

ORDINANCE NO. 19-XX

AN ORDINANCE AMENDING OLATHE MUNICIPAL CODE SECTION 2.82.130 PERTAINING TO PUBLIC ART AND REPEALING THE EXISTING SECTION.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE,
KANSAS:

SECTION ONE: Section 2.82.130 of the Olathe Municipal Code is hereby amended to read as follows:

“2.82.130 Public Art Associated with Development Incentives.

(A) Any private developer/owner who requests ~~and obtains~~ development incentives for ~~any commercial~~ development project must commit Ten Cents (\$0.10) per square foot for all buildings and Fifteen Dollars (\$15.00) per parking space for any newly constructed surface parking spaces (not including resurfacing of existing parking areas) and newly constructed above- or below-ground parking structures (whether self-standing or integrated) not to exceed Five Hundred Thousand Dollars (\$500,000.00) to the provision of public art in conjunction with such project.

(B) If the private developer/owner receiving development incentives does not wish to have public art in conjunction with its commercial development project, or if such project will be developed on property zoned M-1 or MP-1, M-2 or MP-2, M-3 or MP-3, such developer/owner must pay to the City an amount equal to seventy-five percent (75%) of the cost it would have otherwise been required to pay for the provision of public art as part of its commercial development project under subsection (A) of this Section. Such payment will be made prior to issuance of a building permit on the project and deposited into the City's Public Art Fund.

(C) The Parks and Recreation Director or designee is charged with administration and enforcement of this Section and is authorized and empowered:

(1) To establish rules and regulations pertaining to the installation of public art pursuant to this Section and any payments to the City's Public Art Fund and to amend those rules and regulations as necessary;

(2) To receive, review, and recommend to the Governing Body approval or rejection of proposed public art installations

created pursuant to subsection (A) and to certify eligible art installations within the City;

(3) To initiate reviews, surveys, and verifications of all information and materials submitted pursuant to this Section in order to insure compliance. Actions taken pursuant to this subsection are subject to the approval of the City Manager or designee;

(4) To engage the Public Art Committee as required by this Chapter; and

(5) To receive, investigate, and make recommendations regarding complaints of violations of this Section, including making recommendations to the Public Art Committee regarding such complaints.”

SECTION TWO: Existing Section 2.82.130 is hereby repealed.

SECTION THREE: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED by the Governing Body this _____ day of _____, 2019.

SIGNED by the Mayor this _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk

(SEAL)

APPROVED AS TO FORM:

City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.