

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2009-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE ZONING CODE, ARTICLE 3, DIVISION 20, ENTITLED "ART IN PUBLIC PLACES," IN PARTICULAR SECTION 20-102, ENTITLED "DEFINITIONS", SECTION 20-103 ENTITLED "ART FUNDS"; AND SECTION 3, ENTITLED "APPLICABILITY OF THE ORDINANCE" TO ALLOW FOR COLLECTION OF FUNDS TO THE HISTORIC PUBLIC ART FUND AND ART ACQUISITION FUND; PROVIDING FOR SEVERABILITY, REPEALER, AND EFFECTIVE DATE.**

**WHEREAS**, the City Commission on October 23, 2007, considered on First Reading the Art in Public Places Ordinance and recommended approval by a 5 – 0 vote to approve the Ordinance; and

**WHEREAS**, the City Commission on December 11, 2007, considered on Second Reading the Art in Public Places Ordinance and recommended approval by a 5 – 0 vote to approve the Ordinance; and

**WHEREAS**, the City wishes to amend the Article to allow for collection of funds to the Historic Public Art Fund and Art Acquisition Fund;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**Section 1.** That Section 20-102, entitled "Definitions"; Section 20-103, entitled "Art Funds, A. General"; and Section 3, Applicability of the Ordinance of The Zoning Code of the City of Coral Gables, Florida entitled "Art in Public Places" is hereby amended to read as follows:

**Section 20-102. Definitions.**

*Art acquisition fund* means a separate, dedicated, interest bearing and revolving fund established in the City Treasury into which non-City contributions (those from developers, individuals, foundations, business, etc.) are collected and deposited for the purposes of supporting the City's public art program, including but not limited to, acquiring, installing, maintaining, and promoting world-class public art.

*Non-municipal construction project(s)* is defined as any non-City construction or renovation in Coral Gables in excess of one million dollars (\$1,000,000.00), excluding single-family homes.

1. Developers may petition to have the public art acquisition incorporated within their project provided there is regular public access at no charge to the public.
2. If the developer seeks to incorporate the art within his/her project, the artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.
3. The art acquisition to be incorporated within the project shall have a minimum appraised value of one (1.0%) percent of the construction costs. The value of the artwork shall be confirmed by a certified art appraiser (or a person with professional arts credentials) as determined by the City whose evaluation fee shall be paid by the developer and reviewed by the City. If the appraised value of the artwork is less than one (1.0%) percent of the construction costs of the project, the difference in the value of the artwork and the one (1.0%) percent shall be contributed to the Art Acquisition Fund.
4. Instead of providing credentialed artwork on the project site, the developer may choose to contribute one (1.0%) percent of the aggregate project value as the required art fee.
5. In Lieu of providing artwork on the project site or contributing a one (1%) percent art fee, the developer may choose to donate artwork to the City. The artwork shall be valued at one (1%) percent of the aggregate project value inclusive of the cost of maintenance, insurance, lighting and signage. The artwork shall be reviewed by the Cultural Development Board, with the assistance of the Arts Advisory Panel. The Cultural Development Board shall recommend to the City Commission whether to approve, deny, or approve with conditions the selection and location of the artwork.
6. The Non-Municipal Construction Project one million dollar (\$1,000,000.00) threshold shall be adjusted annually based upon the consumer price index.

*Items 1., 2., 3., and 5. will not apply until City Commission approval of the Public Art Master Plan.*

### **Section 20-103. Art funds.**

- A. General. Two funds will be established for the Art in Public Places Program. The first fund will be entitled Historic Public Art Fund and will be funded through Municipal Construction Projects. The second fund will be entitled Art Acquisition Fund and will be funded through Non-Municipal Construction Projects over one million dollars (\$1,000,000.00), excluding single family homes. Each of these funds will be interest bearing and revolving and may only be used for the purposes outlined in "The City of Coral Gables Art In Public Places Program: Funding, Goals, and Implementation Guidelines."

**Section 3.** Applicability of the Ordinance. The provisions of this ordinance are effective immediately upon approval of this amendment by the City Commission. Applicants who

have secured preliminary Board of Architects approval prior to City Commission approval of this amendment shall not be subject to provisions of this Ordinance.

**Section 2.** Severability.

If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 3.** Repealer.

All ordinances or parts of ordinances in conflict herewith, be and the same, are hereby repealed.

**Section 4.** Effective Date.

This ordinance shall become effective immediately upon the date of its adoption by the City Commission.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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DONALD D. SLESNICK II, MAYOR

ATTEST:

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WALTER FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

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ELIZABETH M. HERNANDEZ  
CITY ATTORNEY