

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Manager Steve Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Santamaria

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, August 15, 2007

7:00 PM

South Dade Regional Library
10750 SW 211th Street, 2nd Floor
Cutler Bay, Florida 33189

1. **CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
2. **ADDITIONS, DELETIONS, AND DEFERRALS**
3. **CONSENT AGENDA**
 - A. July 18, 2007 – Minutes
4. **PUBLIC HEARING (MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE)**
 - A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING," ARTICLE VI "SIGNS" TO PROVIDE FOR THE RELOCATION OF NON-CONFORMING OFF-PREMISES OR BILLBOARD SIGNS; CREATING SECTION 33-95.1 "RELOCATION OF NONCONFORMING OFF-PREMISES OR BILLBOARD SIGNS;" PROVIDING FOR OPTING OUT OF THE MIAMI-DADE COUNTY SIGN REGULATIONS RESTRICTING PLACEMENT OF SIGNS IN PROXIMITY TO EXPRESSWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.
5. **ADJOURNMENT.**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, July 18, 2007

7:00 PM

South Dade Regional Library
10750 Southwest 211th Street, 2nd Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 8:00 p.m. Present were the following chartered officials:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Manager Steven Alexander
Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria

II. PLEDGE OF ALLEGIANCE: There was no Pledge of Allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA:

A. Vice Mayor MacDougall made a motion approving the minutes of the meeting of June 20, 2007. The motion was seconded by Councilmember Bell and adopted by a unanimous 5-0 voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING," SECTION 33-304 "APPLICATIONS" BY PROVIDING FOR REGULATIONS FOR FILING OF APPLICATIONS; PROVIDING FOR REGULATIONS FOR RE-FILING OF APPLICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O' Donniley provided a brief oral presentation, recommending approval of the ordinance based on his memo from July 18, 2007.

There was no public hearing at this time.

Councilmember Meerbott made a motion to adopt staff's recommendation to approve. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

- B.** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR REGULATIONS OF "OPEN HOUSE" SIGNS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Don O' Donniley provided a brief oral presentation, recommending approval of the ordinance based on his memo from July 18, 2007.

There was no public hearing at this time.

Vice Mayor MacDougall made a motion to adopt staff's recommendation to approve. The motion was seconded by Councilmember Sochin and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. ADJOURNMENT: The meeting was officially adjourned at 8:10 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 15th day of August, 2007.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



M E M O R A N D U M

To: Steven Alexander, Town Manager

From: R. Don O'Donniley, AICP, Planning Director

Date: August 8, 2007

Re: Proposed revisions to Chapter 33, "Zoning"; Article VI, "Signs" to permit existing non-conforming of premises signs to re-locate and opting out of Miami-Dade restrictions limiting placement along expressways.

REQUEST :

The proposed revisions to the sign code establish a potential incentive to relocate existing non-conforming off premises signs (billboards) to better locations within the Town. The current prohibition against adding any new off premises signs (billboards) will stay in effect. In order to create a limited area that may be more appropriate for off premises signs along the Expressway, the Town of Cutler Bay would opt out of current Miami-Dade County restrictions regulating the placement of billboards along the Expressway.

BACKGROUND AND ANALYSIS

On June 7, 2006, the Town of Cutler Bay adopted Ordinance 06-13; prohibiting the erection of any additional off premises billboards. The existing four sites were assigned non-conforming use status. All four locations may continue as off premises billboard sites until such time as the sites are abandoned. Three sites exist on the west side of US-1 (South Dixie Highway) and the fourth location is on SW 211th Street.

The continuation of the current billboard locations poses a deterrent to redevelopment more in keeping with the vision of the Town. The intent of this ordinance is to create a narrowly defined area along the Expressway where owners of current billboard signs can be encouraged to voluntarily re-locate.

Given the rate of return for their leases, current locations are not very likely to surrender their non-conforming site locations unless there is a viable alternative. The Council should way if the proposed incentive of locating next to the Expressway will result in voluntary relocation.



Planning & Zoning Department

If the proposed revisions are enacted, the voluntary nature of the revisions allows billboards to continue in current locations but also offers an incentive to re-locate while continuing the ban on any additional off premises signs.

RECOMMENDATION

Staff recommends approval.

