



Office of the Town Manager

Rafael G. Casals
Town Manager

MEMORANDUM

To: Honorable Mayor and Town Council
From: Rafael G. Casals, Town Manager
Date: April 20, 2016
Re: Amending the Town Land Development Regulations:
Comprehensively Updating and Revising Chapter 3 (*Second Reading*)

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, COMPREHENSIVELY UPDATING AND REVISING CHAPTER 3 “LAND DEVELOPMENT REGULATIONS” OF THE TOWN CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On September 30, 2015 a Town Council Workshop was held in which Town staff proposed amendments to the Land Development Regulations that will strengthen Code Compliance and Green Standards (See Attachment “A” – Workshop Presentations). The goal of this proposed Ordinance is to amend several sections in the Town’s Land Development Regulations to provide clear and balanced regulations that reflect the vision of the Town while meeting the needs of the residential and commercial developments.

The Town last amended its Land Development Regulations on August 21, 2013 via Ordinance #13-08. The Town’s Code Compliance Officers enforce the Land Development Regulations, and have recommended several changes to further improve the residents’ quality of life and vision for the Town. Additionally, the Town is currently in the process of seeking re-certification from the Florida Green Building Coalition’s (FGBC) “Florida Green City” Certification Program. In 2009, the Town was the first municipality to be awarded the “Certified Silver” status as a result of our robust Cutler Bay Going Green Initiative. The FGBC awards points per category for every activity that the Town documents to improve the sustainability of the environment. The changes proposed in this Ordinance will allow the Town to potentially qualify for up to twelve (12) additional FGBC points.





EXECUTIVE SUMMARY OF RECOMMENDED CODE CHANGES



= Green Standards (FGBC related)



= Building and Code Compliance



Districts and Development Standards: Updates to building height requirement within the Institutional Zoning District (*Section 3-61*).



Public Facilities: New development or substantial improvements to Town facilities shall meet “Gold” or an equivalent level of the LEED rating system or other nationally-recognized high performance green building rating system (*Section 3-71*).



Green Building Program Designation: Updates to the existing Incentives Program relating to new and redevelopment projects (*Section 3-74B*).



Rain Sensors on Automatic Irrigation Systems: All automatic irrigation systems must have a functioning rain shut-off device. The Town will conduct inspections of all new irrigation systems and those submitted as part of a building renovation application for compliance with this provision (*Section 3-107*).



Required Signage: Requiring property owners to place address signs on property. New subsections a,b and c (*Section 3-113.5*).



Exterior Lighting Standards/Light Pollution Reduction: Updates to Illumination levels in multi-family residential communities (*Section 3-151*).



Sales within Public Right-of-Way: Update section to include “and marketing” of merchandise or goods within the right-of-way (*Section 3-154*).



Property Maintenance: Updated requirements to ensure safe and secure property maintenance efforts (*Section 3-155*).



Structures and Uses Limited in Yards: New language regarding noncommercial pigeon lofts (*Section 3-159*).



Recreational Vehicle Storage: Significant updates to storage requirements limiting the number of RVs which can be stored on a single property (*Section 3-171*).



Display of vehicles for sale: New language establishing criteria for the sale of private vehicles within a residential district. New subsections a,b and c (*Section 3-178.4*).



 **Open Burning:** New language establishing criteria for regulating open burning within the Town. New subsections A through E (*Section 3-178.5*).

 **Car Washes:** All self-service and automatic car washes installed after July 1, 2016, must utilize the water conservation best management practices required by Section 62-660.803, Florida Administrative Code (*Section 3-178.6*).

 **Fountains and Water Features:** Any fountains and water features proposed as part of development projects must incorporate all applicable water conservation best management practices to minimize evaporation and other water losses, and utilize stormwater and other non-drinking sources where possible (*Section 3-178.7*).

 **Subdivision of Residence; Prima facie evidence of illegal multiple use or illegal subdivision of a residence:** New language establishing criteria for presumptions of possible mutli-family uses within a single family zoning district (*Section 3-179*).

 **Definitions:** Updating existing definition of “Outdoor sale” (*Section 3-251*).

CHANGES FROM FIRST READING TO SECOND READING (HIGHLIGHTED)

Sec. 3-171. Recreational Vehicle Storage.

(a) The place of storage shall be to the rear of the front building line. Where the R.V. storage area is located between the residence and a side street property line, the R.V. shall be visually buffered by a six-foot wood privacy fence, masonry wall, trees or shrubs maintained to a height of six (6) feet. The front building line referred to shall be that portion furthest from the street.

(b) No more than one R.V. shall be parked on any given site.

(c) Only equipment owned or leased by the occupant-owner or occupant-lessee of the site concerned, or owned or leased by a bona fide out-of-Cutler Bay house guest of the occupant-owner or occupant-lessee of the site concerned may be parked on the site.

(d) Parking of such equipment by a guest shall not exceed a period of fourteen (14) days.

(e) Such equipment and the area of parking shall be maintained in a clean, neat and presentable manner and the equipment shall be in a usable condition at all times.

(f) Such equipment shall, at all times, have attached a current vehicle registration license plate.

(g) No major repairs or overhaul work on such equipment shall be made or performed on the site, (or any other work performed thereon which would constitute a nuisance under existing ordinances).





(h) When parked on the site, such equipment shall not be used for living or sleeping quarters, or for housekeeping or storage purposes and shall not have attached thereto any service connections lines, except as may periodically be required to maintain the equipment and appliances.

(i) Such equipment shall not exceed the maximum length, width, height and weight permitted under applicable provisions of the motor vehicle laws of the State of Florida; provided, however, the maximum length shall not exceed thirty (30) feet and the maximum height shall not exceed ten (10) feet.

(j) Such equipment shall be so secured so that it will not be a hazard or menace during high winds or hurricane

Sec. 3-179. Subdivision of Residence; Prima facie evidence of illegal multiple use or illegal subdivision of a residence.

(a) It shall be presumed that a multi-family use has been established when one (1) or more of the following conditions are observed:

(1) There are two (2) or more electrical, water gas or other types of utility meters, or mailboxes on the premises.

(2) There is evidence of a liquid propane (LP) gas tank installed in an unauthorized detached structure on the premises.

(3) There is more than one (1) cooking area in the primary structure.

(4) All living areas in the dwelling are not interconnected.

(5) Multiple paved numbered parking spaces.

(6) An unauthorized detached building with air conditioning, interior cooking areas or utility meters.

(7) Any detached building with unauthorized air conditioning, interior cooking areas or utility meters.

(8) There is more than one (1) different house address unit number posted on the premises.

(9) An advertisement indicating the availability of more than one (1) living unit, dwelling or residence on the premises.

(10) An unpermitted exterior door.

(b) For duplex or triplex structures, the terms "structure" and "dwelling" as used herein shall apply as to each unit.

(c) The presumption may be rebutted by the submission of a current floor plan prepared by an engineer or architect, surveying the residence and accessory structures and showing all rooms are interconnected as a single-family dwelling accompanied by a notarized



affidavit from the property owner attesting that the residence or accessory structure is being maintained for single-family occupancy and/or substantiated by an interior inspection of the dwelling by a compliance officer. If the compliance officer is able to enter the interior of the property and verify its use as a single-family dwelling, the property owner is exempt from the above submission.

(d) Nothing contained in this section shall prevent the enforcement actions authorized by this Code independent of this section.

RECOMMENDATION

Town Staff is recommending the approval of the attached Ordinance amending the Town Land Development Regulations: Comprehensively Updating and Revising Chapter 3.

