



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Mural LDR Amendment

Meeting	File No.	Application Type
October 17, 2022	2022-285-LDR	Amendment to the Land Development Regulations

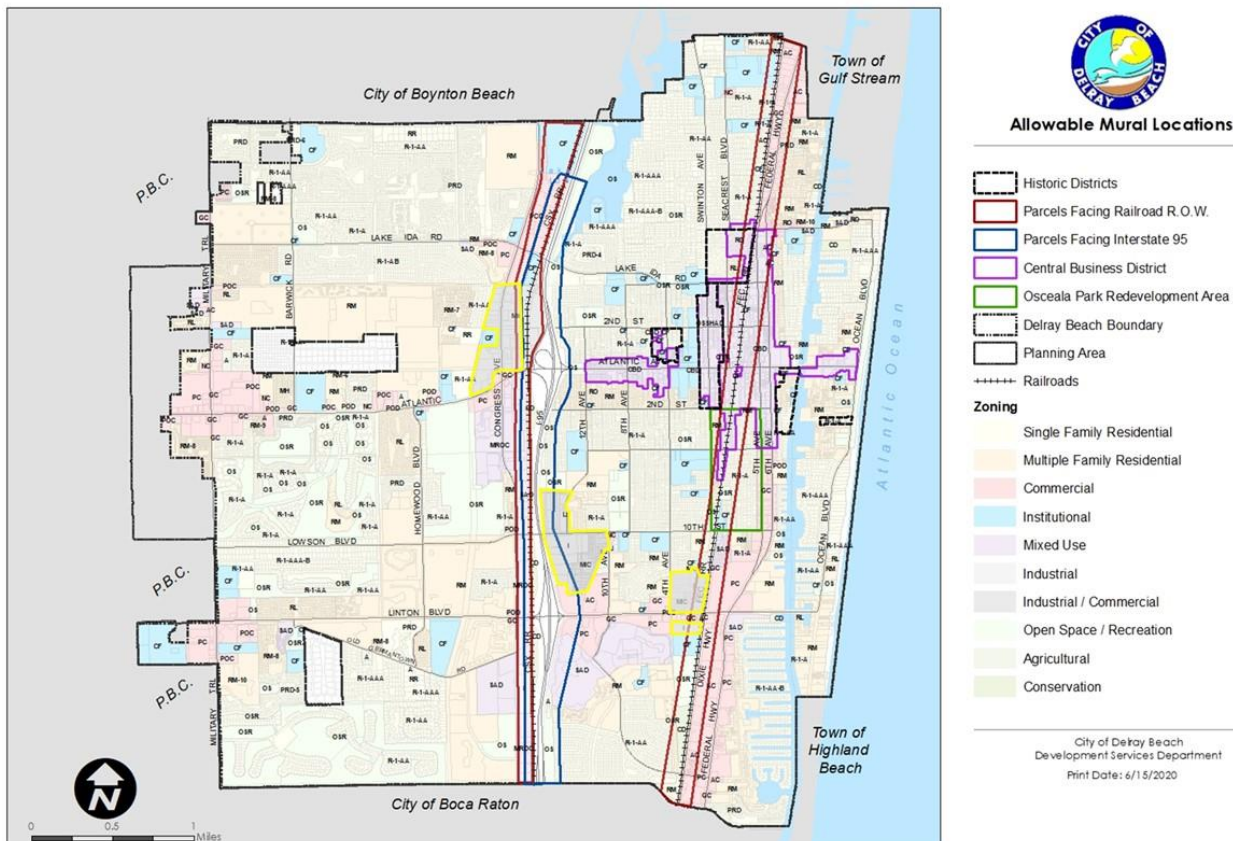
#### Request

Provide a recommendation to the City Commission on Ordinance No. 41-22, a City-initiated request to amend and update the Land Development Regulations (LDR) to amend Section 8.5.3, "Murals" to add requirements for maintenance and preservation and to expand the permissible locations for murals, and to amend Section 4.6.7, "Signs" to eliminate regulations for murals superseded by Ordinance No. 22-20.

#### Background Information

In 2019, a zoning in progress regarding the zoning and location of murals was enacted by the City Commission via adoption of Resolution No. 152-19 to provide time for City Staff to update the LDRs to provide regulations and approval procedures for murals. The City Commission adopted Ordinance No. 22-20 on August 26, 2020, to regulate the location, design and placement of murals, and to establish roles and responsibilities to the Public Arts Advisory Board and Historic Preservation Board to act upon mural requests.

