

Boynton Beach Mural Initiative

Mural Initiative and FY22 Pilot Year
Mural Guidelines for Art in Public Places Guidelines
Municipal Code Changes (Separate Document)

Recommended by the Art Advisory Board
Prepared by the Public Art Division

Draft Mural Initiative.

City of Boynton Beach, Florida

Introduction

In 2005, the City of Boynton Beach created the Art in Public Places program and designated the Art Advisory Board (formerly Arts Commission) to make program recommendations and approve public artworks by private owners and the City. In 2010, the Public Art Division commissioned its first mural in Sara Sims Park by a team of artists and then a second mural in Intracoastal Park. Private owners have sponsored murals on a few buildings - most recently at Sunnyside Dispensary and Leeward Luxury in the Downtown Cultural District.

In the last 20 years, several Florida cities have utilized a mural program to improve the aesthetics of older buildings in their downtowns and warehouse districts. Miami, Hollywood, Lake Worth and West Palm Beach are a few examples. Miami's Wynwood District became a national tourist attraction.

On November 19, 2020, Vice-Mayor Ty Penserga asked the Art Advisory Board to research mural programs as a possibility for Boynton Beach. On the June 15, 2021 City Commission meeting, the Public Art Division presented the research and basic recommendation for a FY22 Pilot program. The City Commission requested the Art Advisory Board recommend a detailed program and an ordinance to implement it.

Mural Guidelines and Land Development Regulations

With the Mural Initiative, the City Commission approves Mural Guidelines incorporated into the Art in Public Places Guidelines and modifications to the City Administrative Code (Code) and a new Land Development Regulations (LDR). The recommended guidelines and changes to the Code and LDR for murals are incorporated into this document. At an earlier date, the City Commission modified the LDRs for signs by removing the section on murals, defining a mural as a work of art and permitting the Art Advisory Board or Historic Resources Preservation Board to recommend that a non-conforming existing sign remain in place if valued as a "work of art" or an "object of historic significance."

Draft Mural Initiative.

City of Boynton Beach, Florida

The Boynton Beach Mural Initiative

The City of Boynton Beach establishes an initiative and administrative program to encourage the creation of outdoor murals through collaboration of the public, private and non-profit sectors. Murals enhance the visual appearance of buildings and sites. They reinforce the identity and pride of the whole city; its many micro-districts and neighborhoods; and its many diverse communities. The stories told through murals present the City's history and contemporary goals and ideas. Participation of residents, employees, business owners and students in the planning and/or execution of murals increases the positive relationships between citizens. After a few years, Boynton Beach will be known as a City with a beautiful and meaningful set of murals throughout the City that reflect its peoples, cultures and artists.

Types of Collaboration

The Mural Initiative will prioritize collaboration in the planning, making and funding of the murals. The types of collaborations include:

- Private property owners with a goal to enhance their buildings and contribute to the quality of the area.
 - Community Redevelopment Area
 - Downtown Cultural District
 - Micro-districts such as Brewery, MLK Blvd, Industrial Way, Bethesda Hospital
- Neighborhood associations both informal and legal homeowner associations.
- Common interest groups by ethnicity, national origin, history, religion, sports, hobbies, business type, etc.
- School-aged children through schools, scouts, sports, clubs and recreation facilities.
- Non-profit service organizations including sororities, fraternities, children's services, CDC, etc.
- City departments and other government agencies.
- Artists or artist associations
- Foundations, fiscal sponsors and other donors.

Matching Mural Grants: Private Property

To encourage murals in the City, the matching grants for excellent murals on privately-owned buildings and sites will be made available based on available funds from the Public Art Fund. All these murals must be guaranteed by the building or site owner for a minimum of five years with maintenance and repair if necessary.

As funds are available, the Art Advisory Board will review applications for mural grants. The grants can support a maximum of 50% of the mural costs or a maximum of \$5,000.

For commercial buildings located in the CRA district, owners may also apply for a grant through the CRA's "Commercial Property Improvement Grant Program". The CRA funds can be used to match the Public Art Funds.

