

PUBLIC ART ORDINANCE

Planning Commission April 9, 2025

Staff Report by Case Planner: Daniel Sexton



"I have been dreaming to be a tree"
By: Byeong Doo Moon



"Spring Bouquet"
By: Gene Adcock



"Sum"
By: Pard Morrison



"New Horizons"
By: Anthony Garcia Sr.



"You, Light as a Cloud"
By: Michael Pach

Quick Facts

Impact

City-wide

Initiating Entity

City Administration and City Council

Applicable Code

UDC provisions affected by the ordinance include: 7.2.705 and 7.4.1103

Project Summary

The City of Colorado Springs' Public Art Ordinance (See Attachment - UDC Public Art Ordinance_4.1.2025) is part of the City's on-going efforts to recognize the value and significance of artwork throughout the community and region. City Council has determined, following a thorough review and stakeholder engagement process, that the oversight and management of the City's public art collection is an executive and administrative function of the City rather than a legislative function overseen by City Council. In doing so, the Public Art Commission of the Pikes Peak Region's role in evaluating, advocating, stimulating, and facilitating matters of public art and culture will be restructured. As such, the City's Public Art Ordinance proposes updates to the Unified Development Code (UDC) reflect the current approach and thinking on the oversight and establishment of artwork.

| File Number | Application Type | Decision Type |
|--------------|--------------------|---------------|
| CODE-25-0001 | UDC Text Amendment | Legislative |

Background

History

In 1982, City Council created the Art Commission of the Pikes Peak Region (known as “Public Art Commission” or “PAC”) with the passage of Resolution 229-82. Over the years, the Public Art Commission’s governance was subsequently refined by City Council. Most recently, the Public Art Commission’s role focused on evaluating, advocating, stimulating, and facilitating matters pertaining to public art and culture. On March 25, 2025, City Council initially adopted an ordinance dissolving the Public Art Commission. In 2020, City Council adopted Public Art COS which was the City’s first public art master plan. Public Art COS was envisioned to build a robust, impactful and more widely accessible public art program funded and staffed by the City of Colorado Springs while leveraging private-public partnerships, collaborating with City departments and engaging local talent. Through the City’s UDC, the role of the Public Art Commission and embracing works of art through the land development process were prioritized.

Applicable Code

The subject Amendment to UDC Text application was initiated by the City of Colorado Springs Planning Department at the request of the City Administration and City Council after the implementation date of the City’s Unified Development Code (06/05/2023). All subsequent references within this report that are made to “the Code”, “UDC” and related sections are references to the Unified Development Code. Per UDC Section 7.5.702 Amendment to UDC Text, this section establishes standards and provides a mechanism for the City to review and decide on an application to amend the text of this UDC.

Project Timeline

| | |
|----------------------------------|-------------------------------------|
| Community/Stakeholder Engagement | On-going |
| City Planning Commission | April 9, 2025 |
| City Council | April/May 2025 (<i>tentative</i>) |
| Implementation | June 2025 (<i>tentative</i>) |

Stakeholder Involvement

Public Notice

| | |
|---|--|
| Public Art Commission (<i>October 15, 2024</i>) | Legislative and Parks staff discussed the Legislative review of the PAC and how it fits better as an executive and administrative function of the City |
| City Council Presentation (<i>Work Session – March 19, 2025</i>) | Legislative staff provide a presentation on dissolving the PAC and next steps for updates to the UDC and a new administrative regulation |

Public Engagement

Throughout the past eight months, Legislative Services and Parks, Recreation and Cultural Services staff have conducted a legislative review and obtaining input on the dissolution of PAC. Most recently, discussions were had at the PAC meeting on October 15, 2024, which focused on the review results and next steps for dissolving and restructuring the PAC as an advisory body under the Office of the Mayor. (See Attachment 2 – Public Art Commission Meeting Minutes)

Agency Coordination

In preparing the proposed Public Art Ordinance, City Planning staff coordinated with our respective agency partners. Based on the limited scope of edits needed for the UDC, most agencies had little concern or objection.

