

ORDINANCE NO. 2024-18

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ZONING REGULATIONS, ARTICLE IV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, PUBLIC PLACES, SUBDIVISION II, ART IN PUBLIC PLACES TO REVISE PROVISIONS FOR THE USE OF FUNDS GENERATED BY THE PUBLIC ART FEE AND TO ALLOW MURALS IN ADDITIONAL LOCATIONS WITHIN THE CITY; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the Greenacres City Council, as the governing body of the City of Greenacres (the "City"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its Land Development Regulations (Zoning Code); and

WHEREAS, in 2022, the City adopted Ordinance No. 2022-16, thereby creating an Art in Public Places Program for City Beautification; and

WHEREAS, in 2024, the City adopted Ordinance No. 2024-14, thereby revising and clarifying certain provisions related to the Art in Public Places Program and establishing criteria and a procedure for the approval of murals; and

WHEREAS, the City has identified the use of the public art fee as an important tool in the furtherance of the City's goal of enhancing its artistic heritage and encouraging the visual arts; and

WHEREAS, the City desires to establish a program that utilizes funds generated by the public art fee to establish a limited reimbursement program for the installation of murals on commercial property; and

WHEREAS, the City desires to provide for the installation of murals in additional locations within the City, specifically on utility boxes located on nonresidential property; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. Chapter 16, Article IV, Division 3, Public Places, Subdivision II, Art in Public Places, section 16-662 is hereby amended as follows:

Sec. 16-662. Art in Public Places requirements.

- (a) *Application requirements.* The applicant shall provide the information described below and any additional information requested by the development and neighborhood services department necessary to review the application pursuant to the standards of the Code.
 - (1) *Application forms.* The application shall be made on forms provided by the development and neighborhood services department.
 - (2) *Artist information.* Portfolio containing photographs of the artist's existing work, exhibition and sales history, and biography.
 - (3) *Miscellaneous plans, renderings, and details.* Artist's color renderings and/or photographs of proposed artwork; materials sample board; site plan depicting the proposed location of the artwork; landscape plan, if necessary, depicting additional landscaping or modifications to existing landscaping; architectural elevations, if necessary, depicting structures associated with the artwork; lighting location plan and light fixture details; or other information requested by staff, the art in public places advisory board, or the city council. All submittals shall be required to provide an accurate representation of the proposed artwork.
- (b) *Violations.* Violation of this subdivision shall be subject to enforcement as provided in chapter 2, article VIII.
- (c) *Requirements for art or fee in lieu of art.* All development activities, except city projects, where total construction costs of all buildings on a project site are equal to or greater than two hundred fifty thousand dollars (\$250,000.00) shall provide art valued in an amount of seventy (70) percent of the one (1) percent of the total construction costs, as provided in this section and section 16-663, thirty (30) percent of the one (1) percent shall be deposited in the city's public art fee. All buildings within planned developments shall be assessed cumulatively towards the art in public places requirement, even if they are permitted or owned separately. If the aggregate cost of the entire project exceeds the two hundred fifty dollars (\$250,000.00)

threshold, each phase of development shall contribute the required one (1) percent of construction cost towards art in public places for the building project. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development.

(1) *Private development.* A private developer may choose either to provide artwork on the project site with a budget of seventy (70) percent of the one (1) percent fee for art or to contribute one (1) percent of the total construction costs to the city's public art fee. The city's public art fee shall be interest bearing with all interest to be retained by the city.

a. *Contribution of art.* If the developer chooses to provide artwork, the Art Advisory Board shall review the proposed artwork and shall recommend to the city council whether to approve, deny, or approve with conditions the selection and location of the artwork according to the standards of this division. The artwork shall be provided as follows:

