

ORDINANCE NO. 2025-____

AN ORDINANCE OF THE CITY OF HOMESTEAD, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES BY AMENDING CHAPTER 23, “SIGNS AND ADVERTISING,” ARTICLE III, “SIGNS,” DIVISION 3, “REGULATIONS,” SECTION 23-87, “MURAL APPROVAL PROCESS,” TO UPDATE AND FURTHER CLARIFY THE REVIEW AND APPROVAL STANDARDS AND PROCEDURES FOR MURALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Homestead, Florida (the “City Council”) finds it periodically necessary to amend its Code of Ordinances (the “City Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the City Council recognizes that murals serve as a form of public art that enhances the City’s visual character and cultural identity; and

WHEREAS, Section 23-87 of the City Code of Ordinances currently outlines the maximum permitted size and scale of murals, as well as the review and approval standards and procedures for murals to ensure such installations are compatible with their surroundings and consistent with community standards; and

WHEREAS, the City Council finds it necessary to amend Chapter 23, “Signs and Advertising,” Article III, “Signs,” Section 23-87, “Mural Approval Process,” to update and further clarify that murals placed and/or located on City-owned properties shall be exempt from the maximum permitted size and scale established for murals that may be located within the City; and

WHEREAS, the City Council has reviewed this Ordinance at a duly noticed public hearing; and

WHEREAS, the City Council hereby finds and declares that adoption of this Ordinance is necessary, appropriate, and in the public interest of citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA¹:

Section 1. Findings. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. City Code Amended. That Section 23-87, “Mural Approval Process,” of Chapter 23, “Signs and Advertising,” of the City Code of Ordinances is hereby amended to read as follows:

Chapter 23 – SIGNS AND ADVERTISING

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ARTICLE III. SIGNS

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DIVISION 3. - REGULATIONS

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Sec. 23-87. - Mural approval process.

All murals are to be viewed as public art, not advertising signs and therefore any commercial message contained within the mural shall not be the primary aspect of said mural. Except as otherwise set forth in this section, A murals located within the city shall not exceed five hundred fifty (550) square feet in area, or twenty (20) percent of the total area of the wall upon which it will be painted, whichever is less. ~~Each mural shall be~~

¹ Strikethrough words are deletions to the existing words. Underlined words are additions to the existing words.

evaluated by the director of development services based on its appropriateness for its location and immediate environment. All proposed murals shall be reviewed by the director of development services. The director shall issue a written decision to recommend approval or denial of the proposed mural, and the director's recommendation shall then be forwarded to the city manager and placed on the agenda of the next available council meeting for approval or denial. Notwithstanding the foregoing, murals placed and/or located on city-owned properties shall be exempt from the maximum permitted size and scale, as well as placement and location restrictions established for murals that may be located within the city.

(a) *Permitting and review required.* Murals may not be erected, hung, placed, posted, painted, displayed, or maintained in the city except as authorized by the city through the issuance of a "Mural Permit." Mural Permits granted by the city are valid for an initial two (2) year period and may qualify for a subsequent two (2) year extension. Provided, however, that no Mural Permit may be granted if pending code enforcement proceeds, liens, outstanding taxes, and/or outstanding fees are owed to the city. Any property owner or applicant acting on behalf of the property owner seeking to extend a Mural Permit shall be required to file a new Mural Permit application, subject to the criteria and review process established pursuant to this section, as may be amended in the future.

(b) *Mural Permit Application.* A property owner or applicant acting on behalf of the property owner shall complete and submit a Mural Permit application, application fee as established by the City Council, and supportive documentation including a scaled elevation of the building facade, surface or exterior wall, and/or accessory structure where the Mural artwork is to be located showing:

- (1) the height and width of the building facade, surface exterior wall, or accessory structure;
- (2) the location of any doors, windows, or architectural elements; and
- (3) an artist-colored rendering of the proposed Mural artwork drawn to scale and provided in a format of not less than 24 inches x 36 inches.

