

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA,
AMENDING CHAPTER 31 - PLATTING, SUBDIVISION AND
OTHER LAND USE REGULATIONS, ARTICLE 1. - IN
GENERAL, ADDING NEW SECTION SEC. 31-4 PUBLIC ART
REQUIREMENT; PROVIDING FOR REPEAL; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
OF MARGATE, FLORIDA:

SECTION 1: The Code of Ordinances of the City of
Margate, Florida, Chapter 31 - Platting, Subdivision and Other
Land Use Regulations, Article 1. - In General, Section 31-4
Public Art Requirement, is added to read as follows¹:

**Chapter 31 - PLATTING, SUBDIVISION AND OTHER LAND USE
REGULATIONS**

ARTICLE I. - IN GENERAL

Sec. 31-4. - Public art requirement.

It is the intent and purpose of this article to further the
commitment of the City of Margate to providing public art to
beautify the appearance of the City, commemorate the City's
history, and to enhance cultural opportunities throughout the
City.

¹ CODING: Words in ~~struck-through~~ text are deletions from existing text,
words in underscored text are additions to existing text, and **shaded** text
are changes between First and Second Readings.

1 (A) Definitions. For purposes of this section, the
2 following words and phrases shall have the following meanings:

3 (1) "Alteration" means any change or modification in
4 construction or occupancy.

5 (2) "Artist" or "professional artist" means a
6 practitioner in the visual arts, generally recognized
7 by critics and peers as a professional of serious
8 intent and ability. Indications of a person's status
9 as a professional artist include but are not limited to
10 income realized through the sole commission of artwork,
11 frequent or consistent art exhibitions, placement of
12 artwork in public institutions or museums, receipt of
13 honors and awards, and training in the arts.

14 (3) "Art", "artwork" or "works of art" means tangible
15 creations by artists exhibiting the highest quality of
16 skill and aesthetic principles, and includes all forms
17 of the visual arts conceived in any medium, material,
18 or combination thereof, including but not limited to
19 paintings, sculptures, engravings, carvings, frescos,
20 stained glass, mosaics, mobiles, tapestries, murals,
21 photographs, video projections, digital images,
22 fountains, kinetics, collages, drawings, monuments
23 erected to commemorate a person(s) or event(s),
24 functional furnishings, such as artist designed seating

1 and payers, architectural elements designed by an
2 artist, and artist designed landforms or landscape
3 elements. The following shall not be considered
4 artwork or works of art for purposes of this chapter:

5 a. Reproductions or unlimited copies of original
6 artwork.

7 b. Art objects that are mass produced.

8 c. Works that are decorative, ornamental, or
9 functional elements of the architecture or
10 landscape design, except when commissioned from an
11 artist as an integral aspect of a structure or
12 site.

13 (4) "Building" means any structure that encloses space
14 and is used or built for the shelter or enclosure of
15 persons, businesses, chattel or property.

16 (5) "Development" means any construction,
17 redevelopment, alteration or repair of any private or
18 public building within the limits of the City.

19 (6) "Nonresidential construction" is the gross floor
20 area of buildings and other structures used for non-
21 residential purposes. For purpose of this requirement,
22 all parking garages, structures and decks shall be
23 considered non-residential construction.

1 (7) "Public Art Fund" means a separate, interest
2 bearing account set up by the City to receive monies
3 for public art.

4 (8) "Repair" or "maintenance" means the reconstruction
5 or renewal of any part of an existing building for the
6 purpose of maintenance.

7 (B) Applicability.

8 (1) All development, redevelopment, remodeling or
9 converting greater than 12,500 square feet in gross
10 floor area that are in non-residential zoning
11 districts, as of the effective date of this section,
12 shall participate in the public art requirement. The
13 requirements of this section shall apply to the
14 following activities:

15 (a) All nonresidential construction, alteration
16 or repair for which a building permit is required.

17 (b) All new public construction for which a
18 building permit is required.

19 (c) Exceptions: the requirements of this chapter
20 shall not apply to public works and utilities
21 projects or remodeling, repair or reconstruction of
22 structures which have been damaged by fire, flood,
23 wind, earthquake, hurricane or other disaster.

1 (2) (a) The owner of a development shall provide artwork
2 in the development site equal or greater than fifty
3 cents (\$0.50) per square foot of estimated gross
4 floor area for the development. Owners who are
5 remodeling or converting may provide artwork on the
6 development site equal to or greater than twenty
7 five cents (\$0.25) per square foot of estimated
8 gross floor area being remodeled or converted.

