

ORDINANCE NO. 19-_____

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 AMENDING SECTION 3-158, "SHEDS" TO AMEND THE MAXIMUM NUMBER OF SHEDS PERMITTED; 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 the safe and orderly growth of the community; and

WHEREAS, the Town Council desires to amend Section 3-158 of the Town Code to permit a maximum of two sheds per residential property; 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:¹

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

Section 2. 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~~ two sheds 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 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

¹ 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.

accessories, personal tangible property, and other similar objects. Prior to the issuance of any permit regarding a rear yard shed, including electrical and plumbing, 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 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 20th day of February, 2019.

PASSED AND ADOPTED on second reading this _____ day of _____, 2019.

TIM MEERBOTT
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: Vice Mayor Loyzelle

Seconded By: Council Member Duncan

Second Reading

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____