

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-54, “ER, ESTATE RESIDENTIAL DISTRICT” RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-55, “SR, SINGLE FAMILY RESIDENTIAL DISTRICT” RELATING TO TABLE OF STANDARDS; AMENDING SECTION 3-56, “MR, MULTIFAMILY RESIDENTIAL DISTRICT” RELATING TO TABLE OF STANDARDS; 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 regarding the ER, Estate Residential, SR, Single Family Residential District, and the MR, Multifamily Residential 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 AS FOLLOWS:¹

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

Section 2. **Amending Chapter 3 of the Town Code.** Chapter 3 of the Town Code is amended as follows:

Sec. 3-54. - ER, Estate Residential District.

The estate residential district is coded to accommodate existing very low density residential development areas and to protect their associated natural vistas and landscape features. This district is established to protect these low density residential areas and their

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.

customary development patterns to prevent sacrificing environmentally sensitive landforms, natural vistas and scenic factors which provide definition to the town's design. The district may be expanded where practicable.

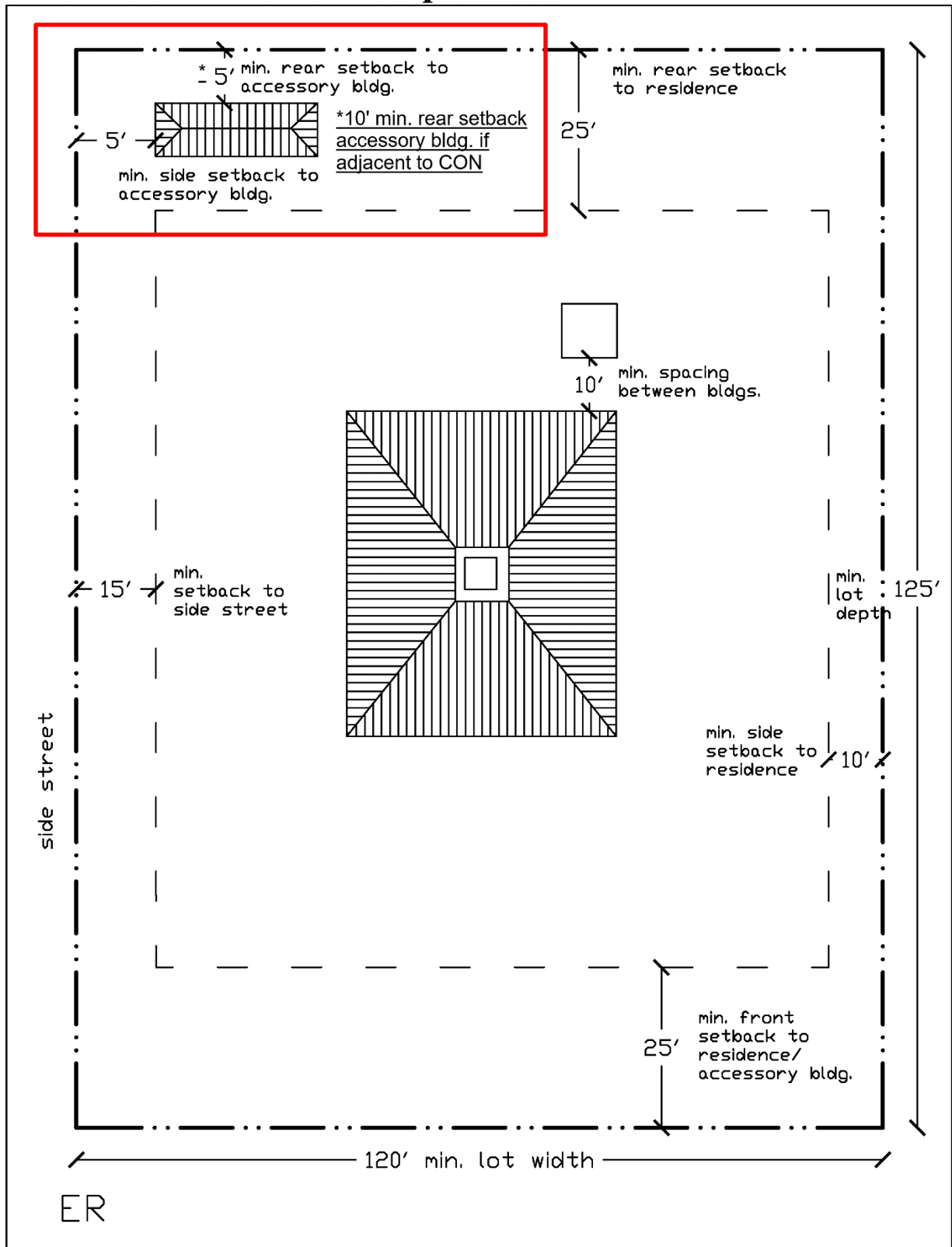
(1) *Permitted uses.*

(2) *Table of standards.* The following are the standards for the ER, Estate Residential District:

Standard	ER
Minimum lot area (square feet)	15,000
Maximum density (units per acre)	2.5
Minimum unit size (square feet)	1,700
Maximum height (feet)	35
Number of stories	2
Principal structure setbacks (feet)	
Front	25
Side street	15
Interior side	10
Rear	25
Minimum spacing between buildings	10
Maximum impervious surface coverage (percent)	50
Minimum lot width (feet)	120
Minimum lot depth(feet)	125
Minimum open space (percent)	40
Accessory structure setback	

Front	25
Side street	15
Interior side	5
Rear	5
<u>Rear (if adjacent to property zoned CON Conservation)</u>	<u>10</u>

Graphic IV-1



Sec. 3-55. - SR, Single-Family Residential District.

The single-family residential district is coded to permit development of new or the completion of previously approved development of lands within the district and/or annexation of conventional single-family residential subdivisions existing or approved prior to the effective date of these regulations.

