

## ORDINANCE 17-\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-60 OF THE CODE OF ORDINANCES RELATING TO MEDICAL OFFICE USES WITHIN TC, TOWN CENTER DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) has adopted land development regulations to facilitate safe and orderly growth which forms an integral part of the community; and

**WHEREAS**, the Town Council desires to amend the land development regulations regarding medical office uses within the TC Town Center Zoning 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, FLORIDA, AS FOLLOWS<sup>1</sup>:**

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

**Section 2.** **Section 3-60 Amended.** The Town Council hereby amends Section 3-60 of the Town Code of Ordinances as follows:

### **Sec. 3-60 TC, Town Center District**

The town center district is coded to accommodate the higher overall intensity of development required to support the town. It is expected that the district may be expanded over time to meet the growth in demand for downtown facilities and services. The town center district is provided to encourage the expansion and redevelopment of Southland Mall and adjoining areas zoned town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic, educational, and public assembly uses, and higher density housing

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<sup>1</sup> 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.

in a compact, pedestrian-oriented environment. The town center district anchors the surrounding residential neighborhoods while also serving the broader community.

(1) Permitted uses.

- a. Mixed use.
- b. Commercial and retail.
- c. Multifamily (within a mixed use development).
- d. Civic (excluding educational facility/school).
- e. Office.
- f. Hotel.
- g. Family entertainment center.
- h. Bar or nightclub.
- i. Park.
- j. Professional service.

place of public assembly (minimum 1,000 feet between another place of public assembly).

- l. Recreational facility.
- m. Restaurant.
- n. Outdoor dining.
- o. Medical Office (TC Center Sub-District only)

(2) Prohibited uses.

- a. Kennel.
- b. Manufacturing.
- c. Outdoor storage.
- d. Self-storage facility.

- e. Funeral home.
- f. Donated goods store.
- g. Adult entertainment.
- h. Motel.
- i. Pawn shop.
- j. Cash checking service.

(3) Conditional uses.

- a. Drive-thru.
- b. Automotive/boat/truck sales, service and repair.
- c. Parking structure.
- d. Educational facility/school (with no residential component).

(4) Table of standards.

	TC subdistricts		
Standard	Edge	Center	Core
Minimum lot area (square feet)	NA	NA	NA
Maximum floor area ratio	0.5	2.0	3.0
Maximum floor area ratio with green bonus	0.1	2.5	3.8
Maximum density (units per acre)	50	150	250
Minimum facade height (feet)	25	25	25
Number of stories (minimum)	2	2	2
Maximum height (feet)	96	180	216
Number of stories (maximum)	8	15	18
Setback of facade for height above fifth story at a minimum of 15 feet			
Building frontage (percent)			
Along primary street	75	100	100

	TC subdistricts		
Along secondary street	75	75	75
Principal structure setbacks (feet)			
Front (minimum/maximum)	10/20	10/20	10/20
Side street (minimum/maximum)	5/10	5/10	5/10
Interior side	0	0	0
Rear	20	20	20
Rear (abutting an alley)	0	0	0
Maximum impervious surface Coverage (percent)	100	100	100
Minimum lot width (feet)	NA	NA	NA
Minimum lot depth (feet)	NA	NA	NA
Nonresidential			
Open space (percent)	15	15	15
In the form of courtyards, gardens, colonnade, balconies, plazas and squares, medians and parking lot islands			
Residential			
Open space (percent)	0.5 acres/ 100 units	0.5 acres/ 100 units	0.5 acres/ 100 units
In the form of gardens, balconies, plazas and squares			
Encroachment into ROW (feet)			
Balcony	5	6	6
Awning	8	8	8
Detached accessory building	Not permitted	Not permitted	Not permitted

(5) Site development standards.

- a. Story. Buildings shall be a minimum of two stories, except that parcels with less than 25,000 square feet shall not be required to comply with the minimum height requirements. Office, commercial and retail, residential or finished attic space or facade design above the ground floor shall count as a second story when more than 50 percent of the building footprint is encompassed by the space. Each upper story shall be a minimum of eight feet in height.
- b. Mixed use. Buildings are encouraged to be vertically mixed use in design and character.

Commercial and retail uses shall at a minimum be located on the ground floor of a multi-story building. Residential and office uses should be located on higher floors, while civic uses can be located on any floor.

- c. Residential. Residential, if constructed, shall not exceed 80 percent of total floor area developed on a site. Buildings more than two stories shall provide a minimum of 20 percent of total floor area for residential in a vertical mixed use environment. Horizontal mixed use development is encouraged on a site that cannot otherwise accommodate vertical mixed use.
- d. Green designation. Buildings that pursue a height bonus and which exceed two stories shall pursue green designation per the requirements of article V of this chapter.
- e. Open space. Common open space shall be provided at a rate of 0.5 acres for each 100 dwelling units to meet the anticipated open space needs of the residents of the proposed residential development. Recreation facilities, playgrounds, tennis courts, basketball courts, swimming pools, community buildings, etc., may be included to assist in fulfilling the requirement. All open space shall be included in the development schedule and constructed and fully improved by the developer at a rate equivalent to or greater than the construction of residential units.

f. Medical Office uses. If group transportation is provided, to or from a medical office use, the applicant shall provide a vehicular circulation and parking management plan for review and approval by the director, which demonstrates that there is adequate vehicular circulation and parking on the property.

**Section 3. Severability.** That the provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

**Section 4. Conflicts.** 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. Codification.** That it is the intention of the Town Council, and hereby ordained, that the provisions of the 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 and/or re-lettered to accomplish such intentions; and that the word, "Ordinance," shall be changed to "Section" or such other appropriate word.

**Section 6. Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 17<sup>th</sup> day of May, 2017.

PASSED AND ADOPTED on second reading this \_\_\_\_day of\_\_\_\_\_, 2017.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
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: Vice Mayor Loyzelle  
Seconded By: Council Member Callahan

Second Reading  
Moved By: \_\_\_\_\_  
Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Mary Ann Mixon	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____