

## **Ordinance Register- 2008**

### **Ordinance 08-01**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR THE ISSUANCE OF A SOLID WASTE FRANCHISE FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL SOLID WASTE COLLECTION; PROVIDING FOR DEFINITIONS; REQUIRING A FRANCHISE FEE FOR COMMERCIAL, MULTI- FAMILY RESIDENTIAL, AND RESIDENTIAL CONSTRUCTION SITE SOLID WASTE COLLECTION ACTIVITIES; PROVIDING FOR AN APPLICATION PROCESS; PROVIDING FOR DENIAL, TERM, TRANSFER, AND RENEWAL OF FRANCHISES; PROVIDING FOR FRANCHISEE REPORTING REQUIREMENTS; PROVIDING FOR REVOCATION OF FRANCHISE; PROVIDING FOR FRANCHISE AND PERMIT FEES; CREATING FRANCHISE FEE SERVICE STANDARDS; REQUIRING INSURANCE; IMPOSING FINES; PROVIDING FOR MUNICIPAL COLLECTION SERVICE; PROVIDING FOR RESTORATION; PROVIDING FOR CONTROL OF SPILLAGE AND LITTER; PROVIDING FOR INCLUSION IN THE CODE;; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

#### **FINAL VOTE AT ADOPTION:**

Mayor Paul S. Vrooman YES

Vice Mayor Edward P. MacDougall YES

Councilmember Peggy R. Bell YES

Councilmember Timothy J. Meerbott YES

Councilmember Ernest N. Sochin YES

### **Ordinance 08-02**

AN ORDINANCE OF THE TOWN OF CUTLER BAY, FLORIDA; AMENDING SECTION 21-276 "BURGLAR ALARMS" OF THE TOWN CODE BY PRO RATING THE FEE FOR NEW BURGLAR ALARM REGISTRATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

#### **FINAL VOTE AT ADOPTION:**

Mayor Paul S. Vrooman YES

Vice Mayor Edward P. MacDougall YES

Councilmember Peggy R. Bell YES

Councilmember Timothy J. Meerbott YES

Councilmember Ernest N. Sochin YES

### **Ordinance 08-03**

AN ORDINANCE OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 07-24 WHICH ORDINANCE ADOPTED AN OPERATING AND CAPITAL OUTLAY BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008 BY REVISING SAID BUDGET TO APPROPRIATE \$200,000 DESIGNATED AS CONTINGENCY RESERVES AND PROVIDE SUCH FUNDS BE ALLOCATED TO THE COMMUNITY DEVELOPMENT DEPARTMENT FOR GREEN BUILDING INITIATIVE EXPENDITURES AND AUTHORIZING THE TOWN MANAGER TO MAKE EXPENDITURES CONSISTENT

**THEREWITH AND DO ALL THINGS NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

**Councilmember Timothy J. Meerbott YES**

**Councilmember Ernest N. Sochin YES**

**Ordinance 08-04**

**A ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ESTABLISHING THE CUTLER BAY BUSINESS TAX EQUITY STUDY ADVISORY BOARD, WHICH SHALL SERVE AS THE EQUITY STUDY COMMISSION, AND ESTABLISHING PROCEDURES FOR APPOINTMENT OF MEMBERS, A TIMETABLE AND RULES OF PROCEDURE; PROVIDING FOR SUNSET PREVISION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

**Councilmember Timothy J. Meerbott ABSENT**

**Councilmember Ernest N. Sochin YES**

**Ordinance 08-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, REPEALING SECTIONS 8A-76 & 8A-76.1 OF THE CODE OF MIAMI-DADE COUNTY AS ADOPTED BY SECTION 8,3 OF THE CHARTER OF THE TOWN OF CUTLER BAY, ENTITLED "NOTICE OF PENALTIES FOR REMOVAL OF SHOPPING CARTS" & "SHOPPING CARTS" RESPECTIVELY; CREATING REGULATIONS RELATED TO SHOPPING CARTS, PROVIDING FOR DEFINITIONS, PROVIDING FOR POSTING OF NOTICE OF PENALTIES FOR REMOVAL OF SHOPPING CARTS, REQUIRING IDENTIFICATION OF SHOPPING CARTS, PROVIDING FOR A PROCEDURE FOR HANDLING IDENTIFIABLE SHOPPING CARTS FOUND ON PUBLIC PROPERTY, PROVIDING FOR A PROCEDURE FOR HANDLING UNIDENTIFIABLE SHOPPING CARTS FOUND ON PUBLIC PROPERTY, PROVIDING FOR REGULATIONS RELATED TO SHOPPING CARTS ON PRIVATE PROPERTY, PROVIDING FOR GENERAL PENALTIES FOR VIOLATIONS; AMENDING THE SCHEDULE OF VIOLATIONS AND CIVIL PENALTIES SECTION OF THE CODE TO INCLUDE PENALTIES FOR VIOLATION OF THESE SECTIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

Councilmember Timothy J. Meerbott YES  
Councilmember Ernest N. Sochin YES

**Ordinance 08-06**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA CREATING THE PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-07**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE INITIAL COMPREHENSIVE PLAN GROWTH MANAGEMENT PLANS FOR ,THE TOWN IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR THE ADOPTION OF THE FUTURE LAND USE MAP; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-08**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 33-18 OF TOWN CODE RELATING TO RELIGIOUS FACILITIES AND MISSIONS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-09**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING THE ZONING WORKSHOP REQUIREMENTS AND PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-10**