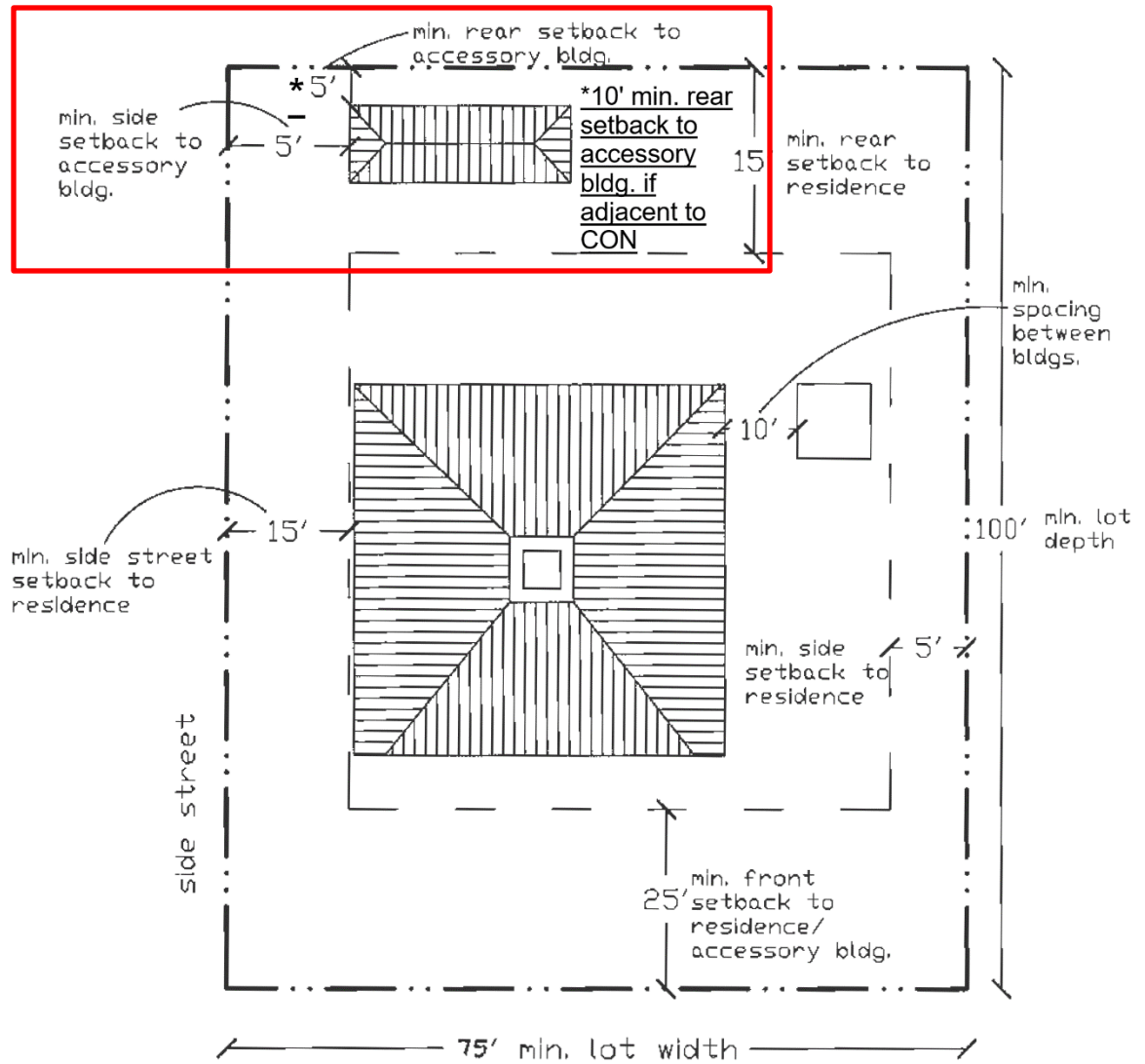
(1) *Permitted uses.*

(2) *Table of standards.*

Standard	SR
Minimum lot area (square feet)	7,500
Maximum density (units per acre)	5
Minimum unit size (square feet)	1,200
Maximum height (feet)	35
Number of stories	2
Principal structure setbacks (feet)	
Front	25
Side street	15
Interior side	5
Rear	15
Minimum spacing between buildings	10
Maximum impervious surface coverage (percent)	60
<u>Maximum impervious surface coverage (percent) if adjacent to CON Conservation</u>	<u>50</u>

Minimum lot width (feet)	75
Minimum lot depth(feet)	100
Minimum open space (percent)	40
Accessory structure setback	
Front	25
Side street	15
Interior side	5
Rear	5
<u>Rear (if adjacent to property zoned CON Conservation)</u>	<u>10</u>

Graphic IV-2



SR

Sec. 3-56. - MR, Multifamily Residential District.

The multifamily residential district is coded to permit the completion and/or annexation of conventional multifamily residential development within the district. The district is intended to be townhouse, two-family to multifamily residential. The district is not intended to be expanded beyond the boundaries of existing MR areas.

