

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

First Reading Date: April 16, 2025

Second Reading Date: May 21, 2025

Presenter's Name and Title: Sue-ling Rosario, Senior Landscape Planner, Building, Planning & Zoning

Prepared By: Sue-ling Rosario, Senior Landscape Planner

Temp. Ord. Number: 1845

Item Description: **FIRST READING** of Temp. Ord. No. 1845, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF SAID LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES BY AMENDING CHAPTER 3, ENTITLED "PROCESSES," TO UPDATE SECTION 324, "PUBLIC ART," TO CREATE A MORE INCLUSIVE FRAMEWORK FOR MURAL ART, PROVIDE FOR NEW AND UPDATED DEFINITIONS, TO PROVIDE GUIDELINES AND REQUIREMENTS FOR MURAL ART INSTALLATIONS, MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE. (Nixon Lebrun, Building, Planning & Zoning Director)

Consent ☐ Resolution ☐ Ordinance ☒ Quasi-Judicial ☐ Public Hearing ☐

Instructions for the Office of the City Clerk: None

Public Notice – As required by the Sec. _____ of the City Code and/or Sec. _____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within _____ feet of the property on _____ (fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ N/A _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes ☐ No ☒

REMARKS: None

Content:

- Agenda Item Memo from the City Manager to City Commission
- Ordinance TO1845

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City of Miramar's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: an Ordinance of the City Commission of the City of Miramar, Florida, amending the Land Development Code of the City of Miramar, pursuant to section 302 of said and Development Code and section 166.041(3)(c)(2), Florida Statutes; more specifically by amending chapter 3, entitled "Processes," to update section 324, "Public Art", to provide guidelines for mural art installations, updating definition of artist and mural art, defining mechanically produced images, clarifying requirements, and approval processes; making findings; providing for repeal; providing for severability; providing for correction of scrivener's errors; providing for codification; and providing for an effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Miramar is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City of Miramar is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☒ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Miramar hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance will amend the City's Land Development Code at Chapter 3, "Processes" by updating section 324, "Public Art", to establish procedures for mural installations, updating definition of mural art, clarifying requirements, and approval processes.

This Amendment will serve the interest of the public by providing a clear and consistent framework for the creation, approval, and maintenance of mural art. Mural art plays a significant role in enhancing the cultural, social, and aesthetic character of public spaces, fostering community pride, and strengthening local identity.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Miramar, if any:

- (a) An estimate of direct compliance costs that businesses may reasonably incur;
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City of Miramar's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

An estimate of the business impact of the ordinance was not warranted, as the ordinance pertains to processes, procedures and comprehensive planning, and will not bring to bear any compliance cost, as no fee will be imposed.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Not applicable.

4. Additional information the governing body deems useful (if any): The Amendment will attest to the City's unwavering commitment to encourage public art that enriches public spaces, supports local artists, and fosters a vibrant, connected community, while maintaining community standards and aesthetic quality.



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor, Vice Mayor, & City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Nixon Lebrun, Director of Building, Planning and Zoning Department

DATE: April 10, 2025

RE: FIRST READING of Temp. Ord. No. 1845 amending Chapter 3 of the City of Miramar Land Development, updating Section 324, "Public Art," to establish procedures and processes for mural installations.

RECOMMENDATION: The City Manager of the City of Miramar Florida, recommends that, in accordance with Section 166.041(3)(a), Florida Statutes ("F.S."), and the related policies of the City Comprehensive Plan, and Section 302 of the City of Miramar's (the "City") Land Development Code ("LDC"), the City Commission reviews and, upon due consideration of the Staff Report, the recommendation by the Planning and Zoning Board and public testimony, if any, approves an ordinance adopting a proposed amendment ("Amendment") to the text of the City's LDC at Chapter 3, "Processes." The Amendment will update Section 324, entitled "Public Art," which is designed to implement procedures for mural installations. The intent of the Amendment is to create a more inclusive framework for mural art that embraces innovative techniques, provides for new and updated definitions, clarifies mural art requirements, and guidelines. The Amendment is consistent with the goals and policies of the City's Comprehensive Plan and the review standards of Section 302 of the LDC.

