



## Planning Commission Report

776 N.E. 125 Street, North Miami, Florida 33161

To: The City of North Miami Planning Commission

From: Debbie Love, AICP, City Planner 

Date: September 1, 2020

RE: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 5, DIVISION 21, ENTITLED "ART IN PUBLIC AND PRIVATE PLACES", SPECIFICALLY AT SECTION 5-2101(F), ENTITLED, "GENERAL", TO MODIFY THE LOCATIONAL LIMITS FOR MURALS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.**

District: 3 – Mary Estimé-Irvin

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### **RECOMMENDATION**

Staff is requesting that, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City's Land Development Regulations (LDRs), the Planning Commission review the proposed amendment to Article 5, Section 5-2101 (F) of the LDRs, consider City staff's recommendation, any testimony at the public hearing, and recommend that the Mayor and City Council adopt the proposed amendment by passage of the attached ordinance.

### **BACKGROUND**

Anchored by the Museum of Contemporary Art (MOCA), the City of North Miami continually seeks to maintain and boost its position as an arts and cultural hub within South Florida. The City has a rich history of support for the arts, including initiatives such as establishing the Arts Overlay District (AOD), requiring the inclusion of public art in private development projects, restoring historic City owned monuments, and creating specific public art projects within City parks. For example, as shown in **Figure 1** below, a unique and beautiful augmented reality mural is part of the Liberty Gardens Park project. The mural was financed through Miami-Dade County's Art in Public Places program and beautification funds awarded by the North Miami Community Redevelopment Agency.

**Figure 1 – Liberty Gardens Park, Augmented Reality Mural**



The City and CRA also collaborated on the designation and restoration of the historic Irons Manner Fountain on Dixie Highway. Both projects are located within the Arts Overlay District and help to create a sense of place by branding North Miami as an artistic, vibrant and innovative destination.

Currently, Article 5-2101 (F) of the LDRs limits the installation of murals to the C-3 Zoning District, commercial corridors in the AOD, and in the C-2BW Zoning District along NE 123<sup>rd</sup> Street. Sponsored by Councilwoman Estimé-Irvin, this amendment will extend the locational limits to include the West Dixie Highway Planned Corridor Development District (PCD) from NE 135<sup>th</sup> Street to NE 143<sup>rd</sup> Street (see **Attachment 2**).

**Analysis:** This Amendment has been reviewed pursuant to the standards for approval set forth in Article 3, Division 10, Section 3-1004 of the City's LDRs as follows:

**A. Whether the amendment promotes the public health, safety and welfare;**

*This Amendment to the LDRs provides additional opportunities for beautification of the City of North Miami through the placement of mural artwork. This amendment creates a corridor where this type of artwork could become an attraction unto itself, similar to the Wynwood Walls in Miami, and thus, bring greater cultural and economic benefits to our community.*

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**B. Whether the amendment permits uses the comprehensive land use plan prohibits in the area affected by the zoning map change or text amendment;**

*This Amendment to the LDRs does not conflict with an allowable land use; rather, it further expands the locations where murals are currently allowed.*

**C. Whether the amendment allows densities or intensities in excess of the densities and intensities which are permitted by the future land use categories of the affected property;**

*This Amendment to the LDRs does not affect the allowable densities or intensities.*

**D. Whether the amendment causes a decline in the level of service for public infrastructure which is the subject of a concurrency requirement to a level of service which is less than the minimum requirements of the comprehensive land use plan;**

*This Amendment has no impact upon the level of service for public infrastructure.*

**E. Whether the amendment directly conflicts with a goal, objective or policy of the comprehensive land use plan; and**

*This Amendment does not conflict with the comprehensive plan. Rather, it implements several goals, objectives and policies regarding urban place-making and economic development, including Objective 1.6 of the Future Land Use Element, that requires the City to, "...identify methods of creating a sense of place..."; and, Policy 9.2.6 of the Economic Element that states the City will, "...encourage cultural arts and amenities...that enhance the City's image, reputation and local quality of life."*

**F. Whether the amendment furthers the orderly development of the City of North Miami.**

*As noted earlier, this LDR Amendment does not impact the normal and orderly development of the City, rather it only extends the locational limits where murals are allowed.*

Staff is requesting that the Planning Commission recommends adoption of the attached ordinance and forwards same to the Mayor and City Council for final consideration.

