

**RESOLUTION NO. 18-\_\_**

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A VARIANCE APPLICATION FOR ROSS STORES INC., LOCATED AT 18437 S. DIXIE HIGHWAY, TO PERMIT TWO (2) BANNER SIGNS TO BE 144 SQUARE FEET WHERE SIXTEEN (16) SQUARE FEET IS PERMITTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Ross Stores, Inc. (the “Applicant”) has submitted to the Town of Cutler Bay (the “Town”) in accordance with Section 3-36 of the Town Code of Ordinances (the “Code”) a variance application (the “Application”) for property located at 18437 South Dixie Highway (the “Property”) to permit two (2) banner signs to be one hundred forty four (144) square feet where Section 3-119(d) of the Town Code allows banner signs to be sixteen (16) square feet; and

**WHEREAS**, the proposed banner signs will not replace any existing banner signs at the Property; and

**WHEREAS**, Section 3-119(d) of the Town Code permits four (4) banner signs annually at sixteen (16) square feet each; and

**WHEREAS**, public notice was provided in accordance with law; and

**WHEREAS**, after a duly noticed public hearing, the Town Council, based upon competent substantial evidence in the record, finds that the Application meets the requirements of the Town Code and is consistent with the Town’s Comprehensive Plan; and

**WHEREAS**, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

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

**Section 1.**     **Recital.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.**     **Approval.** The Town Council, after review of competent substantial evidence in the record and a duly noticed public hearing, hereby approves the Application to permit two (2) banner signs to be one hundred forty four (144) square feet at the Property where the Town Code permits sixteen (16) square feet.

**Section 3.**     **Violation.** Failure to adhere to the terms of this approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this

Resolution.

**Section 4.** **Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of July, 2018.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
Town Clerk

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

\_\_\_\_\_  
WEISS SEROTA HELFMAN  
COLE & BIERMAN, P.L.  
Town Attorney

Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Mary Ann Mixon \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_