

ARTICLE 4. - SPECIFIC USE PROVISIONS

Sec. 4-231. Public Art Displays

a. Purpose and Intent

The purpose of this ordinance is to establish guidelines and procedures for the review, approval, installation, and maintenance of public art within the City of Powder Springs. Public art enhances the cultural, aesthetic, and economic vitality of the city and promotes community identity and pride.

Public art is a visual, wholly noncommercial artistic expression intended and able to be viewed from a public way that meets the criteria specified herein. Public art meeting the following criteria may be conditionally located in any commercial district, except within the residential component of MXU. Consistent with the purpose and intent of this section, the Powder Springs city council may, by ordinance, approve a work of public art. In applying the review criteria, the council shall in no way restrict the content or message of the proposed work. Approval shall not be granted unless said ordinance contains the following three preliminary certifications:

1. A certification from Chief of Police or designee that the work will not constitute a traffic hazard or undue and dangerous distraction to motorists or pedestrians;
2. A certification from the Community Development Director or designee that the work does not contain and is not intended to convey a commercial message primarily, provided that the name of a sponsor for said work may be displayed on an adjacent plaque or similar display that is no more than two square feet in area; and
3. A certification from the director of the Parks Recreation and Cultural Affairs or designee that the work is consistent with the City's public art goals. The council, if provided with these certifications, can approve, conditionally or otherwise, a work of public art upon finding that it does not negatively affect the public interest related to aesthetics, additional sign clutter, and public safety. In making this finding, the council shall consider the required certifications, as well as the following criteria:
 - I. The spatial relationship of the proposed art to the building or premises upon which it is located as well as the surrounding area;
 - II. Vehicular and pedestrian traffic safety;
 - III. The existence of nearby signs;
 - IV. The size, dimensions, and other physical characteristics of the proposed work.

b. Application Submission

1. Applicants proposing public art installations must submit a completed Public Art application to the Community Development Department.
2. The application must include:

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- i. A detailed description of the proposed artwork.
- ii. Site plans and visual renderings.
- iii. Artist's statement and portfolio.
- iv. Budget and funding sources.
- v. Maintenance plan.
- vi. Letter of Permission from Property Owner to Install Public Art Piece.
- vii. Community engagement plan.

c. Visual Compatibility Factors

1. Public Art should reflect the visual character of the surrounding areas and shall be visually compatible with buildings, and places to which they are visually related generally, in terms of the following factors:

- i. Height. The height of the proposed building shall be visually compatible with and complement the adjacent buildings and structures.
- ii. Scale. The size of a public art installation should be compatible in height, width and depth to buildings, and places to which it is visually related.
- iii. Murals shall be appropriately scaled and visually compatible with the buildings on which they are placed. Not all buildings are appropriate for mural display and careful consideration shall be given to any mural proposed within the downtown historic district.

d. Planning and Zoning Commission Review

1. Upon receipt of a complete application, the Community Development Department will include the application on the applicable agenda of the Planning and Zoning Commission.
2. The Planning and Zoning Commission will review the proposal for:
 - i. Compliance with zoning regulations.
 - ii. Site appropriateness and impact on surrounding areas.
 - iii. Accessibility and safety considerations.
3. The Planning and Zoning Commission will hold a public hearing and make a recommendation to the City Council.

e. Arts Commission Review

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1. The Arts Commission will evaluate the proposal based on:
 - i. Artistic quality and innovation.
 - ii. Contribution to the cultural and aesthetic environment of the city.
 - iii. Community engagement and educational value.
2. The Arts Commission will hold a public hearing to gather community input.
3. Following the public hearing, the Arts Commission will make a recommendation to the City Council.

e. Public Review Process

1. The public review process will include:
 - i. A Public Engagement Plan submitted with the Public Art Application.
 - ii. Notification of the public through local media and the city's website.
 - iii. A 30-day public comment period.
 - iv. A public hearing held by the Arts Commission to allow for direct community feedback.
 - v. Mailings to surrounding properties within 300-feet, and signage at all street frontages of the subject property publicizing all public hearing dates and including a rendering of the art work; to be completed at least 15 days prior to, but no more than 45 days prior to the Arts Commission Public Hearing.
2. All comments and feedback received during the public review process will be documented and considered by the Arts Commission and City Council.

f. City Council Review and Final Approval

1. The City Council will review the recommendations from the Planning and Zoning Commission and the Arts Commission, along with the public comments.
2. The City Council will hold a final public hearing to discuss the proposal.
3. The City Council will vote to approve, deny, or request modifications to the proposal.
4. Upon approval, the applicant may proceed with the installation of the public art according to the approved plans and conditions.

f. Maintenance and Removal

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1. The applicant is responsible for the maintenance of the public art as outlined in the approved maintenance plan.
2. The City reserves the right to remove or relocate public art if it becomes a safety hazard, is significantly damaged, or no longer meets the community's needs or standards.

ARTICLE 3. - USE DEFINITIONS

P—Definitions.

Power plant, private: A facility, distinguished from a public use, which converts one or more energy sources, including but not limited to water power, fossil fuels, nuclear power, or solar power, into electrical energy or steam, the primary function of which is the provision of electricity to the use on the site the facility is located, or off-site.

Public Art: Any artwork installed or maintained on public property or in public view on private property, including sculptures, murals, mosaics, installations, and other visual art forms.

Public Art Review Process: A process that allows for community input and feedback on proposed public art projects.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Cobb County or other County, a municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.