ISSUE: That, pursuant to Section 302 the City's LDC, the City Commission is required to hold two (2) duly noticed public hearings (a first reading and a second reading) following the notification procedures of Section 166.041(3)(a), Florida Statutes ("F.S."). Section 302 further provides that, upon consideration of the recommendation by the Planning and Zoning Board the Staff Report from the Building, Planning and Zoning Department (the "Department") hold, and, upon a finding of compliance with the general intent and standards of the LDC and of consistency with the City's Comprehensive Plan, vote to adopt such amendments with or without modification; reject them; or refer them back to City administration for further consideration.

BACKGROUND: In 2019, the City of Miramar adopted Ordinance No. 20-01, establishing a new section titled “Public Art.” That ordinance launched a citywide initiative to integrate public art into both public and private developments and created a public art fund to manage all art assessments. That Amendment expanded the previous Transit Oriented Corridor Development’s (“TOCD’s”) Public Art and Amenities Program making it applicable citywide. It updated definitions of art related terms, and most importantly required all public projects to provide public art. Another intended purpose of that Amendment was to provide the framework for the development and implementation of a Public Art Master Plan, which would leverage the power of art to visually revitalize the City, while promoting economic growth. Since that Amendment became effective, notable public artworks have been included and installed through various developments which have greatly enriched the City’s visual landscape and cultural identity.

Public art serves as a powerful tool for placemaking, enhancing spaces with visual elements that encourage residents and visitors to engage more deeply with their surroundings. Murals in particular, are a dynamic form of public art that promotes creative expression and allows people to form meaningful connections with their environment. By embedding art into public spaces, the City fosters a strong sense of place, creating environments that are not only visually appealing but also reflective of the community’s unique character and values.

Mural art provides artists with an expansive canvas to share stories, cultural narratives, and social messages, transforming blank walls into vibrant, interactive experiences. These artworks can significantly enhance public spaces, turning them into destinations that attract both locals and visitors. The transformative power of murals lies in their ability to reflect and shape the identity of a community, cultivating a sense of pride and belonging among residents.

As societal values and cultural dynamics evolve, so too does the role of murals within the City’s urban fabric. What was once considered mere decoration—or even a nuisance—has now become a celebrated aspect of urban renewal and community engagement. Murals stand as symbols of cultural vitality and community spirit, revitalizing spaces that may have otherwise remained neglected or overlooked.

DISCUSSION: Section 324 of the City’s LDC established a citywide program to incorporate public art into both public and private developments. While the primary goal of this section was to encourage the inclusion of public art in development projects, certain regulations may hinder the effective integration of murals or mural art across the City.

Mural art or mural is currently defined within Section 324 as a hand-produced work of visual art that is tiled or painted by hand directly upon or affixed directly to an exterior wall of a building. This includes artworks created with technology or machines, such as digital prints, stencils, or projections, as opposed to traditional hand-drawn or hand-painted techniques. However, one significant limitation of that definition is that it explicitly excludes mechanically produced or computer-generated images and prints. This

restriction limits the ability of artists to fully explore and express their creativity in public places.

While there is great value in preserving traditional mural painting and hand-drawn methods, it is important to balance the preservation of art with an acknowledgment of the evolution of artistic techniques. As technology continues to shape art in new and exciting ways, it is crucial that our public art definitions evolve to incorporate these modern methods. For example, a mural might incorporate interactive elements that change depending on the time of day, the movement of viewers, or even sound input. These kinds of collaborative works, which blend traditional muralism with technological innovation, offer entirely new forms of public art that could be of great benefit to our citywide public art initiative. The current restriction prevents these innovative, tech-driven murals, stifling diversity in artistic expression and the creative potential within our city art scene. Embracing a more inclusive definition of mural art could allow for a richer, more dynamic urban art scene that reflects the intersection of tradition and technology in contemporary culture.

Another quite restrictive limitation within Section 324 has to do with the definition of "artist." That section states in pertinent terms that an artist must be a professional in the visual arts with a certain level of expertise, and must meet at least two of the following criteria:

- The artist's works are included in private, public, corporate, or museum collections;
- The artist has received art-related awards, grants, or fellowships;
- The artist has completed other public commissions on a similar scale;
- The artist has exhibited at major museums or galleries.

