



City of Miami

Legislation

Resolution

City Hall
3500 Pan American
Drive
Miami, FL 33133
www.miamigov.com

File Number: 13-00796

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT ON CUSTOMARY USE FOR LOCAL ZONING CONTROL FOR MURALS UNDER THE HIGHWAY BEAUTIFICATION ACT, IN SUBSTANTIALLY THE ATTACHED FORM, AMONG THE CITY OF MIAMI, THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION, FOR THE PURPOSE OF ESTABLISHING DISTANCE REQUIREMENTS AND PROVIDING COMPLIANCE PROVISIONS FOR EXISTING NON-CONFORMING MURALS.

WHEREAS, the City of Miami ("City") has made an application to the Florida Department of Transportation ("FDOT") for certification for local zoning control of murals within the City's jurisdictional boundaries under provisions of the Highway Beautification Act, 23 U.S.C. Sec. 131, et seq., the Florida/United States Department of Transportation Agreement of January 27, 1972 ("Federal/State Agreement"), Federal Regulations, 23 C.F.R. Sec. 750.706, and Chapter 479.156, Florida Statutes; and

WHEREAS, the City, as a local zoning authority, has the ability to vary from the Federal/State Agreement based on a determination of customary use per Federal regulation after receiving delegated authority from FDOT to direct all or portions of outdoor advertising within its jurisdictional limits; and

WHEREAS, the City had unique practices and a local ordinance regulating outdoor advertising displays prior to January 27, 1972; and

WHEREAS, the City, in consultation with FDOT and the Federal Highway Administration ("FHWA"), proposes a determination of customary use pursuant to 23 U.S.C. 131; and

WHEREAS, the City amended its application for certification in its letter to FDOT of September 13, 2011, and wishes to agree to additional provisions for mural control, as specified in the attached Agreement on Customary Use for Local Zoning Control for Murals Under the Highway Beautification Act ("Agreement"); and

WHEREAS, the City shall make changes to the City Code, as amended in accordance with this Agreement by October, 2013; and

WHEREAS, the City Commission deems it advisable and in the best interest of the City to authorize the City Manager to enter into this Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section.

Section 2. The City Manager is authorized {1} to execute an Agreement, in substantially the attached form, among the City, FDOT, and the FHWA, for the purpose of establishing distance requirements and providing compliance provisions for existing non-conforming murals.

Section 3. This Resolution shall become effective immediately upon its adoption and signature of the Mayor.{2}

APPROVED AS TO FORM AND CORRECTNESS:

JULIE O. BRU
CITY ATTORNEY

Footnotes:

{1} The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to those prescribed by applicable City Charter and Code provisions.

{2} If the Mayor does not sign this Resolution, it shall become effective at the end of ten calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.