



Legislation Details (With Text)

**File #:** Item # 2018-187    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Passed  
**File created:** 9/20/2018    **In control:** Town Council  
**On agenda:** 10/17/2018    **Final action:** 10/17/2018

**Title:** 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.....

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-2nd Reading-Amending NC TRC & TC Districts, 2. Manager Memo-2nd Reading-Attachment A-Advertisement, 3. Ordinance-2nd Reading-Amending Amending NC TRC & TC Districts, 4. Manager Memo-1st Reading-Amending NC TRC & TC Districts, 5. Manager Memo-Attachment A-Advertisement, 6. Ordinance-1st Reading-Amending Amending NC TRC & TC Districts

Date	Ver.	Action By	Action	Result
10/17/2018	1	Town Council	adopted	Pass
9/26/2018	1	Town Council	approved on first reading	Pass

# MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** October 17, 2018

**Re:** Amending Article IV Districts and Development Standards Sec. 3-58 NC, Neighborhood Center District, Sec. 3-59 TRC, Transit Corridor District, and Sec. 3-60 TC, Town Center District  
**(Changes between First and Second Reading Highlighted)**

## REQUEST

**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.  
REQUEST**

Town staff has reviewed and prepared recommendations to update the Town’s existing NC, Neighborhood Center District, TRC, Transit Corridor District, and TC, Town Center District.

**GOAL**

The goal of this ordinance is to amend sections 3-58 NC, Neighborhood Center District, 3-59, TRC, Transit Corridor District, and 3-60 TC, Town Center District of Article IV “Districts and Development Standards” to provide clear and balanced regulations that reflect the vision of the Town while meeting the needs of the residents within the Town of Cutler Bay.

**BACKGROUND AND ANALYSIS**

On June 20, 2012, the Town Council adopted the Town of Cutler Bay Land Development Regulations. The purpose and intent of Article IV Districts and Development Standards is to create districts and standards that allow for classifying and regulating the use and development of the lands and waters of the Town. These districts are established for the purpose of protecting,

promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals, and general welfare of the community.

The scope of this analysis and recommendation should not be interpreted as a re-write of the existing District and Development Standards Article but rather an evaluation of the existing development requirements.

**ANALYSIS & SUMMARY OF RECOMMENDED CHANGES**

The purpose of this analysis is to identify where the application of the Town’s Land Development Regulations has raised concerns and questions.

The **NC, Neighborhood Center District** provides for mixed-use development. When Staff reviewed Section 3-58, Staff found that personal services are not a permitted use in the NC District. Section 3-261 of the Town Code defines “Personal service” as “an establishment primarily engaged in providing frequent or recurrent needed services of a personal nature, such as a hair or nail salon.” Therefore, Staff is requesting the inclusion of Personal service under Section 3-58 (1) Permitted Uses.

The **TRC, Transit Corridor District** also provides for mixed-use development. When Staff reviewed Section 3-59, Staff found that outdoor dining was listed as a conditional use in the TRC District. Section 3-261 of the Town Code defines “Outdoor dining area” as “an area of designated size used as a seating area with tables and chairs for the contiguous restaurant. This seating may be in addition to the indoor seating or it may be the only seating available for the restaurant.” Therefore, Staff is requesting the inclusion of Outdoor dining areas under Section 3-59 (1) Permitted Uses.

The **TC, Town Center District** also provides for mixed-use development. When Staff reviewed Section 3-60, Staff found that personal services are not a permitted use in the TC District. Therefore, Staff is requesting the inclusion of Personal service under Section 3-60 (1) Permitted Uses.

**RECOMMENDATION**

Staff recommends approval.

**ATTACHMENTS**

➤ Attachment "A" - Advertisement Miami Herald (Sunday, October 7, 2018)