1. *Deposit of funds.* The building division/finance department shall administer the billing and collection of the thirty (30) percent of the one (1) percent of the public art fee at the time of building permit issuance to the public art fee. The developer shall submit documentation to the city showing that a deposit was made in the amount of the seventy (70) percent of the one (1) percent fee with the developer's attorney into an escrow account in an amount of money equal to seventy (70) percent of the one (1) percent art fee prior to the issuance of the first building permit. The developer's attorney will furnish the city documentation of the withdrawals for payment of art fees in accordance with the terms of the contract between the developer and the artist or artists, or the developer's arts consultants. The developer and/or the developer's attorney will provide the city a final written certification and accounting of the payment of art and consulting fees at the conclusion of the placement of artwork. This certification shall be provided in a manner acceptable to the city.
2. *Surplus balance.* Any surplus balance existing in the escrow accounts after the developer has installed the required artwork shall be collected by the city. The surplus balance shall be held in a segregated, interest-bearing fund (the "public art fee"), and shall be used for the provision of additional art work at the construction site or another site within the city. Use of such funds shall be determined by the city council, following a recommendation by the city staff, and shall be in accordance with further provisions of this division.
3. *Artist selection.* The selection and commissions of the artists shall be by written contract between the developer and artists.
4. *Art consultant.* The developer may utilize up to twelve (12) percent of the required fee to retain an art consultant to assist in the selection and

procurement of required artwork; an additional three (3) percent of the required fee shall be used to pay the city for administering the art in public places program. The art consultant shall have no financial relationship with the artist, nor any ownership in artwork purchased by the developer. The artist shall be allowed to act as the art consultant for the art petition but shall be precluded from receiving the art consultant fee.

5. *Construction cost overruns.* Prior to the issuance of the final certificate of occupancy for a project, the developer shall submit a revised construction cost certification. If the final cost of the vertical construction for the entire project is higher than the cost figure used to calculate the preliminary art budget, the art budget shall be increased as necessary to equal one (1) percent of the actual defined total vertical construction cost for the project. The art budget shall be revised within thirty (30) calendar days of any such changes. The increase in the art budget due to the final increase of the vertical construction cost for the entire project shall be placed in the city public art fee or shall be used for the provision of art on site, at the option of the developer.
6. *Appraisal.* To establish the value of art submitted to comply with this division, the city may employ an independent art appraiser to provide a written appraisal of the art submitted. Such appraisal will be paid for by the developer as part of the overall art contribution.
7. Artwork purchased pursuant to the requirements of this section belongs to the property owner and shall be insured and maintained in good condition at all times as determined by the city's code enforcement official. Maintenance shall include any associated landscaping or related improvements. The city has the right to maintain any art it deems improperly maintained and charge the owner the cost of such maintenance, including cost of collection, interest, and attorney's fees.
8. Unless an alternative deadline is established in a development order, or a time extension is granted by the director of development and neighborhood services, no certificate of occupancy for the project shall be issued until the artwork is installed and the final certification and accounting of the payment of the escrow fees has been provided. Artwork installed in accordance with this division cannot be altered or removed from the site without approval of the city council.
9. The artist of approved artwork shall grant to the City of Greenacres an unlimited, perpetual, non-exclusive, royalty-free, irrevocable license to reproduce and distribute two-dimensional reproductions of the artwork for city-related purposes, and grant to the city the exclusive irrevocable ownership rights in any trademark, service mark, or trade dress rights regarding the artwork, pursuant to a license that shall be approved by the city attorney. City approval of the artwork shall be deemed to be a

grant of the artist for authorization by third parties to review and reproduce documents provided by the artist to the city which are deemed to be public records pursuant to public record laws of the state. The city shall also have the option of referring to the name and title of the artist and artwork in reproductions.

10. *Review by the development review committee.*
 - A. *Workshop.* The applicant shall appear before the Art Advisory Board in order to receive guidance in the initial stages of the review. In this case, the applicant shall choose between two (2) types of review described below:
 - i. The applicant may appear before the committee in order to receive more detailed direction, if the applicant does not have a set direction, prior to receiving a final recommendation by the committee. The applicant is strongly encouraged to submit the portfolios of up to three (3) artists. The portfolios shall contain photographs of the artists' existing works, as well as the artists' biographies; or
 - ii. The applicant may have a set direction regarding the artwork and may appear before the committee for preliminary comments prior to receiving the committee's final recommendation. The applicant shall submit the portfolio of the proposed artist which shall contain photographs of the artist's existing works, as well as the artist's biography.
 - B. *Criteria for review of artwork by the committee.* In making its recommendation to the city council, the committee shall consider the quality of the artwork; the exhibition and sales history of the artist; the artist's works in public collections and previous public art purchases or commissions; the ability of the artist to complete the project within a specified schedule; and the compliance with the standards of this division.
 - C. *Guidelines.* The development review committee may adopt art in public places implementation guidelines to assist both the public and private sector planning activities.
11. *Review by staff.* In making recommendations to the Art Advisory Board and to the city council, staff shall consider the standards of this division in association with sound planning principles.
12. In the case of redevelopment of a property which has contributed artwork on the site pursuant to this article, the artwork may be replaced, at the option of the developer, with new artwork pursuant to this article,

or the existing artwork may remain on the site. In the latter case, the value of the existing artwork and its placement must comply with this article as if it were new artwork.