Mural Donations: Public Property

To spark community engagement and responsibility for new murals, non-profit organizations, neighborhoods and community groups can propose new murals. Private donations and

Draft Mural Initiative.

City of Boynton Beach, Florida

volunteer participation will be encouraged to enhance the scale and quality of the murals. These donations will be deposited in the Public Art Fund and used for the appropriate mural.

Securing the Wall or Surface

As a program of the Public Art Division and the Art in Public Places program, the surface for the murals will be secured by:

- Lease the Building Wall. 5 Year Commitment
- MOU with Government Agencies: FDOT, School District
- MOU with City Departments: Recreation, Public Works

Evaluation Criteria for Murals, Sites and Collaboration

The following criteria will be used to evaluate new murals for participation in the mural initiative.

- Strong theme related or appropriate to the location in Boynton Beach
- Interactive or selfie quality
- Experienced and talented mural artist painter or manager
- Pedestrian area with clear view from street, railroad or intercoastal
- Existing sealed wall
- Cost per square foot
- Quality of materials to remain in excellent condition for at least five years
- Lighting
- For community participation in mural painting
 - preference for 4 to 8 foot tall murals without the need for a lift or scaffold
 - safe work area and does not require street lane closure.
- Satisfies the Mural Guidelines of the Art in Public Places Guidelines

Identifying Projects

The opportunity to participate in the mural initiative will be promoted through the press, social media and direct inquiry by email or other means.

- Promotion artists, property owners and non-profits
- Enquiries to City Departments: Recreation, Community Standards, Planning, Public Safety

Possible Projects

- Forest Hills Park Soundwall Mural: Work with Chapel Hill neighborhood and coordinated the planting of new trees.
- Downtown Cultural District murals with private property owners
- Oceanfront Park FPL Solar Shade Structure Bases: All the bases along the park. Call for painting ideas. No fee for the proposal. Examples
 - Feet and calves/Shoes and pant legs. Looking into the pool. Dogs, cats, chickens, etc. at full size. Pirate treasure. Turtle eggs. A million ants. One sea turtle. The back of Atlas.
- Barrier Free Park FPL Solar Shade Structure Bases. Colorful abstract art.
- Handball Court Walls at Hester Park.
- Basketball Court Murals
- MLK Blvd: Plan murals with the community on private property.
- Brewery micro-district murals
- Caribbean imagery murals
- Tile mural with installation company

Draft Mural Initiative.

City of Boynton Beach, Florida

- Welcome to (insert neighborhood name) Postcard Murals. 8 feet tall by 12 feet long.

Future Projects

- Unity Wall Murals for 100th Anniversary of Boynton Segregation - 2024 (Proposed by Victor Norfus) Perhaps Dennison Pool Foundation Wall
- Wells Landing Murals. Construction will be complete in 2023

Pilot Year of Mural Program

Beginning in FY22, the Public Art Program initiates a pilot mural program to enhance the City, to strengthen communities and to add to the success of micro-districts. New murals will be collaborations with private property owners and/or communities. The pilot year is funded with \$20,000 from the Public Art Fund.

Draft Mural Guidelines

Incorporated in Art in Public Places Guidelines

Mural Guidelines in Art in Public Places Guidelines

Mural Guidelines are special section of the Art in Public Place guidelines with unique requirements related to murals as specified in the Land Development Regulations of the City of Boynton Beach. Many parts of the Art in Public Places general guidelines such as artistic and community standards are the same for murals as other public artworks.

The Mural Guidelines encourage voluntary murals on privately- owned buildings and sites. Some murals are called voluntary as the murals are not created in compliance with the Art in Public Places program. Art in Public Places murals are permanent whereas voluntary murals can be modified or removed as anytime.

The Mural Guidelines do not apply to single family or duplex houses in the City of Boynton Beach. The homeowners can install murals without this review and approval process. The City does encourage homeowners to utilize the guidelines when planning, creating and maintaining a mural. Other laws may restrict the content of painting such as signage for a home business or hate speech. Homeowners associations may have restrictions.