It goes without saying that this definition excludes many emerging local artists from being recognized for their talents, limiting opportunities for recognition and growth within the community. These local artists may be still in the early stages of their careers and, as such, they may not yet have access to major museum exhibitions or have had large-scale commissions for public art, murals, sculptures, and installations. Absent these achievements, their work may not be seen as valuable or professional and they will not definitely meet any of the criteria listed in that code section to demonstrate the expertise level of an artist, even though it might be innovative, culturally relevant, or important to our communities. If emerging artists are left out of the formal structures that support art careers, they may face difficulty in improving their skills and gaining experience that would allow them to qualify under these restrictive definitions. This could hinder the development of new artistic movements or trends, as well as limit the diversity of voices in our City.

Essentially, the restrictive definition of "artist" under Section 324 unfairly favors established, well-known artists over those still in the early stages of their careers. While the intent may be to highlight those with a proven track record, it does, however, inadvertently curtail opportunities for up-and-coming artists, especially those who might have great potential, but lack the extensive recognition typically needed to qualify as a professional artist according to this standard.

Section 324 also mandates that murals must be placed in highly visible areas based on typical traffic and pedestrian patterns, potentially restricting placement to commercial or high-traffic locations and overlooking culturally important yet less visible spaces. These constraints may hinder the diversity, creativity, and visibility of mural art in the city's urban landscape. Murals within multifamily buildings or structures for example may be excluded. This mandate prioritizes commercial or high-traffic areas, which are often locations like busy streets, popular plazas, or highly visible exterior walls. While this might ensure that murals are seen by many people, it also imposes constraints that can have negative implications for both the diversity of artistic expression and the broader cultural landscape. By focusing on a commercial or high-traffic area for example, the mandate may unintentionally suppress the artistic expressions that reflect the values, experiences, and stories of that community, as many commercial plazas are dominated by chain stores and restaurants that lack a connection to the history of the neighborhoods in which they are located.

The focus on high visible and traffic locations may privilege the interests of businesses over the needs and values of our City. For example, businesses in shopping centers or entertainment hubs might be more likely to commission murals that attract customers versus murals based on historical/geographical history. While these murals might be visually appealing, they could be designed primarily to serve commercial purposes rather than reflecting the values or narratives of the neighborhoods in which they are located. This trend could lead to the commercialization of murals, and, consequently, mural art could become less of a reflection of local history, culture, or activism and more of a decorative tool for businesses seeking to capitalize on public art's aesthetic appeal.

ANALYSIS: More recently, the City of Miramar has experienced a surge in artistic expression, numerous murals and public artwork have been installed that enrich the City's visual landscape. To build on this momentum, the adoption of the proposed amendment to Section 324, "Public Art," of the LDC will establish a standardized process for mural review and approvals, including updated mural art and artist definition. This will ensure that mural projects align with community standards and zoning regulations, while creating a more inclusive framework for artistic expression.

The Amendment will expand the existing Public Art requirements to include a broader definition of mural art, incorporating mechanically produced images and embracing contemporary techniques. This shift acknowledges the evolving nature of art and recognizes the growing role of technology in creative practices. Instead of excluding these methods, this Amendment presents an opportunity to celebrate both traditional and modern approaches, allowing for a more diverse range of artistic forms to contribute to our City's public landscape.

The creation of an application and review process specifically for mural art, through this Amendment will streamline applications and reduce administrative delays, fostering a more dynamic environment for murals, enabling artists to respond to community needs, and trends more effectively. Establishing mural art guidelines that reevaluate visibility

requirements for mural placements could encourage the integration of murals in culturally significant areas that might be otherwise overlooked under current regulations. Many murals hold cultural, historical, or community significance that may be tied to locations outside high-traffic areas, such as quieter neighborhoods, community centers, or spaces in multifamily buildings. For example, murals that reflect local heritage, indigenous art, or themes related to specific communities often reside in places that might not attract constant foot or vehicle traffic but are still deeply meaningful to the people who live there.

Additionally, allocating additional funding for mural art projects is an essential step in ensuring that larger, more ambitious mural initiatives can be brought to life without being hindered by financial limitations. Allowing funding to be sourced from the Public Art Fund established under the City's Public Art ordinance, private donations, or grants specifically designated for public art initiatives, the City can support the realization of more expansive projects that may otherwise be impossible to fund under current budget constraints. This would allow for the creation of high-quality, impactful murals that can enhance the City's visual identity and cultural richness.