b. *Fee in lieu of artwork.* Instead of providing artwork on the project site, a developer may choose to contribute one (1) percent of the total construction

costs as the required art fee. If the contribution is made, the contribution shall be divided into two payments as follows:

1. Prior to building permit issuance, the developer shall submit to the building division/finance department a preliminary certification of total construction costs. The preliminary certification shall be used to calculate developer's initial payment of thirty percent (30%) of the contribution. The developer shall make the initial payment to the building division/finance department prior to building permit issuance.
2. Prior to issuance of the final certificate of occupancy for the project, the developer shall submit to the building division/finance department a final certification of the total construction costs. The final certification shall be used to calculate the outstanding portion of the contribution. The developer shall pay the outstanding portion of the contribution prior to issuance of the final certificate of occupancy for the project.
3. The contribution shall be placed in the city's public art fee fund and used as provided in subsection 16-662(c)(2). The contributor shall have no input in the use of such funds.

(2) *Public art fee fund.* When the developer provides a fee in lieu of artwork pursuant to subsection 16-662(c)(1)b or pays the thirty (30) percent of the one (1) percent when providing art on site, the following shall apply to the use of the funds:

a. The fee shall be placed in the city's public art fee fund. Funds from the public art fee fund may be spent anywhere in the city, and such funds may be spent on any art or art-related costs such as, but not limited to, lighting, consulting, landscaping, aesthetic features or enhancements, maintenance of art work, and to promote public art and the public art process in the city. In addition, funds generated from the public art fee may be used for the limited reimbursement program established in subsection 16-665(j).

b. *Artist selection.* The city council may choose either to select an artist through a call-to-artist process or to procure works of art through commission via written contract with a specific artist for a specific work of art.

1. *Call to artists.* If a preferred artist has not been determined, the city may issue a call to artists to procure a work or works of art. A selection committee will review the submitted proposals and shall select at least two (2) finalists for consideration by the city council. The city council shall review the finalists' proposals and make a final

determination on the selection and commission of the artist and the artwork. The selection and commission of the artist and artwork shall be by written contract between the city and the artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.

2. *Artist/artwork selection.* The city may utilize funds allocated from the public art fee to retain a specific artist for a specific artwork on city-owned land, a city-owned building, a facility that is leased or rented by the city or on any property where the city has granted permission by the property owner. The selection and commission of the artist and artwork shall be by written contract between the city and artist. Final decision-making authority regarding the artwork and artist shall be at the sole discretion of the city council.

3. *Contracts for artwork.* Artists, as a part of any commission or contract with the city for the provision of artwork, shall be required to submit to the city a "maintenance and inventory sheet," which shall include an annual cost estimate for the annual maintenance necessary in order to properly preserve and maintain the artwork in substantially the same condition that it was in when accepted by the city.

4. *Use of purchased art.* Except as provided in section 16-665(j), all All artwork purchased by the city-required art fee contribution shall be displayed on city-owned land, a city-owned building, or a city-leased or rented facility unless otherwise approved by the city. The artwork shall be displayed in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.

c. *Art consultant.* The city may utilize funds allocated from the art account to retain an art consultant. The artist shall be allowed to act as the art consultant but shall be precluded from receiving the art consultant fee.

d. Proper insurance coverage shall be maintained by the city on artwork purchased with funds generated by this article or on artwork whose ownership has been transferred to the city. The artwork owned by the city shall be maintained by the city.

e. *Maintenance of artwork.* The public art fee fund shall be utilized to cover the costs of acquiring and maintaining public works of art purchased for display on city-owned, -leased, or -rented property/buildings, or on any property where the city has been granted permission by the property owner.

1. *Public art maintenance fund.* The city council shall designate portions of the public art fee fund in order to provide for the maintenance and upkeep of all publicly-owned works of art in order to ensure that proper preservation and maintenance is provided.

