

AN ORDINANCE OF THE CITY OF PLANTATION, FLORIDA,
AMENDING THE CITY OF PLANTATION LAND DEVELOPMENT
REGULATIONS BY CREATING SECTION 27-59 OF THE LAND
DEVELOPMENT REGULATIONS TO ESTABLISH REVIEW
STANDARDS FOR MURALS AND PUBLIC ART; PROVIDING FOR
CODIFICATION; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR
CONFLICTS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANTATION, FLORIDA,
THAT:

SECTION 1: Section 27-59 – Murals

(a) Purpose. It is the intent and purpose of this section to promote the aesthetic and cultural enrichment development of the city by creating a citywide process for the integration of original art murals into private development projects on a content-neutral basis on certain terms and conditions. Murals comprise a unique medium of expression which serves the public interest. Murals have purposes distinct from traditional signs and confer different benefits. Such purposes and benefits include: improved aesthetics; avenues for original artistic expression; public access to original works of art; community participation in the creation of original works of art; community building through the presence of and identification with original works of art; and a reduction in the incidence of graffiti and other crime. Murals can increase community identity and foster a sense of place and enclosure if they are located at heights and scales visible to pedestrians, are retained for longer periods of time and include a neighborhood process for discussion.

(b) Definitions. The following words, terms and phrases, when used in this Section 27-59, shall have the meanings ascribed to them herein, unless the context affirmatively designates to the contrary:

Artist is defined as a professional in the visual arts, having reached a certain level of expertise in their 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.

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

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

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51 (1) mechanically produced or computer-generated prints or images, including, but not
52 limited to, digitally printed vinyl; or

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54 (2) murals with electrical or mechanical components, or changing images.

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56 (c) Application Filing. An application for a mural may be initiated by any property owner whose
57 property meets the eligible project criteria as set forth in Section 27-59(f) subject to the
58 payment of an application fee to cover the costs of processing the application.

59
60 (d) Application requirements. Mural application forms, along with all established and required
61 fees, documents, and renderings shall be submitted by the applicant to the Department. All
62 applications shall be processed according to code and shall meet the minimum criteria of
63 Section 27-59(g).

64
65 (e) Application Approval required. The Department shall review applications for murals and
66 compile a report which summarizes the artist and location of the mural. Once complete, the
67 Department shall transmit all documents for review and approval by the Plan Adjustment
68 Committee at its next available meeting pursuant to Section 27-25 of the Code.

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70 (f) Minimum criteria. It shall be the policy of the city to limit mural art as follows:

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72 (1) Murals that are commissioned by a professional artist as defined herein; and

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74 (2) Development projects with one hundred fifty (150) or more residential units and/or
75 with residential gross floor area of 12,500 or more square feet and located within the
76 _____ zoning district; and

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78 (3) Mural art must be applied utilizing weather resistant paint or materials; and

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80 (4) The Mural shall not extend more than 6 inches from the plane of the wall upon which
81 it is tiled or painted or to which it is affixed; and

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83 (5) Murals shall not contain any unlawful content, unlawful content shall include but not
84 be limited to, content that includes obscenity, fraud, child pornography, content integral
85 to illegal conduct, content that intentionally incites imminent lawless action, content
86 that violates intellectual property law, true threats, and defamatory content; and
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88 (6) Murals shall not be designed as to constitute or create a traffic hazard in that no mural
89 shall be erected, and there shall be no lighting of murals or premises, in such a manner
90 or in such location as to obstruct the view of, or be confused with, any authorized traffic
91 signal, notice or control device, or with lights on any emergency vehicle, or to create
92 hazards or distractions to drivers because of direct or reflected natural or artificial light,
93 flashing, intermittent or flickering lighting, or real or apparent movement. Any such
94 murals or light sources shall be removed at the direction of the City. If not removed by
95 owners or occupants of the property within ten (10) days of notice, the City shall cause
96 the murals to be otherwise removed and the cost of removal shall become a lien against
97 the property until satisfied; and

98
99 (7) Murals shall only be located on building façades; and

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101 (8) The City has not made application to FDOT for certification for local zoning control of
102 murals within the City's jurisdictional boundaries under provisions of the Highway
103 Beautification Act, 23 U.S.C. Sec. 131, et seq., the Florida and U.S. Department of
104 Transportation Agreement of January 27, 1972 ("Federal/State Agreement"), Federal
105 Regulations, 23 C.F.R. Sec. 750.706, and Chapter 479.156, Florida Statutes.
106 Accordingly, any mural application within 660 feet of the nearest edge of the right-of-
107 way within an area adjacent to the interstate highway system or the federal-aid primary
108 highway system shall, in addition to other criteria listed herein that are not in conflict
109 with or controlled by way of the Federal/State Agreement, be approved by the
110 Department of Transportation and the Federal Highway Administration when required
111 by federal law and federal regulation under the Federal/State Agreement.

112
113 (g) Maintenance. The property owner shall be responsible for the continuous maintenance of
114 the mural art in good condition at all times, as determined by the city's code compliance
115 official. Maintenance includes the required repairs or cleaning to keep the artwork in its
116 intended condition, including preventative maintenance at scheduled intervals to curtail
117 future deterioration, as well as ordinary repairs, including painting, repair or replacement.

118
119 (h) Removal or replacement of Murals.

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121 (1) Murals installed in accordance with this section shall remain on site in the approved
122 location and cannot be altered, replaced or removed except as provided in this section,
123 or when deemed to be unsafe by the city building official, or necessary replacement
124 due to damage from natural disasters.

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126 (2) Removal of existing murals or artwork and all replacement art and elements must meet
127 the all of the requirements of this section for installation..

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130 **SECTION 2.** It is the intention of the City Council of the City of Plantation that the provisions
131 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of

{00474788.3 2007-0000000}

132 Plantation, Florida. The Sections of this ordinance may be re-numbered, re lettered and the word
133 "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to
134 accomplish such intention.

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136 **SECTION 3:** Should any section, paragraph, sentence, clause, phrase or other part of this
137 Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not
138 affect the validity of this Ordinance as a whole or any portion or part thereof, other than the part
139 so declared to be invalid.

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141 **SECTION 4:** If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of
142 the Ordinances of the City, are in conflict herewith, this Ordinance shall control to the extent of
143 the conflicting provisions.

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145 **SECTION 5:** This Ordinance shall take effect immediately upon passage on second reading by
146 the City Council and signature by the Mayor.

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148

149 PASSED ON FIRST READING by the City Council this ____ day of _____, 2021.

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151 PASSED AND ADOPTED ON SECOND READING by the City Council this ____ day of
152 _____, 2021.

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154 SIGNED by the Mayor this ____ day of _____, 2021.

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MAYOR

159 ATTEST:

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161

CITY CLERK

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APPROVED DATE

REQUESTED BY: _____
DEPT. OK: _____
ADMIN. OK: _____
ATTY. OK: _____

AS TO FORM ONLY

170 RECORD ENTRY:

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I HEREBY CERTIFY that the Original of the foregoing signed Ordinance No. ____ was received by the Office of the City Clerk and entered into the Public Record this ____ day of _____, 2021.

April Beggerow, City Clerk