The Mural Guidelines do not apply to murals on the interior of buildings except for murals on the interior surfaces of exterior windows that are intended to be seen from the exterior.

What is a mural?

As per Chapter 1, Article II, Definitions of the LDR, a mural is a work of art that is hand-painted, hand-tiled or digitally printed image or digital display system on the exterior surfaces of a building or site designed as a work of art.

The image cannot be advertising or other commercial message with brand name, product name, abbreviation thereof, company or business name or logo, trademark, brand imagery or products and services for sale.

The Art Advisory Board will determine if an image, painting pattern or other element on the exterior of a building or site is a work of art. If the Art Advisory Board determines that the image, painting pattern or other element is a not a work of art, then other LDRs may be applied such as sign or building design guidelines by the other City departments.

Criteria for Approval

As per Chapter x, Article x, "Murals", all exterior murals, except on single family or duplex houses, will be reviewed and approved by Art Advisory Board prior to installation. Below are the criteria.

Criteria for Artistic Quality

The criteria for a mural design shall meet the criteria for artists and artwork as established in the AiPP guidelines "Artwork Qualities"

Criteria for a Mural Location

Draft Mural Guidelines

Incorporated in Art in Public Places Guidelines

A mural can occur on any surface on a building exterior or site including walls, columns, windows, roofs, fences, retaining walls, driveways, sidewalks, utility boxes and plazas as long as the location and material does not conflict with other City codes or not interfere with traffic safety or otherwise endanger public safety.

Criteria for Mural Materials

For the intended life of the mural, the materials must resist the weathering caused by the sun, wind, rain and other environmental factors and resist damage by cleaning products and methods. The underlying surface must be prepared such that mural adheres to the surface for the intended life of the mural.

Life of a Mural

As part of the evaluation of the materials, the applicant should declare the life span of the mural during which the mural will be maintained in excellent condition. The following are sample life spans based on south Florida coastal environment.

- North Facing or Shaded Painted Wall: 20 Years*
- East, South and West Painted Wall or Roof: 10 Years*
- Painted or Stained Street or Drive: 2 Years
- Painted or Stained Pedestrian Sidewalks or Plaza: 3 Years
- Concrete Skim Coats and Etching: Permanent
- Glazed Colored Ceramic, Glass or Stone Mosaic: Permanent
- Printed Mural on Ceramic Tiles and Fired: 20 Years
- Printed Mural on Adhesive Vinyl, Aluminum Composite Material or similar: 7 Years*
- Digital Displays: Depending on Manufacturer's Warranty
- Digital Projections: Depending on Manufacturer's Warranty

At the end of the declared lifespan, the property owner and the public art staff will consider the removal, renewal or replacement the mural. The mural may be in good condition at the end of lifespan and therefore will remain in place. Nothing about the declared lifespan, prohibits the owner from removing or repainting the mural prior to the end of the lifespan.

Note *: These life spans require high quality exterior paints or ink with additional UV protection. Less quality paints can be used to for murals with a shorter life span. Additionally, the life span is significantly influenced by the condition of underlying wall or surface.

Evaluation and Approval

Any person with the signed permission of a property owner may apply to install a mural in the city. By signing application, the property owner agrees to the application and will abide by the Mural Guidelines

Application

The person will complete the Mural Application with attachments and submit to Public Art Manager. The components of the application are as follows:

1. Name and contact of person applying for the mural

Draft Mural Guidelines

Incorporated in Art in Public Places Guidelines

2. Name and contact of the property owner
3. Name, contact, resume and website of the proposed artist
4. Address of the property
5. Name of the business(es) using the property
6. Lifespan of the mural.
7. Mural Type: Painted, tile, mosaic, concrete, vinyl, digital panel, digital projection
8. Mural Location: Walls, columns, windows, roofs, fences, retaining walls, driveways, sidewalks, plazas, other as written.
9. Mural Materials: For example: paint manufacturer and product, surface sealer manufacturer, UV protection, anti-graffiti coating, vinyl wrap specifications, etc.
10. Underlying Surface: For example: Stucco on concrete, wood fence, asphalt drive.
11. Attachments
 - a. Image of the overall building and site and image(s) of the proposed location of the mural(s).
 - b. Illustration of proposed image(s).
 - c. If using digital displays and projections, sample images and a policy statement on owner's criteria for future images.

