

Art in Public Places Ordinance –

Comparison of 1st Reading vs. 2nd Reading Drafts

Ordinance: 2025-XX

Prepared for: City of North Miami Beach – Community Development

Purpose: Summarize substantive and structural changes between the 1st reading draft and the revised 2nd reading draft.

Executive Summary – High-Impact Changes

- **Applicability Threshold:** Increases from **\$5,000,000** (first reading) to **\$10,000,000** total project valuation (second reading) and expressly **includes City CIP projects**.
- **Mandatory Public Art Contribution:** Second reading clearly **requires 0.5%** of total project cost (public + private) with **fee-in-lieu option** and creation of a **Public Arts Fund** in the budget. (First reading offered on-site art or 0.5% in-lieu; minimum \$25,000 stated.)
- **Governance Body:** Moves from **Beautification Committee** review & recommendation (first reading) to a **Public Arts Selection Committee** (second reading) with bylaws to be adopted by resolution; City Clerk to coordinate.
- **Noise Hours for Audio Art:** Quiet hours shift from **11:00 PM–7:00 AM** (first) to **10:00 PM–8:00 AM** (second). Second reading bullets do not restate first reading's 65 dBA property-line limit or HUD citation.
- **Structure of the Ordinance:** First reading embeds full Article text (Sec. 24-215 to 24-227). Second reading references **Exhibit A** for the Article text and lists policy priorities in bullet form.
- **Murals:** First reading contains a detailed **Murals** section (location, design, standards, maintenance). Second reading body does not mention murals; presumed relocated/retained in **Exhibit A**.

Master Public Art Plan – Next Step After Adoption

The City does not currently have an adopted Public Art Master Plan. If the Art in Public Places ordinance is approved on second reading, staff will return to the Commission with a scope of work, schedule, and a funding request (estimated at **\$50,000**) to develop the Master Plan in partnership with FIU. The Master Plan will: (1) set program goals and priorities, (2) identify candidate sites and project types, (3) outline selection and community engagement methods, (4) establish maintenance and conservation standards, and (5) sequence near-term and long-term projects tied to funding. This plan will guide implementation of the ordinance and align projects with City goals.

Governance and Startup Items

Concurrently, staff will bring a resolution creating the **Public Arts Selection Committee** with bylaws and membership criteria consistent with the ordinance. Staff will also prepare initial program procedures (project intake, artist selection, contracting, and maintenance) so that projects can begin once the Master Plan and committee are in place.

Redline-Style Matrix of Changes

Topic / Section	First Reading Draft	Second Reading Draft	What Changed	Practical Effect / Actions
Ordinance Title & Scope	Creates new Article XX “Public Arts”; general program; cites codification, conflicts, severability, effective date.	Same, but title expressly adds requirements: 0.5% dedication, fee-in-lieu fund, Selection Committee, Citywide Plan.	Title expanded to foreground mandates and new governance elements.	Public messaging shifts from optional/programmatic to mandatory with structure . Ensure title matches Clerk’s agenda language.
Purpose & Intent (Sec. 24-215)	Broad cultural, identity, legacy, and quality-of-life goals.	Remains, restated in recitals; full text deferred to Exhibit A .	Moved to Exhibit A.	Ensure Exhibit A preserves intent language; keep consistency across recitals and code text.
Definitions (Sec. 24-216)	Extensive definitions (Art, Artist, Audio Art, Amplified Sound, Mural, Open Space, Public Art, Public Art Consultant, Public Art Fund, Public Art Plan, Visual Arts, etc.).	Not listed in body; Exhibit A to contain operative definitions.	Structural relocation; potential content adjustments unknown.	Verify that key defs (e.g., Audio Art, Mural, Public Art Fund) are retained verbatim or updated intentionally.
Applicability (Sec. 24-217)	Applies to five land-use categories (Business, Community Facility, Recreation & Open Space, Industrial, Mixed-Use) with minimum project value \$5,000,000 ; exempts projects with prior site plan approval.	Applies to all private and City CIP projects with total project valuation ≥ \$10,000,000 ; threshold calculation at time of building permit (per bullets).	Threshold increased to \$10M ; CIP included ; land-use list replaced by valuation-based trigger.	Update staff screening checklist; revise application forms; prepare grandfathering guidance for projects in pipeline; address projects between \$5M–\$10M affected by change.
Public Art Plan (Sec. 24-218)	Plan adopted by Commission after Beautification Committee review; Commission may install murals not using public funds	Requires a Citywide Public Arts Plan to be adopted by subsequent resolution; overseen by Public Arts Selection	Committee of record changed ; adoption method aligned to future resolution & bylaws.	Draft plan scope & schedule; coordinate with Clerk for committee creation and bylaws; sunset/realign Beautification Committee role.