**ATTACHMENTS**

1. Proposed Ordinance



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## 2. Existing and Proposed Mural Locational Graphic

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, PROVIDING FOR A TEXT AMENDMENT TO CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES BY AMENDING ARTICLE 5, DIVISION 21, ENTITLED “ART IN PUBLIC AND PRIVATE PLACES”, SPECIFICALLY AT SECTION 5-2101(F), ENTITLED, “GENERAL”, TO MODIFY THE LOCATIONAL LIMITS FOR MURALS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERRORS, CODIFICATION AND FOR AN EFFECTIVE DATE.**

**WHEREAS**, the current Land Development Regulations (“LDRs”), Chapter 29 of the City Code of Ordinances, was adopted in July 2017 through Ordinance No. 1417 to establish zoning districts and regulations that implement the adopted 2007 Future Land Use Map (“FLUM”) designations; and

**WHEREAS**, Article 3, Division 10, Sections 3-1003 through 3-1007 of the LDRs outlines the procedures for text amendments and zoning map changes to the LDRs initiated by either the City or one (1) or more owners of record for parcel(s) located within the jurisdictional boundary of the City; and

**WHEREAS**, Article 3, Division 3, Section 3-302 of the LDRs establishes a uniform notice and procedure in order to ensure due process and maintain citizen access to the local government decision-making forum relating to the approval LDR text changes within the jurisdictional boundary of the City; and

**WHEREAS**, the City of North Miami (the “City”) continually seeks to maintain and boost its position as an arts and cultural hub within South Florida; and

**WHEREAS**, the City has a rich history of support for the arts, including initiatives such as establishing the Arts Overlay District (“AOD”), requiring the inclusion of public art in private development projects, and creating specific public art projects; and

IWO #20-471 (JLW)

**WHEREAS**, the City desires to increase opportunities within the West Dixie Planned Corridor Development District (“PCD”) for the installation of murals; and

**WHEREAS**, pursuant to the requirements of Article 3, Division 10, Section 3-1006 of the City LDRs, at a duly noticed public meeting held on September 1, 2020, the Planning Commission reviewed the proposed Amendment to the LDRs, the recommendation of City staff, testimony provided at the public hearing (if any), and issued a recommendation to the Mayor and the City Council to take the appropriate action and adopt the proposed Amendment by passage of this ordinance; and

**WHEREAS**, pursuant to Article 3, Section 3-1007 of the LDRs, the Mayor and City Council have jurisdiction to adopt the proposed LDR text amendment, and after two (2) duly noticed public meetings (first reading and second reading), have determined that the amendments are in the best interest of City residents and in accordance with state law.

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

**Section 1.    Recitals.** The recitals to the preamble herein are incorporated by reference.

**Section 2.    Amendment to Chapter 29, North Miami Code of Ordinances.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 29 of the North Miami Code of Ordinances entitled “Land Development Regulations”, by amending Article 5, entitled “Development Standards” as follows:

CITY OF NORTH MIAMI CODE OF ORDINANCES  
CHAPTER 29. LAND DEVELOPMENT REGULATIONS

\* \* \* \* \*

ARTICLE 5: DEVELOPMENT STANDARDS

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DIVISION 21. – ART IN PUBLIC AND PRIVATE PLACES

**Sec. 5-2101. - General.**

A. Intent. The City of North Miami hereby prescribes an art in public places program for the acquisition, management and maintenance of works of art in new public buildings, pursuant to Miami-Dade County regulations.

\* \* \* \* \*

F. Murals.

1. Intent. It is the intent of the city that the display of art or graphics on buildings and walls be permitted within certain commercial and special art overlay districts of the city in order to aesthetically enhance otherwise blank walls and unoccupied buildings, and that the funds generated by permits issued with respect to such displays be utilized to ensure quality of life and prevention of visual clutter or blight. The city shall comply with state and federal requirements as specified in the agreements executed with the Federal Highway Administration ("FHWA") and the State of Florida Department of Transportation ("FDOT") and to keep FDOT informed of issues pertaining to oversight of the mural ordinance to ensure effective control of the mural program within the city municipal boundaries.

2. Permitting and review required: Permit reviewed, recommendation made to the Art Selection Committee; review by the Art Selection Committee, pursuant to section 5-2102; and permit issued by the City of North Miami.

3. Standards. Murals shall only be permitted in the C-3 zoning district, in commercial corridors in the Arts Overlay District, ~~and~~ areas in the C-2BW zoning district along NE 123rd Street, and within the West Dixie Highway Planned Corridor Development District between NE 135<sup>th</sup> Street and NE 143<sup>rd</sup> Street, in accordance with the following design criteria:

- a. Murals shall be applied utilizing weather resistant paint or materials; and
- b. Murals shall not be designed as to constitute or create a traffic hazard.

\* \* \* \* \*

**Section 3.** **Repeal.** All Ordinances and part of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 4.** **Conflicts.** All Ordinances or parts of ordinances in conflict herewith the provisions of this Ordinance are repealed.

