

CITY OF MIAMI SPRINGS, FLORIDA

Mayor Maria Puente Mitchell

Vice Mayor Walter Fajet, Ph. D. Councilwoman Jacky Bravo

Councilman Bob Best Councilman Victor Vazquez, Ph. D.

Decorum: "Any person making impertinent or slanderous remarks or who becomes boisterous while addressing the City Council, shall be barred from further audience before the City Council by the Mayor, unless permission to continue or again address the City Council is granted by the majority vote of the City Council members present. In accordance with the foregoing, the City Council has determined that racial or ethnic slurs, personal attacks and comments unrelated to City matters or issues constitute prohibited comments from the podium."

CITY COUNCIL SITTING AS LOCAL PLANNING AGENCY MEETING AGENDA Monday, June 13, 2022 – 6:30 p.m. City Hall, Council Chambers, 201 Westward Drive

- 1. Call to Order/Roll Call
- 2. Public Hearing Items:

A) AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING CHAPTER 150, "ZONING CODE," ARTICLE XIV, "ADDITIONAL REGULATIONS" OF THE CITY'S CODE OF ORDINANCES BY CREATING SECTION 150-46, "MURALS," TO DEFINE AND PROHIBIT "MURALS," AND PROVIDE FOR AMORTIZATION REGULATIONS FOR EXISTING MURAL(S) IN THE CITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

3. Adjourn

PURSUANT TO FLORIDA STATUTES 286.0105, THE CITY HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEECING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE CITY FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW

1	ORDINANCE NO 2022
2	AN ORDINANCE OF THE CITY OF MIAMI SPRINGS,
3	FLORIDA, AMENDING CHAPTER 150, "ZONING CODE,"
4	ARTICLE XIV, "ADDITIONAL REGULATIONS" OF THE CITY'S CODE OF ORDINANCES BY CREATING SECTION
5 6	150-46, "MURALS," TO DEFINE AND PROHIBIT
7	"MURALS," AND PROVIDE FOR AMORTIZATION
8	REGULATIONS FOR EXISTING MURAL(S) IN THE CITY;
9 10	PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND
11	PROVIDING FOR CODII ICATION, AND
12 13 14	WHEREAS , the City of Miami Springs (the "City") finds it periodically necessary to amend its Code of Ordinances (the "City Code") in order to update regulations and procedures to implement municipal goals and objectives; and
15 16 17	WHEREAS , on March 30, 2022, the City Council, acting as the Board of Appeals, determined that murals are exempt from the City's signage regulations in section 150-30 of the City Code; and
18 19 20	WHEREAS , to provide for the orderly, planned future development of the City, enhance the character and aesthetics of the City, and assure traffic safety, the City Council finds that new murals should not be allowed in the City; and
21 22 23 24	WHEREAS , the City Council, sitting as the Local Planning Agency, has reviewed and recommended approval of this Ordinance at a duly noticed public hearing in accordance with law, and determined that it is consistent with the City's Comprehensive Plan; and
25 26 27	WHEREAS , the City Council has reviewed this Ordinance at a duly noticed public hearing in accordance with law and determined that it is consistent with the City Code; and
28 29 30	WHEREAS , it is the intent of the City Council that nonconforming murals be permitted to continue to exist for no longer than one year from the effective date of this Ordinance; and
31 32	WHEREAS , the City Council finds that this proposed Ordinance serves to further enhance the protection of the public health, safety and welfare.
33 34	NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:1

¹ Coding: Strikethrough words are deletions to the existing words. <u>Underlined words</u> are additions to the existing words. Changes between first and second reading are indicated with double strikethrough and <u>double underline</u>.

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Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

<u>Section 2.</u> <u>Amending Code.</u> That Chapter 150 of the Code of Ordinances of Miami Springs, Florida, is hereby amended by creating Section 150-46, "Murals," which shall read as follows:

40 Chapter 150 – ZONING CODE

41 * * *

42 ARTICLE XIV. - ADDITIONAL REGULATIONS

43 * * *

44 <u>Sec. 150-146. - Murals.</u>

45 (A) Definitions. For purposes of this section, the following definition(s) shall apply:

Mural shall mean a large pictorial representation that is not a sign and which may include, but is not limited to, mosaic, painting, or graphic art or a combination thereof (including collage effects), whether or not it includes text, that is painted on or otherwise applied to the exterior of a building or structure.