	subject to committee review.	Committee (bylaws via City Clerk).		
Review Standards (Sec. 24-219)	Detailed compatibility, appropriateness, accessibility, maintenance responsibility standards; Beautification Committee + Community Development as reviewers.	Not specified in body; assumed to be in Exhibit A ; review body now Public Arts Selection Committee .	Governance shift and structural relocation.	Re-map workflow: pre-app → staff tech review → Selection Committee → Commission.
Procedures for Development Projects (Sec. 24-220)	Pre-app; submittal requirements (site plan, LOI, design narrative, noise mitigation plan , maintenance plan); Beautification Committee review; Commission decision.	Not in body; presumed retained/updated in Exhibit A .	Structural relocation; potential content edits unknown.	Keep submittal checklist live; ensure audio-art items line up with revised noise hours.
Audio Art / Noise (Sec. 24-221)	Requires mitigation plan; lists measures; sets 65 dBA at property line , cites City Noise Control & HUD 24 CFR Part 51 Subpart B ; quiet hours 11 PM–7 AM ; enforcement by Code Compliance; exemptions for permitted special events.	Bullet priority #2: prohibits noise 10 PM–8 AM ; no explicit dBA limit or HUD citation in body text.	Quiet hours shifted earlier/later; quantitative limits removed in ordinance body.	Decide: retain 65 dBA & HUD citation in Exhibit A or remove deliberately. Align with Chapter 9 noise ordinance. Update enforcement SOPs & notice language.
Murals (Sec. 24-222)	Locations, prohibitions (e.g., billboards, gas stations, ROW), design requirements (coverage, facade features, text ≤5%), safety & materials standards, owner maintenance agreement.	Not mentioned in body text.	Omitted from body (likely in Exhibit A).	Confirm retention of mural standards in Exhibit A; if policy changed, communicate implications to applicants.

Ownership & Maintenance (Sec. 24-223)	Ownership vests in property owner; maintenance obligations & code enforcement applicability.	Not in body; presumed in Exhibit A.	Structural relocation.	Ensure explicit owner obligations remain to support enforcement.
Public Art Fund / Financing (Sec. 24-224)	Establishes trust account; sources include donations, City appropriations (incl. eligible CIPs), grants; use limited to acquisition, installation, maintenance, grants, programs; Finance administers; programming in capital budget.	Requires establishing a Public Arts Fund in the city budget to accept fee-in-lieu payments, grants, other allocations.	Explicit tie to fee-in-lieu and budgetary account; similar to first reading but more directive to accept program revenues.	Coordinate with Finance to set fund, object codes, revenue lines; draft internal controls & eligible-use guidance.
Selection of Works (Sec. 24-225)	Methods (open/limited competition, invitation, purchase, donation); criteria (location, accessibility, diversity, permanence, maintenance, funding, etc.); Beautification Committee recommends; Commission approves; to Exhibit A. City Manager/Attorney negotiate.	Second reading creates Public Arts Selection Committee with qualifications, duties, and meeting dates set by bylaws; acquisition criteria assumed to move Commission approves; to Exhibit A.	New committee replaces Beautification Committee for selections.	Draft bylaws: membership mix, quorum, COI policy, scoring rubric; update acquisition procedures accordingly.
Building Permits / Contribution Level (Sec. 24-226)	Prior to master building permit: either (A) pay 0.5% in-lieu with minimum \$25,000 , or (B) place art on site valued at ≥ 0.5% of total development cost.	Mandates 0.5% of total project valuation for projects ≥ \$10M ; fee-in-lieu option and fund creation specified; minimum \$25,000 not stated in body text.	Minimum contribution language removed (unless in Exhibit A); trigger and calculation timing clarified.	Decide whether to retain \$25,000 minimum; specify valuation basis (permit valuation vs. GMP); add timing (e.g., % due at permit, balance at CO).
Certificate of Occupancy (Sec. 24-227)	CO only after art installed per approval	Not specified in body; presumed in Exhibit A.	Structural relocation.	Keep CO hold/condition language in Exhibit A and in Permitting SOP.

or in-lieu fee paid in full.

Committee / Process Ownership	Beautification Committee central to review and plan recommendations.	Public Arts Selection Committee central; City Clerk to create bylaws; City Commission adopts plan by resolution.	Governance realignment.	Prepare transition memo; clarify roles where Beautification remains advisory vs. Selection Committee decisive.

Appendix – Quick Reference of Numerical / Categorical Changes

- **Threshold:** \$5,000,000 → **\$10,000,000** (includes City CIP).
- **Contribution Rate:** **0.5%** (unchanged).
- **Minimum Fee:** **\$25,000** (present in first reading; **omitted** in second reading body).
- **Quiet Hours (Audio Art):** 11:00 PM–7:00 AM → **10:00 PM–8:00 AM**.
- **Governance:** Beautification Committee → **Public Arts Selection Committee** (bylaws by resolution).
- **Murals:** Detailed standards present (first); **not stated** in second body; confirm in Exhibit A.