

RESOLUTION No. 21-128

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING GOING FORWARD WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY A TEXT AMENDMENT TO THE CITY OF DORAL LAND DEVELOPMENT CODE, CHAPTER 75, "PUBLIC ARTS PROGRAM," CREATING ARTICLE II, ENTITLED "MURALS" TO ESTABLISH REQUIREMENTS AND CRITERIA FOR MURALS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City's Public Arts Program was created in 2015 to strengthen the sense of the community through arts and culture; and

WHEREAS, the use of murals in the City of Doral was initiated in 2015 as a means to enliven and introduce creativity to the built environment through their placement on building facades; and

WHEREAS, pursuant to the City's Public Art Program, murals are only authorized for new or redevelopment projects and in the Downtown Doral Art District; and

WHEREAS, the Mayor and City Council support expanding public art by authorizing the use of murals on building facades within certain zoning districts to enhance the social and economic conditions of the City; and

WHEREAS, on May 19, 2021, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the proposed text amendment to the City's Land Development Code as required by state law and local ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY THAT:

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Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made as part hereof by this reference.

Section 2. Decision. The Local Planning Agency hereby recommends going forward without a recommendation to the Local Governing Body (City Council) a text amendment to Chapter 75 “Public Arts Program,” creating Article II, entitled “Murals” to establish requirements and criteria for murals. The City of Doral Land Development Code is hereby amended as follows¹:

CHAPTER 75 – PUBLIC ARTS PROGRAM

ARTICLE II. – MURALS

Section 75-130. – Art Murals on Private Property

(a) **Purposes.**

(1) These regulations relating to Art Murals in the City of Doral further the following purposes: (1) encouraging artistic expression; (2) fostering a sense of community pride; and (3) expanding public art throughout the city.

(2) The City wishes to encourage the installation of murals and, at the same time, prevent the proliferation of off-site commercial signs. Therefore, the City's mural regulations exclude commercial advertising on murals to prevent the installation of the equivalent of an off-site commercial sign on a mural.

(3) These mural regulations also promote public safety and welfare by regulating such displays in keeping with the following objectives:

(i) That the design, construction, installation, repair and maintenance of such displays will not interfere with traffic safety or otherwise endanger public safety.

(ii) That the regulations will provide reasonable protection to the visual environment by controlling the size, spacing and location of such displays.

(iii) That the public will enjoy the aesthetic benefits of being able to view such displays in numbers and sizes that are reasonably and appropriately regulated without having to endure visual blight and traffic safety impacts that would be caused by such displays that are not reasonably and appropriately regulated.

(iv) That consideration will be given to equalizing the opportunity for messages to be displayed.

(vii) To provide requirements and regulations for Art Murals as defined in this section.

Section 75-131. – Definitions

For the purpose of this article, the following definitions shall apply:

“Commercial message” includes any text or logos or representation of the business name, commercial product, trademark, commercially recognized display, copyright or service mark of the business or sponsor.

“Graffiti” means any writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings that are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of a building, wall, fence, sidewalk, curb, or other permanent structure on public or private property and which have the effect of defacing the property.

“Mural” means a one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

“Mural permit” is the temporary permit allowed by this article once all criteria described herein has been met.

“Permit fee” is the permit fee paid for a mural permit.

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"Wall" is the exterior surface of a building capable of being occupied, including surfaces free of windows or devoid of occupants behind the area where the mural is to be placed. Surfaces constructed on roof tops (other than a roof parapet) shall not be considered walls for purposes of this article.

"Wrap or wrapped mural" is a mural which is continuous on two sides of the building and connects or touches on one side. A wrap shall have related paintings and artistic works on both sides of the mural.

Section 71-132. - Art Mural Registration.

- (1) Authority. The Planning and Zoning Department shall have the authority to determine that an application for an Art Mural meets all of the applicable requirements as established in this section.
- (2) Administrative Rules. The Planning and Zoning Department is authorized and directed to adopt Art Mural Ordinance Administrative Rules implementing this section.
- (3) Covenant. In connection with the installation of a new Art Mural, the applicant shall be required to record a covenant with the Office of the County Recorder and the Planning and Zoning Department. The covenant shall require that the mural comply at all times with all provisions of the Art Mural Regulations specified in Subsection (b) of this Section 75-133. In addition, the covenant shall remain in force for as long as the mural exists.
- (4) Change of Ownership. Upon a change of ownership of the property to which an Art Mural is affixed, a new owner may, at the owner's election and without the need for permission from the Planning and Zoning Department, de-register the mural with that department and terminate the covenant.

Section 75-133. - Art Mural Regulations.

Applications for an Art Mural that meet all of the following requirements will be allowed:

(1) The mural shall remain in place, without alteration, for a minimum period of two years. "Alterations" include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute an "alteration". Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. A mural may be removed within the first two years of the date of permit issuance under the following circumstances:

- (i) the property on which the mural is located is sold; or
- (ii) the structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
- (iii) the property undergoes a change of use authorized by the Planning and Zoning Department.
- (iv) the owner of a mural may request permission from the Planning and Zoning Department to remove a mural prior to the expiration of the two year period, which the Department may grant upon making a finding that the continued maintenance of the mural is not feasible and that the early removal of the mural is in furtherance of the public's safety and welfare.

(2) *Advertisement.* No mural may contain any product or service advertising of any kind.

(3) *Mural size.* Murals shall be allowed to cover up to 80 percent of a wall. In any event, a mural may not be greater than 2,500 square feet.

(4) No mural, except for murals consisting completely of paint, shall be placed over the exterior surface of any building opening, including, but not limited to, windows,

doors and vents. Notwithstanding the foregoing, a mural consisting of paint or any other material permitted under this section may be placed on roll down security doors on a commercial or industrial building.

(5) (a) Mural shall only be permitted within the Industrial Commercial District (IC), Industrial District (I), Industrial Restricted District (I-R), Corridor Commercial District (CC), Downtown Mixed Use District (DMU) and Community Mixed Use District (CMU) provided that such murals:

(i) Are not tiled, painted or affixed on a building elevation that faces an adjacent residentially zoned property located within 400 feet of the elevation.

(ii) Are made of perforated vinyl mesh or adhesive backing and are transparent to the occupants of the building.

(b) The mural regulations set forth in this section are permissive. Thus, murals are only allowed as authorized by this section. Any murals that are not so authorized are prohibited.

(6) *Illumination.* The illumination of a mural shall only be by indirect and static illumination and shall only be permitted from 6:00 p.m. to midnight Standard Time and 7:00 p.m. to midnight Day Light Savings Time.

(7) *Public safety.* Mural faces shall not have any moving or animated parts, or any other electronic movements, and shall not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles. Murals shall also comply with all applicable laws, rules and regulations of the federal, state and county governments; and in addition, any proposed amendments to this division shall be consistent with applicable federal, state and county laws and ordinances in effect at the time of such amendment.

(8) Digitally printed image murals shall receive approval of both the City's Building Department and Miami-Dade County Fire Department.

(9) Spacing between murals and number of murals allowed per building. A mural shall not be located within 300 feet of another legally permitted mural oriented towards the same side of a street or the State Highway, as applicable. The distance shall be measured in accordance with Rule 14-10.006(4), Florida Administrative Code ("F.A.C.")(2012)(i.e. measured along the edge of pavement of the main traveled way).

If two murals are permitted for any one building, they must be on different sides of the building and each such mural shall be required to obtain a separate mural permit for each street front. This section shall not preclude a mural on one building which is contiguous on two sides of the building, commonly referred to as a wrap-around mural. A wrap-around mural shall be counted as one mural for purposes of fees and the maximum number of mural permits which may be issued pursuant to this division.

(10) Spacing from billboards. A mural shall not be located within 300 feet of a legally permitted billboard oriented toward the same side of a street or State Highway, as applicable. The distance shall be measured in accordance with Rule 14-10.006(4), F.A.C. (2012).

Sec. 75-134. - Mural permit required.

Murals may not be erected, hung, placed, posted, painted, displayed, or maintained in the city except as provided by this article.

An applicant's permit application shall contain the following for each site sought to be permitted:

- (1) Dimensioned elevation drawing and photo of the wall where the mural is to be located.
- (2) Artist's description of the mural.
- (3) A colored drawing or colored computer simulation depicting the mural face.

- (4) Two photographs or two computer simulations depicting the wall and the mural superimposed on the wall.
- (5) Copy of the city's zoning map where the mural is to be located.
- (6) Payment of a non-refundable administrative fee in the amount of \$250.00.
- (7) Owner's approval.
- (8) The address and the folio number of the subject building and the specific wall on the building upon which the mural would be attached.
- (9) Completion by the applicant of the city indemnity and hold harmless agreement, in a form approved to by the city attorney.
- (10) Mural permits shall require the applicant notify: the abutting property owner(s) of the new location, the homeowner or condominium association where a mural is proposed.

Section 75-135. – Approval process for a permit.

- (1) Applicant shall submit all documentation as required by Section 75-134 to the Planning and Zoning Department.
- (2) After an application is deemed complete, the Planning and Zoning Department staff shall schedule the mural application for the next available Public Arts Program Advisory Board meeting.
- (3) Murals shall be reviewed and approved by the Public Arts Program Advisory Board.
- (4) Murals located on buildings in public or private parks shall be approved by the Mayor and City Council.
- (5) A permittee shall have 60 days from the issuance of a mural permit to install a mural at the approved site. Should the permittee fail to install the permitted mural

within the 60-day period, the city manager or designee shall rescind the mural permit.

Section 75-136. – Permit Fee.

A permit fee of \$500.00 for each mural shall be paid in full prior to obtaining a permit. Funds generated by permits issued shall be placed in the Art in Public Places fund.

75-137. - Graffiti removal – Nuisance abatement.

(a) As defined in this section, graffiti is hereby declared to be a public nuisance. The owner of record, or the person in charge, possession or control of any building or structure upon which graffiti is placed or affixed shall, upon the appearance of the graffiti shall cause such graffiti to be removed.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption by the Local Planning Agency (LPA).

The foregoing Resolution was offered by Councilmember Mariaca who moved its adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 19 DAY OF MAY, 2021.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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