

**ORDINANCE 20-\_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTIONS 3-141 – “GENERAL PRINCIPALS” AND 3-142 – “PARKING SPECIFICATIONS” RELATING TO PARKING, DRIVEWAY, AND LOADING AREA REQUIREMENTS; 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**, when the Town’s first Land Development Regulations were being developed much thought and effort was given to making the Town “green and resilient;” and

**WHEREAS**, in keeping with that vision, the Town is now proposing the use of open grid pervious material for parking and loading areas in addition to asphalt in the NC-1 District, which abuts Old Cutler Road for up to 50% of the required parking area; and

**WHEREAS**, permitting alternative driveway materials such as porous or permeable materials provides a green alternative to asphalt driveways, reduces the quantity of impervious surfaces, uses infiltration to reduce stormwater runoff and provides for groundwater recharge/storage; and

**WHEREAS**, the Town further wishes to clarify the need to provide for consistency with the Old Cutler Road roadway improvements when new or redeveloping properties reconstruct driveway ingress/egress along Old Cutler Road; and

**WHEREAS**, the Town Council desires to amend Section 3-141 – “General principles” and Section 3-142 – “Parking specifications” relating to the use of open grid pervious pavement materials for required parking in the NC-1 District and to address driveway ingress/egress along Old Cutler Road; and

**WHEREAS**, Town staff recommends approval of the proposed changes; 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.

<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 yellow highlighted double strikethrough and double underline.

**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 3-141 Amended.** The Town Council hereby amends Section 3-141 of the Town Code of Ordinances as follows:

**Sec. 3-141. - General principles.**

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(h) Parking and loading facilities shall be maintained in a clean, orderly and litter-free condition at the expense of the owner or lessee. Parking and loading areas shall be resealed or repaved and pavement markings periodically repainted and on-site traffic control signs replaced, as necessary, to maintain a clear identification of individual parking and loading spaces and to facilitate the safe movement of pedestrian and vehicular traffic. For open grid pervious pavement parking and loading facilities vegetation in the open cells must be properly maintained.

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**Section 3.**      **Section 3-142 Amended.** The Town Council hereby amends Section 3-142 of the Town Code of Ordinances as follows:

**Sec. 3-142. - Parking specifications.**

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(c) For all uses except single-family and two-family dwellings, standard curb and gutter, with a minimum width of one foot six inches, shall be provided along the periphery of all driveways, parking and loading areas, except where deemed unnecessary by the director of public works.

(d) Off-street parking and loading areas ~~and driveways~~ shall be paved or contain a similar type material, such as open grid pervious pavement, and approved by the public works director. Gravel or other stabilization material without a permanent wearing surface is not permitted.

(e) Off street parking and loading areas in the NC-1 district only and abutting Old Cutler Road may provide up to a maximum of 50% of the required parking and loading area to be open grid pervious pavement.

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(f) When new or redeveloping properties reconstruct driveway ingress/egress along Old Cutler Road said properties shall provide for consistency with the Old Cutler Road roadway improvements.

(eg) Low impact stormwater control systems shall be installed. Curb and gutter may be used where deemed necessary by the public works director, in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular areas.

(fh) Parking spaces shall be a minimum of 18 feet long and nine feet wide. Parallel parking spaces shall be a minimum of 22 feet long and eight feet wide.

(gi) Nonresidential driveways shall be a maximum of 12 feet in width for one-way traffic and 24 feet in width for two-way traffic. In no case shall a driveway width exceed 24 feet, except as required by the state department of transportation or another applicable governmental jurisdiction.

(hj) Nonresidential off-street parking areas which are provided in excess of the requirements established in this article shall be located on grassed or sodded surface. Alternative materials may be substituted for grass or sod with the approval of the community development director.

(ik) Nothing in this section is intended to prohibit the installation of a fully automatic parking facility in which the placement and removal of automobiles are accomplished wholly by machinery.

(jl) Required parking spaces for single-family and two-family dwellings may be permitted in any setback areas or yards, except for a three-foot landscape area required along the side property lines when adjacent to another single-family or two-family dwelling. Vehicles parked on-site shall not encroach into or over the public right-of-way.

(km) Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

Angle of parking (degrees)	0	30	45	60	90
Aisle Width (feet)					
One-way traffic	12	12	18	20	24
Two-way traffic	19	20	22	24	24

(hn) The required minimum width for a standard residential driveway shall be ten feet and the maximum width is 20 feet. The required minimum width for a circular driveway is ten feet and the maximum width is 14 feet. Maximum impervious surface ratio provided for each residential district will be adhered to as part of the approval process.

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**Section 4.** **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 5.** **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 6.** **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 7.** **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

**PASSED** on first reading this \_\_\_\_ day of August, 2020.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
TIM MEERBOTT  
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: \_\_\_\_\_

Seconded By: \_\_\_\_\_

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Second Reading

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott \_\_\_\_\_

Vice Mayor Sue Ellen Loyzelle \_\_\_\_\_

Council Member Robert “BJ” Duncan \_\_\_\_\_

Council Member Michael P. Callahan \_\_\_\_\_

Council Member Roger Coriat \_\_\_\_\_

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