



1 of art and artifacts so that citizens and visitors to the City of Wilton Manors are afforded an  
2 opportunity to enjoy and appreciate works of art. The requirements of this Article shall be  
3 construed to promote the aesthetic values of the entire community and to encourage the  
4 preservation and protection of works of art. The public art requirements found in this Article  
5 are development standards based upon the aesthetic needs of the community and are not  
6 intended to be either an impact fee or a tax.

7 (c) It is the intent and purpose of this Article to promote the general welfare by encouraging  
8 pride in the community, increasing property values, enhancing the quality of life through  
9 artistic opportunities, uniting the community through shared cultural experiences, and creating  
10 a cultural and historical legacy for future generations through the collection and exhibition of  
11 high-quality art that reflects diverse styles, chronicling history through the collection of  
12 artifacts, documents and memorabilia that will acknowledge the past and create programs and  
13 activities that will further these goals.

14 **Sec. 185-020. - Definitions.**

15 For the purposes of this section, the following words and phrases shall have the following  
16 meanings:

17 *Artist* shall mean a practitioner in the visual arts, generally recognized by critics and peers as a  
18 professional of serious intent and ability. Indications of a person's status as an artist include, but  
19 are not limited to, income realized through the sole commission of art, frequent or consistent art  
20 exhibitions, placement of art in public institutions or museums, receipt of honors and awards, and  
21 training in the arts.

22 *Art* shall mean tangible creations by artists exhibiting the highest quality of skill and aesthetic  
23 principles and includes all forms of the visual arts conceived in any medium, material, or  
24 combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings,  
25 frescos, stained glass, mosaics, ceramic, mobiles, tapestries, murals, photographs, video  
26 ~~projections~~, digital images, bas-relief, high relief, fountains, or water features, kinetics, collages,  
27 drawings, landscape design when designed by an artist as an integral part of the art, original digital  
28 creations, earthworks and environmental artworks, monuments erected to commemorate a person  
29 or an event, functional furnishings, such as artist designed seating, lighting, and clocks. The  
30 following shall not be considered as art for purposes of this Article:

31 (a) Reproductions or unlimited ~~copies~~ editions of original art.

32 (b) Art objects which are mass produced.

33 (c) Business or corporate logos or signage.

34 (c) Works that are decorative, ornamental, or functional elements of the architecture or  
35 landscape design, except when ~~commissioned~~ created from an artist as an integral aspect of a  
36 structure or site.

1 *Building* shall mean any structure that encloses space and is used or built for the shelter or  
2 enclosure of persons, businesses, or property.

3 *Development project* shall mean any development, including remodeling, construction,  
4 redevelopment, which requires a building permit or permits ~~as described on the precise plan~~  
5 ~~submitted for approval to the City~~ and where public art is a requirement. For purposes of this  
6 Article, development projects shall also include all new construction and tenant improvements for  
7 commercial, industrial, multi-family, institutional and mixed-use development.

8 *Durable* shall mean lasting, enduring and highly resistant to deterioration due to weather or the  
9 passage of time.

10 *Developer* shall mean the owner, including its successor and assigns, of the subject development  
11 project.

12 *Project cost* shall mean the total cost of the improvements, excluding land costs, approved for a  
13 development project, as approved for the building permit(s) for the subject improvements.

14 *Public Art Board ("PAB")*, ~~or other body as approved by the City Commission, shall mean an~~  
15 ~~entity appointed by the City Commission to help administer the Public Art Program and make~~  
16 ~~recommendations to the City Commission regarding acquisition of public art to fulfill the~~  
17 ~~requirements of this Article.~~ shall mean an advisory board appointed by the City Commission  
18 consisting of seven (7) members. Membership will include three arts professionals, and two City  
19 residents with a strong interest and knowledge of visual art. The remaining two members may be  
20 either an arts professional or a City resident. The arts professionals must either own an art related  
21 business within the City or be professionally involved in the Wilton Manors arts community. The  
22 arts professionals are not required to be residents of the City. PAB will review artists' credentials  
23 and conceptual design proposals and make recommendations.

24 *Public art fund ("the fund")* shall mean a separate, interest bearing set of accounts set up by the  
25 City to receive monies for the Public Art Program.

26 *Public Art Program guidelines* shall mean a set of standards, criteria and policies related to the  
27 acquisition and installation of public art as defined in the public art master-plan, and which shall  
28 be adopted by the City Commission The guidelines shall govern the standards and process by  
29 which the City Commission shall approve the acquisition and installation of public art to fulfill the  
30 requirements of this Article.

