

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, ENTITLED "ADMINISTRATION" ARTICLE V, DIVISION 8, ART IN PUBLIC PLACES BOARD, BY AMENDING SECTION 2-487, ENTITLED "FUNDING OF ART IN NEW CONSTRUCTION AND MAJOR RENOVATION PROJECTS" TO REMOVE A PROVISION FOR CASE-BY-CASE EXEMPTION BY THE CITY COMMISSION OF NON-PROFITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting of December 9, 2021, the Art in Public Places Board recommended certain amendments to Section 2-487 of the Art in Public Places ordinance; and

WHEREAS, an amendment to section 2-487 of the Code of Ordinances will promote the welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Section 2-487 of the Code of Ordinances is hereby amended as follows*:

Sec. 2-487. - Funding of art in new construction and major renovation projects.

* * * * *

c) *Public art set-aside.* One percent (1%) of the construction costs of all new public or private construction and renovation projects, including any governmental agency owned project within the city, as specified herein shall be set aside for the acquisition, commission and installation of works of art to be placed on the site of said construction or renovation, as well as a consultant, or coordinator/employee, as requested by the AIPP Board and approved by the city manager and/or the city commission, as prescribed by city ordinance.

(1) *Applicability.* The one-percent for public art fund set-aside requirement shall only apply to:

*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

a. New public or private construction projects that qualify as a major development plan as defined in [chapter 108](#) of the City of Key West Code of Ordinances and exceed \$500,000.00 in construction costs; and

b. Public or private renovation projects that qualify as a major development plan as defined in [chapter 108](#) of the City of Key West Code of Ordinances and exceed \$100,000.00 in construction costs.

~~e. Non-profits whose projects qualify under provisions a or b of the above section may have their public art fund set aside requirement waived, all or in part by action of the city commission on a case by case basis upon a showing of a valid public purpose.~~

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____
Vice Mayor Sam Kaufman _____
Commissioner Gregory Davila _____
Commissioner Mary Lou Hoover _____
Commissioner Clayton Lopez _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK