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**ORDINANCE NO. 2020-02 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING CHAPTER 23 ENTITLED “LAND DEVELOPMENT REGULATIONS” OF THE CODE OF ORDINANCES BY AMENDING ARTICLE I “GENERAL PROVISIONS” RELATING TO DEFINITIONS; ARTICLE 3 “ZONING DISTRICTS” BY CREATING A CULTURAL ARTS DISTRICT OVERLAY; AND FOR OTHER PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Lake Worth Beach, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City adopted a new Chapter 23 “Land Development Regulations” of the Code of Ordinances on August 6, 2013 (“2013 Regulations”); and

WHEREAS, the 2016 Evaluation and Appraisal Review (EAR) resulted in major amendments to the City’s Comprehensive Plan including the creation of the “Cultural Arts Overlay (Policies 1.1.1.1 and 1.1.1.14); and

WHEREAS, The Cultural Arts Overlay land use category is intended to provide for the establishment and enlargement of cultural arts related uses within a variety of broader land use categories near the urban core of the city and along the FEC railway corridor within close proximity of the historic downtown with the implementing zoning districts to include DT, MU-E, MU-DH, SF-R, SF-TF 14, TOD-E, and AI.; and

WHEREAS, on October 10, 2018, the City adopted the Cultural Master Plan, as prepared by Lord Cultural Resources and Jon Stover Associates, under the direction of the Cultural Council of Palm Beach County; and

WHEREAS, on April 16, 2019, the City Commission adopted an amendment to the Comprehensive Plan to include by reference the adopted Cultural Arts Master Plan; and

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

WHEREAS, the Historic Resources Preservation Board, in its capacity as the local planning agency for historic districts, considered the proposed amendments at a duly advertised public hearing; and

WHEREAS, the City Commission has reviewed the recommended amendments, and has determined that the amendments are in the best interest of the public health, safety, and welfare of the City and its residents and serve a valid public purpose.

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

47  
48 Section 1. The foregoing recitals are hereby affirmed and incorporated herein.

49  
50 Section 2. Chapter 23, Article 1, Division 2, Section 23.1-12, Definitions, is hereby  
51 amended by adding the words shown in underlined type and deleting the words struck  
52 through as follows:

53  
54 Arts related personal improvement services: Establishments primarily  
55 engaged in providing instruction in (i) the visual arts, including, but not limited to,  
56 painting, sculpting, photography and folk arts, or (ii) the performing arts including,  
57 but not limited to, music, dance, and theatre. This does not include any instruction  
58 related to tattooing or body piercing.

59  
60 Artist studio, single artist (or "Single-artist studio"): A building, or portion  
61 thereof, used as a place of work by a single artist engaged in (i) the visual arts,  
62 including, but not limited to, painting, sculpting, photography and folk arts, or (ii)  
63 the performing arts, including, but not limited to, music, dance, and theatre. A  
64 single-artist studio includes the creation of work and the accessory sale of work  
65 produced only by the artist in his or her own studio. Works from other artists may  
not be offered for sale. This does not include a studio for tattooing or body piercing.

66  
67 Artist studio, multiple-artists (or "Multiple-artists studio"): A building, or  
68 portion thereof, used as a place of work by multiple artists engaged in (i) the visual  
69 arts, including, but not limited to, painting, sculpting, photography and folk arts, or  
70 (ii) the performing arts, including, but not limited to, music, dance, and theatre. A  
71 multiple-artists studio includes the creation of work and the accessory sale of work  
72 produced by multiple artists using or sharing the studio(s). Works from other artists  
73 may not be offered for sale. This does not include a studio for tattooing or body  
piercing.

74  
75 Gallery: A building or portion thereof, used as a place to exhibit and offer  
76 for sale the works of visual artists, including, but not limited to, painting, sculpting,  
photography and folk arts.

77  
78 Section 3. Chapter 23, Article 3, Division 9, Section 23.3-29, Reserved, is hereby  
79 amended by creating the Cultural Arts District Overlay by adding the words shown in  
80 underlined type and deleting the words struck through as follows:

81  
82 **Sec. 23.3-29.—Reserved. Cultural Arts district overlay**

83 a) Intent. The purpose of the Lake Worth Beach Cultural Arts Overlay District, also  
84 referred to as the "Arts Overlay District" or the "Arts District" is to provide an optional

85 set of land development regulations for single family and two family dwellings in a  
86 targeted sub-area of the City's Downtown, Mixed Use - East, Mixed Use – Dixie  
87 Highway, TOD-E, Artisanal Industrial and residential areas in close proximity to these  
88 zoning districts. The establishment of an Arts District provides for regulations that are  
89 more responsive to the needs of artists in the community, encourages more owner-  
90 occupied dwellings in this geographic area and expands the economic opportunities  
91 for home owners, property owners, and artists.

92 b) Applicability. The following area of the City is hereby established as the Cultural Arts  
93 Overlay District:

94 The area bounded on the east by Dixie Highway, on the south by 6<sup>th</sup> Avenue South,  
95 on the west by the alley west of “F” street, and on the north by 3<sup>rd</sup> Avenue North.

