

**CHAPTER 3: LAND DEVELOPMENT REGULATIONS**

**Sec. 3-30. - General requirements for applications.**

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(9) Cost recovery. To the extent that any application for review by the town under the Town's Land Development Regulations or, except as otherwise specified below, other town Code provisions which require review by town staff, town contractors, agents or consultants, the actual full costs for such review shall be passed on to the applicant. Costs for the town attorney, town staff and/or any outside contractors, agents or consultants of the town shall be charged to the applicant in an amount equal to the actual cost charged to the town. Fees charged to process building permits and other development applications on behalf of the town shall not be affected by this section.

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d. Traffic and parking analysis. If required by the provisions of this Chapter, the town staff, town contractors, agents or consultants shall prepare the necessary traffic or parking analysis relating to a development application. The applicant shall pay the full cost for the preparation of the analysis and shall provide a cost recovery deposit as required by this section.

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**Sec. 3-212. - Uses and conditions.**

The additional conditional use standards in this section will apply when there is a need for a conditional use approval. Conditional uses are approved after a public hearing by the town council.

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(3) *Bar and nightclub (neighborhood center and transit corridor districts).*

a. No bar or nightclub shall be permitted within 300 feet of any ER or SR district, religious facility, or civic use.

b. Parking requirements may be satisfied using shared parking, off-street parking areas, or on-street parking. These types of arrangements require ~~the submittal and~~ the Town's approval of a parking plan, prepared by ~~a~~ the Town's traffic engineer indicating methods to prevent the encroachment of parking into any adjacent area, following the shared parking requirements of article X of this chapter.

(4) *Conservatory, health and fitness, martial arts or dance studio (neighborhood center district).*

When determining impacts on surrounding uses and neighborhood compatibility, traffic and on-site stacking and circulation shall be considered. ~~The Town will prepare applicant will be required to submit~~ a traffic management plan prior to conditional use approval. The plan must be prepared by ~~a qualified~~ the Town's traffic engineer and indicate methods to resolve internal/external traffic conflicts due to ingress, egress, stacking, drop-off, pick-up, and other parking issues related to the site and adjoining properties. The plan should be supported by a traffic study prepared by the Town, which demonstrates that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

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(6) *Educational facility/school (public or private) (neighborhood center, transit corridor, town center and institutional districts).*

a. When determining impacts on surrounding uses and neighborhood compatibility, traffic and on-site stacking and circulation shall be considered. ~~The applicant will be required to submit a~~ A traffic management plan shall be prepared by the Town prior to conditional use approval. The plan must be prepared by ~~a qualified~~ the Town's traffic engineer and indicate methods to resolve internal/external traffic conflicts due to ingress, egress, stacking, drop-off, pick-up, and other parking issues related to the site and adjoining properties. The plan should be supported by a traffic study, which is prepared by the Town and demonstrates that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

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(8) *Office (with 50 or more parking spaces) (neighborhood center).* When determining impacts on surrounding uses and neighborhood compatibility, traffic and on-site stacking and circulation shall be considered. ~~The applicant will be required to submit a~~ A traffic management plan shall be prepared by the Town prior to conditional use approval. The plan must be prepared by ~~a qualified~~ the Town's traffic engineer and indicate methods to resolve internal/external traffic conflicts due to ingress, egress, stacking, and other parking issues related to the site and adjoining properties. The plan should be supported by a traffic study, which is prepared by the Town and demonstrates that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

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(13) Retail (exceeding 25,000 square feet but less than 55,000 square feet as a single use)(neighborhood center district). When determining impacts on surrounding uses and neighborhood compatibility, traffic and on-site stacking and circulation shall be considered. ~~The applicant will be required to submit a~~ A traffic management plan shall be prepared by the Town prior to conditional use approval. The plan must be prepared by ~~a qualified~~ the Town's traffic engineer and indicate methods to resolved internal/external traffic conflicts due to ingress, egress, stacking, and other parking issues related to the site and adjoining properties. The plan should be supported by a traffic study, which is prepared by the Town and demonstrates that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

(14) Child care facility (neighborhood center district and institutional district).

a. Child care facilities may be located on lots which provide ample open area in the form of a rear yard a minimum of 2,500 square feet. A center located adjacent to a park is exempt from this provision.

b. Rear yards shall be fenced or walled. The height for such walls or fences shall be six feet. Required recreational areas shall only be allowed within rear yards.

c. All equipment shall be stored in the rear yard. Front yards shall not be fenced, nor used as playground areas.

d. Require ~~submittal and~~ the Town's approval of a traffic impact/traffic management plan prior to site plan approval. The study must be prepared by ~~a qualified~~ the Town's traffic engineer and indicates methods to resolve internal/external traffic conflicts due to ingress, egress, stacking, drop-off, pick-up, and other parking issues related to the site and adjoining properties. The study shall demonstrate that vehicular access and circulation standards are being met and that pedestrian and vehicular circulation can be provided in an efficient and safe manner.

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**Sec. 3-243. - Concurrency administration.**

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(c) *Project impact assessment.* The department shall use the best available information to establish and evaluate existing capacities for concurrency facilities. The applicant shall be responsible for supplying the anticipated land uses, densities and/or intensities of a proposed development and the anticipated date of completion of proposed development. The department shall assess the anticipated impacts of the proposed development on concurrency facilities. Assessment of traffic impact shall be performed in accordance with the Town of Cutler Bay Traffic Impact Analysis Methodology Standards, as amended and on file in the Town's Community Development Department.

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**Sec. 3-246. - Concurrency level of service standards.**

The following criteria shall be applied to determine whether or not sufficient public services and facilities capacity exists:

LEVEL OF SERVICE (LOS) STANDARDS

<u>Roadway Peak Hour</u>
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**Sec. 3-261. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Peak Hour (to measure traffic level of service) means the peak 60-minute interval in either the morning or afternoon peak period (whichever is greater) on an average peak season day.

Peak Season means the thirteen (13) week period with the highest average traffic for the year.