

**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 A  
WALL SIGN TO BE 144 SQUARE FEET WHERE NO SIGN  
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 a wall sign along the rear of the building to be one hundred forty four (144) square feet where Section 3-114(b)(3) of the Town Code allows for no wall sign; and

**WHEREAS**, the proposed wall signs will replace the existing wall sign at the Property;  
and

**WHEREAS**, Section 3-114(b)(3) of the Town Code permits one (1) wall sign at a maximum of 60 square feet; 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 one (1) wall sign along the rear of the building to be one hundred forty four (144) square feet where the Town Code permits sixty (60) 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        | _____ |