

ORDINANCE NO. 20-13

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 3 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-60 – “TC, TOWN CENTER DISTRICT” RELATING TO IMPERVIOUS AREA, OPEN SPACE, AND ROADWAY STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to amend the TC, Town Center District to establish permeability standards for development and redevelopment on properties within the TC, Town Center District; and

WHEREAS, the Town Council desires to amend the TC, Town Center District to implement streetscape design standards for development and redevelopment on properties within the TC, Town Center District; and

WHEREAS, in 2018, the Town Council adopted the Town of Cutler Bay’s Green Master Plan which outlined sixteen (16) specific Green Community Elements, including Green Buildings and Development and Groundwater Quality and Quantity, which this amendment furthers; 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.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

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.

* * *

(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	1.0	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
Along secondary street	75	75	75

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.

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 <u>95</u>	100 <u>90</u>	100 <u>90</u>
Minimum lot width (feet)	NA	NA	NA
Minimum lot depth (feet)	NA	NA	NA
Nonresidential			
<u>Public</u> Open space (percent)	15	15	15
In the form of <u>grade</u> <u>level publicly</u> <u>accessible</u> courtyards, gardens, colonnade, balconies , plazas and squares, medians and (parking lot islands <u>and</u> <u>buffers shall not be</u> <u>counted toward the</u>			

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.

<u>open space requirement)</u>			
Residential			
<u>Private Open space (percent)</u>	0.5 acres/ 100 units <u>10%</u>	0.5 acres/ 100 units <u>10%</u>	0.5 acres/ 100 units <u>10%</u>
In the form of gardens, balconies, recreational amenities 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.*

* * *

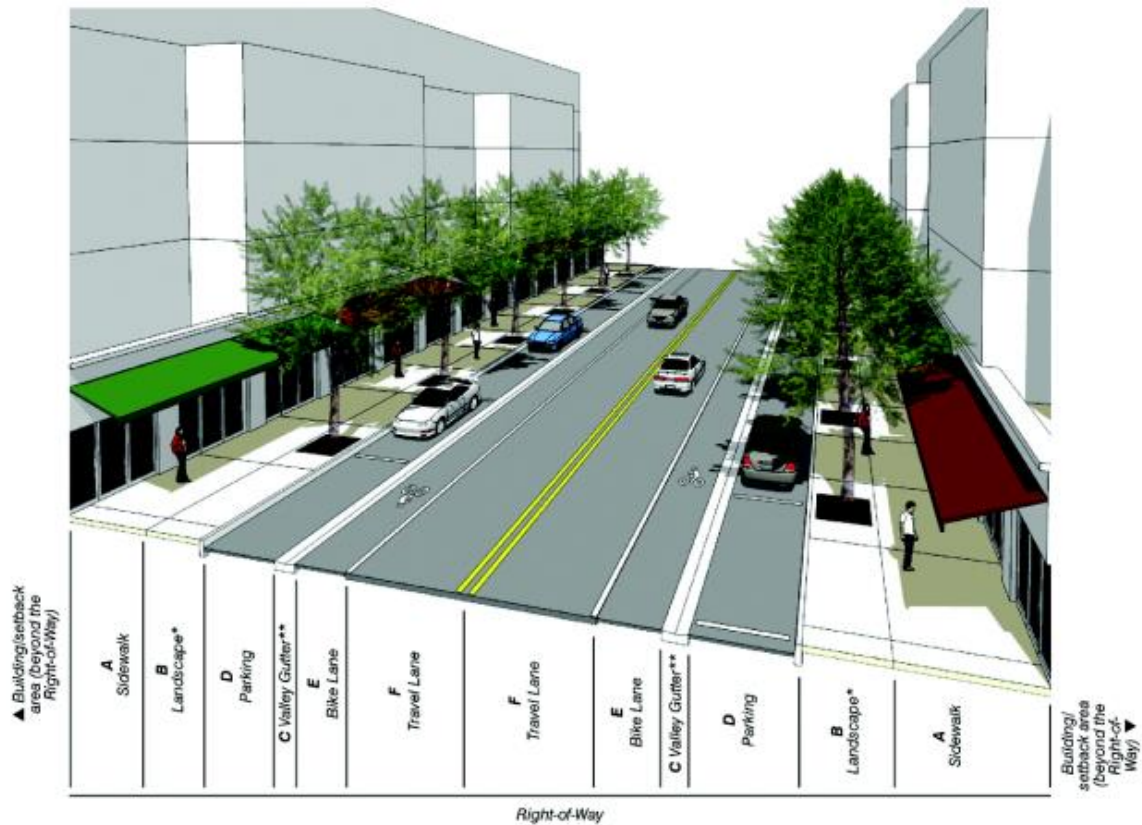
- e. *Open space.* Common open space shall be provided at a ~~rate of 0.5 acres for each 100 dwelling units~~ at a minimum of 10% to meet the anticipated open space needs of the residents of the proposed residential development. Recreation facilities, playgrounds, tennis courts, basketball courts, swimming 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.

