

**ORDINANCE NO. 18-\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-58, “NC, NEIGHBORHOOD CENTER DISTRICT” RELATING TO PERMITTED USES FOR PERSONAL SERVICES; AMENDING SECTION 3-59, “TRC, TRANSIT CORRIDOR DISTRICT” RELATING TO PERMITTED USES FOR OUTDOOR DINING; AMENDING SECTION 3-60, “TC, TOWN CENTER DISTRICT” RELATING TO PERMITTED USES FOR PERSONAL SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Cutler Bay (the “Town”) has adopted land development regulations, which are codified in Chapter 3 of the Town’s Code of Ordinances (“Code”), to facilitate safe and orderly growth which forms an integral part of the community; and

**WHEREAS**, the Town Council desires to update and revise the standards in the land development regulations regarding the NC, Neighborhood Center District, the TRC, Transit Corridor District, and the TC, Town Center 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 AS FOLLOWS:<sup>1</sup>**

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

**Section 2.    Amending Section 3-58 of the Town Code.** Section 3-58 of the Town Code is amended as follows:

Sec. 3-58. - NC, Neighborhood Center District.

The neighborhood center district provides for the location of pedestrian scaled shops, restaurants, services, small workplaces, and residential buildings central to a neighborhood (or grouping of neighborhoods) and within walking distance of dwellings.

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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.

The neighborhood center district shall be developed on an interconnected pattern of streets and typically limited to approximately one-fourth mile in radius. Uses in the district will have a primary market area of three miles and are intended to service the daily needs of the residents of the surrounding neighborhoods. The pedestrian is expected to be able to walk from one end of the district to the other in ten to 15 minutes.

(1) *Permitted uses.*

- a. Commercial and retail (not exceeding 25,000 square feet as a single use).
- b. Office (requiring less than 50 parking spaces).
- c. Restaurant.
- d. Multifamily (within a vertical mixed use development).
- e. Civic (excluding educational facility/school).
- f. Medical.
- g. Civic.
- h. Park and open space.
- i. Place of public assembly (with a minimum distance of 1,000 feet between another place of public assembly).
- j. Outdoor dining (see supplemental standards for further regulations).
- k. Personal service

\* \* \*

**Section 3. Amending Section 3-59 of the Town Code.** Section 3-59 of the Town Code is amended as follows:

Sec. 3-59. - TRC, Transit Corridor District.

The transit corridor district provides for the location of transit-oriented uses and uses having a market area extending beyond the scale of the corridor and surrounding neighborhoods. The intent of the district is to facilitate convenient access, minimize traffic congestion, and reduce visual clutter to create a development pattern which improves the aesthetic quality and character of the US 1 corridor within the town. Buildings are required to relate to the street with a pedestrian scale, rather than to parking lots. Site design criteria is required to facilitate ease of pedestrian access along the corridor and the bus way.

(1) *Permitted uses.*

- a. Commercial and retail (not exceeding 55,000 square feet as a single use; 60,000 square feet for projects meeting green building program designation per article V of this chapter. Development bonuses shall not exceed the maximum permitted by the growth management plan).
- b. Multifamily (within a vertical mixed use development).
- c. Civic (excluding educational facility/school).
- d. Personal service.

- e. Office and institutional (excluding educational facility/school).
  - f. Restaurants, including outdoor dining area.
  - g. Hotel.
  - h. Motel.
  - i. Theater.
  - j. Adult entertainment.
  - k. Medical.
- (2) *Prohibited uses.*
- a. Pawn shop.
  - b. Outdoor storage.
  - c. Self-storage facility.
  - d. Donated goods store.
  - e. Gun shop.
  - f. Cash checking service.
- (3) *Conditional uses.*
- a. Amusement facility.
  - b. Automotive/boat/truck sales, service and repair.
  - c. Bar and nightclub.
  - d. Gold buying.
  - e. Telecommunication tower.
  - f. Parking structure.
  - ~~g. Outdoor dining area.~~
  - ~~h. g.~~ Pain management clinic.
  - ~~i. h.~~ Educational facility/school (with no residential component).

\* \* \*

**Section 4. Amending Section 3-60 of the Town Code.** Section 3-60 of the Town Code is amended 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 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.
- k. 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).
- p. Personal service

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**Section 5. Severability.** If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

**Section 6. Conflict.** 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 7. Inclusion in the Code.** It is the intention of the Town Council, and it is hereby ordained that the provisions of this 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 or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 8. Effective Date.** This Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 26<sup>th</sup> day of September, 2018.

PASSED and ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

\_\_\_\_\_  
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 Mixon

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	_____