96 c) Use restrictions. Refer to the permitted use table at section 23.3-6 for a complete  
97 list of uses, which includes those uses allowed by the underlying zoning district.

98 1. Principal uses permitted by Administrative Use.

99 A. Artisan Studio

100 B. Arts and Crafts Studio

101 C. Art Gallery

102 D. Bakery

103 E. Ceramics Studio with Kiln

104 F. Ceramics Studio without Kiln

105 G. Commissary Kitchen

106 H. Craft Gallery

107 I. Custom Jewelry Fabrication/Studio

108 J. Photography Studio

109 K. Photography gallery (including picture framing)

110 L. Pottery Shop/Studio

111 M. Recording Studio

112 N. Sculpture Studio with Kiln

113 O. Sculpture Studio w/o Kiln

114 P. Stained Glass Studio

115 2. General.

116 A. The provisions of the Arts Overlay District shall be available through the  
117 Administrative Use process (See Section 23.2-128 (b)) for parcels containing a  
118 single-family detached dwelling unit, with or without an accessory dwelling unit,  
119 or a two-family dwelling unit.

120 i. Parcels with a two-family dwelling unit shall be owned by the same person  
121 or entity.

122 ii. Parcels with multi-family units may be converted to a single-family or two-  
123 family unit in order to comply with this section.

- 124 B. Existing nonconforming dwellings within this overlay may be used for this  
125 purpose so long as the building footprint or building area is not expanded or  
126 additional residential structures added to the lot.
- 127 C. Using the provisions of the Arts District can benefit a property owner by allowing  
128 greater intensity and variety of uses than would otherwise be allowed in the  
129 base Zoning District.
- 130 D. The use of the Arts Overlay District is optional. However, if the owner or artist  
131 opts to use the Arts Overlay District, the provisions and requirements of the  
132 Arts District must be used in their entirety. An owner or artist may not select  
133 only specific elements from the Arts Overlay District regulations.
- 134 E. Not all types of arts uses will be appropriate for the residential areas eligible for  
135 the optional Arts District. The addition of arts uses can be very compatible and  
136 add to the character of a neighborhood, but some more intensive uses with  
137 negative impacts such as noise, fumes, dust or hours of operation will not be  
138 suitable for location in the Arts District.
- 139 F. Section 23.2.28, "Home Occupations", does not apply to arts related  
140 businesses regulated in this overlay district.
- 141 G. In addition to the standards provided in this section, all applicable standards  
142 and reviews must be met for properties located within a Historic District.
- 143 H. To the extent that the Arts District does not address a specific development  
144 requirement, the regulations contained in the base zoning district and in the  
145 entirety of these LDRs shall apply.

146 d) Development regulations.

147 1. Design and performance standards

- 148 A. Dwelling units in the Arts Overlay District must be owner occupied.
- 149 B. For a single-artist studio in a single family dwelling unit, the artist must be a  
150 resident in the dwelling unit. For a single-artist studio in a two-family dwelling,  
151 the artist must be a resident in one (1) of the dwelling units.
- 152 C. For a multiple-artists studio as a permitted use, the maximum number of artists  
153 allowed shall be two (2) and both artists must be full time residents in the  
154 dwelling unit.
- 155 D. No additional dwelling units shall be created and no accessory structures shall  
156 be used for living purposes, unless said accessory structure is an approved  
157 dwelling unit.
- 158 E. No more than one (1) non-resident employee is permitted per artist.
- 159 F. Notwithstanding Section 23-4.6 "Home Occupations", up to fifty percent (50%)  
160 of the dwelling unit may be used for the arts related business.

162 2. Outdoor storage. Outdoor storage shall comply with Section 23.4-19. All materials  
163 and work products related to the arts related business must be stored in an  
164 enclosed building.

165 3. Outdoor impacts.

- 166 A. Any creation of art that generates excessive noise or is not compliant with  
167 Section 15-24 of the Code or otherwise not in keeping with noise levels  
168 appropriate to a residential zoning district, is prohibited. Noise generating  
169 activities must be located in a completely enclosed building that attenuates  
170 the noise.
- 171 B. Excessive lights, dust, fumes, odors, and vibrations are prohibited unless the  
172 impacts are mitigated and the activity is located in a completely enclosed  
173 building that attenuates the lights, dust, fumes, odors and vibrations.  
174 Excessive lights, dust, fumes, odors and vibrations are those that due to  
175 intensity, frequency, or duration disrupt the ability of the neighbors to enjoy  
176 and use their property.
- 177 4. Solid waste disposal. All solid waste shall be disposed of in individual residential  
178 pick-up containers. Dumpsters are not permitted.
- 179 5. Parking.
- 180 A. No additional parking is required for a single-artist studio.
- 181 B. For all other arts related businesses, one (1) additional parking space shall  
182 be provided for every 500 square feet or portion thereof of the arts related  
183 business.
- 184 C. Additional required parking may be located either on-site or immediately  
185 adjacent to the lot on the public street.
- 186 D. If additional on-site parking is added, it shall be located behind the front  
187 building line unless approved through a conditional use permit.
- 188 6. Signage.
- 189 A. One (1) permanent sign to identify the arts use shall be allowed. The sign may  
190 be a wall sign, a projecting sign, or a freestanding sign, and shall not exceed  
191 four (4) square feet in area.
- 192 B. One (1) directional sign is allowed, not to exceed four (4) feet in height and  
193 three (3) square feet in area.
- 194 C. A wall sign may be attached as follows:
- 195 i. Attached to the façade of the main building.
- 196 ii. Attached to a structure containing an arts studio.
- 197 iii. Attached to a fence on the property, provided it does not impede  
198 pedestrians or impact sight distances.
- 199 D. The projecting sign may be hung from a porch or other portion of the main  
200 structure or studio. No portion of any sign is allowed above the first floor.
- 201 E. A freestanding sign shall be a maximum of five (5) feet in height. Such  
202 freestanding sign may be placed within five (5) feet of the property line  
203 provided that the sign does not impede pedestrians or impact sight distances.  
204 A freestanding sign may be a pole sign, but may not be a monument sign.