2. *Art maintenance requirement.* When the city council approves the acquisition of a public work of art, the city council shall designate funds from the public art fund dedicated to the continual maintenance and preservation of the subject work of art for a period of no less than twenty-five (25) years.
3. *Maintenance funds.* Maintenance funds may be expended to cover any and all expenses reasonably associated with the maintenance and preservation of public works of art.

SECTION 2. Chapter 16, Article IV, Division 3, Public Places, Subdivision II, Art in Public Places, section 16-663 is hereby amended as follows:

Sec. 16-663. Standards for artwork.

- (a) Maintenance of the public art shall be the sole responsibility of the current property owner in perpetuity, and this obligation shall be deemed to run with the land. Failure to maintain public art in compliance with the public art plan shall be considered a violation of this chapter. Artwork shall be displayed in a visually accessible location, which shall be suitable to the design of the site, in order for the public to receive the most enjoyment and benefit from the art.
- (b) Consideration shall be given to the appropriateness of the project's proposed materials and construction for questions of durability, maintenance, appropriateness, safety, and security.
- (c) Artwork shall be integrated into the overall planning and design for a structure or project, ensuring compatibility with the intent and purpose of the structure at which the work or works are located. Additionally, all artwork shall align with the four general principles of Sec. 16-198 - Site and Building Design which aims to stimulate creative design and planning solutions that directly enhance the visual appearance of the city, and promote public health, safety, and welfare.
- (d) Artwork shall be integrated into the overall landscaping plan, and landscaping shall be utilized to enhance the visibility of such works.
- (e) Artwork shall be lighted at a minimum from dusk until midnight. The lighting shall be designed and located in order to prevent excessive lighting, energy waste, glare, light trespass, and sky glow.
- (f) Artwork installed pursuant to the division cannot be altered or removed from the site without approval of the city council.
- (g) *Maintenance.* Artwork shall be maintained in good condition at all times, including any associated landscaping or related improvements. Maintenance of the public art shall be the sole responsibility of the property owner, and this obligation shall be deemed to run with the land. Failure to maintain public art in compliance with the plan shall be considered a violation of this subdivision.

- (h) Except as provided in section 16-665(j), all artwork purchased from the public art fund shall be displayed on city-owned land, a city-owned building, or a city-leased or -rented facility.
- (i) *Zoning and building consideration.* Consideration shall be given to project zoning. Permits and building approval shall be obtained, when necessary, and shall be in compliance with the Florida Building Code, the National Electric Code, and the previously-approved plans by city council.

SECTION 3. Chapter 16, Article IV, Division 3, Public Places, Subdivision II, Art in Public Places, section 16-664 is hereby amended as follows:

Sec. 16-664. Definitions.

The following words, terms, and phrases, when used in this subsection, shall have the meanings ascribed herein except where the context clearly indicates a different meaning:

Art, artwork, or works of art means all tangible creations by artists exhibiting the highest quality of skill and aesthetic principles, and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, painting, sculpture, fountains, engraving, carving, frescos, mobiles, murals, collages, mosaics, bas-reliefs, tapestries, photographs, drawings, artist-designed seating, or other functional art pieces and collaborative design projects between architects and/or landscape architects and artists, together with all hard costs and soft costs such as, but not limited to, lighting, landscaping, or other aesthetic effects or enhancements integrated with the art and approved by the city council growth management administrator. The city council shall not consider for approval art objects which are mass-produced in unlimited quantities. Artwork may include, but is not limited to:

- (1) Sculpture: Free-standing, wall supported or suspended; kinetic, electronic; in any material or combination of materials.
- (2) Murals or portable paintings: In any material or variety of materials.
- (3) Fiber works, neon, glass, mosaics, photographs, prints, calligraphy, earthworks, any combination of forms of media, including: Light, sound, literary elements, film, holographic images, and video systems; hybrids of any media and new genres.
- (4) Furnishings or fixtures, including, but not limited to: gates, railings, lighting, street lights, signage, seating, if created by artists as unique elements or limited editions.
- (5) Culturally significant elements.
- (6) Temporary artwork or installations, that serve the purpose of providing community and educational outreach.

