



## Legislation Details (With Text)

**File #:** Item # 2019-203      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Second Reading

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

**On agenda:** 11/20/2019      **Final action:** 11/20/2019

**Title:** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-40 OF THE LAND DEVELOPMENT REGULATIONS, RELATING TO GROWTH MANAGEMENT PLAN AMENDMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-2nd Reading-Amending Sections in Chapter 3 LDR, 2. Manager Memo-2nd Reading-Attachment A-Advertisement, 3. Ordinance-2nd Reading-Amending Sections in Chapter 3 LDR, 4. Manager Memo-1st Reading-Amending Sections in Chapter 3 LDR, 5. Ordinance-1st Reading-Amending Sections in Chapter 3 LDR

Date	Ver.	Action By	Action	Result
11/20/2019	1	Town Council	approved on second reading	Pass
10/16/2019	1	Town Council	approved on first reading	Pass

## MEMORANDUM

**To:** Honorable Mayor and Town Council

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

**Date:** November 20, 2019

**Re:** Amending Section 3-40 of the Town's Land Development Regulations (*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, AMENDING SECTION 3-40 OF THE LAND DEVELOPMENT REGULATIONS, RELATING TO GROWTH MANAGEMENT PLAN AMENDMENT APPLICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

## **BACKGROUND AND ANALYSIS**

Town staff is proposing an amendment to the text of the Land Development Regulations to achieve consistency with §163.3184, F.S. The text in question reflects an outdated provision of the Florida Statutes, which restricted comprehensive plan amendments to no more than twice a year. That provision (previous §163.3187(1)(a), F.S.) was deleted by the Florida legislature in 2011.

## **EXECUTIVE SUMMARY OF RECOMMENDED CODE CHANGE**

Sec. 3-40. - Growth Management Plan amendments.

Applications to amend the Town's Growth Mmanagement Pplan amendments mayshall be considered ~~two~~ times a year, ~~unless otherwise exempted by state statutes,~~ in a manner consistent with §163.3184, F.S. and in accordance with the following procedure ~~procedural calendar and regulations~~:

(1) Initiation of application. Amendments to the Town's Growth Management Pplan may be initiated by the majority vote of the Town Council, motion of the majority vote of the LPA, Town administration, petition of the property owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of a proposed amendment.

(2) Application filing. With the exception of Town-initiated amendments, ~~a~~Amendment applications shall be filed with the Department of Community Development. The required application form must be completed and signed by the owner or owner's agent, or contract purchaser with the owner's written consent. Upon acceptance of a completed application, the application shall be forwarded to all appropriate reviewing agencies for comment.

(3) Submittal requirements. All amendment applications shall be accompanied by the following items:

a. An application, on a form provided by the Town, completed and signed by the applicant, the owner or owner's agent, or contract purchaser with the owner's written consent.

b. When the proposal is an amendment to the Growth Management Pplan text or map series, the applicant shall submit data in support of the request. A text amendment shall be submitted in a strikethrough and underline format.

c. A disclosure statement by the parties with at least five percent (5%) interest in the project signed by the applicant and notarized. The applicant shall keep this information current at all times during the processing of the application.

d. A survey, signed and sealed by a certified surveyor and mapper, completed not longer than six months in advance of the date of the application, that contains the following information:

1. Boundaries of the entire property, with bearings and distances of the perimeter property lines and of each existing and proposed land use classifications.
2. Total area of the property and of each existing and proposed district classification presented in square feet and acres. Scale and north arrow, with north, to the extent feasible, oriented to the top of the survey.
3. Location of all existing buildings and structures.
4. Names of all boundary roads or streets, and the width of existing rights-of-way.

**(4) Procedure.**

- a. Applications shall be received by the Ttown in a form set by the Ttown and made available to the applicants.
- b. The Community Development Department shall review all submitted applications for Growth Management Plan amendments and shall prepare a comprehensive written recommendation.
- c. The LPA shall hold a public hearing to consider applications for amendments to the Growth Management Plan and shall, upon conclusion of the public hearing, make a recommendation to the Ttown Council with respect to each application.
- d. The Ttown Council shall hold public hearing(s) in accordance with state law to consider the adoption of the the recommendations of the LPA with respect to applications for amendments to the growth management plan and shall, upon conclusion of the public hearing(s), adopt an ordinance expressing an intent to adopt those proposed amendments to the Growth Management Plan.”

**RECOMMENDATION**

It is recommended that the Town Council adopt the approval of the attached Ordinance amending Chapter 3 of the Town Code, Land Development Regulations, to achieve consistency with current provisions of the §163.3184, Florida Statutes.

**ATTACHMENT(S)**

- Attachment “A” - Miami Herald Neighbors Section Advertisement  
(dated November 10, 2019)