

ORDINANCE NO. 1459

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

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

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ARTICLE 5: DEVELOPMENT STANDARDS

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.

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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 135th Street and NE 143rd 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.

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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 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 22nd day of September, 2020.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 27th day of October, 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: COUNCILWOMAN ESTIME-IRVIN

Moved by: Estimé-Irvin

Seconded by: Galvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

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| <u>X</u> | (Yes) | <u> </u> | (No) |
| <u>X</u> | (Yes) | <u> </u> | (No) |
| <u>X</u> | (Yes) | <u> </u> | (No) |
| <u>X</u> | (Yes) | <u> </u> | (No) |
| <u>X</u> | (Yes) | <u> </u> | (No) |