



Memorandum

File #: Item # 2018-158, Version: 1

MEMORANDUM

To: Honorable Mayor and Town Council

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

Date: September 26, 2018

Re: Amending the Town Land Development Regulations:
Updating and Revising Chapter 3

(Changes between First and Second Reading Highlighted)

REQUEST

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.

BACKGROUND AND ANALYSIS

Town staff has proposed amendments to the Land Development Regulations that will strengthen Code Compliance and Standards. The goal of this proposed Ordinance is to amend several sections in the Town's Land Development Regulations to provide clear and balanced regulations that reflect the vision of the Town while meeting the needs of the residential and commercial developments.

The Town last amended its Land Development Regulations on April 20, 2016 via Ordinance #16-03. Some of the proposed amendments are recommended by the Town's Code Compliance Officers who enforce certain provisions of the Land Development Regulations, and have determined that changes will further improve the residents' quality of life and vision for the Town.

EXECUTIVE SUMMARY OF RECOMMENDED CODE CHANGES

The proposed Code changes are summarized as follows:

- **Enclosed Uses:** All business should be conducted within enclosed buildings. (*New Section 3-18*).

Sec. 3-18. - Enclosed uses.

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

- **Site Plan Review Application Requirements:** Where a variance is required, site plan approval shall be done by the Town Council for properties in the Town Center District and for construction of single-family residences. (*Section 3-33*).

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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- **Required Signage:** Requiring property owners of Assisted Living Facilities and/or Group Homes to place point of contact signs on property. (*Section 3-113.5*).

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.

- **Sheds:** Restricting the number of sheds permitted on residential property and requiring the use of a restrictive covenant. (*Section 3-158*).

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.

RECOMMENDATION

Town Staff is recommending the approval of the attached Ordinance amending Chapter 3 of the Town Code, Land Development Regulations.

ATTACHMENTS

- Attachment "A" - Advertisement Miami Herald (September 13, 2018)