



## Legislation Details (With Text)

**File #:** 21-287      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/10/2021      **In control:** City Commission  
**On agenda:** 4/6/2021      **Final action:** 4/6/2021  
**Title:** 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. (FIRST READING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Ordinance No. 11-21, 3. Ordinance No. 11-21: PZB Staff Report, 4. Ordinance No. 11-21: Legal Review

Date	Ver.	Action By	Action	Result
4/6/2021	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** April 6, 2021

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. (FIRST READING)

### **Recommended Action:**

Review and consider Ordinance No. 11-21 on First Reading, City-initiated amendments to the Land Development Regulations 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.

**Background:**

City Staff and the Public Art Advisory Board (PAAB) have determined that further clarification of the Board's duties, powers, and responsibilities would assist the Board in carrying out its purpose. The proposed LDR amendments add two new actions to the duties, powers, and responsibilities of the PAAB. The two new duties, powers, and responsibilities [numbers (6) and (7) below] of the PAAB are added in LDR Section 2.2.5(B). The proposed number (8) is currently part of the duties, powers and responsibilities and is listed as (6) in the current code.

(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.

**Findings**

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. There are, however, two objectives in the Economic Prosperity Element and the Neighborhoods, Districts, and Corridors Element that generally support the proposed amendments. The complete analysis is provided in the attached Planning and Zoning Board Staff Report.

At its meeting of January 26, 2021 the **Public Arts Advisory Board** reviewed and supported the proposed amendments.

At its meeting of February 22, 2021, the **Planning and Zoning Board** reviewed the proposed amendments and recommended approval by a vote of 5 to 0.

At its meeting of March 8, 2021, the **Downtown Development Authority** reviewed and supported the proposed amendments.

**City Attorney Review:**

Approved as to legal form and sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Second Reading is anticipated for April 20, 2021.