31 *Public art master-plan* shall mean a plan adopted by the City Commission, which shall identify  
32 locations for public art and establish a priority order to the City Commission, and which shall be  
33 amended from time to time, to ensure a coherent program for acquisition of public art, and program  
34 implementation guidelines.

35 *Public place* shall mean any exterior area on public or private property within the City which is  
36 easily accessible or clearly visible to the general public from adjacent public property such as a  
37 street or other public thoroughfare or sidewalk.

1 **Sec. 185-030. -~~Master Art Plan~~ Public Art Masterplan and implementation guidelines.**

2 (a) The City Commission shall adopt a public art master-plan and program guidelines. The  
3 public art master-plan and program guidelines shall be adopted by resolution of the City  
4 Commission. Amendments to the public art master-plan and program guidelines shall be  
5 reviewed and adopted in the same manner as the initial public art master-plan and program  
6 guidelines.

7 (b) The City Commission shall make final decisions for all public art acquisitions in  
8 accordance with this Article and the public art master-plan and implementation guidelines. The  
9 City Commission shall oversee the public education, and curatorial aspects of the program.  
10 The City Commission shall have authorization for each acquisition.

11 **Sec. 185-040. - Art and artist selection criteria; public art program guidelines.**

12 The City Commission shall establish procedures and selection criteria for selection and acquisition  
13 of art to be purchased from the resources of the public art fund in accordance with the criteria and  
14 standards set forth in the adopted Public Art Program guidelines, as may be amended from time to  
15 time. The City Manager and City Attorney will negotiate and execute appropriate contracts  
16 necessary for the acquisition of public art. Funds may be aggregated to acquire public art.

17 **Sec. 185-050. - Application procedures for placement of art on private property.**

18 ~~An application for placement of art on private property shall be submitted to the Community~~  
19 ~~Development Services Director or designee and shall include:~~

20 ~~(a) Preliminary sketches, photographs or other documentation of sufficient descriptive clarity~~  
21 ~~to indicate the nature of the proposed art;~~

22 ~~(b) An appraisal or other evidence of the value of the proposed art including acquisition and~~  
23 ~~installation costs (to establish the value of art submitted to comply with this program's~~  
24 ~~requirements, the City may contract with an independent art appraiser to provide a written~~  
25 ~~appraisal of the art. Such appraisal shall either be funded from the public art fund or by the~~  
26 ~~developer as part of the overall art contribution);~~

27 ~~(c) Preliminary plans containing such detailed information as may be required by the City to~~  
28 ~~adequately evaluate the location of the art and its compatibility with the proposed development~~  
29 ~~project and/or with the character of adjacent developed parcels and the existing neighborhood;~~

30 ~~(d) A narrative statement to be submitted to the City to demonstrate that the art will be~~  
31 ~~displayed in a public place; and~~

32 ~~(e) A statement indicating the property owner's willingness to maintain the art in compliance~~  
33 ~~with all applicable City Codes.~~

1 The City Commission shall establish procedures and selection criteria for selection and acquisition  
2 of art on private property in accordance with the criteria and standards set forth in the adopted  
3 Public Art Program Masterplan, as may be amended from time to time.

4 **Sec. 185-060. - Applicability.**

5 (a) All development projects, as defined in Section 185-020 of this Article.

6 (b) The City Commission hereby exempts the following from the Public Art Program:

7 (1) New or remodeled single-family dwelling units and duplexes;

8 (2) The project consists of the development, redevelopment, reconstruction, or remodeling  
9 under \$750,000.00;

10 (3) The project consists of the reconstruction, remodeling, or repairs of structures which  
11 have been damaged due to fire, flood, wind, or other natural disaster;

12 (4) Non-profit organizations;

13 (5) Religious institutions and places of worship;

14 (6) Governmental entities;

15 (7) Existing applications for placement of art on private property prior to the enactment of  
16 this ordinance;

17 **Sec. 185-070. - Building permits.**

18 (a) Prior to issuance of the first building permit, the applicant or developer for projects subject  
19 to this Article shall be required to comply with one of the following:

20 (1) *In-Lieu Public Art Fee.* Pay zero point five percent (0.5%) of the cost of the proposed  
21 development project, as an "in lieu" public art fee, with a maximum payment of  
22 \$100,000; or