* * *

(6) General roadway standards in the TC district.

Streets, Service Roads and Utilities. All streets and service roads shall comply with the Street Types parameters as set forth in this section.

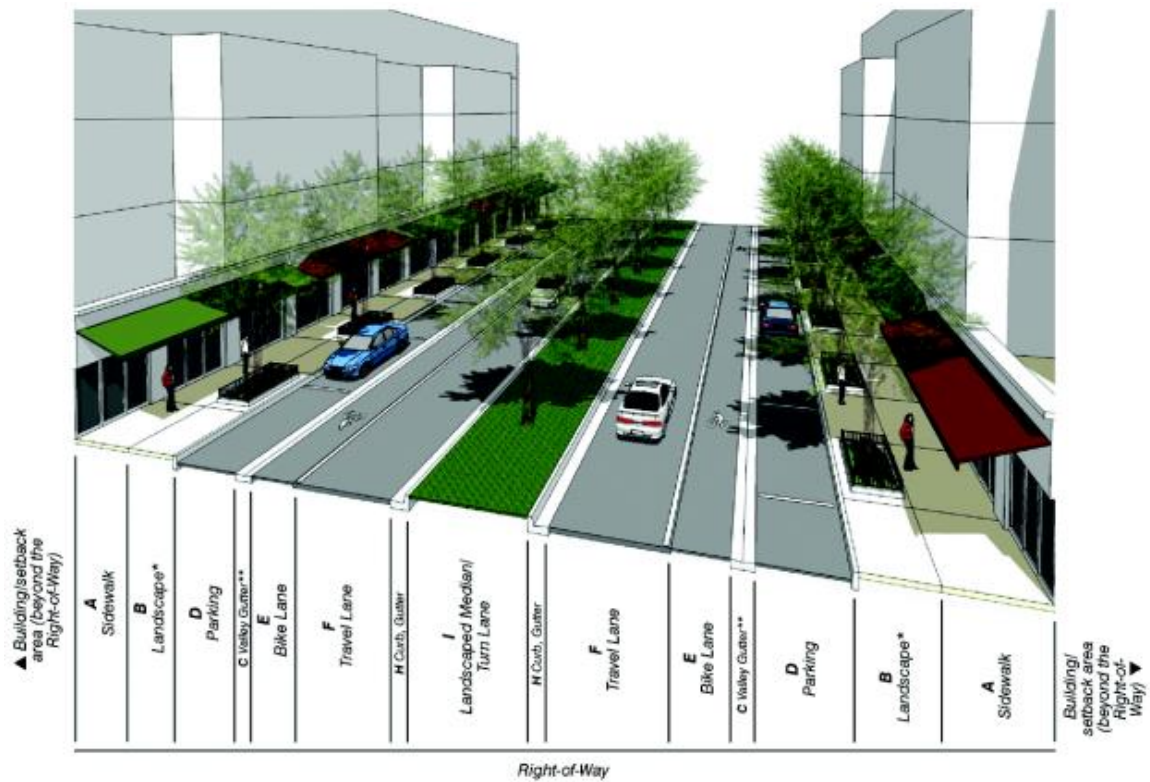
a. Typical Minor Street Illustration.



* Refer to column B in the Street Types Table for required landscape elements.

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated.