Process for Approval of Design and Installation

The applicant will submit the application for technical review and recommendation from the Public Art staff. The Public Art staff may request review by other agencies for traffic safety, public safety, planning and zoning and building departments. The planning and zoning division will review for any conflict with an existing development order.

Once the application is complete, the application with art resume and illustrations will be placed on the Art Advisory Board agenda with an evaluation by the Public Art Manager. The Board will review the mural for compliance of the established criteria. If not approved, the applicant can modify the design and submit for review at a future Art Advisory Board meeting.

Once the mural is complete, the Public Art staff will photograph the installation and review the installation quality. The photographs, installation report and the original approved design will be placed on the agenda of the Art Advisory Board. If the mural was changed during the installation, the Art Advisory Board can accept the modification or require the mural be returned to the approved design.

Once approved, the applicant will provide material and paint samples for future comparison after weathering. If digitally printed, the applicant will provide the original electronic file for comparison and possible re-printing.

Inspections

From time to time, the City will inspect the murals for good condition and damage. If the Public Art Manager believes the mural does not match the approved design due to alternation, damage or deterioration, the owner will be notified. In most cases, the owner will have three months to repair the mural. If the mural was altered due to building modification or for artist reasons, the owner can apply to the Art Advisory Board to approve the mural as modified. If the mural was damaged in a way that violates general community standards such as obscenity, the offensive words should be removed as soon as possible.

Draft Mural Guidelines

Incorporated in Art in Public Places Guidelines

If the mural is not repaired or removed after a failed inspection or a failed request to the Art Advisory Board, then Community Standard Department will start the procedures for a code violation.

Removal

Several unique circumstances exist related to the removal of a mural. All these circumstances should be mindful of the Visual Art Rights Act (VARA) and other laws related to the destruction of works of art.

- If the mural was installed voluntarily by a private property owner on their property without fiscal support from the City of Boynton Beach, then the mural can be removed at any time.
- If the mural was created to comply with the Art in Public Places code for new or remodeled building construction, then the removal will follow with the Art in Public Places guidelines regarding required artworks.
- If City fiscal support was provided to a mural on private property, then the agreements written in grants or lease will determine the terms for the removal of the mural.
- If the mural is owned by the City on City property then the standard Art in Public Places guidelines for deaccession and removal of a work of art would be applied.

Existing Murals in Boynton

All existing murals in Boynton Beach will have the same inspection and requirements for maintenance in good condition as the new murals. If the mural was formally approved by the Art Advisory Board, then the mural will be compared to the approved design.

Mural Guideline Application Form

Boynton Beach Mural Proposal Form

Building Name:_____

Property Address:_____

Applicant Name:_____

Applicant Email_____ Phone:_____

Submission Date:_____

Proposed Installation Date: _____

Property Owner's Name:_____

Owner's Contact Person_____ Email _____

Business(es) on the Property:_____

Artist Name:_____

Artist Website:_____

Artist Email:_____ Artist Phone :_____

Mural Location:_____

(Example: Southern wall facing Ocean Ave)

Mural Type:_____

(Example: Painted)

Mural Material:_____

(Example: Sherwin Williams Exterior Ultra)

Underlying Surface:_____

(Example: Painted stucco on concrete block)

Mural Lifespan: _____

By signing, the property owner agrees to the application and will abide by the Mural Guidelines

