

ORDINANCE NO. _____

(20-T-19)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING SECTION 3.22. OF ARTICLE 4 OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ENTITLED "STANDARDS FOR THE PAINTING AND COLOR OF EXTERIOR SURFACES OF BUILDINGS AND STRUCTURES" TO ESTABLISH REGULATIONS FOR ART IN PUBLIC PLACES.

WHEREAS, Section 3.22 of the Zoning and Land Development Regulations sets forth the regulations and standards for painting and color of exterior surfaces of buildings and structures; and

WHEREAS, the City Commission requested that staff develop regulations to allow for installation of artwork on properties within the City to enhance the appearance of buildings and to promote excellence in urban design; and

WHEREAS, Planning and Urban Design Division staff have proposed a text amendment to Section 3.22 to establish an art in public places program that allows for the installation of artwork within private property in non-residential and mixed-use zoning districts and providing for standards for such installations; and

WHEREAS, Planning and Urban Design Division staff analyzed the proposed text amendments and submitted those amendments to the Planning and Development Board; and

WHEREAS, on November 10, 2020, the Planning and Development Board, acting in its capacity as the Local Planning Agency, held a duly noticed public hearing to review the proposed text amendment to Article 3, Section 3.22 and have forwarded a recommendation of approval to the City Commission; and

WHEREAS, the City Commission, following review of the proposed text amendments at a public hearing, accepts these recommendations and finds them to be in the best interest of the citizens of the City of Hollywood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Words in ~~struck through~~ type are deletions from existing text, and underscoring words are additions to existing text.

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated into this Ordinance.

Section 2: That Article 4, Section 3.22 entitled “Standards for the Painting and Color of Exterior Surfaces of Buildings and Structures” of the Zoning and Land Development Regulations is amended as follows:

ARTICLE 4: GENERAL PROVISIONS

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§ 3.22 Standards for the Painting and Color of Exterior Surfaces of Buildings and Structures and Art in Public Places Regulations.

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A. Purpose. The purpose of this section is to enhance the appearance of buildings and the built environment and promote excellence in urban design within designated areas of the City city.

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J. Art in Public Places.

1. Definitions. For purposes of this subsection, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Artwork shall mean durable creations that can be original or limited editions of art, including but not limited to sculptures, murals, monuments, frescoes, fountains, paintings, stained glass or ceramics and may include architectural designs, components or structures. The “Artwork” medium may include but not be limited to paint, glass, steel, bronze, wood, stone and concrete. Artwork shall not be construed as a Sign.

Public Place shall mean any exterior area on private property within the City that is easily accessible or clearly visible to the general public from adjacent public property such as a street or other public thoroughfare or sidewalk for a period of 10 hours per day, seven days per week, with the option of excluding national holidays.

2. Public Art.

a. Applicability. Art in Public Places may be permitted in non-residential and mixed-use zoning districts, located outside of the Community Redevelopment Districts, pursuant to all applicable regulations of this section.

b. Public Art Permit. A public art permit shall be required for the creation and installation of Artwork on any building or public place. As determined by the Building Official, artwork may require a building permit after obtaining the public art permit and prior to installation.

c. Public Art Permit Fees. The fee for the public art permit shall be established by a resolution adopted by the City Commission. All public art permit fees shall be paid at the time of permit application.

d. Public Art Permit Application Requirements. Prior to the issuance of any public art permit, a written application, in a form provided by the City, shall be filed with the consent of the property owner, to the Planning and Urban Design Division, together with the following:

(1) A narrative of sufficient descriptive clarity to indicate the nature of the proposed Artwork;

(2) Drawings, photographs, and specifications as are necessary to demonstrate that the public art complies with the requirements of this section. Such drawings (surveys, site plans, elevations, sketches, and other illustrations) shall be to scale and fully dimensioned; illustrate property lines, rights-of-way, internal streets, sidewalks, overhead utility lines (if Artwork is three dimensional), and parking areas immediately surrounding the intended location of the Artwork. Drawings shall also indicate the setting and location; design; media and materials; methods of construction; and methods of application, securing, or fastening of the Artwork.

(3) Schedule of Completion outlining the schedule of work that includes the proposed date of completion.

e. Public Art Review Committee. A Public Art Committee shall be established that consists of representatives from the following administrative departments/divisions of the City: the City Manager's Office; Development Services, Planning and Urban Design Division; Communications, Marketing and Economic Development; Parks, Recreation and Cultural Arts; and the Engineering Division (as applicable). The Public Art Review Committee shall meet, as necessary, to review and approve, approve with conditions or deny Public Art Permit Applications based upon the review guidelines set forth in subsection f. below. Upon approval of a Public Art Permit Application, the applicant will receive written notification of such approval along with information regarding whether the Building Official has determined a building permit is also necessary. In the event that a Public Art Permit Application is denied, the Applicant shall receive written notification of such denial and the reasons for such denial. Upon

receipt of the denial notification, the Applicant may file an appeal to the Planning and Development Board or Historic Preservation Board as applicable, within 10 days from the denial notification.

f. Permit Application Review Guidelines. The Public Art Review Committee shall review all applications based upon the following:

(1) Content:

- a. The Artwork shall not be deemed a sign, nor shall such Artwork identify a specific business or establishment or contain a commercial message; and
- b. The Artwork shall not include any alcohol, tobacco, adult entertainment, or obscene or offensive materials.

(2) Context:

- a. The design, location, scale, and content of the Artwork shall be contextual and compliment the design and architecture of the building or site;
- b. The Artwork should enhance and contribute to the character of the area; and
- c. The Artwork shall be in compliance with all life safety requirements and with the vision clearance requirements of § 4.23.B.7.c. of this Code.

(3) Design:

- a. The quality of the Artwork, media, materials, and methods of installation used shall be of high quality and durable. Painted Artwork shall include an ultraviolet fade resistant clear coat; and
- b. The permanence of the Artwork considering environmental conditions of the site and maintenance requirements.
- g. Completion of Artwork. All Artwork shall be completed and/or installed in accordance with the schedule of completion as approved through the Public Art Permit. The Public Art Review Committee may approve extensions should they been deemed necessary.
- h. Ownership and Maintenance. All Artwork shall remain the property of the property owner. The obligation for maintenance to preserve the Artwork in good condition shall remain with the property owner and

the owner's successors and assigns. All Artwork shall be maintained to ensure its appearance and shall not show evidence of deterioration, weathering, discoloration, rust, or other conditions reflective of deterioration or inadequate maintenance. Maintenance shall not result in changes or alterations to the approved Artwork. Failure of any persons or entities to comply with the regulations pertaining to the Artwork as set forth in this subsection shall be subject to enforcement procedures set forth in Chapter 36 of the Code of Ordinances, Section 10.3 of the Zoning and Land Development Regulations, and the removal requirements set forth in i. below.

- i. Removal of Artwork. The property owner shall be responsible for removal of the Artwork that is not maintained in good condition and appearance, showing evidence of deterioration, weathering, discoloration, rust, or other conditions reflective of deterioration or inadequate maintenance. Failure to remove the Artwork upon notification by the City shall subject the property owner to all enforcement procedures.

Section 3: That it is the intention of the City Commission that the provisions of this section shall be made a part of the Zoning and Land Development Regulations, and the sections of the Regulations may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Zoning and Land Development Regulations, all regulations or parts of regulations, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2021.

PASSED on first reading this _____ day of _____, 2021.

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PASSED AND ADOPTED on second reading this _____ day of _____, 2021.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY