



Office of the Town Manager

Rafael G. Casals, ICMA-CM, CFM
Town Manager

MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, ICMA-CM, CFM, Town Manager

Date: April 22, 2020

Re: Invoking the Zoning in Progress on Development Applications

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, INVOKING THE ZONING IN PROGRESS OR PENDING ORDINANCE DOCTRINE FOR THE ADOPTION OF COMPREHENSIVE AMENDMENTS TO THE TOWN'S CODE OF ORDINANCES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On July 17, 2019, the Town Council adopted Ordinance No. 19-13, providing for a moratorium on development within the Town (the "Moratorium"). On January 15, 2020, the Town Council adopted Ordinance No. 20-03, extending the Moratorium through April 17, 2020.

The Moratorium provided the Town's Consultants the opportunity to study and recommend amendments to the Town's Code of Ordinances, which serve to further guide land use and development, so that development within the Town will further the Town's goal of creating a sustainable environment, establishing a unique character, and providing enhanced quality of life.

Town Staff and Consultants have drafted three ordinances which would comprehensively update and revise the standards in Chapter 3, "Land Development Regulations," and other parts of the Town's Code of Ordinances.

The Proposed Ordinances were scheduled to be considered by the Town Council at its regularly scheduled meeting on March 18, 2020, which was cancelled due to an emergency created by novel Coronavirus Disease 2019 ("COVID-19").





In summary:

- March 9, 2020 - Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-52 entitled *Emergency Management – COVID-19 Public Health Emergency*
- March 12, 2020 - Mayor Carlos A. Gimenez of Miami-Dade County issued a *Declaration of Local State of Emergency*
- March 13, 2020 - President Donald J. Trump of the United States declared a *State of Emergency* via Proclamation
- March 13, 2020 - Town Manager Casals issued a *Declaration of State of Emergency*

On April 10, 2020, Emergency Order 20-01 became effective requiring all employees and customers of grocery stores, pharmacies, and restaurants to wear a form of covering over their nose and mouth at all times while inside the grocery store, pharmacy, or restaurant facility among other things.

On April 13, 2020, Emergency Order 20-02 became effective imposing a zoning in progress which provides for the extension of the moratorium to “bridge the gap” until the proposed amendments to the Town Code can be heard by the Town Council. Subsequent to this item and pursuant to Section 12-23 of the Town Code the Town Council was requested to confirm Emergency Order 20-02.

Due to the challenges caused by COVID-19, the Town Council’s regularly scheduled meeting on April 15, 2020 was postponed until April 22, 2020, after the Moratorium would have expired.

As a result of the continuing pandemic, there are concerns the Town is concerned that the acceptance, processing and approval of applications for development during the term of a Declared State of Emergency would be premature and result in development that is inconsistent with the Town’s new goals relating to Mobility, Sustainability and Resiliency and Architectural and Landscape.

Finally, invoking this Zoning in Progress will require all applications not filed as of the effective date of this Resolution to comply with the Proposed Ordinances.

RECOMMENDATION

It is recommended that the Town Council adopt the attached Resolution, invoking the Zoning in Progress or pending Ordinance doctrine for the adoption of Comprehensive Amendments to the Town’s Land Development Regulations.