Signature of Property Owner

Date of Signature

NEW MURAL CODE ON THIS PAGE

Part III, Land Development Regulations

Chapter I, Article II, Definitions

~~MURAL - A work of art that is hand-painted image, hand-tiled mosaic, carved or etched masonry, digitally printed image or digitally display system on the exterior surfaces of a building or site designed for a specific wall, ceiling, area or large permanent surface that enhances a large architectural unit. It must be designed for a specific space and serve the purpose of the space. Such mural shall not be a sign and shall not contain any advertising or other commercial message with brand name, product name, abbreviation thereof, company or business name or logo, hashtag, trademark or brand imagery. or other commercial message.~~

NEW MURAL SECTION IN THE LDRs SOMEWHERE

Current Location in Sign Code. ~~Removed from Sign Code Revision by another City Commission Ordinance this fall 2021~~

Chapter 4, Article IV, Section 4, Sign Standards, Standards, D Special Signs

~~4. Murals:~~

~~a. Purpose. Murals, as defined in Chapter 1, Article II, are intended to improve the value and aesthetic appearance of the city, contribute to community identity and redevelopment, foster cultural identity and preserve history, and may be used to enhance blank walls, that are visible to the public, all the while respecting community standards relative to decency and obscenity.~~

~~b. Standards. Murals shall be applied in accordance with the following design criteria:~~

~~(1) Murals shall be applied utilizing utilize weather resistant paint or materials;~~

~~(2) Murals shall not contain any obscene, indecent, or immoral content;~~

~~(3) Murals shall not be designed as to constitute or create a traffic hazard;~~
~~and~~

~~(4) Murals shall only be allowed on building façades.~~

~~c. Review Process. Any new mural or any modification to an existing mural shall require site plan review (Chapter 2, Article II, Section 2.F.) In addition, the Arts Commission shall review each new mural or modification to an existing mural to ensure the enhancement of the city's aesthetic, historic, cultural, and economic value, and the preservation and protection of works of art.~~

Murals.

a. Purpose. Murals, as defined in Chapter 1, Article II, are intended as works of art to improve the value and aesthetic appearance of the city, contribute to community identity and redevelopment, foster cultural identity and preserve history.

and may be used to enhance exterior walls, roofs, plaza, sidewalks and other surfaces that are visible to the public, all the while respecting community standards.

b. Standards. Murals shall be a work of art as determined by the Art Advisory Board and

(1) Be resistant to weathering or vandalism;

(2) Be maintained in good condition without deterioration and unrepaired damage;

(3) Be unaltered from the approved design;

(4) Not be a traffic hazard;

(5) Not be indecent or obscene; and

(6) Not advocate the breaking of any laws (I am trying to get to hate speech or racism)

c. Review Process. Any proposed new mural or any proposed modification to an existing mural shall be reviewed and approved by the Art Advisory Board for compliance with the Art in Public Places guidelines for works of art prior to installation on any building or property.

Part II, Code of Ordinances

Chapter 27, Article II, Sec. 27-24. Purpose and duties.

(d) The Art Advisory Board shall have the following additional powers and duties:

.....

(5) Exercise their authority to approve, approve with conditions or disapprove proposed installation of artwork including murals based on Art in Public Places Program Guidelines; and

Chapter 27, Article II, Sec. 27-27. Art Advisory Board's guidelines and recommendations.

(b) Guidelines. The Art Advisory Board shall prepare and from time to time recommend to the City Commission revisions to the Art in Public Places Program guidelines and make the same available to the public, which shall provide guidance for program organization; organizational governance and staffing responsibilities; procedures for project planning; artist selection; art selection criteria; art placement criteria; mural criteria, donations; loans and memorials; collection management; administration of the public art fund.

Other Possible Required Changes

Regarding the ability of Code Compliance Board to issue violations and fines related to murals. **Unclear to me if failure to get approval of a mural OR unapproved changes to an approved mural can be sited and fined.**

Sept 27, 2021 Draft Future Mural Code. Glenn Weiss

Article V, Code Compliance Board

Section 2-75 Jurisdictions of Boards and Magistrates

Adjust text if the mural code is out of the Land Development Regulations

Section 2-91 Violations and penalties

Adjust text when murals removed from "Sign Violations"