



**City of Coral Gables  
CITY COMMISSION MEETING  
February 10, 2010**

**ITEM TITLE:**

An Ordinance of the City Commission of Coral Gables amending the Official Zoning Code, Article 3, Division 20, entitled "Art in Public Places," in particular Section 3-2002, entitled "Definitions"; Section 3-2003, entitled "Art Funds", for the purpose of allowing the collection of funds to the Historic Public Art Fund and Art Acquisition Fund; providing for severability, repealer, codification, and an effective date.

**RECOMMENDATION OF THE CITY MANAGER:**

Approval

**BRIEF HISTORY:**

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.

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.

The Public Art Master Plan, as defined in the ordinance, "means a five-year plan developed to further define the City of Coral Gables as a unique city of artistry and beauty while insuring open access to public art. The document at a minimum will identify locational placement priorities, standards for installation, detailed criteria for artist and artwork selection, and a conservation/maintenance protocol."

At the August 19, 2009, Cultural Development Board meeting members discussed the progress of the Public Art Master Plan and urged that efforts be made to amend the ordinance to allow for the collection of Art in Public Places funds prior to development of the Public Art Master Plan.

In support of this, the Nationally recognized organization Americans for the Arts (AFTA) responded; while strongly supporting the City's decision to have a public art master plan, AFTA recommends removal of the applicability clause and related clauses, which prevent current collection of funds until after development of the public art master plan.

Whereas development has slowed and will ultimately pick up, there is an opportunity not to lose monies in the interim that could be dedicated to Public Art and therefore, dedicated to the further cultural beauty and economic vitality of the City.

At the November 18, 2009 Cultural Development Board meeting, members reviewed an amendment to the Ordinance proposed by the City Manager's office, which, if approved by the Commission, would enable the City to begin collecting the percentage for art as established in the Ordinance. A motion was passed to recommend City Commission approval of an amendment to the Art in Public Places Ordinance.

A first reading of the proposed amendment was approved by a 4-0 vote by the City Commission on December 15, 2009.

The title on first reading referred to the Section numbers of the Art in Public Places Ordinance. The title on second reading has been corrected to reflect the Section numbers of the City's Zoning Code.

On January 13, 2010, a public hearing was held before the Planning and Zoning board of the City of Coral Gables.

At the January 13, 2010 Planning and Zoning Board meeting, members reviewed the amendment and recommended approval provided that developers who are subject to the ordinance prior to adoption of the Public Art Master Plan and who place the required funds in the public art fund would have the option after approval by the City Commission of the Public Art Master Plan to either (i) leave the funds in the public art fund or (ii) to use those funds to incorporate public art into that developer's project in accordance with the approval process required by the Art in Public Places Ordinance and the Public Art Master Plan.

The Commitment of the Board and financial resources are now in place to complete the initial Public Art Master plan within the current fiscal year.

The proposed amendment may allow funds to be in place upon completion of the Public Art Master Plan.

Submitted for your consideration in the attached ordinance are amendments updating the Art in Public Places Code to allow for current collection of funds to the Historic Public Art Fund and the Art Acquisition Fund.

#### **BOARD/COMMITTEE RECOMENDATION:**

<b>Date</b>	<b>Board/Committee</b>	<b>Comments (if any)</b>
11.18.2009	Cultural Development Board	Recommended Approval (vote: 7-0)
01.13.2010	Planning and Zoning Board	Recommended Approval (vote: 5-0)

#### **APPROVED BY:**

<b>Department Director</b>	<b>City Attorney</b>	<b>City Manager</b>

#### **ATTACHMENT(S):**

1. **Ordinance Amendment**
2. **Ordinance Amendment marked**
3. **Excerpt minutes of the January 13, 2010, Planning and Zoning Board**
4. **December 15, 2009 City Commission Cover Sheet**
5. **Excerpt minutes of the City Commission Meeting of December 15, 2009**
6. **Excerpt minutes of the August 19, 2009, Cultural Development Board**
7. **Excerpt minutes of the November 18, 2009 Cultural Development Board**
8. **Letter to the Cultural Development Board from Americans for the Arts**