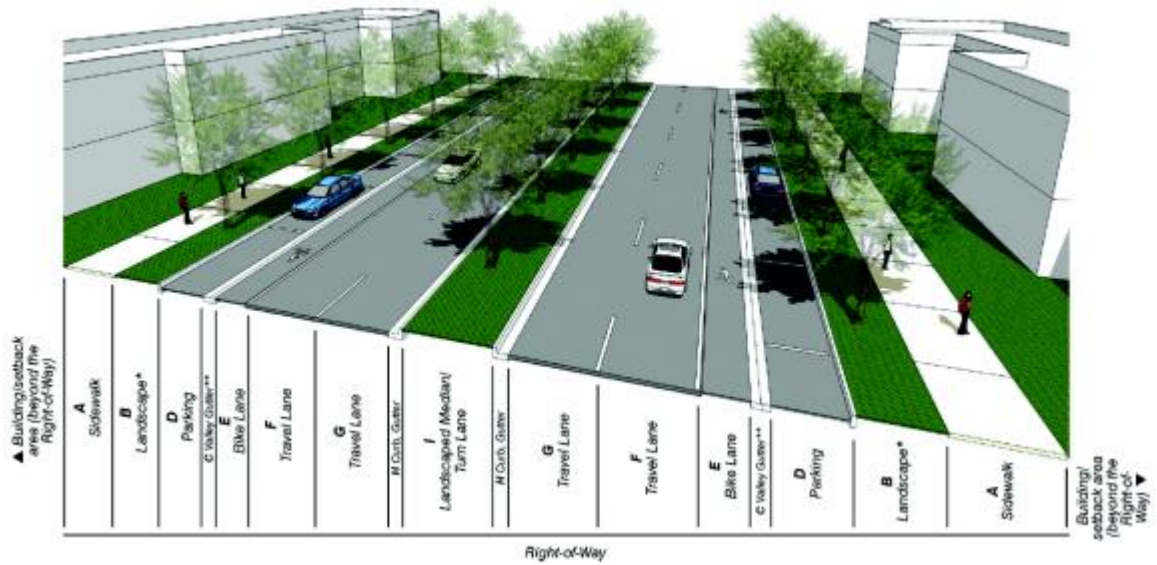
b. Typical Two-Lane Boulevard Street Illustration.



* Refer to column B in Street Types Table for required landscape elements.

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated.

c. Typical Four-Lane Boulevard Street Illustration.



* Refer to column B in Street Types Table for required landscape elements

** Curb and gutter between the sidewalk and parking/travel lanes may be utilized in place of the valley gutter illustrated

d. Street Types Development Parameters.

Street Type	Required Elements								
	<u>A. Sidewalk</u> <u>(Min.) [a, h]</u>	<u>B. Landscape</u> <u>[b, c, d]</u>	<u>C. Curb/</u> <u>Gutter [e]</u>	<u>D. Parking</u> <u>Lane [f]</u>	<u>E. Bike</u> <u>Lane [g]</u>	<u>F. Travel</u> <u>Lanes [h]</u>	<u>G.</u> <u>Additional</u> <u>Travel/Turn</u> <u>Lanes (Min.)</u>	<u>H.</u> <u>Curb/Gutte</u> <u>r</u>	<u>I. Median</u> <u>(Min.)</u>
<u>Type 1 Boulevard</u> <u>(Parking both sides)</u> <u>Core/Center</u>	<u>9' (Core)</u> <u>8' (Center)</u>	<u>Tree grates;</u> <u>tree planters;</u> <u>continuous</u> <u>landscape</u> <u>strip (Center</u> <u>only)</u>	<u>2'</u>	<u>7'</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>11'</u>	<u>10' where</u> <u>provided</u>	<u>2'</u>	<u>6'</u>
<u>Type 1 Boulevard</u> <u>(Parking both sides)</u> <u>Edge</u>	<u>6'</u>	<u>Continuous</u> <u>landscape</u> <u>strip</u>	<u>2'</u>	<u>7'</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>11'</u>	<u>10' where</u> <u>provided</u>	<u>2'</u>	<u>6'</u>
<u>Type 2 Boulevard (No</u> <u>Parking) Core/Center</u>	<u>9' (Core)</u> <u>8' (Center)</u>	<u>Tree grates;</u> <u>tree planters;</u> <u>continuous</u> <u>landscape</u> <u>strip (Center</u> <u>only)</u>	<u>2'</u>	<u>N/A</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>11'</u>	<u>10' where</u> <u>provided</u>	<u>2'</u>	<u>6'</u>

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.

