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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 AMENDING ARTICLE 5 “SUPPLEMENTAL REGULATIONS,” SECTION 23.5-1 SIGNS, PARAGRAPH e)13 MURALS TO ELIMINATE DUPLICATIVE LANGUAGE AND REFINE REGULATION OF MURALS AS SIGNS; 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 an arts-centric community where art and its creation are a way of life and at the heart of its DNA; and

WHEREAS, the City wishes to support and encourage artistic expression while protecting the historic character of its designated structures and districts and the safety of its residents; 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.

52 **Section 2:** Chapter 23 “Land Development Regulations, Article 1 “General
53 Provisions,” Division 2 “Definitions,” Section 23.1-12 “Definitions” is hereby amended by adding
54 the words shown in underline type and deleting the words struck through to read as follows:
55

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

58
59 *Sculpture:* a three-dimensional work of art, which may be free-standing, wall-supported, or
60 suspended, constructed from any material or combination of materials.
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63 **Section 3:** Chapter 23 “Land Development Regulations, Article 4 “Development
64 Standards,” is hereby amended by adding thereto a new Section 23.4-27 “Murals and sculptures
65 attached to structures” to read as follows:
66

67 **Sec. 23.4-27. – Murals and sculptures attached to structures.**
68

- 69 a) *General provisions.* For the purpose of this section, murals and sculptures attached to
70 structures shall be constructed and/or installed to meet the requirements and standards
71 contained in this section.
72
- 73 b) *Permit required.* It shall be unlawful for any person to erect, alter, relocate or have within
74 the city, any mural or sculpture attached to a structure, without first obtaining a permit from
75 the building official and making payment of the required fee.
76
- 77 c) *Exceptions.* Murals shall not be required to comply with the provisions of this section under
78 the following conditions:
79
- 80 1. The mural consists solely of painted embellishments around entrances, windows,
81 doors and/or columns that enhance, support, and complement the architecture of
82 a building or structure and are no more than one foot wide.
 - 83 2. Murals painted on windows that are related to a specific temporary circumstance,
84 such as an event or holiday.
 - 85 3. Murals that are not visible from the right-of-way or alleyway.
86
- 87 d) *Design.* All murals and sculptures attached to structures shall be designed in a manner
88 that compliments, supports and harmonizes with the proposed and/or existing architecture
89 and using durable materials suited for display outdoors.
90
- 91 e) *Installation.* Any mural or sculpture attached to structures shall be installed:
92
- 93 1. In strict conformity with approved plans and any special conditions;
 - 94 2. By an artist, sculptor, artisan, painter, craftsperson or similarly qualified person as
95 demonstrated through related experience, talent, expertise, training, and/or education;
 - 96 3. Properly and safely applied or affixed to the structure’s surface, using proper sealant,
97 exterior paint, and/or other materials;
 - 98 4. Suitably weatherproofed and protected against deterioration; and
 - 99 5. In a manner that allows for maintenance in accordance with subsection (j).
 - 100 6. Maximum height may extend the existing or proposed structure by up to ten (10) feet,
101 provided the total height does not exceed maximum height allowed in the
102 corresponding zoning district.

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- f) *Location.* Murals and sculptures shall be allowed throughout the city; however, they shall not be permitted on street facing facades of buildings or structures along any of the City's Major Thoroughfares or within the Downtown (DT) zoning district, except only upon findings by the planning and zoning board or historic resources preservation board, as applicable that the mural or sculpture complies with the major thoroughfare design guidelines and/or the historic preservation design guidelines, as applicable.
- g) *Criteria.* All murals and sculptures must comply with the following criteria:
 - 1. The mural or sculpture must be compatible with the existing or proposed architecture, zoning district, surrounding land uses, and adopted comprehensive plan policies;
 - 2. The mural or sculpture must be scaled in proportion to the area of the wall of the structure on which it will be attached and not obscure or alter primary architectural features of the structure; and
 - 3. The mural or sculpture must not create a safety hazard or obstruct visibility, access, or traffic control devices.
- h) *Signs.* Murals and sculptures attached to structures are not intended to function as signage. Murals or sculptures that contain shall be considered signs and shall comply with Section 23.5-1 of these LDRs.
- i) *Application.* A written application for mural or sculpture approval shall be submitted to the department for community sustainability using forms which shall be provided. The application shall include the following information:
 - 1. The name and address of the applicant;
 - 2. The name and address of the property owner, if different from the applicant;
 - 3. The street address and location of the proposed mural or sculpture;
 - 4. A written description of justification for the proposal which specifically addresses how the mural or sculpture satisfies the goals and objectives of this section and of the comprehensive plan;
 - 5. The written consent of the property owner, if not the same as the applicant;
 - 6. Renderings and sketches prepared in a professional manner clearly indicating the intended appearance of the proposed mural or sculpture. A sketch of the mural or sculpture shall be sufficiently detailed and depicted on a scaled elevation of the structure on which it will be applied. Colored photographs of the structure shall accompany the sketch, showing the proposed location wall in relation to adjacent streets and buildings;
 - 7. Color samples and sculpture materials shall be precisely identified;
 - 8. Such other reasonable and relevant information as the department of community sustainability or board may require.
- j) *Review.* Applications for murals and sculptures on street facing facades of buildings or structures along any of the City's Major Thoroughfares or within the Downtown (DT) zoning district shall be reviewed by the planning and zoning board or historic resources preservation board, as applicable, for compliance with the community appearance criteria of section 23.2-31 of these LDRs and this section. All other applications for murals and sculptures shall be reviewed by staff. The applicable reviewer may approve, approve with conditions, or deny the application, in accordance with Section 23.2-7 or 23.2-8 of these LDRs, as applicable.

