

ORDINANCE NO. 11-21

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING CHAPTER 2, "ADMINISTRATIVE PROVISIONS", OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING ARTICLE 2.2, "ESTABLISHMENT OF BOARDS HAVING RESPONSIBILITIES FOR LAND DEVELOPMENT REGULATIONS", SECTION 2.2.5, "PUBLIC ART ADVISORY BOARD", SUBSECTION (D), "DUTIES, POWERS, AND RESPONSIBILITIES", TO AMEND THE DUTIES OF THE BOARD TO INCLUDE REVIEW AND MAKE RECOMMENDATION REGARDING PUBLIC ART IN THE PUBLIC RIGHT OF WAY, ON CITY OWNED PROPERTY, AND ON STRUCTURES IN THE PUBLIC RIGHT OF WAY AND MAKE RECOMMENDATIONS TO THE CITY COMMISSION REGARDING PUBLIC ART INSTALLATION; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 -- Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the purpose of these amendments is to specify that the Duties, Powers, and Responsibilities of the Public Art Advisory Board includes the review of all public art within the public right-of-way and on City-owned building, with the review resulting in a recommendation to the City Commission for their consideration prior to making a final decision; and

WHEREAS, the Public Art Advisory Board reviewed and supported the proposed amendments at a Public Meeting on January 26, 2021; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, reviewed the proposed text amendment to the Land Development Regulations at a public hearing on February 22, 2021 and voted 5 to 0 to recommend that the proposed text amendments be approved, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds the Ordinance is consistent with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That Chapter 2, “Administrative Provisions”, Article 2.2, “Establishment of Boards Having Responsibilities for Land Development Regulations”, Section 2.2.5, “Public Art Advisory Board”, Subsection (D), “Duties, Powers, and Responsibilities” of the Land Development Regulations of the City of Delray Beach, Florida, be and the same is hereby amended to read as follows:

(D) ***Duties, powers, and responsibilities.*** The following duties, powers, and responsibilities shall be carried out by the Public Art Advisory Board:

(1)– (5) (These subsections shall remain in full force and effect as previously adopted)

~~(6) — 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.~~

~~(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.~~

Section 3. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 5. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 6. That this ordinance shall become effective upon approval at second reading. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 20__.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney