



## **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 PROCEEDING 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





71           iii. Abandonment. If the nonconforming mural is painted over or otherwise  
72           obscured from view for more than three months, then it may not be  
73           reinstalled.

74           d. Procedure for enforcement of amortization requirements. The amortization period  
75           may only be enforced against properties that receive an amortization letter. Prior  
76           to the city enforcing the amortization period against any mural owner, it shall be  
77           the responsibility of the city manager or designee to serve notification of the  
78           commencement of amortization regulations on the owners of nonconforming  
79           murals.

80           e. Extension of the amortization period. An owner of a mural who desires a longer  
81           amortization period shall file an application for extension with the office of the city  
82           manager within 30 days of notification of the commencement of amortization  
83           regulations. The application shall include a statement setting forth the property  
84           address where the mural is located, the cost of the mural, the name of the artist  
85           who created the mural, the date the mural was installed, or the cost and date of  
86           the most recent renovation. An extension of the amortization period may be  
87           granted if the city manager or designee finds that, with regard to the mural at  
88           issue, the amortization period provided by this section is unreasonable. The city  
89           manager or designee's decision may be appealed to the city council by the  
90           applicant within 30 days of the determination, and may only be overturned for  
91           abuse of discretion.

92           (3) Violations. In the event of a violation of this section, the city may employ all civil  
93           penalties and remedies set forth by Article VIII of Chapter 32, as amended. This provision  
94           is supplemental to all other remedies and penalties provided by law.

95           **Secs. 150-1467—150-153. - Reserved.**

96           **Section 3. Conflicts.** All Sections or parts of Sections of the Code of  
97           Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of  
98           Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

99           **Section 4. Severability.** That the provisions of this Ordinance are declared to  
100           be severable and if any section, sentence, clause or phrase of this Ordinance shall for  
101           any reason be held to be invalid or unconstitutional, such decision shall not affect the  
102           validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but  
103           they shall remain in effect, it being the legislative intent that this Ordinance shall stand  
104           notwithstanding the invalidity of any part.

105           **Section 5. Codification.** That it is the intention of the City Council and it is  
106           hereby ordained that the provisions of this Ordinance shall become and be made a part  
107           of the City Code, that the sections of this Ordinance may be renumbered or relettered to  
108           accomplish such intentions, and that the word Ordinance shall be changed to Section or  
109           other appropriate word.

110           **Section 6. Effective Date.** That this Ordinance shall become effective  
111           immediately upon adoption on second reading.

112 **PASSED ON FIRST READING** on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, on a  
113 motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_.

114 **PASSED AND ADOPTED ON SECOND READING** this \_\_\_ day of \_\_\_\_\_, 2022,  
115 on a motion made by \_\_\_\_\_ and seconded by \_\_\_\_\_. Upon being put to a  
116 roll call vote, the vote was as follows:

- 117 Vice Mayor Dr. Walter Fajet \_\_\_\_\_
- 118 Councilman Bob Best \_\_\_\_\_
- 119 Councilwoman Jacky Bravo \_\_\_\_\_
- 120 Councilman Dr. Victor Vazquez \_\_\_\_\_
- 121 Mayor Maria Puente Mitchell \_\_\_\_\_

122  
123  
124  
125  
126

\_\_\_\_\_  
MARIA PUENTE MITCHELL  
MAYOR

127  
128 ATTEST:

129  
130  
131

\_\_\_\_\_  
ERIKA GONZALEZ, MMC  
CITY CLERK

134  
135

136 APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
137 FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

138  
139

\_\_\_\_\_  
WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY

140  
141  
142