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- k) *Compliance with applicable building code requirements.* For the protection of adjacent properties, sculpture to be attached to a structure shall be evaluated by a registered engineer and shall conform to the applicable building code requirements.
- l) *Maintenance.* All murals and sculptures attached to structures shall be maintained in accordance with the approval and in the original condition. Murals and sculptures in a deteriorated or unsafe condition are a violation of this section.
- m) *Enforcement.* The installation of any mural or sculpture must comply with ~~abide by~~ the requirements of this section. Failure to comply with the requirements of this section is a violation of the city's code of ordinances. Violations of this section may be enforced pursuant to articles VI or X of chapter 2 or by any other legally available means and may result in the removal of the mural.

Section 3: Chapter 23 "Land Development Regulations, Article 5 "Supplemental Regulations," Section 23.5-1 "Signs" paragraph e)13 "Murals" is hereby amended by adding the words shown in underline type and deleting the words struck through to read as follows:

13. *Murals.*

~~A. All proposed murals shall be reviewed and approved by the planning and zoning board or historic resources preservation board, as applicable pursuant to:~~

- ~~(i) The community appearance criteria of [section 23.2-31](#) of these LDRs;~~
- ~~(ii) The special regulations of this section; and~~
- ~~(iii) Any administrative review policies adopted pursuant to subsection F. below.~~

~~B. Murals shall be permitted in commercial and industrial districts. Other than trompe l'oeil architectural embellishments, murals shall not be permitted on the fronts of buildings or structures facing Lake Worth Road, Lake Avenue, Lucerne Avenue, Dixie Highway and Federal Highway, except as may be approved by the appropriate board. In all other districts, murals shall be evaluated on a case-by-case basis in relation to their surroundings and environment.~~

~~C. Murals may co-exist with all types of on premises signs. If printed commercial messages or logos are included in a mural, the entire mural shall be considered part of the overall allowable signage permitted by code.~~

~~D. Murals shall be:~~

- ~~(i) Installed in strict conformity with their approved plans and any special conditions.~~
- ~~(ii) Installed by professional artists or licensed painters, or under their direct supervision.~~
- ~~(iii) Properly and safely applied to building surfaces, using proper exterior paint or other materials.~~
- ~~(iv) Suitably weatherproofed and protected against deterioration.~~
- ~~(v) Maintained in their original condition.~~

~~E. Removal of murals. Should an approved mural at any time enter into a deteriorated condition and no longer satisfy the terms of the approval determined by the department for community sustainability of the city, the following procedure may be used to abate the mural:~~

- ~~(i) *Notice to owner.* Notice to the owner shall conform to the provisions set forth in F.S. § 162.12.~~

