



City of Miami

Legislation

Resolution

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

File Number: 13-00797

Final Action Date:

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), AUTHORIZING THE CITY MANAGER TO EXECUTE A CONCURRENCE LETTER, IN SUBSTANTIALLY THE ATTACHED FORM, REGARDING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S DETERMINATION OF CUSTOMARY LOCAL USE FOR WALL MURALS WITHIN SPECIFIED BOUNDARIES UNDER THE CITY OF MIAMI'S JURISDICTION, AS SPECIFIED IN EXHIBIT "A", ATTACHED AND INCORPORATED.

WHEREAS, outdoor advertising is governed by several regulations, including the Highway Beautification Act, 23 U.S.C. Sec. 131, et seq., and the Florida/United States Department of Transportation Agreement of January 27, 1972 ("Federal/State Agreement"); and

WHEREAS, the City of Miami ("City") applied to the State of Florida, Department of Transportation ("FDOT"), for Certification for Local Control of Wall Murals under the provisions of customary use as part of the Federal/State Agreement; and

WHEREAS, the City provided numerous documents in support of its determination of customary use, including Ordinance No. 12983, adopted April 10, 2008, Ordinance No. 7338, adopted July 20, 1965, and an inventory of wall murals currently permitted under Ordinance No. 12983; and

WHEREAS, the City entered into an Agreement on Customary Use for Local Zoning Control for Murals Under the Highway Beautification Act with the State of Florida, Department of Transportation and the Federal Highway Administration for the purposes of establishing mural distancing requirements and providing compliance provisions for existing non-conforming murals; and

WHEREAS, FDOT provided notification to the City that it has accepted the City's determination of customary local use for wall murals within specified boundaries under the City's jurisdiction, and now requests concurrence to said certification;

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 a Concurrence Letter, in substantially the attached form, regarding FDOT's determination of customary local use for wall murals within specified boundaries under the City's jurisdiction, as specified in Exhibit "A", attached and incorporated.

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.