**Section 5.** **Severability.** The provisions of this Ordinance are declared to be severable. If any section, paragraph, sentence, phrase, clause or word of this Ordinance shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, phrases, clause or words of this Ordinance, but they shall remain in

effect, it being the legislative intent that this Ordinance shall notwithstanding the invalidity of any part.

**Section 6.** **Scrivener’s Errors.** The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy with the City Clerk.

**Section 7.** **Codification.** The provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. 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 any other appropriate word.

**Section 8.** **Effective Date.** This Ordinance shall become effective ten (10) days after adoption on second reading.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
PHILIPPE BIEN-AIME  
MAYOR

ATTEST:

\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

IWO #20-471 (JLW)

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Philippe Bien-Aime

Vice Mayor Alix Desulme, Ph. Ed.

Councilwoman Carol Keys, Esq.

Councilwoman Mary Estimé-Irvin

Councilman Scott Galvin

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

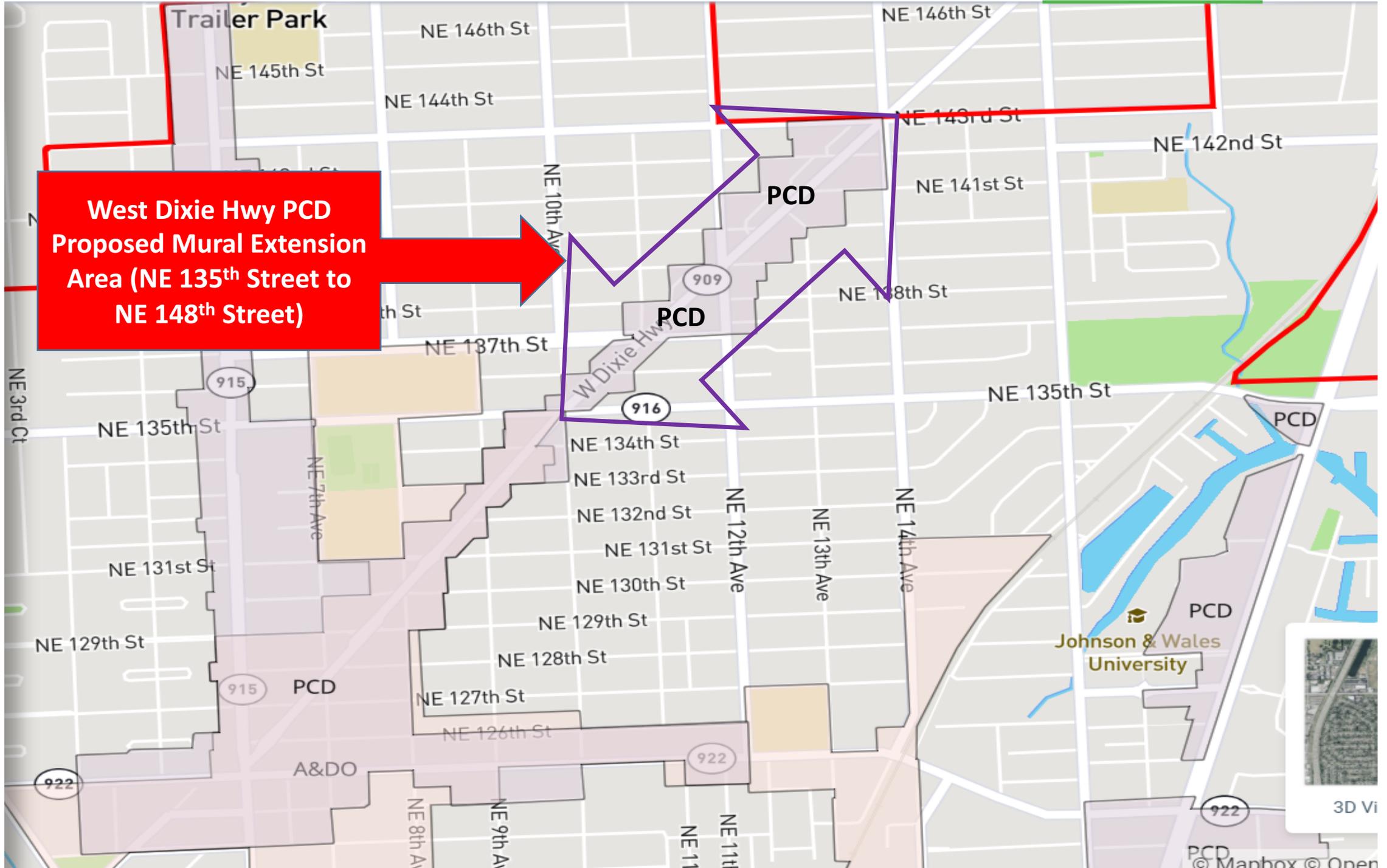
**Existing Limit for Murals  
Along West Dixie Hwy.**