<u>Type 2 Boulevard (No Parking) Edge</u>	<u>6'</u>	<u>Continuous landscape strip</u>	<u>2'</u>	<u>N/A</u>	<u>Required where indicated on Bike Route Plan</u>	<u>11'</u>	<u>10' where provided</u>	<u>2'</u>	<u>6'</u>
<u>Type 3 Minor Street (Parking both sides) Core/Center</u>	<u>9' (Core)</u> <u>8' (Center)</u>	<u>Tree grates; tree planters; continuous landscape strip (Center only)</u>	<u>2'</u>	<u>7'</u>	<u>Required where indicated on Bike Route Plan</u>	<u>10'</u>	<u>10' where provided</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 3 Minor Street (Parking both sides) Edge</u>	<u>6'</u>	<u>Continuous landscape strip</u>	<u>2'</u>	<u>7'</u>	<u>Required where indicated on Bike Route Plan</u>	<u>10'</u>	<u>10' where provided</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 4 Minor Street (Parking one side) Core/Center/Edge</u>	<u>9' (Core)</u> <u>8' (Center)</u> <u>6' (Edge)</u>	<u>Tree grates, tree planters, continuous landscape strip (Center, Edge only)</u>	<u>2'</u>	<u>7' on one side</u>	<u>Required where indicated on Bike Route Plan</u>	<u>10'</u>	<u>10' where provided</u>	<u>N/A</u>	<u>N/A</u>

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.

<u>Type 5</u> <u>Minor Street (No</u> <u>Parking) Core/Center</u>	<u>9' (Core)</u> <u>8' (Center)</u>	<u>Tree grates;</u> <u>tree planters;</u> <u>continuous</u> <u>landscape</u> <u>strip (Center</u> <u>only)</u>	<u>2'</u>	<u>N/A</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>10'</u>	<u>10' where</u> <u>provided</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 5</u> <u>Minor Street (No</u> <u>Parking) Edge</u>	<u>6'</u>	<u>Continuous</u> <u>landscape</u> <u>strip</u>	<u>N/A</u>	<u>N/A</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>10'</u>	<u>10' where</u> <u>provided</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 6</u> <u>Minor Street (Canal</u> <u>Side) Core/Center</u>	<u>9' (Core)</u> <u>8' (Center)</u>	<u>Tree grates;</u> <u>tree planters;</u> <u>continuous</u> <u>landscape</u> <u>strip (Center</u> <u>only)</u>	<u>2'</u>	<u>7' on side</u> <u>opposite</u> <u>canal</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>10'</u>	<u>10' where</u> <u>provided</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 6</u> <u>Minor Street (Canal</u> <u>Side) Edge</u>	<u>6'</u>	<u>Continuous</u> <u>landscape</u> <u>strip</u>	<u>N/A</u>	<u>7' on side</u> <u>opposite</u> <u>canal</u>	<u>Required</u> <u>where</u> <u>indicated</u> <u>on Bike</u> <u>Route Plan</u>	<u>10'</u>	<u>10' where</u> <u>provided</u>	<u>N/A</u>	<u>N/A</u>

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 double strikethrough and double underline.

<u>Type 7</u> <u>Service Road</u> <u>Core/Center/Edge</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>10'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>Type 8</u> <u>Pedestrian Passage</u> <u>Core/Center/Edge</u>	<u>10'</u>	<u>Tree grates;</u> <u>tree planters</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A: Not Applicable</u> <u>[#] Footnote (as provided below)</u>									

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.

Footnotes:

- a. Landscape area is exclusive of the minimum sidewalk width.
- b. Street trees shall have a minimum caliper of six (6) inches at time of planting.
- c. Permanent irrigation is required.
- d. Tree grates shall have a minimum area of twenty-four (24) square feet; tree planters shall have a minimum area of thirty-two (32) square feet; continuous landscape strips shall have a minimum width of six (6) feet in the Core and Center Sub-districts, eight (8) feet in the Edge Sub-district.
- e. In all Sub-districts, curbs and gutters shall be provided at all intersections and roadway edges of arterials, boulevards and Main Street; in Core and Center Sub-districts, curbs and gutters shall be provided at all intersections and roadway edges of minor streets.
- f. On-street parking shall count towards the minimum required parking.
- g. Bike lanes shall be four (4) feet in width when adjacent to curb or swale; five (5) feet in width when adjacent to a parking lane.
- h. The minimum required width of one-lane/one-way travel lanes shall be determined by the Department of Public Works and Waste Management and Fire Rescue Department on a case-by-case basis during the Administrative Site Plan Review process (ASPR).
- i. The use of permeable materials to pave private street sidewalks, on-street parking, and vehicular drives is permitted. Use of permeable materials to pave public street sidewalks, on-street parking and vehicular drives shall require approval from the Director of the Department of Public Works and Waste Management.

e. All streets shall be located according to the New Streets Plan.

