



## Cover Memorandum/Staff Report

File #: 20-542

Agenda Date: 8/11/2020

Item #: 8.B.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** August 11, 2020

ORDINANCE NO. 22-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATIVE PROCEDURES, ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS," SECTION 2.2.5, "RESERVED," TO ADD THE PUBLIC ART ADVISORY BOARD INCLUDING THE BOARD'S COMPOSITION, MEETING REQUIREMENTS, AND DUTIES; AND, ARTICLE 2.4, "GENERAL PROCEDURES," SECTION 2.4.3, "SUBMISSION REQUIREMENTS" TO SPECIFY THAT MURALS ARE REVIEWED SEPARATE FROM ARCHITECTURAL ELEVATIONS; BY AMENDING CHAPTER 8, "SPECIAL IMPLEMENTATION PROGRAMS," SECTION 8.5.2, "PUBLIC ART ADVISORY BOARD," TO AMEND THE PUBLIC ART ADVISORY BOARD'S DUTIES TO INCLUDE RENDERING OPINIONS ON MURALS, ADDING SECTION 8.5.3, "MURALS", TO ESTABLISH REQUIREMENTS AND CRITERIA FOR MURALS;" AMENDING APPENDIX A, "DEFINITIONS," ADDING A DEFINITION FOR MURALS AND AMENDING THE DEFINITION OF PUBLIC ART; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 22-20 on Second Reading, City-initiated amendments to the Land Development Regulations to amend the Public Art Advisory Board's duties to include rendering opinions on murals and establish requirements and criteria for murals.

### **Background:**

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 and Resolution No. 56-20. The purpose of the zoning in progress was to provide time for City Staff to review and update the Land Development Regulations (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, the Public Art Advisory Board did not review private requests for mural installations.

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 will be approved via Resolution concurrently with adoption of Ordinance No. 22-20.

The Downtown Development Authority, Historic Preservation Board, Site Plan Review and Appearance Board, and Pineapple Grove Main Street group have all reviewed the proposed amendments and supported their adoption. However, the Pineapple Grove Main Street group and Site Plan Review and Appearance Board both provided suggestions that the zoning districts where murals can be located be expanded to include Industrial (I), Mixed Industrial and Commercial (MIC), and Light Industrial (LI).

The Planning and Zoning Board reviewed the proposed LDR amendments at its July 20, 2020 meeting; a recommendation of approval was made on a vote of 4 to 0, with the following suggested revisions:

- require approval by Public Art Advisory Board prior to review by SPRAB or HPB;
- maintain SPRAB as an acting body; and,
- expand areas to include Light Industrial, Industrial, and Mixed Industrial and Commercial zoning districts.

Following First Reading on July 21, 2020, the recommendations to include the industrial zoning districts (LI, I, and MIC) and a definition of Mural have been incorporated into the attached draft ordinance.

**City Attorney Review:**

Approved as to form and sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The Zoning in Process (Resolution No. 56-20) regarding murals will expire on August 18, 2020.