

ORDINANCE NO. 18-\_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 3 OF THE TOWN CODE, "LAND DEVELOPMENT REGULATIONS," BY CREATING A SECTION 3-18, "ENCLOSED USES" TO PROVIDE REGULATIONS FOR SUCH USES; AMENDING SECTION 3-33, "SITE PLAN APPLICATION" RELATING TO APPLICATIONS WITHIN THE TOWN CENTER DISTRICT AND CONSTRUCTION OF SINGLE-FAMILY RESIDENCES; AMENDING SECTION 3-113.5, "REQUIRED SIGNAGE" RELATING TO ASSISTED LIVING FACILITIES AND GROUP HOMES; AMENDING SECTION 3-158, "SHEDS" RELATING TO REGULATION OF SUCH STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Town of Cutler Bay (the "Town") has adopted land development regulations, which are codified in Chapter 3 of the Town's Code of Ordinances ("Code"), to facilitate safe and orderly growth which forms an integral part of the community; and

**WHEREAS**, the Town Council desires to update and revise the standards in the land development regulations; 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 AS FOLLOWS:**<sup>1</sup>

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

**Section 2.**     **Creating Section 3-18 to the Town Code.** The Town Code is amended by creating a section to be numbered Section 3-18, which section shall read as follows:

Sec. 3-18. - Enclosed uses.

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

All uses shall be conducted within completely enclosed buildings, unless otherwise specifically provided herein. All materials and products shall be stored within the building.

**Section 3. Amending Section 3-33 of the Town Code.** Section 3-33 of the Town Code is amended as follows:

Sec. 3-33. - Site plan application.

Applications for site plan review shall require the submission of a site plan package in accordance with the provisions of this article. Site plan approval by the town council, after a public hearing, shall be required for all development within the town. Notwithstanding the above, development within the town center district and the construction of one single-family residence shall be subject to administrative site plan review and approval, unless a variance from the requirements of this Code is required, in which case approval shall be by the town council. No certificate(s) of occupancy shall be issued for any building or buildings unless all facilities included in the approved site plan have been provided. The director may, if in his opinion it is deemed necessary, retain consultants to assist in the review of an application for site plan approval.

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**Section 4. Amending Section 3-113.5 of the Town Code.** Section 3-113.5 of the Town Code is amended as follows:

Sec. 3-113.5. - Required signage.

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(d) It shall be the duty of the owner of any Assisted Living Facility and/or Group Home to have affixed to such building entrance, signage composed of a plaque no greater than 4 square feet comprised of point of contact information for management including name and phone number in case of emergency.

**Section 5. Amending Section 3-158 of the Town Code.** The Town Council hereby amends Section 3-158 of the Town Code as follows:

Sec. 3-158. - Sheds.

Rear yard storage sheds are permitted as accessory structures in residential zoning districts. No more than one shed shall be permitted per property. The maximum square footage may not exceed 15 percent of the total square footage of the rear yard and not including the side yards. Notwithstanding any other provision in this Code, storage sheds shall be set back a minimum of 7 feet from the rear and side property lines. Sheds are not permitted in nonresidential developments and may not be used as ~~habitable structures~~ a dwelling unit, as defined by the Florida Building Code. The rear yard storage shed shall be used solely for the purpose of storing tools, mechanical equipment, lawn and garden equipment, home accessories, personal tangible property, and other similar objects. The property owner shall execute a restrictive covenant in favor of the Town in a form to be approved by the Town Attorney declaring that the storage shed shall never be used as

a habitable structure or dwelling unit and shall record the restrictive covenant in the Official Records of Miami-Dade County.

**Section 6.**     **Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 7.**     **Conflict.** 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 8.**     **Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this 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 or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 9.**     **Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 18<sup>th</sup> day of July, 2018.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

Attest:

\_\_\_\_\_  
DEBRA E. EASTMAN, MMC  
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 Coriat

Seconded By: Vice Mayor Loyzelle

Second Reading

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Mary Ann Mixon \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_