

City of Rockville
Publicly Accessible Art in Private Development
Implementation Manual

City of Rockville
Arts and Culture Program
111 Maryland Avenue
Rockville, MD 20850
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Introduction

This manual outlines the processes for projects subject to the AIPD Ordinance and contains the most current fee schedule for required contributions. [Chapter 4 “Arts and Cultural Affairs,”](#) Article IV of the Rockville City Code (ordinance 3-04) requires most private development projects in the city include an expenditure for a publicly accessible art project. The City’s Zoning and Planning ordinance (TXT 4-40) requires the implementation of the publicly accessible art requirement be submitted in connection with applications for land use approvals.

Please review the Art in Private Development ([AIPD](#)) Ordinance to learn which projects are subject to the AIPD Ordinance, which projects are exempt, and the options developers have to comply with the Ordinance. The AIPD Guidelines include more details about the program, examples of how options can be implemented, and should be reviewed along with this Implementation Manual. Please contact Anne O’Dell, Arts and Culture Program Manager (aodell@rockvillemd.gov) for assistance with successful completion of the AIPD Ordinance requirements.

Checklist for the AIPD Ordinance

Please use this checklist to ensure you comply with and satisfy the requirements of the AIPD Ordinance. The Arts and Culture Program Manager will determine if the AIPD Ordinance applies based on the initial review of the application. If the ordinance applies, the following steps will be implemented and tracked in coordination with the lead reviewer in Community Planning and Development Services Department:

- ❑ **Step 1:** Meet with Arts and Culture Program staff after receiving the initial Development Review Committee Comment Letter indicating the AIPD Ordinance applies to the project to discuss requirements and options under the AIPD Ordinance. Applicants should review the AIPD Ordinance before the meeting during which Arts and Culture Program staff will provide information about:
 - The AIPD Guidelines that provide a detailed program overview, including expectations for fulfilling the ordinance options
 - How a contribution to the Art in Public Places Program will be used for projects
 - How the Arts and Culture Program staff may be of assistance during the process
 - Arts and Culture Program staff will also answer questions from the applicant during this meeting.
- ❑ **Step 2:** The applicant must then determine which option(s) they will select to fulfill the ordinance requirements and submit an AIPD Application. Detailed examples of options can be found in the AIPD Guidelines. The amount of the required contribution will be based on the current fee schedule and information provided in the site or project plan application. The current fee schedule begins on page six (6) of this manual. The following must be done depending on the option(s) selected on the Art in Private Development Application:

If contributing to the Art in Public Places Program or City-Managed Arts Program:

- Indicate on the AIPD Application what percentage of the contribution will be made to the Art in Public Places Program or City-Managed Arts Program.
- Before Permit Issuance, deliver the AIPD Contribution Form and a check for the amount indicated on the AIPD application made out to “The City of Rockville” and addressed to:

City Manager's Office
Arts and Culture Program
Attn: Anne O'Dell
City of Rockville
111 Maryland Ave
Rockville, MD 20850

If installing art on site:

- Include these attachments as one pdf document with the AIPD Application:
 - The concept plan indicating the proposed location of the art
 - An itemization of costs related to the art
 - If a consultant has been hired by the developer to manage the commissioning of the artwork, a CV or resume demonstrating the qualifications of the consultant
 - A description of the process the developer and/or consultant will use to commission the artwork, including criteria to determine the qualifications of the artist and the quality of their work
- Before Permit Issuance:
 - The developer and consultant (if one has been hired) will meet with Arts and Culture Program staff and present the proposed artist's concept, design, rationale, location for the proposed artwork, and budget detailing all costs associated with the commissioned work for staff's review and approval.
 - After receiving approval for the artist, the developer must enter into a contract with the artist in accordance with the Visual Artists Rights Act of 1990 and meeting specifications in the AIPD Guidelines.
 - The developer and consultant review the artist's final concept with the Arts and Culture program staff for staff's review and approval. The presentation should include:
 - A written description of the artwork, including intent, materials, scale, process of fabrication, installation, and timeline for development
 - Concept drawings illustrating the integration of the proposed work into the architecture or landscape of the site and how the public will access it at day and night with proposed lighting
 - Location of the interpretive sign
 - The annual maintenance plan developed in consultation with the artist
 - Artists should be given the opportunity to define the artwork within the site, allowing the work to be physically and visually accessible to the public at all times. The final site plans must show the location of the artwork to prevent construction conflicts. Any conditions placed on approval must be satisfied before the Permit Issuance.
- Before the Certificate of Occupancy is issued:
 - Install public art and approved signage and pass necessary inspection(s)
 - Provide Arts and Culture Program staff with a copy of the maintenance manual, documentation of the work (photographs with attributions, diagrams of any structural support systems, artist, title, medium, dimensions, year of completion, brief description of the artwork, ownership, and contact information for future inquiries should they arise)