- 205 F. Signs may be double-sided.
- 206 G. Changeable copy is not allowed.
- 207 H. Sign Illumination
- 208 i. The sign may only be illuminated externally.
- 209 ii. No internal illumination, either of a sign box or individual channel letters,  
210 shall be allowed.
- 211 iii. Illumination is allowed when the arts use is open for business.
- 212 iv. No light source shall create an unduly distracting or hazardous condition  
213 to a motorist, pedestrian or the general public.
- 214 v. Lighted signs shall be placed, shielded or deflected so as not to shine into  
215 residential dwelling units or structures, or impair the road vision of the  
216 driver of any vehicle.
- 217 vi. Light sources for a sign shall be directed and shielded to limit direct  
218 illumination of any object other than the sign.
- 219 vii. Neon signage is not allowed.
- 220 viii. Strip lighting is not allowed.
- 221 I. Alterations to the sign regulations contained in the Arts Overlay District may  
222 be requested as part of a conditional use permit. This can include a greater  
223 number or size of signs, location of signs or the use of artistic sign  
224 embellishments.
- 225 7. Hours of operation. The hours of operation related to activities associated with an  
226 arts related business that is open to the public are as follows: Sunday through  
227 Thursday between 9:00 am and 7:00 pm and Friday and Saturday between 9:00  
228 am and 9:00 pm, except as may be allowed during a special event or otherwise  
229 approved by the City.
- 230 8. Outdoor cultural events and performances. Outdoor events or performances that  
231 are open to the public and that feature visual art, music, dance, theater,  
232 performance art, science, design or cultural heritage are permitted, subject to the  
233 following:
- 234 A. The outdoor event or performance must be presented by an existing business  
235 on the property and must comply with all applicable codes and ordinances.
- 236 B. The business' regularly stocked items may be displayed outdoors and be  
237 available for purchase during the event or performance but payment for all  
238 items shall occur indoors. No other items may be displayed for sale outdoors  
239 during the event or performance.
- 240 C. Outdoor events or performances are limited to Fridays, Saturdays and  
241 Sundays only.
- 242 D. Friday and Saturday outdoor events or performances shall be limited to the  
243 hours between 10:00 a.m. and 10:00 p.m. No amplified music or loudspeakers  
244 may be used outside after 10:00 p.m.

- 245 E. Sunday outdoor events or performances shall be limited to the hours between
- 246 10:00 a.m. and 10:00 p.m. No amplified music or loudspeakers may be used
- 247 outside after 8:00 p.m.
- 248 F. Hours and days of outdoor events or performances may be extended subject
- 249 to obtaining a use permit in accordance with the standards and procedures of
- 250 the Development Review Official Section of the Zoning Ordinance.
- 251 G. Outdoor events or performances shall be a minimum of 100 feet from a single-
- 252 family residential zoning district.
- 253 H. Not more than twelve (12) art-related, Arts District wide special events may be
- 254 held in any one (1) calendar year.
- 255

256 Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion  
257 of this ordinance is for any reason held invalid or unconstitutional by any court of  
258 competent jurisdiction, such portion shall be deemed a separate, distinct, and  
259 independent provision, and such holding shall not affect the validity of the remaining  
260 portions thereof.

261 Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict  
262 herewith are hereby repealed to the extent of such conflict.

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

267 Section 7. Effective Date. This ordinance shall become effective ten (10) days after  
268 passage.

269  
270 The passage of this ordinance on first reading was moved by Commissioner  
271 Hardy, seconded by Commissioner Maxwell, and upon being put to a vote, the vote was  
272 as follows:

273

274	Mayor Pam Triolo	AYE
275	Vice Mayor Andy Amoroso	AYE
276	Commissioner Scott Maxwell	AYE
277	Commissioner Omari Hardy	AYE
278	Commissioner Herman Robinson	AYE
279		

280 The Mayor thereupon declared this ordinance duly passed on first reading on the  
281 18<sup>th</sup> day of February, 2020.