9 1. The owner shall provide a cash bond to
10 the City equal to the value of the art prior
11 to the issuance of a building permit.

12 2. Prior to placement on the development
13 site, the artwork must be approved by the
14 City Commission as recommended by the City
15 Manager or designee. It is a requirement
16 that the artwork be accessible and readily
17 visible to the public based on location of
18 artwork and normal traffic of
19 vehicles/pedestrians in the proposed
20 location.

21 3. A minimum of 75 percent of the total
22 value of the art requirement shall be placed
23 in areas that are clearly visible from the
24 public sidewalk or public space.

1 4. The owner shall be given up to six
2 months after issuance of the building permit
3 to obtain approval of the proposed artwork
4 from the City Commission, unless the City
5 Manager grants an extension for good cause as
6 determined in his/her sole discretion. If no
7 such approval is obtained within this time
8 period, the City shall require transfer of
9 aforementioned funds to the Public Art Fund.

10 5. The owner shall be given up to six
11 months after the issuance of a certificate of
12 occupancy to install artwork, as approved by
13 the City Commission unless the City Manager
14 grants an extension for good cause as
15 determined in his/her sole discretion. If no
16 installation occurs within this time period,
17 said funds shall be transferred to the Public
18 Art Fund.

19 (b) In lieu of providing artwork, the owner of a
20 development shall pay forty cents (\$0.40) per
21 square foot of estimated gross floor area as an
22 art fee to the City's Public Art Fund prior to the
23 issuance of a building permit. In lieu of
24 providing artwork, owners who are remodeling or

1 converting shall pay twenty cents (\$0.20) per
2 square foot of estimated gross floor area being
3 remodeled or converted as an art fee to the City's
4 Public Art Fund prior to the issuance of a
5 building permit.

6 (3) If an owner chooses to pay a public art fee, it
7 shall be collected by the building department at the
8 time of permit issuance.

9 (4) The public art requirement shall not include any
10 development with an approved site plan that has an
11 effective date prior to the effective date of this
12 ordinance.

13 (C) Public Art Fund.

14 (1) There is hereby created a Public Art Fund which
15 shall consist of all contributions received from art
16 fees for development, redevelopment, renovation and
17 repair, from public and private development, cash
18 grants, and donations to the City for public art
19 projects from governmental or private resources, and
20 all other funds allocated by the City through the
21 budgetary process for the provision of public art.

22 (2) The public art fund shall be used solely for
23 expenses associated with the selection, commissioning,
24 acquisition, transportation, maintenance, promotion,

1 administration, removal and insurance of the works of
2 art or in relation thereto. Expenditures shall be
3 authorized by the City Manager or designee.

4 (D) Art selection criteria.

5 The following criteria, at a minimum, shall be considered by
6 the City Manager or designee in the review and recommendation
7 of artwork to the City Commission:

8 (1) Appropriateness of the artwork to the site and
9 site environmental conditions;

10 (2) Maximum visual accessibility to pedestrian or
11 vehicular traffic;

12 (3) Quality of the artwork;

13 (4) Whether the artwork too closely resembles a
14 business logo or sign; and

15 (5) Any other criteria set forth in the public art
16 program guidelines as adopted from time to time.

17
18 **SECTION 2:** All ordinances or parts of ordinances in
19 conflict are repealed to the extent of such conflict.
20

21 **SECTION 3:** If any section, sentence, clause, or phrase
22 of this Ordinance is held to be invalid or unconstitutional by
23 a court of competent jurisdiction, then said holding shall in
24 no way affect the validity of the remaining portions of this
25 Ordinance.
26

27 **SECTION 4:** It is the intention of the City Commission
28 that the provisions of this Ordinance shall become and be made
29 a part of the City of Margate Code, and that the sections of

1 this Ordinance may be renumbered or relettered and the word
2 "ordinance" may be changed to "section", "article" or such
3 other appropriate word or phrase in order to accomplish such
4 intentions.

5
6 **SECTION 5:** This Ordinance shall become effective
7 immediately upon adoption at its second reading.

8
9 PASSED ON FIRST READING THIS ____ day of _____, 2017.

10 PASSED ON SECOND READING THIS ____ day of _____, 2017.

11 ATTEST:

12
13
14 _____
15 JOSEPH KAVANAGH
16 CITY CLERK

17
18 _____
19 MAYOR TOMMY RUZZANO

20
21
22 RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

23 Caggiano _____
24 Simone _____
25 Peerman _____
26 Schwartz _____
27 Ruzzano _____

Caggiano _____
Simone _____
Peerman _____
Schwartz _____
Ruzzano _____