Ineligible artwork. The following shall not be considered artwork:

- (1) Art objects which are mass produced or of standard manufacture, such as playground equipment, fountains, statuary elements, signage, maps, corporate logos or other functional

elements, unless incorporated into an artwork by an artist commissioned for that purpose.

- (2) Reproductions, by mechanical or other means, of original artwork, except in the cases of limited editions controlled by the artist, cast sculpture, film, video, photography, printmaking, or other media arts.
- (3) Decorative, ornamental, architectural, or functional elements of the architecture or landscape design which are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose. Such elements may be considered artwork when commissioned from an artist as an integral aspect of the structure or site.
- (4) Commercial expression, including design elements related to the visual identity of a developer or occupant of a building such as a logo, trademark iconography, color scheme or theme, even if created by an artist.
- (5) Services or utilities necessary to operate and maintain an artwork over time.

Development, as it pertains to art means any project to construct or remodel any private or public development, or any portion thereof within the limits of the city, where total construction costs equal or exceed two hundred and fifty thousand dollars (\$250,000.00).

Remodeling or conversion, as it pertains to art means alterations made to a building within any twelve-month period, including, but not limited to, changes to the façade of a building, changes to the interior of a building, increases or decreases in the floor area of a building and changes to exterior improvements.

Total Construction Costs means the total cost of the improvements, excluding demolition costs and real property acquisition costs, approved for a development project, as indicated on the construction contract(s) for the subject improvements. For purposes of calculating the public art fee, total construction costs shall include, but not be limited to, all building, engineering, landscaping, plumbing, mechanical, and electrical permit applications for the project.

SECTION 4. Chapter 16, Article IV, Division 3, Public Places, Subdivision II, Art

in Public Places, section 16-665 is hereby amended as follows:

Sec. 16-665. -Murals.

(a) *Applicability.* All proposed murals that are not approved pursuant to the Art in Public Places Program shall be reviewed and approved in accordance with this section. The city is exempt from the requirements of this section.

(b) *Definition of Mural.* For purposes of this section, the term mural means any drawing, artwork, inscription, or marking that is marked, etched, drawn or painted on the exterior walls of a nonresidential building, ~~or a nonresidential structure, or an electrical box if the electrical box is installed on nonresidential property.~~ Items or works that are excluded from the definition of artwork in Sec. 16-664 shall not be considered murals, and they are not permitted on the roof of a nonresidential building or structure.

(c) *Review Criteria.* Prior to installation, all proposed murals shall be reviewed by the Art Advisory Board and approved by the city council pursuant to the following criteria:

- (1) In all districts, murals shall be evaluated on a case-by-case basis in relation to their surroundings and environment.
- (2) Murals may co-exist with all types of on premises signs.
- (3) Murals shall be integrated into the overall planning and design for a structure project and shall be compatible with the intent and purpose of the proposed structure.
- (4) Additionally, the city council may adopt reasonable guidelines and policies consistent with these regulations to assist the city in the review of proposed murals. After ratification, the adopted administrative policies shall be applied by the Art Advisory Board and the city council in reviewing applications for permits to install murals. Copies of adopted administrative policies shall be provided to all property owners considering the placement of murals.
- (5) When reviewing an application for a mural under this section, the Art Advisory Board may recommend that the city council approve an application, approve an application with conditions, or deny an application. The recommendation of the Art Advisory Board shall not be binding on the city council.

(d) *Application Requirements.* A written application for mural approval shall be submitted to the development and neighborhood services department using forms which shall be provided. The application shall include the following information:

- (1) The name and address of the applicant.
- (2) The name and address of the property owner.
- (3) The street address and location of the proposed mural.
- (4) The written consent of the building owner.
- (5) Renderings and sketches prepared in a professional manner clearly indicating the intended appearance of the proposed mural. A sketch of the mural shall be sufficiently detailed and depicted on a scaled elevation of the wall(s) on which it will be applied. Colored photographs of the building shall accompany the mural sketch, showing the wall to be painted in relation to adjacent streets and buildings.
- (6) Color samples shall be precisely identified.
- (7) Such other reasonable and relevant information as the development and neighborhood services department may require.