If presenting art on site:

- Developers may choose to present visual, literary, or performing arts on site. As a Condition of Approval, include these attachments as one pdf document with the AIPD Application:
 - The concept plan for the type(s) of art and/or artists to be presented:
 - include the proposed timeline for presentation, the duration of the presentation, where the presentation will occur, and the process and criteria that will be used to select the art and/or artists to be presented
- Before Permit Issuance, present an itemization of costs demonstrating how the required art contribution will be spent to Arts and Culture Program staff for approval. Any conditions placed on approval must be satisfied before the issuance of the Certificate of Occupancy.

If providing an arts space:

Developers may choose to provide an arts space to the city or an eligible nonprofit, such as office space, theater, studios, or other space for arts and culture activities and work. As a Condition of Approval for this option, include the following attachments as one pdf with the AIPD application:

- Inclusion of the arts space in the site or project plan, or a detailed plan of the arts space as it will be provided in the City of Rockville
- A valuation of the arts space to demonstrate the minimum required contribution is being met and an itemization of costs related to the arts space
- A business plan demonstrating sustainability of the space, including the type of arts space, how it will be used as an arts space, a study demonstrating the need for the arts space, and who the intended users and patrons are
- Before Permit Issuance, present to Arts and Culture Program staff a fully executed agreement with the arts organization(s) that will utilize the space or a plan demonstrating how the space will be managed by the developer to provide arts organizations or artists with a space they can utilize.

If providing arts-based infrastructure:

Developers may choose to provide arts-based infrastructure, such as audio/visual equipment, to fulfill the Ordinance requirements.

- As a Condition of Approval, include a detailed description of the arts-based infrastructure as an attachment to the AIPD Application that includes:
 - An itemization of the costs related to the arts-based infrastructure
 - The need for arts-based infrastructure
- Before Permit Issuance, Arts and Culture Program staff must receive a copy of the fully executed agreement with the organization(s) receiving the arts-based infrastructure that includes the delivery and installation date(s) of the infrastructure.
- Before the issuance of the Certificate of Occupancy, a fully executed statement by all parties confirming that the arts-based infrastructure was delivered, installed, and is fully operational.

If making a monetary donation to an Eligible Arts Organization:

An Eligible Arts Organization is defined as an organization that has met the following five (5) criteria for at least twenty-four (24) consecutive months immediately preceding a proposed donation of money, arts space, or arts-based infrastructure:

- o Has as its primary mission the exhibition, presentation, production or performance of, and/or education in the arts and/or the humanities;
- o Holds current status under IRS code 501(c)3 or is a specifically defined arts organizations within a larger 501(c)3 organization;
- o Has its primary office in the City of Rockville;
- o Is governed by an independent, legally liable board of directors operating under a mission statement for the organization and an operating budget specific to the organization; and
- o Offers more than half of its programs and services in the city and they are open to the public, with or without charge

Written confirmation the donation has been made must be given by the developer, and written confirmation of the donation receipt given by the recipient, to the Arts and Culture Program Manager before Permit Issuance.

If combining options:

- o On the AIPD Application, check the options you are selecting and follow the steps listed above for each option.
- o An example of combining options could include using a portion of the required contribution to install art and another portion of the contribution to provide arts-based infrastructure.

More details and examples for the options can be found in the AIPD Guidelines.

Agreement and Bond

Per the AIPD Ordinance, an agreement shall be executed and a bond posted by the applicant in a form approved by the City Attorney prior to Permit Issuance for any installation or presentation of art, arts space not included in the site or project plan, or arts-based infrastructure. For practical purposes, if the option to install art on site has been selected and will not be completed by the time the project is completed, a bond is required. Requirements for other options should be completed before the project is completed.

