

ORDINANCE 16-____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-57 OF THE TOWN CODE OF ORDINANCES RELATING TO NR, NEIGHBORHOOD RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) has adopted land development regulations to facilitate safe and orderly growth which forms an integral part of the community; and

WHEREAS, the Town Council desires to amend the standards in the land development regulations regarding NR Neighborhood Residential Zoning District; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the ordinance and recommended approval; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest and welfare of the residents of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS¹:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Section 3-30 Amended.** The Town Council hereby amends Section 3-57 of the Town Code of Ordinances as follows:

Sec. 3-57. NR, Neighborhood Residential District

The Neighborhood Residential District provides for residential development surrounding mixed-use neighborhood commercial areas. The district preserves the traditional building pattern of mixed residential development, which historically forms a vibrant, active, and cohesive neighborhood unit.

Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strike through~~. Changes between first and second reading are indicated with **highlight**.

The district provides for medium density residential development within walking distance [generally ½ mile] of neighborhood centers or commercial corridors. The regulations detailed in this section are coded to permit the construction of detached Single Family Dwelling, attached, and apartment building types in proximity to each other to encourage a traditional, pedestrian-friendly streetscape.

(1) *Permitted Uses.*

- (a) Detached Single Family Dwelling
- ~~(a)~~ ~~(b)~~ Townhouse Dwelling
- ~~(b)~~ ~~(c)~~ Two-Family Dwelling
- ~~(c)~~ ~~(d)~~ Multi-Family Dwelling
- ~~(d)~~ ~~(e)~~ Group Home limited to six (6) resident clients on the premises. (See supplemental regulation for additional requirements)

(2) *Table of Standards.*

Standard	NR
Minimum Lot Area (square feet)- <u>Detached Single Family Dwelling</u>	5,000 <u>7,500</u>
<u>Minimum Lot Area (square feet) – Two-Family, Townhouse, Multi-Family Dwelling</u>	<u>5,000</u>
Maximum Floor Area Ratio	NA
Maximum Density (units per acre)	5
Maximum Height (feet)	35
Number of Stories – <u>Detached Single Family Dwelling</u>	3 <u>2</u>
<u>Number of Stories- Two-Family, Townhouse, Multi-family Dwelling</u>	<u>3</u>

Principal Structure Setbacks (feet)	
Front (<u>minimum on Old Cutler Road</u>)	<u>25</u>
Front (maximum)	25
Side Street	10
Interior Side	5
Rear	15
Maximum Impervious Surface Coverage (percent)	70
Minimum Lot Width (feet) – <u>Detached Single Family Dwelling</u>	50 <u>75</u>
<u>Minimum Lot Width (feet) – Two-Family, Townhouse, Multi-Family Dwelling</u>	<u>50</u>
Minimum Lot Depth (feet)	100
Accessory Structure Setback (feet) – <u>Detached Single Family Dwelling</u>	<u>5</u>
<u>Accessory Structure Setback (feet) – Two-Family, Townhouse, Multi-Family Dwelling</u>	2.5
Only permitted in rear yard	

Section 3. Severability. That the provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 4. Conflicts. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Codification. That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered and/or re-lettered to accomplish such intentions; and that the word, “Ordinance,” shall be changed to “Section” or such other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 20th day of April, 2016.

PASSED AND ADOPTED on second reading this ____ day of _____, 2016.

Attest:

PEGGY R. BELL
Mayor

JACQUELINE N. WILSON
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

First Reading:

Moved by: Council Member Mixon

Seconded by: Council Member Coriat

Second Reading:

Moved by: _____

Seconded by: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Ernest N. Sochin _____

Council Member Roger Coriat _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____