(B) Murals.

- (1) Prohibition. Murals are prohibited within the city.
- (2) Amortization procedure for existing murals in the city. The eventual elimination of existing murals, in as expeditious a manner as is reasonable, bears as much relation to the enhancement of the character and aesthetics and traffic safety interests of the city as the prohibition of new murals. It is the intent of this section to protect private property rights to the extent required by law.
 - <u>a.</u> <u>Applicability.</u> These mural amortization procedures shall apply to all properties in the city.
 - b. <u>Amortization Period</u>. All murals in existence upon the effective date of this section, which are made nonconforming by the provisions of these regulations, shall be removed by June 30, 2023 (the "amortization period").
 - c. Nonconforming murals.
 - i. <u>Maintenance</u>. A nonconforming mural may be continued throughout the amortization period, shall be maintained in good condition, and shall not be extended, altered, or enlarged.
 - ii. <u>Damage</u>. A nonconforming mural which has been damaged by fire, explosions, act of God, or the public enemy, to the extent of more than 50 percent of the surface area or square footage of the mural immediately prior to the damage, may not be restored and the exterior of the building or structure must be painted consistent with the provisions of this code.

- iii. <u>Abandonment</u>. If the nonconforming mural is painted over or otherwise obscured from view for more than three months, then it may not be reinstalled.
 - d. <u>Procedure for enforcement of amortization requirements</u>. The amortization period may only be enforced against properties that receive an amortization letter. Prior to the city enforcing the amortization period against any mural owner, it shall be the responsibility of the city manager or designee to serve notification of the commencement of amortization regulations on the owners of nonconforming murals.
 - e. Extension of the amortization period. An owner of a mural who desires a longer amortization period shall file an application for extension with the office of the city manager within 30 days of notification of the commencement of amortization regulations. The application shall include a statement setting forth the property address where the mural is located, the cost of the mural, the name of the artist who created the mural, the date the mural was installed, or the cost and date of the most recent renovation. An extension of the amortization period may be granted if the city manager or designee finds that, with regard to the mural at issue, the amortization period provided by this section is unreasonable. The city manager or designee's decision may be appealed to the city council by the applicant within 30 days of the determination, and may only be overturned for abuse of discretion.
- (3) Violations. In the event of a violation of this section, the city may employ all civil penalties and remedies set forth by Article VIII of Chapter 32, as amended. This provision is supplemental to all other remedies and penalties provided by law.
- Secs. 150-1467—150-153. Reserved.

- <u>Section 3.</u> <u>Conflicts.</u> All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.
- **Section 4. Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.
- <u>Section 5.</u> <u>Codification.</u> That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.
- <u>Section 6.</u> <u>Effective Date.</u> That this Ordinance shall become effective immediately upon adoption on second reading.

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112	PASSED ON FIRST READING on the	day of	, 2022, on a
113	motion made by and	seconded by	
114	PASSED AND ADOPTED ON SECON		
115	on a motion made by and second	ded by . U	Jpon being put to a
116	roll call vote, the vote was as follows:	,	
117 118 119 120 121 122 123 124 125 126 127 128 129 130	Vice Mayor Dr. Walter Fajet Councilman Bob Best Councilwoman Jacky Bravo Councilman Dr. Victor Vazquez Mayor Maria Puente Mitchell ATTEST:	MARIA PUENTE MITO	HELL
131 132 133 134 135	ERIKA GONZALEZ, MMC CITY CLERK APPROVED AS TO FORM AND LEGAL SUF	EICIENICY	
136 137 138 139 140	FOR THE USE AND RELIANCE OF THE CIT	Y OF MIAMI SPRINGS (ONLY:
141 142	WEISS SEROTA HELFMAN COLE & BIERMAN CITY ATTORNEY	AN, P.L.	