Ordinance No. 22-20 limited the location of the murals to the Central Business District (CBD), Community Facilities (CF), Industrial (I), Light Industrial (LI), or Mixed Industrial and Commercial (MIC) zoning districts, facing a railroad right-of-way, facing Interstate 95, within the Osceola Park Redevelopment Plan area, or under a bridge (map below).



## Description of Proposal

The proposed amendments expand the permissible zoning districts and locations for murals, in order to allow more businesses to participate in the mural program to enhance their buildings through public art. The following zoning districts are proposed:

- Mixed Use Residential Office and Commercial (MROC),
- Special Activities District (SAD),
- General Commercial (GC),
- Planned Commercial (PC),
- Neighborhood Commercial (NC),
- Planned Office Commercial (POC),
- Professional Office District (POD)
- Open Space Recreation (OSR)

For murals not under the Historic Preservation Board (HPB) review purview, the amendment proposes to allow murals on a flat roof or the top of a parking garage deck. Examples of rooftop murals are provided below.



Concern over the preservation and maintenance of completed murals has been raised; therefore, the proposed ordinance adds a protection and maintenance plan as a submittal requirement, to ensure that murals do not create blight subsequent to installation, and continue to maintain the objective of adding visual interest through art.

## Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is City-initiated.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies (GOP) of the Comprehensive Plan.

The following policies from the Always Delay Comprehensive Plan support the proposed amendment.

### **Economic Prosperity Element, Objective ECP 6.6, Community Branding**

Policy ECP 6.6.2 *Continue to work with local arts and cultural organizations to promote the growing arts community in recognition of Delray Beach as an arts destination.*

### **Open Space, Parks, and Recreation**

Policy OPR 1.4.3 *Evaluate the need and implementation of a park or "art in public spaces" impact fee for new non-residential developments to sufficiently address the recreational needs of residents, visitors, and commuters into the city.*

### **Healthy Community**

Policy HCE 3.6.3 *Encourage the provision of public art and preserve and increase access to cultural resources.*

Murals can strengthen a community by creating a unique experience, engaging visitors and residents alike, increase appreciation for the arts, and an overall attractiveness of an otherwise blank wall space. Murals can also build foot traffic by offering opportunities for mural walks and art education for both children and adults.

The Comprehensive Plan encourages the development of public art and the importance it has to the City of Delray Beach. The arts already have a strong presence within the Pineapple Grove Arts District and the Central Business District. Allowing murals in commercial, open space, and more industrial zoning districts promotes art more broadly throughout the city by affording a greater number of businesses and organizations opportunities to express creativity. Residents and visitors would be able to enjoy murals throughout the city, rather than a limited area. One example of an area that could benefit from the proposed amendment is the new construction along the Congress Avenue Corridor and many older shopping plazas on South Military Trail undergoing revitalization. If the proposed amendment is approved, these businesses could incorporate art into their buildings to add creativity in other commercial and mixed-use zoning districts within the city limits. The mural below is an example of art incorporated into a Taco Bell within the Four Corners Overlay District on West Atlantic Avenue and South Military Trail, before Ordinance No. 22-20 was adopted restricting the zoning districts where murals are allowed.



#### Review By Others

The **City Commission** is anticipated to review the proposed LDR Amendments at the meetings of December 6, 2022 (First Reading) and December 13, 2022 (Second Reading).

#### Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 41-22, amending LDR Section 8.5.3, "Murals" to add requirements for maintenance and preservation and to expand the permissible locations for murals, and to amend Section 4.6.7, "Signs" to eliminate regulations for murals superseded by Ordinance No. 22-20, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 41-22, **as amended**, amending LDR Section 8.5.3, "Murals" to add requirements for maintenance and preservation and to expand the permissible locations for murals, and to amend Section 4.6.7, "Signs" to eliminate regulations for murals superseded by Ordinance No. 22-20, by finding that the amendment as amended, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 41-22, amending LDR Section 8.5.3, "Murals" to add requirements for maintenance and preservation and to expand the permissible locations for murals, and to amend Section 4.6.7, "Signs" to eliminate regulations for murals superseded by Ordinance No. 22-20, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.