By promoting diversity in artistic voices and encouraging innovative collaborations, the City can further enrich its urban landscape, enhance community pride, and establish a legacy of vibrant public art that reflects the dynamic spirit of Miramar.

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**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF MIRAMAR, PURSUANT TO SECTION 302 OF THE LAND DEVELOPMENT CODE AND SECTION 166.041(3)(C)(2), FLORIDA STATUTES, BY AMENDING CHAPTER 3, ENTITLED “PROCESSES,” TO UPDATE SECTION 324, “PUBLIC ART,” TO CREATE A MORE INCLUSIVE FRAMEWORK FOR MURAL ART, TO PROVIDE FOR NEW AND UPDATED DEFINITIONS, GUIDELINES AND REQUIREMENTS FOR MURAL ART INSTALLATIONS, MAKING FINDINGS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CORRECTION OF SCRIVENER’S ERRORS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1989 and in compliance with state law, the City Commission of the City of Miramar (“City Commission”) adopted the City’s Comprehensive Plan, as amended, in order to guide and manage future development within the City of Miramar (“City”); and

WHEREAS, in order to implement the Comprehensive Plan, the City Commission adopted in 1996 a set of land development regulations that are codified in the City’s Land Development Code (“LDC”); and

WHEREAS, on August 21, 2019, the City Commission adopted Ordinance No. 20-01, which amended the City’s LDC adding Section 324 entitled “Public Art” prescribing a citywide program for the integration of public art into both public and private development projects; and

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WHEREAS, the Public Art Program requires eligible development projects to incorporate artwork into their design, architecture, and landscaping, in lieu of, contributing a public art assessment to the City's Public Art Fund that is equal to an amount of one quarter (1/4) of one percent of the total construction cost of said projects, not to exceed \$100,000; and

WHEREAS, the Building, Planning, and Zoning Department (the "Department") has received multiple requests for mural installations and enhancements of public art within the City; and

WHEREAS, Section 324 of the City's LDC establishes a uniform procedure for the review and granting of public art installations within the City; and

WHEREAS, Section 324 of the City's LDC provides that art for the installation of a mural is defines as a hand-produced work of visual art that is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building; and

WHEREAS, Section 324 of the City's LDC provisions regarding mural art installation, restricts the use of mechanically produced images and visibility requirements, hindering artistic expression and limiting mural placements in culturally significant areas; and

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WHEREAS, the City recognizes the importance of public art, including murals, in enriching community aesthetics, fostering cultural expression, and enhancing the pedestrian experience; and

WHEREAS, the City aims to create a more inclusive framework for mural art that embraces innovative techniques and broadens the definition of murals to include mechanically produced images; and

WHEREAS, the City intends to revise the approval process for mural applications to streamline procedures, reduce administrative delays, and encourage creativity among artists;

WHEREAS, the proposed Amendment to the LDC will amend Section 324, entitled “Public Art,” which will establish clear guidelines for mural installations and support artistic collaboration within the community; and

WHEREAS, the Amendment will promote public health, safety, and welfare by ensuring that mural requests align with the goals of the City’s Comprehensive Plan; and

WHEREAS, the Department found the Amendment to satisfy the general purpose and standards of Section 302 of the LDC concerning the review of text amendments to the LDC and to be consistent with, and to further the goals, objectives, and policies of the City’s Comprehensive Plan, as specifically in terms of enhancing public spaces; and

WHEREAS, the City Manager concurred with the Department’s findings of fact and recommended adoption of the Amendment; and

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WHEREAS, Section 107 of the City's LDC provides that the Planning and Zoning Board ("Board"), shall have the powers and duties to review and make recommendations to the City Commission regarding text amendments to the City's LDC; and

WHEREAS, Section 302 of the City's LDC provides that the Board shall hold one (1) properly noticed public hearing to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as summarized in the City Manager's memorandum, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, forward a recommendation to the City Commission; and