- 204 (ii) ~~Appeal by owner.~~ The owner shall have thirty (30) days from the date of service to
 205 remove the mural or to request an appearance before the planning and zoning board
 206 or the historic resources preservation board, as applicable, to seek reversal of the
 207 decision of the department for community sustainability. If the appellate board affirms
 208 the department for community sustainability's decision, the owner shall have fifteen
 209 (15) days from the date of the appellate board meeting to remove the mural. The
 210 appellate board may, in its own discretion, impose conditions on the owner for the
 211 restoration of the mural.
- 212 (iii) ~~City's right to enter and abate.~~ If the owner fails to remove the mural after thirty (30)
 213 days or the time limit imposed by the appellate board, the city may, at its own
 214 discretion, take such reasonable action as necessary to enter the property and
 215 remove the mural from the property, or restore the mural to a condition which is in
 216 compliance with the original terms of the approval.
- 217 (iv) ~~Costs of abatement by the city.~~
- 218 (a) ~~Upon the city's abatement of the mural, the costs thereof, including the~~
 219 administrative costs incurred by the city, shall be assessed against the real
 220 property from which the mural was removed. Mural abatement assessments
 221 shall be levied by resolution of the city commission and the date of levy shall
 222 be the date of adoption of such resolution. The resolution shall be filed in the
 223 office of the finance director as a lien against the land where the mural was
 224 abated, and shall be recorded in the public records of Palm Beach County,
 225 Florida, to afford notice to the public.
- 226 (b) ~~Such assessment shall be a lien against the land which the same is made~~
 227 effective as of the date of levy by the city commission. Such lien shall be prior,
 228 and prior in dignity, to all other liens against such property, save and except a
 229 lien for taxes. Liens shall be payable on the date of levy, and shall, from the
 230 date of delinquency (thirty (30) days after the date of levy), bear interest at a
 231 rate determined by the city commission.
- 232 (c) ~~The lien shall be subject to foreclosure as provided by law if not completely~~
 233 paid within three (3) years after date of delinquency. Three (3) years after the
 234 date of delinquency the interest on the unpaid principal shall be at a rate
 235 determined by the city commission.
- 236 (v) ~~Alternative remedies.~~ Nothing in this section shall in any way limit the city to the
 237 remedy listed above. This remedy shall be in addition to any other remedy which the
 238 city can legally pursue.
- 239 (vi) ~~Recording requirements.~~ The mural approval and agreement to remove shall be
 240 recorded in the records of the city, and may be recorded in the official records of
 241 Palm Beach County and shall be binding upon the heirs, personal representatives,
 242 grantees, successors in interest, or assigns of the parties.
- 243 (vii) ~~Removal by owner.~~ Any mural may be removed by the property owner at any time.
- 244 (viii) ~~Removal agreement.~~ Approved murals shall not be installed until the city receives a
 245 written removal agreement properly executed by the applicant and building owner.
 246 Such agreement shall be furnished by the city.

247

248 F. The city commission may adopt reasonable guidelines and policies consistent with these
 249 regulations to assist the city in the review of proposed murals. After ratification, the adopted
 250 administrative policies shall be applied by the review board in reviewing applications for permits
 251 to install murals. Copies of adopted administrative policies shall be provided to all property owners
 252 considering the placement of murals.

253

254 ~~G. A written application for mural approval shall be submitted to the department for community~~
255 ~~sustainability using forms which shall be provided. The application shall include the following~~
256 ~~information:~~

- 257 ~~(i) The name and address of the applicant.~~
- 258 ~~(ii) The name and address of the owner.~~
- 259 ~~(iii) The street address and location of the proposed mural.~~
- 260 ~~(iv) A written description of justification for the proposal which specifically addresses how~~
261 ~~the mural satisfies the goals and objectives of this section of the comprehensive~~
262 ~~plan.~~
- 263 ~~(v) The written consent of the building owner.~~
- 264 ~~(vi) Renderings and sketches prepared in a professional manner clearly indicating the~~
265 ~~intended appearance of the proposed mural. A sketch of the mural shall be~~
266 ~~sufficiently detailed and depicted on a scaled elevation of the wall(s) on which it will~~
267 ~~be applied. Colored photographs of the building shall accompany the mural sketch,~~
268 ~~showing the wall to be painted in relation to adjacent streets and buildings.~~
- 269 ~~(vii) Color samples shall be precisely identified.~~
- 270 ~~(viii) Such other reasonable and relevant information as the department of community~~
271 ~~sustainability or board may require.~~

272
273 **Section 4:** Severability. If any section, subsection, sentence, clause, phrase or portion
274 of this Ordinance is for any reason held invalid or unconstitutional by any court of competent
275 jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and
276 such holding shall not affect the validity of the remaining portions thereof.

277
278 **Section 5:** Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict
279 herewith are hereby repealed to the extent of such conflict.

280
281 **Section 6:** Codification. The sections of the ordinance may be made a part of the City
282 Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and
283 the word "ordinance" may be changed to "section", "division", or any other appropriate word.

284
285 **Section 7:** Effective Date. This ordinance shall become effective 10 days after
286 passage.

287
288 The passage of this ordinance on first reading was moved by Vice Mayor May, seconded
289 by Commissioner Malega, and upon being put to a vote, the vote was as follows:

290		
291	Mayor Betty Resch	AYE
292	Vice Mayor Mimi May	AYE
293	Commissioner Sarah Malega	AYE
294	Commissioner Christopher McVoy	AYE
295	Commissioner Anthony Segrich	AYE
296		

297 The Mayor thereupon declared this ordinance duly passed on first reading on the 21st day
298 of April, 2026.

299
300
301 The passage of this ordinance on second reading was moved by _____,
302 seconded by _____, and upon being put to a vote, the vote was as follows:

303
304 Mayor Betty Resch

305 Vice Mayor Mimi May
306 Commissioner Sarah Malega
307 Commissioner Christopher McVoy
308 Commissioner Anthony Segrich
309

310 The Mayor thereupon declared this ordinance duly passed on the _____ day of
311 _____, 2026.

312

LAKE WORTH BEACH CITY COMMISSION

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By: _____

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Betty Resch, Mayor

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320 ATTEST:

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324 _____
Melissa Ann Coyne, MMC, City Clerk

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