

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AMENDING CHAPTER XXIV, ENTITLED “ZONING AND LAND DEVELOPMENT,” OF THE CITY’S CODE OF ORDINANCES TO CREATE A NEW ARTICLE XX ENTITLED “PUBLIC ARTS,”; REQUIRING PRIVATE DEVELOPMENTS AND CITY CAPITAL IMPROVEMENT PROJECTS DEDICATE ZERO POINT FIVE PERCENT (0.5%) OF TOTAL PROJECT COST TO PUBLIC ART, ESTABLISHING A FEE-IN-LIEU FUND, A PUBLIC ARTS SELECTION COMMITTEE, ADOPTION OF A CITYWIDE PUBLIC ARTS PLAN; PROVIDING FOR CODIFICATION, CONFLICTS, SCRIVENER ERRORS, SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 166, Florida Statutes and Section 1.4 of the Charter of the City of North Miami Beach (“City”), the City shall have all available governmental, corporate, and proprietary powers and may exercise them except when prohibited by law; and

WHEREAS, various local governments throughout the State of Florida and the country have implemented public art initiatives committed to the placement of public art in urban environments; and

WHEREAS, the City seeks to enhance the public realm and promote Public Art and creative placemaking in both private and public development; and

WHEREAS, creating funding for this program is desirable and compatible development within the City in accordance with the goals, objectives, and policies of the North Miami Beach Comprehensive Plan, Code of Ordinances, and Zoning and Land Development Code (ZLDC); and

WHEREAS, the City Commission seeks to establish a Public Art Selection Committee with a primary roll to review and make recommendation regarding citywide public art plan, artists, and art submitted for public art program; and

WHEREAS, Public Art would create a stimulating and diverse cultural environment that reflects, defines, and enhances the City's heritage, values, and visions for the future through art integrated in the architecture, infrastructure, and landscape; and

WHEREAS, the City Commission desires to establish Article XX., entitled "Public Arts", to create a cultural legacy for future generations through the curation and exhibition of high quality art that reflects a variety of artistic styles and a diversity of culture, beliefs, and thinking to chronicle and pay tribute to the City's history and people through the collection of artifacts, documents, and memorabilia, and to enhance the quality of life for its citizens through the placement of art, creation of artistic opportunities, and implementation of art initiatives; and

WHEREAS, Public Art shall be implemented in new development and redevelopment projects in specific land use areas such as Business, Community Facility, Recreation and Open

Space, Industrial, and Mixed-Use.

WHEREAS, the provisions of this Ordinance shall also apply to City Capital Improvement Projects (CIP), new private development and private redevelopment projects.

WHEREAS, the City's Planning and Zoning Board, as the Local Planning Agency, held a duly noticed public hearing on **February 10, 2025**, and reviewed the proposed ordinance for consistency with the City of North Miami Beach's Comprehensive Plan, and recommended approval by a vote of ___ to ___ ; and

WHEREAS, the Mayor and City Commission find the proposed ordinance to be consistent with the North Miami Beach Comprehensive Plan, the ZLDC, and in the best interest of the residents, businesses, and visitors of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF NORTH MIAMI BEACH, FLORIDA:¹

Section 1. The foregoing whereas clauses are true and correct and adopted as the legislative and administrative findings of the City Commission and made a specific part of this Ordinance; all exhibits attached hereto are made a specific part of this Ordinance.

Section 2. The North Miami Beach Zoning and Land Development Code is hereby amended by adding a new Article XX entitled "Public Arts", attached as EXHIBIT A, containing provisions necessary for the implementation of the following City Commission priorities:

1. Establishing a requirement for all private development/redevelopment projects and city initiated capital improvement projects with a total project valuation of \$10 million or more to provide public art or fee-in lieu payment, at a rate of at least zero point five percent (0.5%) of the total project valuation to be calculated at time of building permit.
2. Prohibiting noise from auditory components of public art between the hours of 10:00 PM and 8:00 AM.
3. Providing for regulation including provisions maintenance, removal, disposal, and replacement of public art
4. Establishing a Public Arts Selection Committee with membership qualifications, duties and responsibilities, and meeting dates to be established by the City Clerk's Office through creation of bylaws to be adopted by subsequent resolution of the City Commission.
5. Require the creation of a Citywide Public Arts Plan to be adopted by subsequent resolution of the City Commission.

Require the establishment of a Public Arts fund in the city budget to accept Ch. XXVI, Article XX Public Arts fee-in-lieu payments, as well as any grants or other City Commission approved allocations for the creation of the Public Arts Plan or carry out the recommendations of that plan.

Section 3. It is the intention of the City Commission of the City of North Miami Beach, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The sections of this Ordinance

may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 4. If the provisions of this Ordinance conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 5. Any typographical errors that do not affect the intent of this Ordinance may be corrected with notice to and authorization of the City Attorney and City Manager without further process.

Section 6. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 7. This Ordinance shall become effective immediately upon adoption on second reading.

[SIGNATURE PAGE TO FOLLOW]

APPROVED on the first reading this ____ day of _____, 2025.

APPROVED AND ADOPTED on second reading this ____ day of _____ 2025.

ATTEST:

ANDRISE BERNARD, MMC
CITY CLERK

(CITY SEAL)

MICHAEL JOSEPH
MAYOR

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE USE AND
RELIANCE OF THE CITY OF NORTH
MIAMI BEACH:

GREENSPOON MARDER, LLP

BY: _____
CITY ATTORNEYS

Sponsored by: