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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 AMENDING AND ADDING DEFINITIONS;_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 the words shown in underline type and deleting the words struck through to read as follows:

Mural: Any picture or graphic design painted on or otherwise applied to the exterior of a building or structure, or to a window, **a fence or a wall.**

53 *Sculpture*: a three-dimensional work of art, which may be free-standing, wall-supported, or
54 suspended, constructed from any material or combination of materials.
55

56 **Section 3:** Chapter 23 “Land Development Regulations, Article 4 “Development
57 Standards,” is hereby amended by adding thereto a new Section 23.4-27 “Murals and sculptures
58 attached to structures” to read as follows:
59

60 **Sec. 23.4-27. – Murals and sculptures attached to structures.**
61

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

- 106 g) *Signs*. Murals and sculptures attached to structures are not intended to be signs. Any
107 commercial messages included as part of the mural or sculpture shall be evaluated as
108 signage pursuant to Section 23.5-1 of these LDRs.
109
- 110 h) *Application*. A written application for mural or sculpture approval shall be submitted to the
111 department for community sustainability using forms which shall be provided. The
112 application shall include the following information:
113
- 114 1. The name and address of the applicant;
 - 115 2. The name and address of the property owner, if different from the applicant;
 - 116 3. The street address and location of the proposed mural or sculpture;
 - 117 4. A written description of justification for the proposal which specifically addresses
118 how the mural or sculpture satisfies the goals and objectives of this section and of
119 the comprehensive plan;
 - 120 5. The written consent of the property owner, if not the same as the applicant;
 - 121 6. Renderings and sketches prepared in a professional manner clearly indicating the
122 intended appearance of the proposed mural or sculpture. A sketch of the mural or
123 sculpture shall be sufficiently detailed and depicted on a scaled elevation of the
124 structure on which it will be applied. Colored photographs of the structure shall
125 accompany the sketch, showing the proposed location wall in relation to adjacent
126 streets and buildings;
 - 127 7. Color samples and sculpture materials shall be precisely identified;
 - 128 8. Such other reasonable and relevant information as the department of community
129 sustainability or board may require.
- 130
- 131 i) *Review*. All proposed murals and sculptures shall be reviewed by the planning and zoning
132 board or historic resources preservation board, as applicable, for compliance with the
133 community appearance criteria of section 23.2-31 of these LDRs and this section, **except**
134 **those to be located within either the Single Family Residential (SFR) or Single Family/Two**
135 **Family Residential (SF/TF-14) zoning districts**, which shall be reviewed by staff. The
136 applicable reviewer may approve, approve with conditions, or deny the application, in
137 accordance with Section 23.2-7 or 23.2-8 of these LDRs, as applicable.
138
- 139 j) *Compliance with applicable building code requirements*. For the protection of adjacent
140 properties, sculpture to be attached to a structure shall be designed by a registered
141 engineer and shall conform to the applicable building code requirements.
142
- 143 k) *Maintenance*. All murals and sculptures attached to structures shall be maintained in
144 accordance with the approval and in the original condition. Murals and sculptures in a
145 deteriorated or unsafe condition are a violation of this section.
146

147 **Section 4:** Chapter 23 “Land Development Regulations, Article 5 “Supplemental
148 Regulations,” Section 23.5-1 “Signs” is hereby amended by repealing paragraph e)13 “Murals”.

149
150 **Section 5:** **Severability**. If any section, subsection, sentence, clause, phrase or portion
151 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
152 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
153 such holding shall not affect the validity of the remaining portions thereof.
154

155 **Section 6:** **Repeal of Laws in Conflict**. All ordinances or parts of ordinances in conflict
156 herewith are hereby repealed to the extent of such conflict.
157

158 **Section 7: Codification.** The sections of the ordinance may be made a part of the City
159 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
160 the word "ordinance" may be changed to "section", "division", or any other appropriate word.
161

162 **Section 8: Effective Date.** This ordinance shall become effective 10 days after
163 passage.
164

165 The passage of this ordinance on first reading was moved by _____,
166 seconded by _____, and upon being put to a vote, the vote was as follows:
167

- 168 Mayor Betty Resch
- 169 Vice Mayor Sarah Malega
- 170 Commissioner Christopher McVoy
- 171 Commissioner Mimi May
- 172 Commissioner Anthony Segrich

173
174 The Mayor thereupon declared this ordinance duly passed on first reading on the _____
175 day of _____, 2026.
176

177
178 The passage of this ordinance on second reading was moved by _____,
179 seconded by _____, and upon being put to a vote, the vote was as follows:
180

- 181 Mayor Betty Resch
- 182 Vice Mayor Sarah Malega
- 183 Commissioner Christopher McVoy
- 184 Commissioner Mimi May
- 185 Commissioner Anthony Segrich

186
187 The Mayor thereupon declared this ordinance duly passed on the _____ day of
188 _____, 2026.
189

190 LAKE WORTH BEACH CITY COMMISSION

191
192
193 By: _____
194 Betty Resch, Mayor
195

196
197 ATTEST:

198
199
200 _____
201 Melissa Ann Coyne, MMC, City Clerk
202