

**Mural Initiative**

City of Boynton Beach, Florida

# Proposed Boynton Beach Mural Initiative

Mural Program and FY22 Pilot Year  
Mural Guidelines for Art in Public Places Guidelines  
Municipal Code

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

Adopted by the City Commission  
February 15, 2022

## **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 the 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, the Art Advisory Board began researching 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 an 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 approved 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 guidelines and changes to the Code and LDR for murals are incorporated into this document. On January 4, 2022, the City Commission modified the LDRs for signs and removed the section on murals and clarified a mural as a work of art and not a sign.

## **Mural Program**

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### **The Boynton Beach Mural Program**

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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, and 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 appropriated city funding. 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 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.

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### **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 a 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 to artists, property owners and non-profits
- Inquiries to City Departments: Recreation, Community Standards, Planning, Public Safety

### **Possible Projects**

- Forest Hills Park Soundwall Mural: Work with neighbors and park users.
- Water Quality Lab: A new mural facing Congress Ave created in collaboration with Water Utility staff and Congress Middle School students working with an artist.
- 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 an installation company
- Welcome to (insert neighborhood name) Postcard Murals. 8 feet tall by 12 feet long.

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### **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, strengthen communities, and 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.

## **Mural Guidelines**

Incorporated in Art in Public Places Guidelines

# **Mural Guidelines in Art in Public Places Guidelines**

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Mural Guidelines are a special section of the Art in Public Place (AiPP) guidelines with unique requirements related to murals as permitted 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 at any time.

The Mural Guidelines do not apply to single-family or duplex houses in the City of Boynton Beach. 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”.

“Such a mural is not a sign and shall not contain any advertising or other commercial message with the brand name, product name, abbreviations thereof, company or business name or logo, hashtag, trademark or brand imagery.”

The Art Advisory Board will determine if an image, painting pattern or other elements 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 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 4 Article XIV, “Murals”, of the LDR, all exterior murals, except on single-family or duplex houses, will be reviewed and approved by Art Advisory Board before 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”

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### **Criteria for a Mural Location**

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 do not conflict with other City codes.

### **Criteria for Mural Materials**

For the intended life of the mural, the materials shall resist the weathering caused by the sun, wind, rain and other environmental factors and resist damage by cleaning products and methods. The underlying surface shall be prepared such that the 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 of the mural. The mural may be in good condition at the end of its lifespan and therefore will remain in place. Nothing about the declared lifespan prohibits the owner from removing or repainting the mural before 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 for murals with a shorter life span. Additionally, the life span is significantly influenced by the condition of the underlying wall or surface.

#### **Evaluation and Approval**

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

### **Application**

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

1. Name and contact of the person applying for the mural
2. Name and contact of the property owner

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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, etc.
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 a 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 the artist's resume and illustrations will be placed on the Art Advisory Board agenda with a staff report by the Public Art Manager. The Board will review the mural for compliance with the established criteria. If not approved, the applicant can modify the design and submit it 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 to 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 alteration, 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.

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If the mural is not repaired or removed after a failed inspection or a failed request to the Art Advisory Board, then the 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 financial 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 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.

### **Artist Walls**

The Art Advisory Board may designate walls and other publicly visible surfaces as "Artist Walls". The goal of the Artist Walls is to provide places of experimentation for artists in locations where the City wishes to enhance the artistic brand of the area. These surfaces can be modified with murals without the pre-approval of the artist or mural design. At any time, the Art Advisory Board may review new and existing temporary murals and require the owner to remove or modify if the temporary murals do not conform to the mural ordinance or AiPP guidelines.

The owner of buildings, walls or other surfaces must submit a request for designation of "Artist Walls". The request will include illustrations of the specific surfaces and methods by which artists will be selected. The Art Advisory Board will review and approve or deny the request for designation.

### **Boynton Beach Art District**

For many years, the City has permitted the "Boynton Beach Art District" to curate many temporary murals on the buildings at 402 and 422 West Industrial Ave, Boynton Beach, Florida 33426. The walls, doors and fences of the warehouses on both

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properties are designated as Artist Walls until such time that the properties no longer operate an art district with studio spaces and events.

**Mural Guideline Application Form**

**Boynton Beach Mural Proposal Form**

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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

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Signature of Property Owner

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Date of Signature

# MURAL CODE

## Land Development Regulations

### Chapter 1. General Administration

#### 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 is shall not 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.

### Chapter 4. Site Development Standards

#### Article XIV. 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; and
  - 2) Be maintained in good condition without deterioration and unrepairs damage; and
  - 3) Be unaltered from the approved design; and
  - 4) Does not directly or indirectly encourage violation of any federal, state, or local law.
- 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.