



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Mural LDR Amendments, Ordinance No. 22-20

Meeting	File No.	Application Type
July 20, 2020	2020-127-LDR	Land Development Regulations Amendment

#### Request

Provide a recommendation to the City Commission regarding a City-initiated request to amend and update the Land Development Regulations (LDR) to create a review process and establish requirements and review criteria for murals.

#### 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. The purpose of the zoning in progress was to provide time for City Staff to review and update the LDRs regarding mural review and enforcement, as provided for in the subject Ordinance. Prior to the zoning in progress, murals were reviewed by the Site Plan Review and Appearance Board (SPRAB) or the Historic Preservation Board (HPB), depending upon the location of the proposed mural. Since the beginning of 2019, the Public Art Advisory Board has provided recommendations to the SPRAB or HPB. Prior to 2019, SPRAB and HPB did not review private requests for murals installations.

#### Description of Proposal

The proposed amendments specify that the Public Art Advisory Board or the HPB will act as the regulatory body for murals, whether on private or public property, depending on if the proposed mural is located within a historic district or on a site or building that is individually listed on the Local Register of Historic Places. This proposed change in process reduces the number of boards required to review a proposed mural.

The location of murals is also addressed in the proposed amendments. For murals not under the HPB's review purview, murals will be limited to buildings or structures facing a railroad right-of-way, facing Interstate-95, located within the Central Business District, or the area identified within the Osceola Park Redevelopment Plan area. For murals under the HPB's review purview, murals are limited to perimeter site walls and dumpster enclosures located on sites with a commercial use.

The proposed criteria specifies that murals may cover 100% of the façade or surface but cannot cover windows and must also respect architectural features. Murals will be limited to one per façade or surface; text is limited to no more than 5% of the mural size; and, moving or animated parts are not allowed. The installation of a non-approved or permitted mural will result in a fee three times the initial application fee. The proposed fee, which will be approved via Resolution concurrently with adoption of the subject Ordinance, is \$250.00.

#### 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 Delray 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.

### Historic Preservation Element, Objective HPE 1.3, Regulatory and Educational Preservation

Policy HPE 1.3.3 Evaluate and, where necessary, amend the Land Development Regulations to ensure the protection of historic resources.

### Neighborhoods, Districts, and Corridors Element, Objective NDC 2.6, Improve City Corridors

Policy NDC 2.6.4 Improve the appearance of Delray Beach from the FEC and CSX Railways and Interstate 95 using strategies such as, promoting public art opportunities, requiring landscaping, using the development review process to improve building façades facing the corridors, and using code enforcement as needed.

These policies from the ECP, HPE, and NDC Elements support the proposed LDR amendments that specify prominent locations where murals can be located, thereby promoting Delray Beach's growing arts community while improving the prominent corridors of Delray Beach. The ability to locate murals along heavily traveled corridors such as Interstate-95 and the railroad right-of-way will provide interesting viewsheds for travelers. In addition to the above, the provisions in the amendments provide an opportunity to add artistic interest to properties under the purview of the HPB while further protecting historic resources by limiting murals to accessory structures such as perimeter site walls and dumpster enclosures.

### Review By Others

The **Downtown Development Authority (DDA)** reviewed the proposed LDR Amendments at its meeting of May 13, 2020; a recommendation of approval was provided.

The **Historic Preservation Board (HPB)** reviewed the proposed LDR Amendments at its meeting of June 17, 2020; recommendation of approval was provided.

The **Pineapple Grove Main Street** committee reviewed the proposed LDR Amendments at its meeting of June 24, 2020; a recommendation of approval was provided with the suggestions that, although not within the Pineapple Grove boundary, the allowed zoning districts should be expanded to include Industrial (I), Light Industrial (LI), and Mixed Industrial and Commercial (MIC).

The **Site Plan Review and Appearance Board (SPRAB)** reviewed the proposed LDR Amendments at its meeting of June 24, 2020; the Board supported the amendments with the suggestions that the allowed zoning districts be expanded to include Industrial (I), Light Industrial (LI), and Mixed Industrial and Commercial (MIC).

NOTE: The suggestions provided above have not been incorporated into the Ordinance.

The **City Commission** is anticipated to review the proposed LDR Amendments at the meetings of July 21, 2020 (First Reading) and August 11, 2020 (Second Reading).

### Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 22-20, amending the Land Development Regulations to create a review process and establish requirements and review criteria for murals, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 22-20, **as amended**, amending the Land Development Regulations to create a review process and establish requirements and review criteria for murals, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 22-20, amending the Land Development Regulations to create a review process and establish requirements and review criteria for murals, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

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