The City Attorney's Office will determine completeness of the bond, and a complete bond will include:

- An assigned bond number
- The applicant and surety in the appropriate spaces on the first page, including the surety's state of incorporation
- The correct bond amount
- The project description and permit number
- Unmodified template bond language
- Signatures of both the applicant and surety:
 - o the applicant's signatory has an appropriate title (director, vice president, president, etc.)
 - o the applicant's signature is notarized
 - o the surety's signature is identified in an attached surety power of attorney
- A completed Agreement and Bond Form (page 9) attached to the bond. Deliver the documents addressed to:

City Manager's Office

Arts and Culture Program
Attn: Anne O'Dell
City of Rockville
111 Maryland Ave
Rockville, MD 20850

2025-2026 Schedule for Required Expenditures

The publicly accessible art expenditure is adjusted annually to reflect the increase or decrease in the Builder's Cost Index (BCI), as stated in the *Engineering News Record*, published by the McGraw Hill Companies. The required publicly accessible art expenditure is calculated in accordance with the following schedule (effective February 2025-June 30, 2026):

- Single-family detached and townhouse construction:
 - \$680.84 per dwelling unit for the first 100 dwelling units
 - \$510.57 per dwelling unit for the second 100 dwelling units
 - \$340.36 per dwelling unit in excess of 200 dwelling units
- Multi-family residential construction:
 - \$1021.33 per dwelling unit for the first 100 dwelling units
 - \$766.02 per dwelling unit for the second 100 dwelling units
 - \$510.57 per dwelling unit in excess of 200 dwelling units
- Commercial construction:
 - \$0.58 per square foot for the first 100,000 square feet of gross floor area
 - \$0.45 per square foot for the second 100,00 square feet of gross floor area.
 - \$0.26 per square foot exceeding 200,000 square feet of gross floor area
- New industrial construction: \$0.12 per gross square foot of gross floor area
- Expansion of an existing residential project:
 - The required expenditure is calculated based on the number of additional dwelling units (not including approved accessory apartments).
 - If the additional dwelling units increase the number of dwelling units in the residential project by 100 percent or more, the required expenditure is calculated based on the total number of dwelling units in the project.

The required fees may be applied to costs associated with selecting, creating, and installing or presenting an artwork; building and outfitting an arts space; and the purchase, delivery, and installment of arts-based infrastructure.

Removal, Relocation, and Replacement of Publicly Accessible Works of Art

Publicly accessible visual artworks, if the necessity arises, may be relocated or replaced on-site provided that the relocated and/or replaced art is in an area accessible to the public.

Publicly accessible visual art may not be removed from the construction project site within five (5) years from its installation unless it is replaced on-site with other publicly accessible art or payment of a contribution is made to the City for use in providing publicly accessible art. Said payment shall be made in accordance with the following art contribution schedule:

- Removal prior to 1 year on site – 100% of original art expenditure
- Removal prior to 2 years on site – 95% of original art expenditure
- Removal prior to 3 years on site – 90% of original art expenditure
- Removal prior to 4 years on site – 90% of original art expenditure
- Removal prior to 5 years on site – 85% of original art expenditure

Arts spaces and arts-based infrastructure may be not removed or relocated unless approved by the City Manager.

Installation and Maintenance of Publicly Accessible Art

Publicly accessible visual art, arts space, or arts-based infrastructure must be installed and maintained in perpetuity so as not to fall into a state of disrepair or become a nuisance.

City of Rockville

AIPD Contribution Form

Developer Name:

Site Project Plan Name and Address:

Site Project Plan Number:

AIPD Condition Number:

Date of City Council Approval of Site Project Plan:

Check Amount:

Please select what you are contributing to:

- ☐ Art in Public Places Program
- ☐ City-Managed Arts Program

Please attach a copy of the approved AIPD condition language and deliver it with this form and the check to:

City Manager's Office
Arts and Culture Program
Attn: Anne O'Dell
City of Rockville
111 Maryland Ave
Rockville, MD 20850

City of Rockville

Agreement and Bond Form

Developer Name:

Site Project Plan Name and Address:

Site Project Plan Number:

AIPD Condition Number:

Date of City Council Approval of Site Project Plan:

Bond Amount:

Please check off the items below showing they are included in the agreement and bond. Please attach this completed form and a copy of the approved AIPD condition language to the agreement and bond.

- ☐ An assigned bond number
- ☐ The applicant and surety in the appropriate spaces on the first page, including the surety's state of incorporation
- ☐ The correct bond amount
- ☐ The project description and permit number
- ☐ Unmodified template bond language
- ☐ Signatures of both the applicant and surety:
 - the applicant's signatory has an appropriate title (director, vice president, president, etc.)
 - the applicant's signature is notarized
 - the surety's signature is identified in an attached surety power of attorney

Deliver the documents to:

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