



## Memorandum

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**File #:** Item # 2019-53, **Version:** 1

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## MEMORANDUM

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

**From:** Honorable Mayor Tim Meerbott

**Date:** February 20, 2019

**Re:** Amending the Town Land Development Regulations:  
Revising Chapter 3 Sheds (*First Reading*)

### 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 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.

### 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 the section 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 September 26, 2018 via Ordinance #18-03. I have worked with both our legal counsel and Town staff in developing the proposed amendment to our Land Development Regulations, strengthening Code Compliance and Standards.

### EXECUTIVE SUMMARY OF RECOMMENDED CODE CHANGE

The proposed Code changes are summarized as follows:

- **Sheds:** Restricting the number of sheds permitted on residential. (*Section 3-158*).

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 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.

**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.