



City of Port St. Lucie Text Amendment  
Chapter 162 – Art in Public Places  
Project No. P21-141

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**SUMMARY**

Applicant’s Request:	An amendment to Chapter 162-Art in Public Places
Applicant:	City of Port St. Lucie
Application Type:	Text Amendment to City’s Land Development Regulations
Project Planner:	Bridget Kean, AICP, Senior Planner

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**Project Description**

This is a city initiated text amendment to Chapter 162 - Art in Public Places. Chapter 162 establishes the public art requirements for private development and city public works projects. All private development meeting the applicability requirements is subject to a public art assessment of one percent of the total dollar amount of a project’s total construction costs. There are three methods available for development projects to satisfy the City’s public art requirements. The first option is to provide artwork on site. The second option is to pay a fee in lieu and the third option is a combination of the two. The third option would be utilized when a proposed public art project is valued at less than one percent of a project’s total construction costs.

**Proposed Amendments**

The proposed text amendment would add a fourth option to Chapter 162 to be known as Sec. 162.08 (2)(d) - Alternative Equivalent Proposal. Proposed subsection 162.08 (2)(d) will allow for a developer and/or owner to propose an alternative equivalent proposal for installation of freely accessible work of art on City public right-of-way, on property owned by other public agencies, or on another property under the control or ownership of the developer. The proposal may seek combination of the public art assessment associated with multiple projects into one larger work of art in lieu of several small works of art. The developer and/ or owner must demonstrate that the cost of the alternative equivalent proposal will equal the cost of the public art contribution for all projects associated with the alternative equivalent proposal. The proposed amendment is attached as Exhibit “A”. Changes are shown in strikethrough and underlined.

**ANALYSIS:**

The intent of this amendment is to allow a developer or owner of multiple parcels to apply to combine the public art assessment for each of the parcels into a larger public art project. At present, the Code requires each project to provide public art on site or pay a fee in lieu. There is no mechanism for a private developer or owner of multiple parcels to combine the public art assessment into a larger public art piece and to locate the public art piece off-site.

The amendment will require City Council approval of the proposal following a recommendation by the Public Art Advisory Board. It provides the City Council with the option to approve the alternative

equivalent proposal if it finds (1) that the alternative equivalent proposal will further the purposes of Chapter 162; (2) the cost of the alternative equivalent proposal will be equal to or greater than the cost of the public art contribution that would otherwise be required for one or more projects; and (3) the developer and/or owner has established to the satisfaction of the City that the alternative equivalent proposal will create freely accessible public art in the City to an equal or greater extent than installation of the public art on the individual project site or a contribution to the Fund. It also will allow the Public Art Advisory Board to impose reasonable conditions of approval such as requiring the developer and/or owner to enter into agreements with the City or other public agencies or private parties to memorialize the legal obligations of all parties involved with the alternative equivalent proposal.

The proposed amendment was recommended for approval by the Public Art Advisory Board at their meeting on August 16, 2021 following review and comment.

### **STAFF RECOMMENDATION**

The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's comprehensive plan and recommends approval.

#### **PLANNING AND ZONING BOARD ACTION OPTIONS: \***

- Motion to recommend approval to the City Council
  - Motion to recommend approval to the City Council with changes
  - Motion to recommend denial to the City Council
- \* Should the Board need further clarification or information from staff it may exercise the right to table or continue the hearing or review to a future meeting.