ORDINANCE NO. 07-___

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 “ZONING,” ARTICLE VI “SIGNS” TO PROVIDE FOR THE RELOCATION OF NON-CONFORMING OFF-PREMISES OR BILLBOARD SIGNS; CREATING SECTION 33-95.1 “RELOCATION OF NONCONFORMING OFF-PREMISES OR BILLBOARD SIGNS;” PROVIDING FOR OPTING OUT OF THE MIAMI-DADE COUNTY SIGN REGULATIONS RESTRICTING PLACEMENT OF SIGNS IN PROXIMITY TO EXPRESSWAYS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Cutler Bay (the “Town”) adopted Ordinance 06-13, which prohibited and capped off-premises or billboard signs within the Town; and

WHEREAS, it is the intent of the Town Council to permit legally established non-conforming off-premises or billboard signs that existed prior to the adoption of Ordinance 06-13 to relocate to specific areas of the Town in order to maintain and improve the aesthetics, quality of life, and safety within Town; and

WHEREAS, Miami-Dade County (the “County”) has recently amended Section 33-121.11 of the County Code of Ordinances to permit municipalities to opt out of the County regulations restricting placement of signs in proximity to expressways; and

WHEREAS, it is the intent of the Town Council to opt out of such County regulations in order to permit the relocation of off-premises signs within the Town; and

WHEREAS, the Town Council finds these changes to be in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS:

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

Section 2. Opt-out of Miami Dade County Regulations. Pursuant to Section 33-121.11 of the Miami-Dade County Code of Ordinances, the Town Council hereby opts out of the Miami-Dade County sign regulations restricting placement of signs in proximity to expressways.

Section 3. Amendment to Chapter 33 of the Town Code. The Town Council hereby amends Chapter 33 “Zoning,” Article VI “Signs” as follows:

Section 33-95. Prohibited signs.

(k) Except for non-conforming signs, off-premises signs or billboard signs are prohibited in the town. Any off-premises sign or billboard sign, except as provided in Section 33-95.1, erected after the effective date of this article as amended shall be removed at the sole expense of the sign owner and shall be subject to code enforcement proceedings as provided in the town code.

Section 33-95.1 Relocation of Nonconforming Off-premises or Billboard Signs.

(A) Relocation Application.

Pursuant to Ordinance Number 06-13, the maximum number of off-premises or billboard signs shall be those existing on June 7, 2006 (four sign locations). The owner of one of the four legally established existing nonconforming off-premises or billboard signs may submit an application to the planning department for the relocation of an existing non-conforming off-premises or billboard sign in accordance with the provisions of this section.

(B) Relocation Procedures.

(1) A certificate to relocate an existing nonconforming off-premises or billboard sign shall be issued by the planning director to the owner of that sign upon documentation of the following:

(a) A site inspection by Town staff, which shall be maintained on file in the planning department, demonstrating the removal of an existing nonconforming off-premises or billboard sign with its supporting structure. In the event that there is a double faced nonconforming off-premises or billboard sign, both sign faces shall be removed; and

(b) Evidence demonstrating that the owner has entered into an agreement with a nonprofit corporation to assure that a minimum of five (5) percent of the gross revenues from advertising on the relocated sign, which under no circumstances shall be less than eight thousand dollars (\$8,000.00) per year per sign, is directed to that nonprofit corporation to assist in funding its projects exclusively serving the residents of the Town.

(2) The sign owner may hold the certificate, or redeem it for a building permit to construct a new off-premises or billboard sign at the relocated site.

(3) A building permit for the construction of a relocated off-premises or billboard sign shall be issued to the owner of an existing nonconforming off-premises or billboard sign only after:

(a) A certificate for the relocation of the sign has been issued by the planning director;

(b) The planning department has confirmed that the proposed sign meets the requirements of this section; and

(c) The Florida Department of Transportation (FDOT) has issued a written approval permitting the relocation of the sign, if required by state law.

(C) Relocation Area.

After obtaining a building permit as provided above, a nonconforming off-premises or billboard sign may be relocated to the area within 660 feet of the western edge of the right-of-way of the Homestead Extension of the Florida Turnpike (HEFT), subject to the approval of the Florida Department of Transportation (FDOT), if required by state law. Such signs shall be erected, operated, used, or maintained in accordance with the provisions of Chapter 479, Florida Statutes, as amended, unless otherwise provided for in this section.

(D) Sign Surface Area.

The sign surface area, per face, for a relocated nonconforming off-premises or billboard sign shall be no larger than 672 square feet (including any embellishments). The number of sign faces on the relocated sign shall not exceed the number of sign faces on the nonconforming off-premises or billboard sign for which the certificate was issued. In the event there is a double faced sign, such sign faces shall be of the same size and shall be placed at an angle to form a single “V” or placed back-to-back and not placed in a straight line.

Section 4. Transmittal to Miami-Dade County. The Town Clerk is hereby authorized to transmit this Ordinance to the Miami-Dade County Director of Planning and Zoning within 15 days of adoption in accordance with the provisions in Section 33-121.11 of the Miami-Dade County Code.

Section 5. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2007.

PASSED AND ADOPTED on second reading this _____ day of _____, 2007.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____

Vice Mayor Edward P. MacDougall _____

Councilmember Peggy R. Bell _____

Councilmember Timothy J. Meerbott _____

Councilmember Ernest N. Sochin _____