City of Delray Beach

100 N.W. 1st Avenue
Delray Beach, FL 33444

Legislation Details (With Text)

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On agenda:	1/17/2023			**Final action:**	1/17/2023

Title: ORDINANCE NO. 41-22: 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 4, “ZONING REGULATIONS,” ARTICLE 4.6 “SUPPLEMENTAL DISTRICT REGULATIONS,” SECTION 4.6.7, SUBSECTION (F), “SIGNS REQUIRING PERMITS,” TO UPDATE TERMINOLOGY FOR CONSISTENCY WITH CURRENT DEPARTMENT TITLES, TO DELETE SECTION 4.6.7(F)(3)(e), “MURALS AND SIGNS WITHIN MURALS,” TO REMOVE DUPLICATIVE REFERENCES FOR PROCESSING MURAL APPLICATIONS; BY AMENDING CHAPTER 8, “SPECIAL IMPLEMENTATION PROGRAMS”, ARTICLE 8.5, “PUBLIC ARTS PROGRAM”, SECTION 8.5.3, “MURALS” TO ALLOW MURALS IN MIXED USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC), NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), PLANNED COMMERCIAL (PC), PLANNED OFFICE COMMERCIAL (POC), PROFESSIONAL OFFICE DISTRICT (POD), OPEN SPACE AND RECREATION (OSR), OR SPECIAL ACTIVITIES DISTRICT (SAD), AND TO ALLOW THE PLACEMENT OF MURALS ON FLAT TOP ROOFS AND TOP DECKS OF PARKING GARAGES; PROVIDING FOR A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE. (SECOND READING/PUBLIC HEARING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Ordinance No. 41-22, 3. Planning & Zoning Board Staff Report, 4. Map - Currently Allowed Zoning Districts, 5. Map - Proposed Additional Zoning Districts, 6. Legal Review

Date	Ver.	Action By	Action	Result
1/17/2023	1	City Commission	approved	Pass

TO: **Mayor and Commissioners**
FROM: **Anthea Gianniotes, Development Services Director**
THROUGH: **Terrence R. Moore, ICMA-CM**
DATE: **January 17, 2023**

ORDINANCE NO. 41-22: 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 4, “ZONING REGULATIONS,” ARTICLE 4.6 “SUPPLEMENTAL DISTRICT REGULATIONS,” SECTION 4.6.7, SUBSECTION (F), “SIGNS REQUIRING PERMITS,” TO UPDATE TERMINOLOGY FOR CONSISTENCY WITH CURRENT DEPARTMENT TITLES, TO DELETE SECTION 4.6.7(F)(3)(e), “MURALS AND SIGNS WITHIN MURALS,” TO REMOVE DUPLICATIVE REFERENCES FOR PROCESSING MURAL APPLICATIONS; BY AMENDING CHAPTER 8, “SPECIAL IMPLEMENTATION PROGRAMS”, ARTICLE 8.5, “PUBLIC ARTS PROGRAM”, SECTION 8.5.3, “MURALS” TO ALLOW MURALS IN MIXED USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC), NEIGHBORHOOD COMMERCIAL (NC), GENERAL COMMERCIAL (GC), PLANNED

COMMERCIAL (PC), PLANNED OFFICE COMMERCIAL (POC), PROFESSIONAL OFFICE DISTRICT (POD), OPEN SPACE AND RECREATION (OSR), OR SPECIAL ACTIVITIES DISTRICT (SAD), AND TO ALLOW THE PLACEMENT OF MURALS ON FLAT TOP ROOFS AND TOP DECKS OF PARKING GARAGES; PROVIDING FOR 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. 41-22, a City initiated amendment and update to the Land Development Regulations (LDR) Section 8.5.3, "Murals," to add requirements for the maintenance and preservation of murals and to expand the permissible zoning districts and locations, including the placement of murals on flat top roofs and parking decks, and to amend LDR Section 4.6.7 "Signs," to eliminate duplicative references for processing mural applications.

Background:
On August 11, 2020, the City Commission adopted Ordinance No. 22-20, which established specific requirements and criteria for new murals in LDR Section 8.5.3, Murals**.** Currently, permissible locations include buildings within the Central Business District (CBD), Community Facilities (CF), Industrial (I), Light Industrial (LI), and Mixed Industrial and Commercial (MIC) zoning districts; buildings facing a railroad right-of-way or Interstate-95, or buildings located within the Osceola Park Redevelopment Plan area, or on/under bridges. The current regulations include specific criteria regarding the coverage, size and scale, text size, and commercial messaging. The Public Arts Advisory Board is the body that considers requests for the installation of murals on properties that are not historic; the Historic Preservation Board considers requests for mural installations on buildings located within a historic district or individually designated.

The proposed LDR amendment expands the permissible zoning districts and locations for murals to provide opportunities for more businesses and organizations to include public art to enhance their buildings throughout Delray Beach. For example, the inclusion of a mural on a blank wall where windows or other architectural features are not ideal given the interior layout. The expanded locations will assist in adding visual interest in the City as, currently, these types of conditions rely solely upon landscaping to improve the aesthetics.

The proposed additional zoning districts are:

- ☐ Mixed Use Residential Office and Commercial (MROC)
- ☐ Special Activities District (SAD)
- ☐ General Commercial (GC)
- ☐ Neighborhood Commercial (NC)
- ☐ Open Space and Recreation (OSR)
- ☐ Planned Commercial (PC)
- ☐ Planned Office Commercial (POC)
- ☐ Professional Office District (POD)

The amendment also includes language to allow the placement of murals on flat roofs or the top deck of parking garages, within the permissible districts; this new location does not include historic properties, which remain limited to accessory structures (dumpster enclosures, perimeter walls, etc.) of commercial uses. The attached staff report provides examples of how this has been implemented

in other jurisdictions.

Ordinance No. 41-22 also includes a requirement for a protection and maintenance plan to ensure murals do not fade or create blight over time due to weathering, and eliminates outdated language related to murals in LDR Section 4.6.7, “Signs.”

The Planning and Zoning Board reviewed the proposed ordinance at its meeting on October 17, 2022, and voted 6-1 to recommend approval of the request, with the condition that the Special Activities District (SAD) and Open Space Recreation (OSR) zoning districts be removed from the permissible list of locations for murals. The board also discussed whether allowing for the integration of murals in all commercial districts would result in a proliferation of art that has

The first reading was on December 6, 2022, and approved 5-0.

City Attorney Review:
Ordinance No. 41-22 is approved as to form and for legal sufficiency.

Funding Source/Financial Impact:
Not applicable.

Timing of Request:
Ordinance No. 41-22 will become effective immediately upon adoption at second reading on January 17, 2023.