WHEREAS, pursuant to 166.41(3)(c)(2), Florida Statutes ("F.S.") and Section 302 of the City's LDC, notification of the Amendment was published in the *Sun Sentinel* to advise that interested parties may appear at the meeting and be heard with respect to the Amendment or submit written comments to the Department prior to the public hearing, which written comments will be included in the record of the public hearing; and

WHEREAS, the Board held a duly noticed public hearing on the Amendment on _____, 2025, and, after due consideration of all matters, found the Amendment to comply with the pertinent review criteria of Section 302 of the City's LDC and to be consistent with the City's Comprehensive Plan, and subsequently voted to recommend adoption of the Amendment by the City Commission; and

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WHEREAS, Section 302 of the City's LDC provides that the City Commission shall hold two (2) properly noticed public hearings, pursuant to the notification procedures of Section 166.41(3)(c)(2), to evaluate the Amendment with respect to the review standards set forth in Subsection 302.7 of the City's LDC, consider the Department's findings of fact as contained in the City Manager's memo, the Board's recommendation, and any oral or written public comments, and, upon a finding that the Amendment satisfies these review standards and is consistent with the City's Comprehensive Plan, vote to adopt the ordinance enacting the Amendment; and

WHEREAS, the City Commission held two duly noticed public hearings on _____, 2025, and on _____, 2025, and, after due consideration of all matters, found the Amendment to comply with the pertinent review criteria of the City's LDC and to be consistent with the City's Comprehensive Plan; and

WHEREAS, based upon the record developed at two (2) public hearings, the City Commission found and declared that the proposed Amendment to amend Chapter 3 of the City's LDC by amending Section 324 "Public Art," defining artist and mural art, establishing mural application requirements, establishing review processes to ensure that mural projects align with community standards and zoning regulations, would best serve the interests of the City and its residents.

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NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA AS FOLLOWS:

Section 1: Recitals. That the foregoing “**WHEREAS**” clauses are hereby adopted as legislative findings of the City of Miramar Commission and are hereby ratified and confirmed as being true and correct and are made a specific part of this Ordinance.

Section 2: Findings: That the City Commission of the City of Miramar, Florida, hereby finds the proposed amendment to the City’s LDC at Chapter 3, entitled, “Processes” to update Section 324 entitled, “Public Art,” to implement procedures for mural installations and enhance community aesthetics, to comply with the applicable standards of the City’s LDC for the review of text amendments, and to be consistent with the City’s Comprehensive Plan.

Section 3: Adoption: That the City Commission of the City of Miramar, Florida, hereby passes and adopts the Ordinance enacting the proposed Amendment to the City LDC, as incorporated herein.

Section 4: That Chapter 3 of the LDC of the City of Miramar, Florida, is hereby amended by updating Section 324 entitled, “Public Art,” which said section (or article or chapter) reads as follows:

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* * *

324.2. *Definitions.* The following words, terms and phrases, when used in this section 324, shall have the meanings ascribed to them herein, unless the context affirmatively designates to the contrary:

Art, artwork or work of art is defined as an original physical work created or produced by a professional artist, including, but not limited to, paintings, sculptures, mosaics, carvings, engravings, frescos, stained glass and glass work, mobiles, mural arts, collages, statues, bas-reliefs, tapestries, photographs, video projections, drawings, fountains (if of unique design), landscape design, artifacts of historical or cultural significance, monuments erected to commemorate a person or event, functional furnishings such as artist-designed seating, dedicated public spaces (such as plaza surfaces), site-specific installations, or other media. Artwork may be free-standing or integrated with the work of other design professionals into a building or site.

For the purpose of this section, artwork shall not be construed to include: directional elements, such as signage except where these elements are integral parts of the original artwork or are executed by artists in unique or limited editions; "art objects," which are mass produced or of standard design, such as playground equipment or fountains; reproductions or unlimited copies of original artwork; decorative, ornamental, architectural or functional elements, which are designed by the building architect as opposed to elements created by an artist commissioned for that purpose; landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the work of art by the artist; and architectural rehabilitation.

~~*Artist* is defined as a professional in the visual arts, having reached a certain level of expertise in his or her medium, and meeting at least two of the following criteria:~~

- ~~(1) The artist's works are included in private, public, corporate or museum collections;~~
- ~~(2) The artist has received art-related awards, grants, or fellowships;~~
- ~~(3) The artist has completed other public commissions on a similar scale;~~
- ~~(4) The artist has participated in exhibitions at major museums or galleries.~~

Artist or professional artist is defined as a practitioner in the visual arts, generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement

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of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.

