

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: April 11, 2023 **FILE:** 23-T-31

TO: Planning and Development Board/Local Planning Agency

FROM: Andria Wingett, Deputy Director/Planning Manager

SUBJECT: Text Amendment to Article 3 of the Zoning and Land Development Regulations amending Section 3.22 titled "Standards for the Painting and Color of Exterior Surfaces of Buildings and Structures" to establish regulations for art in public places (Art in Public Places).

REQUEST:

The City of Hollywood requests a Text Amendment to Article 3 of the Zoning and Land Development Regulations amending Section 3.22 titled "Standards for the Painting and Color of Exterior Surfaces of Buildings and Structures" to establish regulations for art in public places (Art in Public Places).

RECOMMENDATION:

The Planning and Development Board, acting as the Local Planning Agency, ***recommend*** Approval of the Text Amendment to the City Commission.

BACKGROUND

In 2020, the City Commission directed Staff to develop regulations that would allow for artwork installations on properties within the City, with the intent of enhancing the appearance of buildings and the built environment and to promote excellence in urban design. Over the following year the Planning and Development Board/Local Planning Agency ([PDB/LPA](#)) and City Commission considered a text amendment to achieve this goal ([PO-2021-03](#)). The proposed art in public places program, at that time, focused on murals, but also allowed installation of artworks (sculptures, murals, etc.) within private property in non-residential and mixed-use zoning districts. That amendment also proposed to institute regulations and standards for such installations, by establishing a Public Art Permit, Public Art Review Committee, Review Guidelines, appeal process, ownership responsibilities, maintenance requirements and enforcement procedures.

At first reading, the City Commission directed staff to require a public art component for development projects and to identify a mechanism to balance this with First Amendment principles limiting content-based restrictions. In response to this, a Public Art Easement was incorporated into the proposed ordinance; however, a mandate for projects to provide Public Art was never added. Although there was/still is overwhelming support for art in the community, the proposed ordinance was not brought forward timely.

CURRENT REQUEST

The request before the Board is to incorporate the principles of the previously proposed text amendment, while also incorporating a threshold to mandate that certain development projects participate in the Art

in Public Places Program (Program). As part of the required Program, projects can choose to pay an in lieu of fee, place artwork on their site, or do a combination of both. The value of the obligation, whether satisfied by payment of a fee, by provision of Artwork, or both, is commonly based on a percentage of the Building Permit fees, with minimum and maximums, will be established by Resolution at second reading of this ordinance.

The principles of the proposed Program include the following:

1. **Applicability.** Development projects satisfying the specified thresholds of the ordinance are required to participate in the Program by either paying an in-lieu fee, placing Artwork on site, or a combination of both. If art is to be provided, an amount equivalent to the in lieu fee must be placed in escrow for the City to draw upon if the art is not installed as planned or is removed. Projects resulting from a natural disaster or required to address sea-level rise may be exempt by the City Commission. Projects on public property are not eligible to pay the in lieu fee and will provide artwork on site.
2. **Location.** Whether the Artwork is required or voluntary, Artwork placed on private property shall be placed in a Public Art Easement, in a form acceptable to the City Attorney. Only non-residential and mixed-use development may use the option to place Artwork on site.
3. **Public art permit.** A public art permit shall be required for the installation of artwork, whether the art work is required or voluntary. The text amendment establishes application requirements for such permits (e.g. descriptive narrative, drawings, photographs, specifications, location, schedule for completion). Only Building Permit fees that may be required for the Artwork itself shall be required to be paid; there will not be a separate application fee to process the public art permit.
4. **Public Art Review Committee.** Similar to the Technical Advisory Committee or Platting Committee, the Public Art Review Committee shall be comprised of staff members from various departments/divisions of the City, including the City Manager's Office, Development Services, Planning and Urban Design, Communications, Marketing, and Economic Development, and Parks, Recreation, and Cultural Arts. The Public Art Review Committee shall meet, as necessary, to review and approve, approve with conditions, or deny Public Art Applications.
5. **Review guidelines.** Review of public art permits shall be governed by the following:
 - a. **Content.** Artworks shall not be deemed a sign, identify a specific business or establishment, or contain a commercial message; or include alcohol, tobacco, adult entertainment, obscene or offensive materials or the any similar content;
 - b. **Context.** The design, location, scale, and content of the artwork shall be contextual and complement the design and architecture of the building or site; and should enhance and contribute to the character of the area; and
 - c. **Design and quality.** Media, materials, and methods of installation used shall be of high quality and durable. Painted artwork shall include an ultraviolet fade resistant clear coat. The permanence of the artwork, environmental conditions of the site, and maintenance.
6. **Appeal process.** Appeals shall be considered by the Historic Preservation Board or Planning and Development Board, as applicable.;
7. **Ownership responsibilities and maintenance requirements.** Ownership of Artwork acquired on

behalf of the City for public property will be vested in the City. Ownership of all Artwork incorporated into development projects shall be vested in the property owner. Artwork shall be maintained in good condition by the property owner and all successors and assigns. Artwork purchased using funds from the Public Art Fund and installed by the City shall be maintained by the City.

8. Enforcement procedures. Artwork not maintained in good condition and appearance, showing evidence of deterioration, weathering, discoloration, rust, or other conditions reflective of deterioration or inadequate maintenance, shall be subject to enforcement procedures and may result in removal. Should the artwork be removed, the property owner shall make a payment equal to initial amount based on the project cost.

Staff is continuing to work with the community. An update, including recommendations if applicable, will be provided at the Planning and Development Board Meeting. When acting as the LPA, the Board shall give consideration to this proposal and make recommendations to the City Commission in accordance with the applicable City Zoning and Land Development Regulations.

SITE INFORMATION

Owner/Applicant: City of Hollywood
Address/Location: City-wide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with the Comprehensive Plan per the following policies:

Objective 3: *To revitalize and encourage re-investment in older neighborhood in which housing conditions are in a state of decline.*

Policy 4.9: *Place a priority on protecting, preserving and enhancing residential neighborhoods while incorporating the unique characteristics of redevelopment areas. (CWMP Policy CW.15 & CW.19)*

Policy 2.46: *Preserve stable neighborhoods and encourage rehabilitation initiatives that will revitalize and promote stability of neighborhoods.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The proposed text amendment is consistent with the City-Wide Master Plan per the following policies:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

Policy CW.15 & CW.19: *Place a priority on protecting, preserving and enhancing residential neighborhoods while incorporating the unique characteristics of redevelopment areas.*

Policy CW.44: *Foster economic development through creative land use, zoning and development regulations, City services and City policies.*

Policy CW.81: *Develop and implement city-wide and neighborhood design guidelines which must be consistent with the City's Design Review Guidelines Manual.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood Zoning and Land Development Regulations Article 9 and the Landscape Manual.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed amendment is consistent with multiple policies of the City's Comprehensive Plan as outlined previously in the Consistency section of this Report. Furthermore, the proposed text amendment creates regulations that would continue to promote Hollywood's unique character.

FINDING: Consistent

CRITERIA: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: Conditions have substantially changed from the date the present zoning regulations were established. Public Art installations have become extremely popular in many neighboring cities, and even within our own downtown. The proposed regulations allow for the City to continue promoting its unique character as well as stay relevant with the growing trends.

FINDING: Consistent.

ATTACHMENTS:

Attachment A: Draft regulations

Attachment B: Prior Proposed Ordinance Agenda Items