

ORDINANCE NO. 1037-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS AMENDING CODE OF ORDINANCE SECTION 93-51, COLOR PALETTE COMPLIANCE; BY PROVIDING AN EXCEPTION PROVISION AND A VARIANCE PROCESS TO THE COLOR PALETTE COMPLIANCE PROGRAM ESTABLISHED BY THIS CODE SECTION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; EFFECTIVE DATE.

WHEREAS, in June of 2011 the City Council enacted Code Section 93-51 which required that all commercial buildings within the Neighborhood Business District, Central Business District, and Northwest 36th Street District would be painted in conformity with the City's established color palette by December 31, 2012; and,

WHEREAS, in seeking conformity with the City's color palette, the City Council declined to provide any review, appeal or variance procedure for the program; and,

WHEREAS, since the enactment of the Ordinance and the establishment of the painting compliance program, many comments and factual situations have been discussed with the City's officers and officials; and,

WHEREAS, in light of the foregoing, the City Council has conducted further discussion and debate in regard to the requirements of the program; and,

WHEREAS, as a result of the foregoing further discussions and debate, the City Council has determined that it is in the best interests of the city and its citizens to amend the ordinance and the painting compliance program to provide an exception provision and to allow the program access to the established variance process in the Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Section 93-51, Color Palette Compliance, is hereby amended as follows:

Section 93-51. Color Palette Compliance.

- (A) ...
- (B) ...
- (C) Procedure for Compliance. Owners of property within the applicable Business Districts of the City shall paint their buildings to conform with the aforesaid color palette in accordance with the following procedures:

- (1) All commercial buildings in the applicable Business Districts of the City are hereby required to be in conformity with the color palette of the City by no later than December 31, 2012.

- (a) Exception provision. Owners of property within the applicable Business Districts may be exempted from the color palette compliance program of this ordinance if they can establish, within the sole and exclusive discretion of the Zoning and Planning Director, that their building is subject to conformity with "branding" requirements imposed upon it by an appropriate third party or authority. If the Zoning and Planning Director fails to grant any requested exemption, the building owner may seek a further review of his decision before the City Council.

- (b) Variance provision. Owners of property within the applicable Business Districts who are not subject to "branding" requirements may seek a variance, in accordance with the established procedures and standards set forth in the Code of Ordinances, from compliance with the color palette painting program established by this ordinance.

- (2) ...
- (3) ...
- (4) ...
- (5) ...

(6) ...

(D) ...

Section 2: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

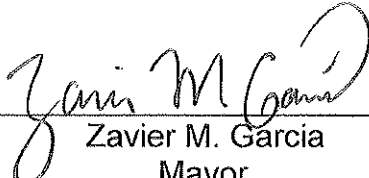
Section 3: That the provisions of this Ordinance shall be effective immediately upon adoption by the City Council.

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PASSED AND ADOPTED by the City Council of the City of Miami Springs,
Florida this 27th day of August, 2012.


The motion to adopt the foregoing ordinance was offered on
second reading by Councilwoman Ator, seconded by Vice
Mayor Lob, and on roll call the following vote ensued:

Vice Mayor Lob	"aye"
Councilman Best	"aye"
Councilwoman Bain	"aye"
Councilwoman Ator	"aye"
Mayor Garcia	"aye"

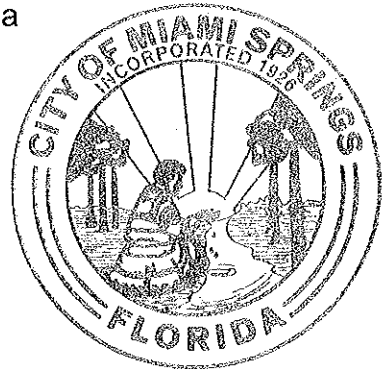


Zavier M. Garcia
Mayor

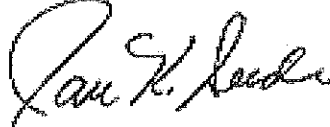
ATTEST:



Magali Valls, CMC
City Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY



Jan K. Seiden, Esquire
City Attorney

First reading:	06-25-2012
Second reading:	08-13-2012 Tabled
Second reading:	08-27-2012