(c) *Procedure.* The development services director or designee shall review and evaluate the Mural Permit application based on the criteria of this section and any applicable sections of the Florida Building Code and issue a written staff report recommending consideration of the proposed Mural artwork to the city council. The director or designee's staff report shall then be forwarded to the city manager and placed on the agenda of the next available council meeting for approval or denial. Subsequent to the approval of a Mural Permit by the city council, the property owner or applicant acting on behalf of the property owner, shall be required to pull any and all required building permit(s) necessary for the installation of the approved Mural artwork.

(d) Mowry Mural Pilot Program. It is the intent of the city to establish a pilot Mural program within the SW Neighborhood Mowry Drive Corridor (commonly referred to as the “Mowry Murals”) in order to foster historic/ culture aesthetic enrichment of the community through the creation of works of art so that citizens and visitors to the city are afforded an opportunity to enjoy and appreciate works of art; as well as to aesthetically enhance otherwise blank walls and unoccupied buildings located within the SW Neighborhood Mowry Drive Corridor.

Southwest (SW) Neighborhood Mowry Drive Corridor means the geographic area located within the Southwest Neighborhood, which includes Mowry Drive and properties adjacent to Mowry Drive running between Krome Avenue (Eastern Boundary) and SW 187th Avenue (Western Boundary).

(e) Placement and Location.

(a) Murals within the city, which are located outside the boundary of the Southwest (SW) Neighborhood Mowry Drive Corridor, may be proposed on the building façade, surface or exterior walls, except for a building façade, surface or exterior walls facing Krome Avenue.

(b) Murals within the city, which are located within the boundary of the Southwest (SW) Neighborhood Mowry Drive Corridor, may be proposed on the building façade, surface or exterior walls, and accessory structures, such as perimeter site walls and dumpster enclosures located on properties adjacent to Mowry Drive, provided that all proposed Murals shall be clearly visible from Mowry Drive.

(c) The placement and or location of Murals on the building façade, surface or exterior walls facing Krome Avenue shall be prohibited.

(d) Notwithstanding the foregoing, murals placed and/or located on city-owned properties shall be exempt from the placement and location restrictions established for murals located within the city.

(f) Design, and Installation requirements. In addition to the placement and location requirements, as provided in this section, all Murals shall also comply with the following requirements:

(1) Design Materials. Murals shall be designed and installed utilizing techniques or materials that do not permanently damage the façade of the building and/or accessory structure(s) and shall utilize weather resistant paint and/or materials.

(2) Coverage, Size, and Scale.

(a) The maximum permitted size and scale for murals within the city, which are located outside the boundary of the Southwest (SW) Neighborhood Mowry

Drive Corridor, shall not exceed five hundred fifty (550) square feet in area, or twenty (20) percent of the total area of the wall upon which it will be painted, whichever is less.

(b) The maximum permitted size and scale for murals within the city, which are located within the boundary of the Southwest (SW) Neighborhood Mowry Drive Corridor, may cover one hundred percent (100%) of a building façade, surface or exterior wall, and/or accessory structure.

(3) Illumination. Murals may be illuminated only by indirect lighting. Any proposed illumination shall require submittal of a photometric plan as part of the Mural Permit application. Internal illumination, blinking lights, and flashing lights are prohibited.

(4) Public safety. Murals may not have any moving or animated parts, or any other digital and/or electronic movements. Murals may 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.

(5) Maintenance. A property owner or applicant shall be responsible for the repair and maintenance of the Mural, including prompt repair or removal of graffiti.

(g) Enforcement. In the event of a violation of the terms of this section, the city may employ all penalties and remedies set forth in city code chapter 7, "Code Enforcement," in addition to any other remedies as provided by law, including revocation of any Mural Permit(s).

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Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Inclusion in the City Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____ 2025.

PASSED AND ADOPTED on second reading this ____ day of _____, 2025.

Mayor Steven D. Losner

Attest:

ELIZABETH SEWELL, MPA, MMC
City Clerk

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

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
City Attorney

Motion to adopt by _____ seconded by _____.

FINAL VOTE AT ADOPTION

Mayor Steven D. Losner

Vice Mayor Jenifer N. Bailey

Councilwoman Erica G. Ávila

Councilman Clemente Canabal

Councilman Sean L. Fletcher

Councilwoman Kimberly Konsky

Councilman Larry Roth