(e) *Installation and maintenance.* Murals shall be:

- (1) Installed in strict conformity with their approved plans and any conditions of approval.
- (2) Installed by professional artists or licensed painters, or under their direct supervision.
- (3) Properly and safely applied to building surfaces, using proper exterior paint or other materials.
- (4) Suitably weatherproofed and protected against deterioration.
- (5) Maintained in their original condition.

(f) *Removal of murals.* If an applicant begins work on an approved mural and fails to complete it, or if an approved mural at any time enters into a deteriorated condition and no longer satisfies the terms of the approval as determined by the development and neighborhood services department, the following procedure may be used to abate the mural:

- (1) *Notice to owner.* Notice to the owner shall conform to the provisions set forth in F.S. § 162.12.
- (2) *Appeal by owner.* The owner shall have thirty (30) days from the date of service to remove the mural or to request an appearance before the Art Advisory Board to seek reversal of the decision of the development and neighborhood services department. If the appellate board affirms the department's decision, the owner shall have fifteen (15) days from the date of the appellate board meeting to remove the mural. The appellate board may, in its own discretion, impose conditions on the owner for the restoration of the mural.
- (3) *City's right to enter and abate.* If the owner fails to remove the mural after thirty (30) days or the time limit imposed by the appellate board, the city may, at its own discretion, take such reasonable action as necessary to enter the property and remove the mural from the property, or restore the mural to a condition which is in compliance with the original terms of the approval.
- (4) *Costs of abatement by the city.*
 - a. Upon the city's abatement of the mural, the costs thereof, including the administrative costs incurred by the city, shall be assessed against the real property from which the mural was removed. Mural abatement assessments shall be levied by resolution of the city council and the date of levy shall be the date of adoption of such resolution. The resolution shall be filed in the office of the finance director as a lien against the land where the mural was abated, and shall be recorded in the public records of Palm Beach County, Florida, to afford notice to the public.

b. Such assessment shall be a lien against the land which the same is made effective as of the date of levy by the city council. Such lien shall be prior, and prior in dignity, to all other liens against such property, save and except a lien for taxes. Liens shall be payable on the date of levy, and shall, from the date of delinquency (thirty (30) days after the date of levy), bear interest at a rate determined by the city council.

c. The lien shall be subject to foreclosure as provided by law if not completely paid within three (3) years after date of delinquency. Three (3) years after the date of delinquency the interest on the unpaid principal shall be at a rate determined by the city council.

d. Nothing in this subsection shall in any way limit the city to the remedy listed above. This remedy shall be in addition to any other remedy which the city can legally pursue.

(5) *Removal by owner.* Any mural may be removed by the property owner at any time.

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(g) *Removal agreement.* Approved murals shall not be installed until the city receives a written removal agreement properly executed by the applicant and building owner. Such agreement shall be furnished by the city. The mural approval and agreement to remove shall be recorded in the records of the city, and may be recorded in the official records of Palm Beach County and shall be binding upon the heirs, personal representatives, grantees, successors in interest, or assigns of the parties.

(h) *Art Consultant.* The city may engage one or more art consultants to assist in the development of review criteria, to assist the Art Advisory Board and the city council in reviewing applications submitted pursuant to this section, and for any other purpose to effectuate this section.

(i) *Violations; enforcement.* In addition to the remedies set forth in subsection 16-665(f), the city may enforce violations of this section as provided in Chapter 2, Article VIII.

(j) *Limited reimbursement grant program.* Funds from the public art fee established in section 16-662 may be used to pay for grants that reimburse the cost of installing murals on nonresidential property approved under this section. The criteria and procedure for the award of such grants shall be established by resolution of the city council. Each grant shall be limited to fifty percent (50%) of the total cost of installation of the mural or ten thousand dollars (\$10,000.00), whichever amount is lower.

SECTION 5. Repeal of Conflicting Ordinances. All other ordinances or parts thereof or parts of the Code conflicting or inconsistent with this ordinance are hereby cancelled, repealed or revised to be consistent with provisions and elements of this Ordinance.

SECTION 6. Severability. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall

be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 7. Inclusion in the Code. It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

SECTION 8. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

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Passed on the first reading this _____ day of _____, 2024.

PASSED AND ADOPTED on the second reading this ___ day of ___, 2024.

Voted:

Chuck Shaw, Mayor

Judith Dugo, Deputy Mayor, *District III*

Attest:

Voted:

Quintella Moorer, City Clerk

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney