction, ensuring uniform application of objective criteria across all projects. The calculated amount will be posted on the permit application. For the latest ICC Building Valuation Data used in these calculations, please contact the Building Safety Office at 480-816-5123**

---

**What on-site artworks are acceptable?**

---

Art selected by the developer must be integrated with the project must be located on an exterior of the structure or the building site, be visible to the public at all times and be accessible for at least 40 hours per week. Acceptable forms of art include the following:

- All forms of limited edition or one-of-a-kind original creations of visual art created by an artist.
- Project features and enhancements which are unique and produced by a professional artist such as benches and fountains.
- Murals or mosaics covering walls.
- Professional artist sculptures which can be freestanding, wall-supported or suspended and made of durable materials suitable to the site and the climate.
- Other suitable artworks as presented in a catalogue and previously approved by the Town.
- The location of the artwork must be in an outdoor location to allow unrestricted visibility by the public 24 hours per day. Approved sites are Town owned property, including rights-of-way, parks, Community Center/Town Hall complex or the developer's own property. Art on private property will be supported entirely by private development.
- A plaque will be placed that will identify the art and the artist.

---

**What on-site artworks are not eligible?**

---

- Business logos or art that incorporates a logo.
- Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of the original works of art.
- Mass-produced art objects, such as fountains, statuary objects, or playground equipment.
- Reproduction by mechanical or other means of original works of art.
- Decorative ornamental or functional elements created by the project architect instead of an artist commissioned for this purpose.
- Landscape architecture or gardening except for elements designed by the artist as an integral part of the work of art.
- Electrical, water, or mechanical service for activation of the works of art.
- Art exhibitions and educational activities.

- Security and publicity concerning works of art.
- Standard landscape or hardscape elements which would normally be associated with the project.

---

### **What are the eligible costs for artworks?**

---

When preparing a budget for the artwork, certain costs may be included to meet the developer's required art investment:

- Professional artist's budget, including artist fees, materials, assistants' labor costs, insurance, permits, taxes, business and legal expenses, operating costs and art dealer's fees if such fees are necessary and reasonable.
- Fabrication and installation of the artwork, including base and/or foundation if necessary.
- Site preparation for artwork.
- Structures enabling the artist to display the artwork.
- Documentation of the artwork.
- Acknowledgment plaque identifying the artist, artwork and development.

---

### **Responsibility After Installation**

---

- Art located on the developer's property will remain the developer's property, subject to a covenant on the part of the developer that the piece will remain in public view. It will be the developer's and subsequent property owner's responsibility to insure and maintain the piece of art. The insured value must equal the appraised value.
- Art located on Town-owned property shall be dedicated to the Town. The final location will be reviewed by the Town Engineer to ensure compliance with Americans with Disabilities Act (ADA), if applicable, and to minimize conflicts with public utilities in Town rights-of-way. The Town will insure and maintain all pieces on Town-owned property.

---

### **Approval Process**

---

The following checklist has been prepared to help you create a successful public art project. Contact the Community Services Department should you have any questions about these guidelines.

- **Initial Art Project Plan:** If the applicant chooses the option of acquiring a piece of art, it is suggested that he/she prepare an **Initial Art Plan**. Mail or e-mail a one-page narrative to Community Services Department with the following information:

- Initial ideas for the art project.
- The required art investment.
- The artists being considered and the type of professional artist needed for this project.
- Name of professional artist, if selected.
- Developer goals for the project.
- Concepts and budget for the proposed artwork.
- Location and visibility of proposed artwork.

The Public Art Committee will notify the Development Services Department that an Initial Art Plan has been received.

**If a developer chooses to contribute the required art investment to the Public Art Fund, monies must be deposited into the Public Art Fund with the Town in order to receive approval for the Certificate of Occupancy.** If requested, the Town staff will work closely with the developer to identify an appropriate use of the contribution that will benefit both the developer and the Town's Public Art Program.

- **Meeting Date** When the developer is ready for the proposed art project to be reviewed, he/she should contact the Town to verify a meeting date. Town staff will review the art project plan considering comments, needs, values, and guidelines. The committee normally meets on the first Wednesday of each month. A presentation will need to be given by the developer (or his/her representative) at the meeting to discuss:

- Narrative description of the proposed artwork.
- Budget detailing applicable costs: artist's fees and expenses, costs for fabrication, installation, site preparation, structures to display artwork, plaque, and administrative costs.
- Agreement between the developer and artist(s).
- Scale site plan and landscape plan.
- Scale drawing or model.
- Perspective view showing the proposed artwork in the development context.

**Prior to making a recommendation, the History and Culture Advisory Commission will consider the following:**

- 1) Is the selected artwork produced by a professional artist? The committee will review such items as the person's educational background in the arts, arts accomplishments within the past five years such as gallery or museum exhibits, and the person's recognition by accepted arts organizations as an artist. The artist should be a practitioner in the visual arts, generally recognized by his or her critics and peers as a professional possessing serious artistic intent and ability.
- 2) Are the budget items and total amount acceptable to meet the minimum art investment for the development?
- 3) Is the proposed artwork visible to the public 24 hours each day and accessible at least 40 hours per week? The committee will review the artwork plans and its placement in regard to the public visibility and enjoyment of the artwork.

The content of the artwork is developer-selected; however, the History and Culture Advisory Commission will be interested in the durability, safety, placement, and visibility of the exterior art project. While the above-stated criteria the History and Culture Advisory Commission reserves the right to consider any criteria it deems relevant.

- Approval:** The History and Culture Advisory Commission will consider the proposed artwork at its next scheduled meeting following submission by a developer. The developer and artist are not required to attend this meeting. After its review, the Public Art Committee will forward a recommendation on the proposed artwork plans to the Town's Planning and Zoning Department.
- Final Approval:** The recommendations of the History and Culture Advisory Commission will be forwarded to the Development Services Department. The Zoning Administrator shall review the recommendation and shall ensure that the proposed artwork will meet all requirements of the Zoning Ordinance before a Certificate of Occupancy is issued.
- Signed Contract:** Email or mail a copy of the signed contract between the developer and the artist(s) to The Community Services Department of the Town of Fountain Hills Zoning Administrator for the Town's records.
- Certificate of Occupancy:** Once the Community Services Department Town's Zoning Administrator have determined that the Zoning Ordinance public arts requirements have been met, the Town may release the Certificate of Occupancy for the development project.