

ORDINANCE NO. 1657

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SOUTHFIELD BY ADDING SECTION 5.22-5 TO CHAPTER 45, ZONING, ARTICLE 4, GENERAL PROVISIONS, OF TITLE V, ZONING AND PLANNING OF SAID CODE.

THE CITY OF SOUTHFIELD ORDAINS:

ARTICLE 4 GENERAL PROVISIONS

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY ADDING NEW SECTION 5.22-5 PUBLIC ART REQUIREMENT TO TITLE V, ZONING AND PLANNING, OF CHAPTER 45, ZONING ARTICLE 4 GENERAL PROVISIONS, WHICH SHALL READ AS FOLLOWS:

SECTION 1.

5.22-5 Public Art Requirement

Unless the project is exempt from this requirement pursuant to Sec. 5.22-5 (4) of this section, the site shall be designed and developed to contain public art as defined by Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and in accordance with the following:

- (1) A budget for the public art required by this section shall be established based on the allocation of 0.5% of the total project cost up to \$12,500 for projects between \$1.0 million and \$2.5 million dollars, and 1% of the total project cost up to \$25,000 for projects in excess of \$2.5 million dollars, to be committed to the procurement and display of public art on the site.
- (2) The public art shall be a work of art as defined by Sec 1.180 of Chapter 4, Article VI, Title I of the City Code and shall be approved by the City's Public Art Commission in accordance with the definition of public art and the standards set forth in Sec 1.180(a) of Chapter 4, Article VI, Title I of the City Code and the City Council prior to site plan approval. The approval by the Public Art Commission and City Council shall not be unreasonably withheld.
- (3) The total allocation as established pursuant to Sec. 5.22-5 (1) shall be held in the name of the City to be held in the Public Art Fund trust account pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I. Maintenance shall be the responsibility of the owner of the property in addition to the allocation established by Sec. 5.22-5 (1). Failure to install the public art as required by this subparagraph and in accordance with the approved site plan shall result in denial of a certificate of occupancy. Failure to properly maintain the public art in accordance with the approved site plan is a violation of the zoning code and subject to enforcement pursuant to the provisions of Sec. 5.206 of this Chapter. Prior to any enforcement action a violation notice shall be sent to the responsible party. A failure to cure the violation within 30 days shall constitute a violation and each day thereafter that the violation remains uncured shall constitute a separate offense.

- (4) The following projects are exempt from the public art requirements of this section:
- (a) Projects where the application of this requirement would constitute a governmental taking or otherwise be contrary to law, as determined by the Director of Planning, under the particular facts and circumstances of that case as explained in detail by the applicant. The Director of Planning may request additional information from the applicant if insufficient information is provided with the site plan to make a determination. The applicant has all appeal rights as would otherwise be applicable to any determination by the Director of Planning.
 - (b) Projects where the total project cost is less than \$1 million dollars.
 - (c) Residential projects containing fewer than 4 residential units.
 - (d) Projects where, upon issuance of the building permit, the applicant donates an amount equivalent to the amount required in Sec. 5.22-5 (1) of this paragraph to the public art fund as established pursuant to Sec 1.180(b)(7) of Chapter 4, Article VI, Title I of the City Code or donates a "work of art" to the fund that is approved by the Public Art Commission and is of equal value to the requirements established in Sec. 5.22-5 (1) of this Section.
 - (e) Projects that are renovations of existing buildings where the total project cost is less than \$1.0 million.
- (5) A developer may choose to partially exempt a project from the public art requirement of this section to the extent the developer chooses to donate funds or works of art less than the amount established pursuant to Sec. 5.22-5 (1) of this Section in which case the budget required for public art shall be reduced by a corresponding amount.

SECTION 2.

Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 3.

All ordinances or part of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4.

This ordinance shall take effect after publication.

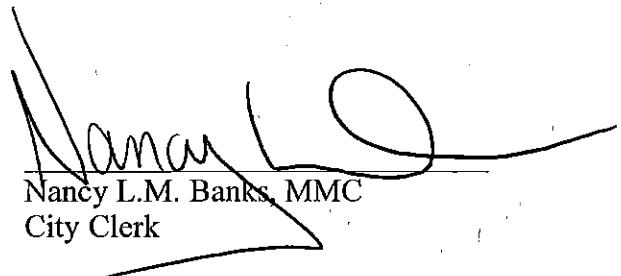
KENSON J. SIVER, MAYOR

NANCY L.M. BANKS, CITY CLERK

Introduced: 02/29/2016
Enacted: 03/21/2016
Published: 04/03/2016

I, Nancy L. M. Banks, the duly elected and qualified City Clerk of the City of Southfield, County of Oakland, State of Michigan, do hereby certify that the foregoing Ordinance No. 1657 is a true and correct copy as adopted by the Southfield City Council at their Regular Meeting held on February 29, 2016 in the Council Chambers of the Municipal Building, 26000 Evergreen Road, Southfield, Michigan.

Dated: August 15, 2016



Nancy L.M. Banks, MMC
City Clerk