



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Public Art Advisory Board LDR Amendment

Meeting	File No.	Application Type
February 22, 2021	2021-094-LDR	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission on Ordinance No. 11-21, a City-initiated request to amend the Land Development Regulations (LDR) regarding the duties of the Public Art Advisory Board to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installations.

Background Information

In 2004, the Public Art Advisory Board (PAAB) was established via Ordinance No. 77-04 for the purpose of advising and making recommendations to the City Commission with respect to public art policy and related issues involving the placement of public art on City-owned property, City right-of-way, and private property (based on agreement with the City). A new definition of Public Art, consistent with the Board's established purpose, was adopted as part of Ordinance No. 22-20, which primarily provided a review process for murals.

After adoption of Ordinance No. 22-20, City Staff and the PAAB determined that further clarification of the Board's duties, powers, and responsibilities would assist in allowing the Board to carry out its purpose.

Description of Proposal

The proposed ordinance adds three duties, powers, and responsibilities of the PAAB for consistency with the established purpose of the Board and the adopted definition of Public Art. The amendments add the following language to LDR Section 2.2.5(B):

- (6) Review and make recommendations to the City Commission regarding public art, as defined in Appendix A to the City's Land Development Regulations, located in the public right-of-way, on City owned property, or on structures that are located in the public right of way.
- (7) Make recommendations to the City Commission regarding all public art installations throughout the City.
- (8) Apply the guidelines and criteria in Section 8.5 for making recommendations or decisions on the installation of public art, whether as part of a public or private project.

NOTE: The proposed language does not require additional review of public art by a Board other than the PAAB, unless review is also required by the Historic Preservation Board (HPB), where a recommendation to the City Commission would be made.

Review and Analysis

Pursuant to **LDR Section 1.1.6(A), Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).*

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings. The anticipated review dates are April 6, 2021 and April 20, 2021 (Public Hearing).

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 the Comprehensive Plan.*

The Always Delray Comprehensive Plan does not contain Goals, Objectives, or Policies specific to the proposed amendments. However, the following Objective and Policy generally support the proposed language.

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.

Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5, Update Land Development Regulations

Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.

The language from the Comprehensive Plan supports the proposed LDR amendments by clarifying the review process for public art and continuing to support Delray Beach's growing public arts program. The PAAB will continue to provide recommendations to the City Commission on art within the public right-of-way, on City-owned property, or on private property when part of a public art program.

Review By Others

The **Public Art Advisory Board** reviewed the proposed LDR Amendments at its meeting of January 26, 2021 and supported the amendments.

The **City Commission** is anticipated to review the proposed LDR Amendments at the meetings of April 6, 2021 (First Reading) and April 20, 2021 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 11-21, amending the Land Development Regulations to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installations, 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. 11-21, **as amended**, amending the Land Development Regulations to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installations, 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. 11-21, amending the Land Development Regulations to include the review and recommendation to the City Commission regarding public art in the public right-of-way, on City-owned property, and on structures within the public right-of-way, and regarding public art installations, 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.