23 (2) *Combination of In-Lieu Public Art Fee and Placement of Art on Site.* Placement of art  
24 on the site of the development project, which shall have a minimum value of  
25 one-quarter of one percent (0.25%) of the cost of the proposed development project  
26 combined along with a one-quarter of one percent (0.25%) payment of an "in-lieu"  
27 public art fee, with a maximum payment of \$50,000. The owner shall provide  
28 documentation to the City that the art fee has been deposited into an escrow account  
29 for said purpose prior to the issuance of the first building permit. The placement of the  
30 art on the development site shall be in accordance with the public art program  
31 guidelines adopted by the City Commission. In the event a public art program  
32 guidelines are not adopted by the City Commission, placement on the development site,  
33 placement must be approved by the Community Development Services Director or  
34 designee and conform to the adopted public art guidelines.

1 (i) If the art is to be placed on site, the owner shall obtain approval of the proposed  
2 placement of art from the Community Development Services Director or designee,  
3 unless the Community Development Services Director or designee grants an  
4 extension for good cause as determined in their sole discretion, prior to issuance of  
5 the building permit. If no such approval is obtained within the time period, the City  
6 shall require transfer of required art fee funds to the fund.

7 (ii) The owner shall install the art, as approved by the Community Development  
8 Services Director or designee in accordance with adopted public art program  
9 guidelines, prior to issuance of the certificate of occupancy. If no installation occurs  
10 within the required time period, art fee funds shall be transferred from the City  
11 escrow account to the fund.

12 **Sec. 185-080. - Certificates of occupancy.**

13 No final approval, such as a final inspection, temporary certificate of occupancy, or a certificate  
14 of occupancy, for any development project subject to the City's Public Art Program pursuant to  
15 Section 185-70, shall be issued unless one (1) or more of the following has been achieved:

16 (a) The approved art has been installed in a manner satisfactory to the Community  
17 Development Services Director or designee in compliance with this Article.

18 (b) In-lieu art fees have been paid.

19 (c) Financial security, in an amount equal to the acquisition and installation costs of an  
20 approved art selection, has been provided to the City in a form approved by the City Attorney  
21 and the Community Development Services Director.

22 **Sec. 185-090. - Creation of public art fund.**

23 There is hereby created within the City a set of accounts to be known as the City of Wilton Manors  
24 Public Art Fund (hereinafter the "fund"). This fund shall be maintained by the City and shall be  
25 used solely for the acquisition, installation, improvement, maintenance and insurance of art as  
26 follows:

27 (a) All funds received by the City pursuant to Public Art Program or from endowments or gifts  
28 to the City designated for the arts shall be placed in the fund. All funds shall be deposited,  
29 invested, accounted for and expended as follows:

30 (1) All money received shall be deposited in the fund in a manner to avoid any  
31 commingling with other revenues of the City and all funds shall be expended solely for the  
32 purposes for which they were collected. Any interest income earned by the money in the  
33 fund shall be expended only for the purpose for which the money was originally collected.

34 (2) The fund shall be used solely for expenses associated with the selection,  
35 commissioning, acquisition, transportation, maintenance, public appraisal, education,  
36 promotion, administration, removal, repair, and insurance of the art.

1 (3) The City may contribute general funds to the fund. The amount of the contribution  
2 shall be at the City Commission’s discretion as provided for in the budget.

3 **Sec. 185-100. - Art provided in lieu of a public art fee.**

4 Art that is placed on private property in lieu of a public art fee must qualify as art under this Article  
5 and the public art master-plan and public art guidelines, as may be amended from time to time.  
6 Public art shall be operated and maintained at all times in substantial conformity with this Article,  
7 the public art master-plan and public art guidelines, and the terms of the approval of the art by the  
8 Community Development Services Director or designee, in accordance with Section 185-70(2).

9 **Sec. 185-110. - Ownership of art.**

10 (a) Ownership of all art acquired on behalf of the City pursuant to the requirements of this  
11 Article shall be vested in the City, which shall retain title to each work of art.

12 (b) All works of art acquired on behalf of the City pursuant to the requirements of this Article  
13 shall be donated and title shall be transferred pursuant to a standard City public art contract  
14 reviewed and approved as to form by the City Attorney.