Legislative Services

Will oversee the consideration of an ordinance dissolving the PAC.

Parks, Recreation and Cultural Services

Supportive of the proposed Public Art Ordinance as it focuses on review criteria for decision-making bodies to consider for artwork that is proposed with an entitlement application. The PAC will be restructured under the Office of the Mayor.

Amendment to UDC Text

Summary of Application

This Amendment to UDC Text application proposes changes to existing regulatory provisions of the UDC pertaining to the review and establishment of artwork proposed with land development applications. (See Attachment 1 – ADU Ordinance) The proposed Public Art ordinance as drafted is in alignment with the recently adopted ordinance dissolving the PAC. (See Attachment 3 – Ordinance #25-138) The proposed ordinance and dissolution of PAC is an opportunity for the City to restructure through executive action and establish the PAC with a more active role. Lastly, the proposed Public Art ordinance allows the City re-envision its established and emerging neighborhoods with vibrant and place-making works of art.

Ordinance Changes

The proposed Public Art ordinance adds and adjusts language in multiple sections of the UDC related to artwork. Under the proposed Public Art ordinance, the convention for changes is indicated by the following rules: added language is **BOLD** and language to be removed from city code is indicated by a ~~STRIKETHROUGH~~.

What is new:

1. Works of art have been reframed as community amenities that are publicly accessible and visible;
2. Review criteria for artwork have been proposed which focuses on:
 - a. The artwork must have an appropriate scale and siting;
 - b. The artwork must be constructed of or installed using technically feasible materials and techniques;
 - c. The artwork must not create a safety concern for traffic or the general public; and
3. The artwork must be publicly accessible and visible to the community.

Through the proposed revisions to the UDC, artwork will continue to be recognized for its value and significance in our community and region.

Application Review Criteria

UCD Section 7.5.702 Amendments to UDC Text

An application for an Amendment to UDC Text shall be subject to the following criteria for approval:

1. *The Colorado Springs Comprehensive Plan and other plans adopted by City Council.*

The current Colorado Springs Comprehensive Plan (herein "PlanCOS") provides extensive guidance surrounding place-making and celebrating our established and emerging communities through more permissive development regulations and design standard, which is supported under the proposed Public Art ordinance. Through the established objectives of PlanCOS, the Public Art ordinance creates opportunities and space for creating works of art during the land development

application process. Overall, the proposed Public Art ordinance is favorably responsive to the established goals and values of PlanCOS, as well as the citywide strategic priorities of economic vitality and community activation.

2. *The current conditions and character of current structures and uses in each zone district.*

Under the UDC's current public art regulations, the utilization and development of works of art has not been widely used. In short, the proposed Public Art ordinance may create a transformative environment for the establishment of artwork throughout the community.

3. *The most desirable use of land in each zone district.*

Given the known limitations of the UDC's current public art regulations, City Planning staff, along with our agency, industry and stakeholder partners have already identified these regulatory measures as needing or ready for update. The establishment of more works of art that are publicly accessible or visible strengthens our community's expression, image and sense of place. Through the installation of works of art, community members can take ownership of drivers of positive change and enhance the quality of life for everyone.

4. *The conservation of sensitive environmental features.*

Under the proposed ordinance, City Planning staff's ability to consider the protection of sensitive environmental features remains unchanged. Given the regulatory approach of the proposed Public Art ordinance, staff remain able to discuss and implement reasonable restrictions on private property that mitigate impacts on sensitive environmental features.

5. *Promotion of responsible development and growth.*

The installation of artwork with development is often seen as a measure that strengthens the sense of place or identity of existing neighborhoods and vibrancy to emerging communities. While change in established neighborhoods can be hard to accept or seen as positive, the regulatory parameters of the proposed Public Art ordinance do not limit the ability of our neighborhoods to change in a way that is appropriate.

Statement of Compliance

CODE-24-0006

After evaluation of the UDC Text Amendment application for the Public Art Ordinance the application meets the approval criteria as set forth under City Code Section 7.5.702.D *Approval Considerations*.