

Goal 3a. Formulate a funding mechanism(s) to support a Public Art Program in Private Development.

Strategy: Determine the most appropriate funding mechanism(s) based on the scope and scale of the vision for Public Art in Jackson. Conduct focus groups involving stakeholders from the Town of Jackson, Teton County, private developers, and architects.

Action: Draft an ordinance or incentive.

3a.1 Private Funding Overview

Throughout the country, private developers are discovering that including artwork can enhance the overall quality of a project and give it a unique character, not achievable in other ways. Public art can stimulate private developments that are unique and contribute in a positive way to establishing a regional sense of place. Public art and cultural facilities in private development can heighten the image and the value of a project and its income producing potential. Tenants like artwork and the identity it gives a building. Some developers feel strongly that works of art increase the value of the property itself and others have found that spending money on public art and cultural amenities can generate as much press as a public relations campaign, and garner more good will. Supporting the arts through private development is a way to give back to the community in return for the ability to build. Public art also provides a chance for developers to work with artists and be part of the creative process.

There are many approaches to public art. The traditional approach of placing stand-alone sculpture, murals or other artworks in buildings, plazas or parks is one methodology. Yet, blurring the boundaries between art, architecture and landscape is the approach many developers choose. More often than not, we see an integration of public art and the built environment where artists work as part of the project design team with the architects, engineers and landscape architects.

3a.1.2 Considerations: The Public Art Task Force will address and discuss a variety of issues involving private development in the Town of Jackson and Teton County. These issues may include, but are not limited to:

- Appropriate zoning districts/overlays in the Town of Jackson
- Landscaping requirements required per zoning district
- Floor Area Ratio allowances
- Type/scale of private development
 - Gated communities (Indian Springs, 3 Creek Ranch, Shooting Star)
 - Large-scale development projects (Eagle Village, Powderhorn Mall, Kmart Plaza, Buffalo Junction, Crabtree Corner, Smiths Plaza)
 - Planned residential projects (810 West, the Grove, affordable housing developments)
 - Projects implicating a master plan (Snow King Resort, Teton Village)

3a.2 Percent for Art Funding Mechanism for private development in the Town of Jackson and Teton County

3a.2.2 Option A: Mandated Percent for Art

Amount: 1%

Eligible Projects: The 1% for art requirement will be applied to commercial, industrial and mixed-use projects within the Town of Jackson and Teton County with over 25,000 square feet of gross floor area, or with a total building valuation of over \$500,000. The Public Art Program financial requirement shall be based on 1% of the building permit valuation.

The 1% public art requirement may be satisfied by the financing of on-site artwork features and/or cultural and artistic facilities, or the developer may elect to deposit 1% or any portion thereof, into the Public Art Fund account to be used for general enhancement/support of Town and County public art and cultural resources. (On-site cultural programming may include: performing arts; literary arts; media arts; education; special events; artist-in-residence programs)

No certification of occupancy for a project will be granted until there has been a written determination by the Public Art Coordinator that there has been compliance with the ordinance.

Administrative costs: 15% of the public arts budget will be retained in a separate account for program administration.

Exclusions/Notes: Land costs and off-site improvements are excluded from development costs. Developers are strongly encouraged to exceed the minimum 1% public art requirement and develop a public art project that truly enhances their development and the surrounding community. Prospective developers will be notified of the Public Art Program requirements during the mandatory Predevelopment Plan Review.

Maintenance of public art is the responsibility of the property owner. If the public art is located on property owned by the Town of Jackson or Teton County, the costs associated with maintenance will be transferred to the municipality.

Exemptions: Reproductions of original works of art; decorative, ornamental or functional elements designed by the architect or consultants engaged by the architect; elements generally considered to be components of a landscape architectural design except where designed by an artist; art objects which are mass-produced of standard design, such as playground equipment or fountains; directional or other functional elements such as supergraphics, signs, color coding, maps, unless designed by an artist.

Pro's: This option ensures Jackson will develop as a culturally astute, outwardly artistic, unique place to visit and walk around. Art would literally be engrained into the built environment in many different capacities ranging from integrated artwork, prominently displayed sculpture and pedestrian friendly areas. It will ensure a vibrant and exciting atmosphere within the Town of Jackson and Teton County.

