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ORDINANCE 2026-02 - AN ORDINANCE OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 “LAND DEVELOPMENT REGULATIONS”, ARTICLE 1 “GENERAL PROVISIONS,” DIVISION 2 “DEFINITIONS,” SECTION 23.1-12 DEFINITIONS TO ADD DEFINITION(S); ARTICLE 4 “DEVELOPMENT STANDARDS,” ADDING THERETO A NEW SECTION 23.4-27 MURALS AND SCULPTURES ATTACHED TO STRUCTURES; AND ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS TO REPEAL PARAGRAPH e)13. MURALS; AND PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, as provided in Section 2(b), Article VIII of the Constitution of the State of Florida, and Section 166.021(1), Florida Statutes, the City of Lake Worth Beach (the “City”), enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

WHEREAS, as provided in Section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state legislature may act, except when expressly prohibited by law; and

WHEREAS, the City is a hub of arts and culture; and

WHEREAS, the City wishes to create a new section in its Land Development Regulations to allow murals and sculptures to be attached to structures in a safe manner; and

WHEREAS, the Planning and Zoning Board, in its capacity as the local planning agency, considered the proposed amendments at a duly notice public meeting; and

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency, considered the proposed amendments at a duly noticed public meeting; and

WHEREAS, the City Commission has considered the proposed amendments at a duly advertised public hearing and has determined that it is in the best interest of the public health, safety, and general welfare of the City to adopt this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1: The foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are made a specific part of this ordinance as if set forth herein.

Section 2: Chapter 23 “Land Development Regulations, Article 1 “General Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding thereto new definition(s) to read as follows:

51 *Sculpture*: a three-dimensional work of art, which may be free-standing, wall-supported, or
52 suspended, constructed from any material or combination of materials.
53

54
55 **Section 3:** Chapter 23 “Land Development Regulations, Article 4 “Development
56 Standards,” is hereby amended by adding thereto a new Section 23.4-27 “Murals and sculptures
57 attached to structures” to read as follows:
58

59 **Sec. 23.4-27. – Murals and sculptures attached to structures.**
60

- 61 a) *General provisions.* For the purpose of this section, murals and sculptures attached to
62 structures shall be constructed and/or installed to meet the requirements and standards
63 contained in this section.
64
- 65 b) *Permit required.* It shall be unlawful for any person to erect, alter, relocate or have within
66 the city, any mural or sculpture attached to a structure, without first obtaining a permit from
67 the building official and making payment of the required fee.
68
- 69 c) *Design.* All murals and sculptures attached to structures shall be designed in a manner
70 that compliments, supports and harmonizes with the proposed and/or existing architecture
71 and using durable materials suited for display outdoors.
72
- 73 d) *Installation.* Any mural or sculpture attached to structures shall be installed:
74
- 75 1. In strict conformity with approved plans and any special conditions;
 - 76 2. By a professional artist or licensed painter, or under their direct supervision;
 - 77 3. Properly and safely applied or affixed to the structure’s surface, using proper sealant,
78 exterior paint, and/or other materials;
 - 79 4. Suitably weatherproofed and protected against deterioration; and
 - 80 5. In a manner that allows for maintenance in accordance with subsection (j).
 - 81 6. Maximum height may extend the existing or proposed structure by up to ten (10) feet,
82 provided the total height does not exceed maximum height allowed in the
83 corresponding zoning district.
84
- 85 e) *Location.* Murals and sculptures shall not be permitted on buildings or structures facing
86 Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway,
87 except upon findings by the planning and zoning board or historic resources preservation
88 board, as applicable that the mural or sculpture complies with the major thoroughfare
89 design guidelines and/or the historic preservation design guidelines, as applicable, and
90 the following criteria:
- 91 1. The mural or sculpture must be compatible with the zoning district, surrounding
92 land uses, and adopted comprehensive plan policies;
 - 93 2. The mural or sculpture must be scaled in proportion to the area of the wall of the
94 structure on which it will be attached and not obscure or alter primary architectural
95 features of the structure;
 - 96 3. The mural or sculpture must not create a safety hazard or obstruct visibility,
97 access, or traffic control devices; and
 - 98 4. Does not result in an overconcentration of murals or sculptures on the site or within
99 the immediate vicinity that would materially impair the visual character of the
100 corridor or district.
101