Development project or project is defined to include new construction, renovation work, or façade improvements requiring a building permit, where fifty percent (50%) or more of the building exterior is being modified, renovated, expanded, rebuilt or improved by construction. For the purpose of this section, a "project" shall not include the following:

- (1) Repair or reconstruction of structures damaged by fire, or natural disasters;
- (2) Interior renovation;
- (3) Flood protection work items; or
- (4) Fire sprinkler installation work items as defined by the city code.

Eligible project is defined as a project meeting the applicability thresholds of this section, *to wit*: any project development with five (5) or more residential units and/or with a non-residential gross floor area ("GFA") of 12,500 or more square feet.

Local artist is defined as an artist, as defined in this section, who resides in the City.

Maintenance, with respect to artwork, is defined to include the required repairs or cleaning to keep the artwork in its intended condition, including preventative maintenance at scheduled intervals to curtail future deterioration, as well as ordinary repairs, including painting, repair or replacement, installation of mechanical equipment.

~~*Mural art or mural* is defined as a hand-produced work of visual art that is tiled or painted by hand directly upon, or affixed directly to an exterior wall of a building. For the purpose of this section, a "mural" shall not include:~~

- ~~(1) mechanically produced or computer generated prints or images, including, but not limited to, digitally printed vinyl;~~
- ~~(2) trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or entity; or~~
- ~~(3) murals with electrical or mechanical components, or changing images.~~

Mechanically Produced Images is defined as artwork created using processes that involve mechanical reproduction or assistance, such as digital printing, projection, stencils, or screen printing.

Mural Art or mural is defined as a hand-produced work of visual art or a mechanically produced image that is painted or affixed directly to an exterior wall of a building.

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Percentage for art is defined as one-quarter (¼) of one percent of the total construction cost of a public or private project having five (5) or more residential units and/or a non-residential GFA of 12,500 or more square feet, not to exceed \$100,000.

* * *

324.11. Mural art. Mural art projects shall embrace themes that are appropriate to the neighborhood and the City, allowing artists to draw inspiration from local culture, history, and community identity while promoting creative freedom. These artworks are intended to enhance the aesthetic appeal of blank walls and unoccupied buildings, rejuvenating public spaces, and enriching the pedestrian experience within the City. No murals may be placed on any buildings or structures unless compliant with this section and approved by the Building, Planning, and Zoning Director. The following general provisions shall be applicable.

324.11.1. Mural Art Requirements

- (1) Mural art shall be accessible to the public and located in a public place.
- (2) Mural art shall be restricted to buildings or structures supporting commercial, industrial, civic, recreation, cultural, multifamily, or utility uses.
- (3) Mural art shall not be located on a wall within 500 feet of any property line adjacent to a residential parcel unless:
 - (a) Oriented to avoid visibility from adjacent residential parcels.
 - (b) The adjacent parcel is used for non-residential purposes.
 - (c) Screened from view by a building or structure.
- (4) Murals within multifamily buildings or structures must be placed in a public place. Murals near interstate highways shall comply with the Federal Highway Beautification Act as amended.
- (5) Materials and paint used for mural art must ensure longevity and durability.
- (6) Murals must meet standards of artistic quality appropriate for the neighborhood.
- (7) Any illumination must meet city lighting regulations and shall require a separate electrical permit and inspection.
- (8) Illumination of mural signs may be permitted only between the hours of 6 pm and midnight.
- (9) Mural advertising signs are prohibited, including lettering, trademarks, logos, words, or illustrative depictions related to business to include but not limited to colors,

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or patterns identifying or associated with a business, profession, trade, occupation, or entity

324.11.2. Application form. An application for the installation of mural art under this section shall be made in writing by completion of a mural art application form to be submitted to the Building, Planning, and Zoning Department. The application form shall contain such questions and requests for information as are necessary for processing the request and implement the general policies in this section. Said form shall, at a minimum, require the following information:

- (1) A scaled drawing showing the proposed mural, including colors and materials.
- (2) Site elevations depicting the mural's intended surface.
- (3) A written description and narrative of the mural, detailing its purpose and theme.
- (4) A notarized letter from the property owner:
 - (a) Authorizing placement of the mural on the building or structure.
 - (b) Agreeing to maintain, repair, or remove the mural if necessary for its longevity. The City of Miramar does not assume responsibility for the upkeep, repair, or preservation of murals unless they are installed on City property. Property owners are accountable for monitoring the mural's condition and ensuring its care and maintenance, covering all associated costs for upkeep, repair, or preservation.