Con's: This option is highly contentious with regards to the quantity of 'hoops' developers must already jump through. Education will be critical to promote the concept as adding value to a project and our local economy, and not simply instituting another fee.

3a.2.3 Option B: Public Art Incentive in Lieu of Landscaping

Amount: Value of landscaping traded for Public Art

Eligible Projects: This incentive will provide projects required to meet a landscaping requirement an option to pay for public art enhancements in lieu of landscaping requirements.

Notes: The developer may not pay a fee in lieu of public art, and must choose between landscaping, public art, or a mix of the two amenities.

Maintenance of public art is the responsibility of the property owner.

Exemptions: Reproductions of original works of art; decorative, ornamental or functional elements designed by the architect or consultants engaged by the architect; elements generally considered to be components of a landscape architectural design except where designed by an artist; art objects which are mass-produced of standard design, such as playground equipment or fountains; directional or other functional elements such as supergraphics, signs, color coding, maps, unless designed by an artist.

Pro's: This incentive has been mentioned by planning staff, developers and architects as a viable option for providing public art in private developments. Public art provides the same type of pedestrian amenity as landscaping. Public art can be quantified as 'hardscape' and may be defined as unique benches, paving, fountains, sculpture, etc.

Con's: This incentive may not generate a significant source of funding for quality artistic improvements. It is not in the best interest of the Public Art Program to promote sub-par artistic enhancements. Clear determinations regarding the specifics of funding levels will need to be developed to ensure the art enhancement provides the same level aesthetic benefit to pedestrians as does landscaping.

3a.2.4 Option C: Floor Area Ration Bonus Program

Summary: Developers may, in some cases, obtain zoning bonuses and exceptions to certain requirements by incorporating public art into their projects.

Policy: Development projects, which commit 1% of their total construction costs to public art, may receive floor area ratio bonus of 1:1. Projects committing more than 1% to public art receive additional bonus floor area ratio of .1:1 for each additional .1% of the project's total construction costs devoted to public art, up to a maximum floor area ratio bonus of 2:1. Projects utilizing this bonus provision must place at least 25% of the project's public art budget into the Public Art Fund, maintained by the Cultural Council. A developer may choose to give the entire amount of percent for art funds into the Public Art Fund.

Notes: At the time of the application for a Building Permit the project developer must make the full contribution to the Public Art Fund and submit a progress report on the art project to the Cultural Council.

Installation of artwork must be completed before a Certificate of Occupancy is granted.

Pro's: This incentive works in favor of a developer to encourage value adding public art enhancements in the design of a project. In lieu of density, pedestrians are provided an asset to appreciate.

Con's: This incentive promotes dense buildings, and may be abused in favor of the economic benefits of gained FAR.

3a.2.5 Option D: Floor Area Ratio Restriction Program

Summary: This restriction will create additional plaza, hardscape, and pedestrian areas within a development. Developer may elect to pay for public art enhancements to gain the total FAR, thus providing a similar pedestrian amenity in lieu of additional density.

Policy: New commercial developments within the Town of Jackson and Teton County will be limited to 90% FAR. To gain 100% FAR, the developer will be subject to a 1% for art requirement. The 1% for art calculation will apply to the project after the total building valuation has been calculated for 100% FAR. The 1% public art requirement may be satisfied by the financing of on-site artwork features and/or cultural and artistic facilities, or the developer may elect to deposit 1% or any portion thereof, into the Public Art Fund account to be used for general enhancement/support of Town and County public art and cultural resources. (On-site cultural programming may include: performing arts; literary arts; media arts; education; special events; artist-in-residence programs)

Pro's: This restriction will create pedestrian amenities. By restricting FAR to 90%, a development will provide plazas, pedestrian corridors, and space for the public to enjoy. If a developer chooses to pursue 100% of FAR, public art will be required to provide a similar level of pedestrian amenity. Either way,

developments are required to make provisions for the public, and therefore providing an amenity to the community at large.

Con's: This restriction may garner significant resistance from developers, who wish to pursue the maximum value of a property and might not consider the value of public art in their project.