

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, SECTION 29-7, ARTICLE III ENTITLED "AUTHORIZED SIGNS - PARTICULAR LAND USES" AND ARTICLE VI, ENTITLED "VIOLATION/PROHIBITIONS," BY PROHIBITING THE USE OF PAINT WINDOW COVERING THAT EXCEEDS THE 25% OF THE TOTAL TRANSPARENT AREA OF A WINDOW(S) IN THE COMMERCIAL AND CENTRAL BUSINESS DISTRICTS; PROVIDING FOR REPEAL, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the Mayor and City Council wish to preserve the aesthetic integrity of the Commercial and Central Business Districts by prohibiting the painting of or erection of paint signs which covers the entire transparent area of window(s);and

WHEREAS, the Mayor and City Council wish to implement these regulations to the City Zoning Code.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Section 29-7 Article III of the City's Zoning Code, entitled "Authorized Signs – Particular Land Uses" is amended as follows:

Section 29-7. Sign Code Regulations.

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Article III. Authorized Signs – Particular Land Uses

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(f) *Commercial properties in the B-1, C-1, C-2, C-2A, C-2BE and C-2BW zoning districts; intent and purpose.* Land uses in these particular zoning districts have unique similarities and needs relative to signs. Properties are generally developed along four-lane highways, set back considerably from the highways, lacking in a continuity of pedestrian ways from one parcel to the next. Development is generally strip commercial in nature. Signs are primarily needed to communicate with vehicular traffic and secondarily with pedestrians who park their automobiles in contiguous parking areas. However, unique to the B-1 zoning district is the location of establishments fronting directly on the N.W. 6th Court and I-95 rights-of-way. For the most part, these establishments do not

benefit greatly from vehicular or pedestrian traffic passing in front of their establishments. On the other hand, they are ideally suited to take advantage of the high volumes of traffic on the nearby I-95 expressway. Only the following signs are authorized on commercially zoned properties in the B-1, C-1, C-2A, C-2BE and C-2BW zoning districts, except for additional signs authorized by Article III(i) and Article IV of this section:

* * * *

(14) Paint window coverings or signs. Such a sign, whether placed on the interior or exterior of windows, constructed of any kind of thickness, paint or paint base material is prohibited when such paint covering or sign exceeds the authorized twenty-five (25) percent of the total transparent area of any window(s), as provided by the North Miami Zoning Code. A "Paint window covering" or "paint sign" is defined as any paint or paint base material which does not allow pedestrian and/or vehicular traffic to see inside the commercial establishment during the day and/or night.

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(g) Commercial properties in the *Commercial properties in the C-3, central business district.*

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(2) The following signs only are prohibited on property used for commercial purposes, except for additional special signs authorized by Article III(i) and Article IV of this section:

* * * *

m. Paint window coverings or signs. Such a sign, whether placed on the interior or exterior of windows, constructed of any kind of thickness, paint or paint base material is prohibited when such paint covering or sign exceeds the authorized twenty-five (25) percent of the total transparent area of any window(s), as provided by the North Miami Zoning Code. A "Paint window covering" or "paint sign" is defined as any paint or paint base material which does not allow pedestrian and/or vehicular traffic to see inside the commercial establishment during the day and/or night.

Section 2. Section 29-7 Article VI of the North Miami Zoning Code, entitled "Violation/Prohibitions" is amended as follows:

Section 29-7. Sign Code Regulations.

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Article VI. Violation/Prohibitions

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(b) Prohibited signs. The following signs are prohibited

- (14) Paint window coverings or signs. Such a sign, whether placed on the interior or exterior of windows, constructed of any kind of thickness, paint or paint base material is prohibited when such paint covering or sign exceeds the authorized twenty-five (25) percent of the total transparent area of any window(s), as provided by the North Miami Zoning Code. A "Paint window covering" or "paint sign" is defined as any paint or paint base material which does not allow pedestrian and/or vehicular traffic to see inside the commercial establishment during the day and/or night.

Section 3. Repeal. All Ordinances or parts of Ordinances in conflict or inconsistent are repealed.

Section 4. Severability. If any word, clause, phrase, sentence, paragraph or Section of this Ordinance is held to be invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other word, clause, phrase, sentence, paragraph or Section of this Ordinance.

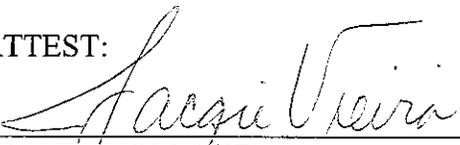
Section 5. Effective Date. This Ordinance shall be effective immediately upon passage by the City on second reading.

PASSED AND ADOPTED by 5-0 vote of the Mayor and City Council on first reading this 31 day of May, 2005.

PASSED AND ADOPTED by 5-0 vote of the Mayor and City Council on second reading this 28 day of JUNE, 2005.



KEVIN A. BURNS
MAYOR

ATTEST:
Deputy for 

FRANK WOLLAND
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


HANS OUDINOT
CITY ATTORNEY

SPONSORED BY: COUNCILMAN SCOTT GALVIN

Moved by: COUNCILMAN GALVIN

Seconded by: COUNCILMAN DESPINOSSE

Vote:

Mayor Kevin A. Burns	<u>X</u>	(Yes)	_____	(No)
Councilperson Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilperson Michael R. Blynn	<u>X</u>	(Yes)	_____	(No)
Councilperson Jacques A. Despinosse	<u>X</u>	(Yes)	_____	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	_____	(No)

Additions shown by underling. Deletions shown by ~~overstriking~~.