324.11.3. Fees. The city shall impose a fee for processing a mural art application form. Such fee shall be as provided for the Repainting (RPT) fees in the city's adopted schedule of user fees.

324.11.4. Review Process. The review process for mural projects will prioritize a wide range of artistic styles and backgrounds, ensuring that both established and emerging artists have opportunities to contribute. The Building, Planning, and Zoning Director in conjunction with the Cultural Affairs Director shall have the authority to review and make recommendations.

The Building, Planning and Zoning Department shall issue a determination upon a complete review of the mural art application and may (1) approve the mural art application, (2) impose conditions upon the approval of the application, or (3) deny the mural art application. The applicant is required to obtain any and all necessary permits required with the approval of a mural art application.

If necessary to reach a determination on the mural art application, the Building, Planning and Zoning Department, may, request additional information from the applicant, specifying in detail what information is required. The applicant shall have thirty (30) calendar days after the date of the request for additional information to provide the requested information. If the requesting applicant fails to provide the requested additional

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information within said 30-day period, the mural art application shall be deemed withdrawn and closed. Should the applicant choose to continue the application, a new mural art application shall be completed.

324.11.5. *Installation and Inspection.* After the approval of an application, the applicant may install and display the mural art. An approved application shall commence within 180 days of approval. Once installed, the City shall inspect the mural art for conformance with the approved application and the standards contained herein.

324.11.6. *Funding for Murals.* To support the creation of high-quality murals, the City shall allocate additional funding for mural projects. This funding may be sourced from the public art fund established under the City's Public Art Ordinance, private donations, or grants specifically designated for public art initiatives. Applicants seeking funding for mural projects must include a detailed budget in their application, outlining anticipated costs for materials, labor, and maintenance.

~~324.11. Public art master plan. The city commission shall adopt a public art master plan that identifies locations for public artworks, establishes a priority order of location and art type, and any potential themes, concepts or goals relating to the public art program, including a recommendation on city commission review of public artwork and/or cultural elements proposed as part of private development projects.~~

Section 5: Repeal. That all sections or parts of sections of the LDC of the City, all Ordinances and part of Ordinances, all Resolutions or parts of Resolutions determined by a court of law to be inconsistent or in conflict with this Ordinance are hereby repealed.

Section 6: Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. In the event of a subsequent change in applicable law, so the provision which had been held invalid is no longer invalid, the provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding under this Ordinance.

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Section 7: Interpretation. That it is the intention of the City Commission, and it is hereby ordained, that the provisions and revisions of this Ordinance shall become and be made a part of the Code of the City of Miramar; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word. That in interpreting this Ordinance, underlined words indicate additions to existing text, and ~~stricken through~~ words include deletions from existing text. Amendments made to the Ordinance on second reading are double underlined. Asterisks (* * *) indicate a deletion from the Ordinance of text, which exists in the Code of Ordinances. It is intended that the text in the Code of Ordinances denoted by the asterisks and do not set forth in this Ordinance shall remain unchanged from the language existing prior to adoption of this Ordinance.

Section 8: **Scrivener's Error.** The City Attorney is hereby authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy with the City Clerk.

Section 9: **Codification.** That it is the intention of the City Commission of the City of Miramar that that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miramar, Florida. The sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Article," "Division," or "Section," or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

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Section 10: Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED FIRST READING: _____

PASSED AND ADOPTED ON SECOND READING: _____

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this ORDINANCE as to form:

City Attorney
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Maxwell B. Chambers
Commissioner Avril Cherasard
Vice Mayor Yvette Colbourne
Commissioner Carson Edwards
Mayor Wayne M. Messam

Voted

Ord. No. _____