



Legislation Text

File #: PO-2023-18, **Version:** 1

An Ordinance Of The City Of Hollywood, Florida, Amending Section 3.22 Of Article 3 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. (23-T-31) (~~20-T-19~~)

Quality of Life & Strong Neighborhoods

Staff Recommends:

1. Approval of the attached Ordinance.
2. That it be directed to implement a pilot program allowing for pending applications to be processed, while providing the opportunity to refine the Ordinance prior to second reading.
3. That it be directed to establish associated fees for the program and return to the City Commission for approval at the time of second reading.

Explanation:

SECOND READING:

City Commission recommended approval of the Art in Public Places Ordinance at the November 15, 2023, Regular City Commission Meeting, directing staff to consider adding additional public membership to the Public Art Review Committee and explore options to reduce the burden of requiring participants of the program to provide easements.

In response to the Commission's comments, Staff has increased public participation on the committee by including an appointed a public representative from the City's Art Selection Committee. Moreover, adhering to the established standard operating procedures of the Planning and Urban Design Division, Civic Associations will be notified in advance to seek their input before the Public Meeting, affording members of the public the opportunity to contribute their perspectives.

Additionally, staff in consultation with external legal counsel explored the options to reduce the burden of requiring participants of the program to provide easements. When this item initially came before Commission in 2021, Commission was presented with a legal memo (attached), explaining two options:

Option 1. The City may only pursue the Content Regulations by: (1) implementing a public art program on certain city-owned property; or (2) creating a program for private buildings to apply to dedicate a façade or other easement to public art; or (3) both.

Option 2. If the City does not wish to limit the program to public property or easements, then the Content Regulations cannot be incorporated.

At this time, the Commission's preference was to maintain control of content and Option 1 was the preferred. As such, no changes have been made to portions of the ordinance that speak to the easement requirements.

Attachment C: Legal Memo: City's Proposed Ordinance Establishing Public Art Program, dated August 10, 2021

FIRST READING:

City staff proposes an amendment to Article 3: General Provisions, focusing on elevating the aesthetic quality of the City and promoting a deep appreciation for public art. This Ordinance is driven by a dual purpose: to enhance the visual character of the City's buildings and public spaces while nurturing a stronger sense of cultural enrichment and unity among its residents and visitors.

At its core, the Ordinance aims to instill community pride and revitalization, enhancing the overall quality of life for its residents and visitors. It seeks to unify the community through shared cultural experiences and build a cultural legacy that will endure for generations. This is achieved through the display of high-quality, diverse artwork that reflects different artistic styles implemented through the development process, or voluntarily through existing developments.

The Ordinance covers development projects exceeding 20,000 gross square feet, within zoning districts outlined in Section 4.6 of the Zoning and Land Development Regulations, excluding single family zones, and within non-residential zoning districts, excluding industrial and manufacturing zones, unless volunteered.

The Ordinance offers flexibility for developers, who can choose between three compliance options, which include installing artwork on-site, contributing an in-lieu art fee, or combining both approaches. Specific exemptions are also outlined for disaster recovery, sea-level rise projects, and developments on public property.

The administration and oversight of the Ordinance is entrusted to a Public Art Review Committee, representing various City departments and a Community Art Representative from the Hollywood Art and Culture Center. This committee evaluates and approves public art permit applications, with the possibility of appeals by developers if they believe decisions do not align with established guidelines. Ownership of artwork differs based on its location, with

public property artwork belonging to the City and privately incorporated artwork remaining the responsibility of the property owner.

In addition, the Ordinance establishes a dedicated Public Art Fund to ensure resources for acquiring, installing, maintaining, ensuring public artwork and administering the program.

During the April 11, 2023 Planning and Development Board meeting, the Ordinance received a recommendation for approval. Subsequently, staff made the necessary changes to address the constructive feedback provided by the Board and the public during this meeting and subsequent discussions. These adjustments are as follows:

- 1) Consider requiring high-rise residential buildings to participate in the program.
 - The Ordinance proposes a “non-residential” definition that considers all zoning categories, with the exception of single-family zoning categories and industrial categories. All developments that will be subject to participation, provided they are 20,000 gross square feet, or greater.

- 2) Included with the narrative of the proposed artwork will be complete information on the artist along with samples of their work, implementation timeline and the necessary maintenance plan (and how to maintain and who maintains the artwork).
 - Each of these requirements has been included as part of the Public Art Permit Application Requirements.

- 3) Clarify that the CRA geographic areas will automatically become part of this program.
 - Language has been included to anticipate the dissolution of the CRA.

- 4) Evaluate the makeup of the Committee to include either a member or two of the public with a background in art or to incorporate the existing Artwork Selection Committee.
 - A Community art member from the Hollywood Art and Culture Center has been included as part of the review committee’s composition.

- 5) Include hurricane, high wind procedures in securing artwork and how the artwork is to be secured.
 - Provisions have been included to require a building permit after the public art permit and prior to installation to ensure compliance with Florida Building Code for structural pieces, or where the Building Official deems appropriate.

Attachment I: April 11, 2023, Planning and Development Board Staff Report.

Fiscal Impact:

Approval of this Ordinance will not fiscally impact the City as this is a request to amend the City's regulations as it relates to urban design on private properties.

Recommended for inclusion on the agenda by:

Anand Balram, Planning Manager, Planning Division

Andria Wingett, Director, Development Services

Gus Zambrano, Assistant City Manager/Sustainable Development