AOD

Baywinds  
Apartments

Johnson & Wales  
University

**West Dixie Hwy PCD  
Proposed Mural Extension  
Area (NE 135<sup>th</sup> Street to  
NE 148<sup>th</sup> Street)**



PCD

PCD

PCD

PCD

PCD

Johnson & Wales  
University

3D Vi

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**NORTH MIAMI PLANNING COMMISSION AGENDA  
VIRTUAL MEETING**

**Tuesday, September 1, 2020 2:00 PM**

Meeting access link: <https://www.gotomeet.me/NOMICPD/pc09012020>

Dial in: (408) 650-3123      Access Code: 153-768-549

**I. ASSEMBLY AND ORGANIZATION:**

- A. Call to Order
- B. Roll Call of Board Members
- C. Amendments to the Agenda

**II. APPROVAL OF MINUTES:** August 4, 2020

**III. COMMUNICATIONS**

**IV. CONTINUED PUBLIC HEARING:** None

**V. PUBLIC HEARING:**

PC 09-20:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AND ADOPTING THE NORTH MIAMI FIVE-YEAR 2020-2024 CONSOLIDATED PLAN AND THE FISCAL YEAR 2020-2021 ACTION PLAN UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

DOCUMENT LINK: [www.northmiamifl.gov/HousingCP09012020](http://www.northmiamifl.gov/HousingCP09012020)

- 1. Commission Member Disclosures under Sec. 2-391, City Code.
- 2. Staff Report
- 3. Public Comment
- 4. Commission Action

PC 10-20:

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A PROPOSED MIXED USE DEVELOPMENT, INCLUDING A 3-STORY PUBLIC CHARTER SCHOOL, COMMUNITY MEDICAL CLINIC AND 24- UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDING ON THE 7.6-ACRE REAL PROPERTY, LOCATED AT 13855 NW 17<sup>TH</sup> AVENUE, AND SPECIFICALLY IDENTIFIED WITH MIAMI-DADE COUNTY FOLIO NUMBER: 06-2123-000-0060, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407 AND ARTICLE 4, DIVISION 3, SECTION 4-302 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED "LAND DEVELOPMENT REGULATIONS"; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

DOCUMENT LINK: [www.northmiamifl.gov/kipp09012020](http://www.northmiamifl.gov/kipp09012020)

- 1. Commission Member Disclosures under Sec. 2-391, City Code.
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- 3. Public Comment
- 4. Commission Action

PC 11-20:

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DOCUMENT LINK: [www.northmiamifl.gov/LDRMural09012020](http://www.northmiamifl.gov/LDRMural09012020)

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**VI. COMMITTEE REPORTS**

**VII. OLD BUSINESS**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT**

The Planning Commission will hold a Virtual Public Hearing for these proposed Resolutions and Ordinance on **Tuesday, September 1, 2020 at 2:00 p.m. via GoToMeeting**. To log onto the virtual public hearing, go to the following web address at the date and time indicated above; <https://www.gotomeet.me/NOMICPD/pc09012020>, or dial in to (408) 650-3123, Access Code: 153-768-549.

Members of the public are invited to attend the virtual Public Hearing and provide oral or written comments on the matter. Comments, which must include your full name and address, may be provided in advance of the hearing via telephone at 305-895-9803, or by sending an email to [publiccomment@northmiamifl.gov](mailto:publiccomment@northmiamifl.gov). Comments received by 10 a.m., September 1, 2020, will be read into the record during the hearing. Comments received after the deadline will become part of the record, but will not be read during the hearing.

If you do not have internet access, you may call 305-893-6511, Ext. 19003 to ask questions about the items. A copy of the full package containing staff reports and recommendations for all items is available online at <https://www.northmiamifl.gov/pc09012020>, and will also be available for public review from Monday to Friday between the hours of 8:15 a.m. and 12:30 p.m. in the Community Planning & Development Office located at 12400 NE 8th Avenue, North Miami, Florida 33161.

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT NO LATER THAN FOUR (4) DAYS PRIOR TO THE PROCEEDING. TELEPHONE (305) 893-6511, EXT. 19000, FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE 711 OR YOU MAY CONTACT 1-800-955-8771 FOR THE FLORIDA RELAY SERVICE FOR ASSISTANCE.**