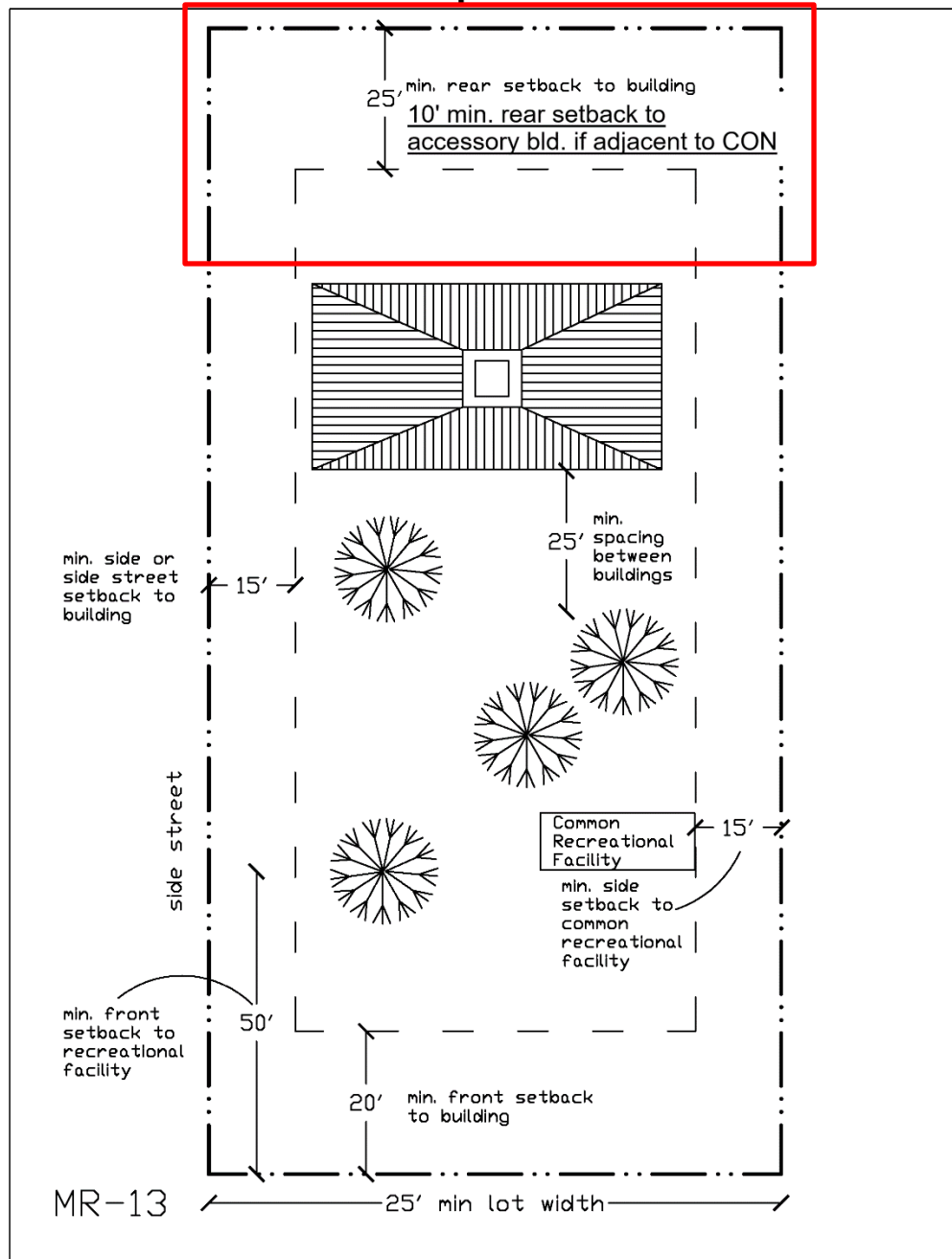
(1) *Permitted uses.*

(2) *Table of standards.*

Standard	MR-9	MR-13
Minimum lot area (square feet)	2,250	1,500
Maximum floor area ratio (religious institutions)	4.0	4.0
Maximum density with green bonus (units per acre)	9	13
Minimum unit size (in square feet)		
Studio	NA	500
1 Bedroom	600	600
2 Bedroom	900	900
3 Bedroom	1,000	1,000
Base density (units per acre)	6	10
Maximum height (feet)	35	45
Number of stories	1	3
Number of stories with green bonus	2	4
Principal structure setbacks (feet)		
Front	25	20

Side street	15	15
Interior side	7.5	15
Rear	25	25
Minimum spacing between buildings	10	25
Maximum building group length (feet)	200	NA
Maximum impervious surface coverage (percent)	65	65
<u>Maximum impervious surface coverage (percent) if adjacent to CON</u>		<u>50</u>
Minimum lot width (feet)	50	25
Minimum lot depth (feet)	90	NA
Open space (percent)		
Landscaped	40	35
Common	15	20
Accessory structure setback (feet)	2.5	2.5
Only permitted in rear yard		
Common recreational facility setback		
Front	50	50
Side street	15	15
Interior side	15	15
Rear	20	20
<u>Rear (if adjacent to property zoned CON Conservation)</u>		<u>10</u>

Graphic IV-4



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 ____ day of May, 2019.

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

TIM MEERBOT
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: _____

Seconded By: _____

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 _____