15 (c) Ownership of all art incorporated into development projects shall be vested in the property  
16 owner who shall retain title to the art. Property owners retaining title to the subject art shall  
17 provide proof of insurance in the amount of the appraised value of the art. If the property is  
18 sold, the seller shall either include restrictions in the deed that require maintenance and  
19 insurance of the art and prevent its removal from the property, or remove the art and make a  
20 contribution to the fund in an amount equal to the amount of the in-lieu public art fee which  
21 would have initially been required based on the project cost within 30 days of transfer of  
22 property title. If the title is passed to a subsequent owner and, as a result, a deed restriction  
23 exists as to the art, the subsequent owner shall maintain the art in accordance with the deed  
24 restriction, applicable law and other established guidelines. The art shall not be altered,  
25 modified, relocated or removed other than as provided herein without the prior approval of the  
26 City Commission.

27 (d) Property owners retaining title to the subject art will be required to maintain the art in good  
28 condition in the approved location, as required by law or other applicable guidelines including  
29 but not limited to normal code enforcement rules, to ensure that proper maintenance is  
30 provided.

31 **Sec. 185-120. – Enforcement.; fines for violations.**

32 There is hereby established the following schedule of fines for violations of this Article:

33 First offense .....\$250.00

34 Second or greater offense .....\$500.00

1 However, if the Code Compliance Special Magistrate finds the violation to be irreparable or  
2 irreversible in nature, it may impose a fine not to exceed five thousand dollars (\$5,000.00) per  
3 violation.

4 In addition to the fines provided for herein, the Community Development Services Director may  
5 use any administrative remedy available for enforcement of this Article.

6 **Sec. 185-130. - Effective Date.**

7 All provisions of this Ordinance will be in effect upon final adoption of this Ordinance. All  
8 completed and submitted building permit applications for development projects that have been  
9 accepted by the Community Development Department within 45 days of the final adoption of this  
10 Ordinance will be exempt from the requirements of this Ordinance.

11 **Section 3: Codification.** It is the intention of the City Commission of the City  
12 of Wilton Manors, and it is hereby ordained that the provisions of this Ordinance shall become and  
13 be made a part of the Code and Ordinances of the City of Wilton Manors, Florida, and that Sections  
14 of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to  
15 “Section,” “Article,” or such other word or phrase in order to accomplish such intention.

16 **Section 4: Severability.** If any clause, section, or other part of this Ordinance  
17 shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such  
18 unconstitutional or invalid part shall be considered as eliminated and in no way affecting the  
19 validity of the other provisions of this Ordinance.

20 **Section 5: Conflicts.** That all Ordinances or parts of Ordinances, Resolutions, or  
21 parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.  
22 In the event of any conflict or ambiguity by and between the terms and provisions of this Ordinance  
23 and the masterplan and program guidelines, the terms and provisions contained in this Ordinance  
24 shall control to the extent of any such conflict or ambiguity.

25 **Section 6. Effective Date.** That this Ordinance shall take effect immediately  
26 upon passage and adoption.

1 PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF WILTON  
2 MANORS, FLORIDA, THIS 26<sup>th</sup> DAY OF AUGUST, 2025.

3  
4 PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY  
5 COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 25<sup>th</sup> DAY OF  
6 September, 2025.

7  
8 CITY OF WILTON MANORS, FLORIDA

9  
10  
11 By:   
12 SCOTT NEWTON, MAYOR

13  
14 ATTEST:

RECORD OF COMMISSION VOTE: 1<sup>ST</sup>  
Reading

15  
16   
17 ELIZABETH  
18 GARCIA-BECKFORD, MMC  
19 CITY CLERK

MAYOR NEWTON  
VICE MAYOR CAPUTO  
COMMISSIONER BRACCHI  
COMMISSIONER D'ARMINIO  
COMMISSIONER ROLLI

aye  
aye  
aye  
aye  
aye

20  
21  
22 I HEREBY CERTIFY that I have  
23 approved the form of this Ordinance.

24  
25 /s/ Kerry L. Ezrol  
26 KERRY L. EZROL, ESQ.  
27 CITY ATTORNEY

28 RECORD OF COMMISSION VOTE: 2<sup>ND</sup>  
29 Reading

30  
31 MAYOR NEWTON  
32 VICE MAYOR CAPUTO  
33 COMMISSIONER BRACCHI  
34 COMMISSIONER D'ARMINIO  
35 COMMISSIONER ROLLI

aye  
aye  
aye  
aye  
aye