**AN ORDINANCE OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING AND CLARIFYING ORDINANCE 07-32 RELATING TO HOMEOWNER ASSOCIATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-11**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON THE ISSUANCE OF SITE PLANS THAT INCLUDE NON RESIDENTIAL OR MIXED USE BUILDINGS THAT EXCEED 50,040 GROSS SQUARE FEET; EXEMPTING SITE PLANS THAT COMMIT TO RECEIVING LEED CERTIFICATION; PROVIDING FOR .WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-12**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT WITHIN THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR WAIVERS; PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW FOR THE SPECIFIC MATTERS ADDRESSED HEREIN; PROVIDING FOR A TERM; PROVIDING FOR A REPEALER; PROVIDING FOR ORDINANCES IN CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

**Councilmember Timothy J. Meerbott YES**

**Councilmember Ernest N. Sochin YES**

**Ordinance 08-13**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 07-30 RELATING TO "DANGEROUS INTERSECTION SAFETY REGULATIONS" BY AMENDING THE NOTICE AND INTRODUCTORY PERIOD; PROVIDING FOR INCLUSION WITHIN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

**Councilmember Timothy J. Meerbott YES**

**Councilmember Ernest N. Sochin YES**

**Ordinance 08-14**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING" ARTICLE VI "SIGNS" IN ORDER TO REVISE THE PROCEDURAL AND SUBSTANTIVE REGULATIONS OF SIGNS IN THE TOWN AND PROVIDE FOR AMORTIZATION OF CERTAIN TYPES OF NONCONFORMING OR PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

**Vice Mayor Edward P. MacDougall YES**

**Councilmember Peggy R. Bell YES**

**Councilmember Timothy J. Meerbott YES**

**Councilmember Ernest N. Sochin NO**

**Ordinance 08-15**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TAX SCHEDULE FOR BUSINESS TAX RECEIPTS; AMENDING THE PENALTIES RELATED TO BUSINESS TAX RECEIPTS TO REFLECT STATUTORY PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**

**Mayor Paul S. Vrooman YES**

Vice Mayor Edward P. MacDougall Yes  
Councilmember Peggy R. Bell YES  
Councilmember Timothy J. Meerbott YES  
Councilmember Ernest N. Sochin NO

**Ordinance 08-16**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 19 "RESPONSIBLE PROPERTY OWNER AND MERCHANT ACT" TO INCLUDE PROVISIONS RELATING TO THE REGISTRATION, MAINTENANCE AND SECURITY OF ABANDONED REAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**  
Mayor Paul S. Vrooman YES  
Vice Mayor Edward P. MacDougall YES  
Councilmember Peggy R. Bell YES  
Councilmember Timothy J. Meerbott YES  
Councilmember Ernest N. Sochin YES

**Ordinance 08-17**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING REMEDIAL COMPREHENSIVE PLAN AMENDMENTS RELATING TO THE COASTAL HIGH HAZARD AREA IN ACCORDANCE WITH A COMPLIANCE AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**  
Mayor Paul S. Vrooman YES  
Vice Mayor Edward P. MacDougall YES  
Councilmember Peggy R. Bell YES  
Councilmember Timothy J. Meerbott YES  
Councilmember Ernest N. Sochin YES

**Ordinance 08-18**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING AN OPERATING AND CAPITAL OUTLAY BUDGET WITH TOTAL EXPENDITURES IN THE AMOUNT OF \$27,566,053 FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 200\$ THROUGH SEPTEMBER 30, 2009 PURSUANT TO FLORIDA STATUTE 200.065 (TRIM BILL); AND AUTHORIZING THE TOWN MANAGER TO MAKE EXPENDITURES CONSISTENT THEREWITH AND AUTHORIZING THE TOWN MANAGER TO MAKE CERTAIN BUDGET AMENDMENTS WITHIN A DEPARTMENT PROVIDED THAT THE TOTAL OF THE APPROPRIATIONS IS NOT CHANGED; AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINAL VOTE AT ADOPTION:**  
Mayor Paul S. Vrooman YES  
Vice Mayor Edward P. MacDougall YES  
Councilmember Peggy R. Bell YES

Councilmember Timothy J. Meerbott YES  
Councilmember Ernest N. Sochin YES

**Ordinance 08-19**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING ORDINANCE 07-07 RELATING TO NONRESIDENTIAL DESIGN STANDARDS AND REGULATIONS; PROVIDING FOR THE DELETION OF LOCATION REQUIREMENTS; PROVIDING FOR AMENDMENTS TO PERMITTED SQUARE FOOTAGE; PROVIDING FOR GREEN BUILDING INCENTIVES; AND PROVIDING FOR AN EFFECTIVE DATE.

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-20**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, GRANTING THE REQUEST OF CITY FURNITURE FOR A REZONING FROM IU-1 (INDUSTRIAL, LIGHT MANUFACTURING DISTRICT) TO BU- A (LIMITED BUSINESS DISTRICT) FOR PROPERTY LOCATED AT 18750 S DIXIE HIGHWAY, AS LEGALLY DESCRIBED IN EXHIBIT "A," CONSISTING OF APPROXIMATELY 56,413 SQ. FT.; AND PROVIDING FOR AN EFFECTIVE DATE.

**FINAL VOTE AT ADOPTION:**

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

**Ordinance 08-21**

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING ORDINANCE NO. 2007-24 WHICH ORDINANCE ADOPTED A BUDGET FOR THE 2007/2008 FISCAL YEAR BY REVISING THE 2007/2008 FISCAL YEAR OPERATING AND CAPITAL BUDGET AS OUTLINED IN EXHIBIT "A" ATTACHED HERETO; AUTHORIZING THE TOWN MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE.

**FINAL VOTE AT ADOPTION:**

Mayor Paul S. Vrooman YES  
Vice Mayor Edward P. MacDougall YES  
Councilmember Peggy R. Bell YES

**Councilmember Timothy J. Meerbott YES**  
**Councilmember Ernest N. Sochin YES**