- 102 f) *Signs.* Murals and sculptures attached to structures are not intended to be signs. Any
103 commercial messages included as part of the mural or sculpture shall be evaluated as
104 signage pursuant to Section 23.5-1 of these LDRs.
105
- 106 g) *Application.* A written application for mural or sculpture approval shall be submitted to the
107 department for community sustainability using forms which shall be provided. The
108 application shall include the following information:
109
- 110 1. The name and address of the applicant;
 - 111 2. The name and address of the property owner, if different from the applicant;
 - 112 3. The street address and location of the proposed mural or sculpture;
 - 113 4. A written description of justification for the proposal which specifically addresses
114 how the mural or sculpture satisfies the goals and objectives of this section and of
115 the comprehensive plan;
 - 116 5. The written consent of the property owner, if not the same as the applicant;
 - 117 6. Renderings and sketches prepared in a professional manner clearly indicating the
118 intended appearance of the proposed mural or sculpture. A sketch of the mural or
119 sculpture shall be sufficiently detailed and depicted on a scaled elevation of the
120 structure on which it will be applied. Colored photographs of the structure shall
121 accompany the sketch, showing the proposed location wall in relation to adjacent
122 streets and buildings;
 - 123 7. Color samples and sculpture materials shall be precisely identified;
 - 124 8. Such other reasonable and relevant information as the department of community
125 sustainability or board may require.
126
- 127 h) *Review.* All proposed murals and sculptures shall be reviewed by the planning and zoning
128 board or historic resources preservation board, as applicable, for compliance with the
129 community appearance criteria of section 23.2-31 of these LDRs and this section. The
130 applicable board may approve, approve with conditions, or deny the application, in
131 accordance with Section 23.2-7 or 23.2-8 of these LDRs, as applicable.
132
- 133 i) *Compliance with applicable building code requirements.* For the protection of adjacent
134 properties, sculpture to be attached to a structure shall be designed by a registered
135 engineer and shall conform to the applicable building code requirements.
136
- 137 j) *Maintenance.* All murals and sculptures attached to structures shall be maintained in
138 accordance with the approval and in the original condition. Murals and sculptures in a
139 deteriorated or unsafe condition are a violation of this section.
140

141 **Section 3:** Chapter 23 “Land Development Regulations, Article 5 “Supplemental
142 Regulations,” Section 23.5-1 “Signs” is hereby amended by repealing paragraph e)13 “Murals”.
143

144 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or portion
145 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
146 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
147 such holding shall not affect the validity of the remaining portions thereof.
148

149 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
150 herewith are hereby repealed to the extent of such conflict.
151

152 **Section 6:** Codification. The sections of the ordinance may be made a part of the City
153 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
154 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

155
156 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
157 passage.

158 The passage of this ordinance on first reading was moved by _____,
159 seconded by _____, and upon being put to a vote, the vote was as follows:

- 161 Mayor Betty Resch
- 162 Vice Mayor Sarah Malega
- 163 Commissioner Christopher McVoy
- 164 Commissioner Mimi May
- 165 Commissioner Anthony Segrich

166
167 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
168 day of _____, 2026.

169
170 The passage of this ordinance on second reading was moved by _____,
171 seconded by _____, and upon being put to a vote, the vote was as follows:

- 172 Mayor Betty Resch
- 173 Vice Mayor Sarah Malega
- 174 Commissioner Christopher McVoy
- 175 Commissioner Mimi May
- 176 Commissioner Anthony Segrich

177
178 The Mayor thereupon declared this ordinance duly passed on the _____ day of
179 _____, 2026.

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182
183 LAKE WORTH BEACH CITY COMMISSION

184
185
186
187 By: _____
188 Betty Resch, Mayor

189
190 ATTEST:

191
192
193
194 _____
195 Melissa Ann Coyne, MMC, City Clerk
196