

17.177.015 Definitions.

“Applicant” means a person or entity who applies to the Town for any development entitlement, including, **but not limited to, a building permit**, a use permit **and/or** master development permit.

“Commercial unit” means a structure or enclosed portion of a structure intended for occupation by a commercial use.

“In-lieu art fee deposit” means a deposit in an amount equal to the in-lieu fee calculated pursuant to Section **17.177.060**.

“Public art” means physical and permanent artwork, installed on private property for public view as required in this chapter. (Ord. 16-449; Ord. 18-473)

17.177.020 Provision of public art or contribution towards placement of public art—Required.

An applicant ~~for commercial development within the Town~~ shall either directly provide public art or make a contribution towards the placement of public art. An applicant has three ways in which to comply with the requirement to place public art or make a contribution towards the placement of public art:

- A. Install and maintain approved public art on property which has a value equal to or exceeding the in-lieu art fee deposit. Prior to installation of public art in satisfaction of this chapter, the property owner or developer shall comply with all procedures set forth in this chapter for selection and approval of public art.
- B. Install and maintain approved public art which has a value less than the in-lieu art fee deposit and pay the difference as an additional in-lieu fee. Prior to installation of public art in satisfaction of this chapter, the property owner or developer shall comply with all procedures set forth in this chapter for selection and approval of public art.
- C. Direct payment of the in-lieu art fee deposit into the dedicated art program fee fund managed by the Yountville Arts Commission in accordance with Section **17.177.050**. (Ord. 16-449; Ord. 18-473)

17.177.030 Application for public art.

If choosing to install **and maintain public art**, ~~the property owner or developer~~ **the applicant** shall submit an application to the Yountville Arts Commission which shall include:

- A. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed public art, the résumé of the artist as well as evidence of previous work and efforts of the artist;
- B. An independent appraisal or other similar evidence of the value of the proposed artwork, including acquisition and installation costs;

C. Preliminary plans containing such detailed information as may be required by the Yountville Arts Commission to adequately evaluate the location of the public art in relating to the proposed development, and its compatibility with the proposed development, including compatibility with the character of adjacent conforming developed parcels and existing neighborhood if necessary to evaluate the proposal; and

D. A narrative statement and maps or diagrams demonstrating that the public art will be only exterior to all structures and accessible and visible to the public at all times. (Ord. 16-449; Ord. 18-473)

17.177.050 In-lieu art fee deposit and refund thereof for installation of public art.

~~A property owner or developer~~ The Applicant shall pay an in-lieu art fee deposit at the time of applying for a ~~building permit for commercial development~~, any commercial development entitlement, including, but not limited to, a building permit, use permit, and/or a master development permit, in support of the requirement to provide public art in accordance with Sections 17.177.020 through 17.177.040. All fees paid pursuant to this chapter shall be deposited into an art program fee fund. If the applicant opts to install and maintain public art, the applicant is eligible for a refund of the in-lieu art fee deposit up to the maximum appraised value of the art upon completion of the art installation. If the applicant opts not to place public art, the in-lieu art fee deposit shall remain in the art program fee fund and shall be exclusively used for the acquisition, installation, improvement, and maintenance of physical artwork to be displayed in the Town for public view. The revenue deposited into this fund shall also be used for the administration of the public art program. This fund shall be maintained by the Town Treasurer. (Ord. 16-449; Ord. 18-473)