



Legislation Details (With Text)

**File #:** Item # 2019-121      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Passed

**File created:** 6/10/2019      **In control:** Town Council

**On agenda:** 6/19/2019      **Final action:** 7/17/2019

**Title:** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT WITHIN THE TOWN; PROVIDING FOR WAIVERS; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL REVIEW; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-2nd Reading-Moratorium on Development Applications, 2. Manager Memo-2nd Reading-Attach A-Advertisement First Reading, 3. Manager Memo-2nd Reading-Attach B-Advertisement Second Reading, 4. Ordinance-2nd Reading-Providing Moratorium on Development, 5. Manager Memo-1st Reading-Moratorium on Development Applications, 6. Manager Memo-1st Reading-Attachment A-Advertisement, 7. Ordinance-1st Reading-Providing Moratorium on Development

Date	Ver.	Action By	Action	Result
7/17/2019	1	Town Council	adopted as amended	Pass
6/19/2019	1	Town Council	approved on first reading	Pass

**MEMORANDUM**

**To:** Honorable Members of the Town Council

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

**Date:** July 17, 2019

**Re:** Moratorium on Development Applications (*Second Reading*)

*\* Changes between 1<sup>st</sup> and 2<sup>nd</sup> reading are highlighted in yellow double strikethrough/ double underline*

**REQUEST**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT WITHIN THE TOWN; PROVIDING FOR WAIVERS; PROVIDING PROCEDURES FOR VESTED RIGHTS AND JUDICIAL**

**REVIEW; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A TERM; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BACKGROUND AND ANALYSIS**

The Town Council at its May 15, 2019 Council Workshop requested Town Staff prepare an Ordinance adopting a Moratorium on development applications for certain properties within the Town. Three types of Moratoria discussed by the Town Council are the following:

- *Traffic Moratorium* - this would apply to all properties except one (1) single-family home development and multifamily for older persons as defined by the Fair Housing Act, 42 U.S.C. § 3607.
- *Environmental Moratorium* - this would apply to all properties located east of Old Cutler Road.
- *Landscape/Façade Moratorium* - this would apply to all properties within the following zoning districts: Transit Corridor (TRC), Town Center (TC) and Neighborhood Residential (NR).

The purpose of the proposed Moratorium is to enact additional regulations and/or requirements in order to preserve the Town vision and character. This Moratorium is proposed to be in effect for a period of six (6) months.

Applicants who have submitted a completed development application to the Town’s Community Development Department prior to the effective date of this Ordinance shall be exempt from the proposed moratorium Ordinance.

**RECOMMENDATION**

It is recommended that the Town Council adopt the approval of the attached Ordinance adopting a Moratorium on development applications.

**ATTACHMENT(S)**

- Attachment “A” - Advertisement Miami Herald Local Section  
(dated Sunday, June 9, 2019)
- Attachment “B” - Advertisement Miami Herald Local Section  
(dated Sunday, July 7, 2019)