1. All new A streets shall be in the same general location shown on the New Streets Plan and may be modified with respect to alignment, provided that the final realignment does not compromise street connectivity. No new A streets shall be deleted.
2. B streets and service roads shown on the New Streets Plan are encouraged to promote connectivity and to conform with block length requirements. New B streets and service roads may be modified or deleted as provided in paragraph (6) below.
3. All streets shall allow general public access. Privately built streets shall provide an approved plat restriction to allow general public access. No gates that impede through traffic are permitted along A or B streets.

f. [Modification approval.] The Director shall approve the modification of A or B streets or service road or the deletion of a B street if the following conditions are satisfied:

1. The modification/deletion has been approved by the Director of the Public Works and Waste Management Department who shall review the proposed modification for traffic and safety issues.
2. The modification/deletion does not diminish the general size and location of an open space shown in the Designated Open Space Plan.
3. The modification/deletion maintains connectivity to the surrounding area.
4. The modification/deletion enhances pedestrian safety.
5. The modification/deletion is compatible with the surrounding area.
6. The modification/deletion allows for the appropriate use of private property.

g. [Design compliance.] The design of new streets and modifications of existing streets shall comply with the following requirements:

1. Streets shall be in accordance with the Street Types Development Parameters criteria set forth in this section.
2. All streets and service roads shall connect to other streets or service roads. Dead-end streets and T-turnarounds shall only be permitted temporarily for new streets when the adjacent property is not platted, not developed, or both. When the adjacent property is platted or developed, a street shall connect to existing development and the dead-end street or T-turnaround removed.
3. Cul-de-sacs shall be prohibited, except that a cul-de-sac shall be permitted when:
 - (a) A street is interrupted by a natural barrier such as a river, protected land, or similar natural resource designated by the Town or any government agency responsible for the protection of such natural resources; and
 - (b) Such agency prohibits the street to continue through said natural resource; and

- (c) Existing development adjacent to or near the natural resource does not provide a means for the street to connect to the existing or proposed street network.
 - (d) The median of such a cul-de-sac shall be landscaped. The landscaped area shall be maintained by a special taxing district, homeowner's association or other mechanism acceptable to the Department of Public Works and Waste Management to positively provide for the proper and continuous payment of maintenance without expense to general taxpayers.
- 4. All sidewalks shall provide the following:
 - (a) Minimum width of six (6) feet, unless a different width is required by the Street Types Development Parameters set forth in this section;
 - (b) Minimum unobstructed area of sixty (60) inches;
 - (c) Where a colonnade is required, free and clear use of a continuous unobstructed area of at least sixty (60) inches within the colonnade; and
 - (d) No utility poles, fire hydrants or any other temporary or permanent structures within the unobstructed area.
- 5. Where on-street parking is provided, parking lanes shall be no closer than twenty-five (25) feet from the intersection measured from the outermost corner of the nearest corner property line.
- 6. Maximum curb radii at intersections shall not be larger than required for the safe travel of emergency and service vehicles.
- 7. Curbs and gutters shall be provided as follows:
 - (a) All Sub-districts: At all intersections and roadway edges of arterials, boulevards and Main Street.
 - (b) Core and Center Sub-districts: At all intersections and roadway edges of minor streets.
 - (c) Edge Sub-district: Not required, except when indicated by the urban center street type development parameters.
- 8. Utilities other than fire hydrants shall run underground.
- 9. Buildings placed at the end of a Street Vista may provide one additional story above that otherwise permitted by the Building Heights Regulating Plan; such additional story shall occupy up to fifteen (15) percent of the floor area of the story immediately below.
- 10. Service roads may occur within buildings.
- 11. Service road access from the front property line shall be limited to one (1) point of access for every two hundred fifty (250) feet of frontage.

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 26th day of August, 2020.

PASSED AND ADOPTED on second reading this 16th day of September, 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: Council Member Duncan

Seconded By: Council Member Coriat

Second Reading

Moved By: Council Member Duncan

Seconded By: Vice Mayor Loyzelle

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	YES
--------------------	-----

Vice Mayor Sue Ellen Loyzelle	YES
-------------------------------	-----

Council Member Robert “BJ” Duncan	YES
-----------------------------------	-----

Council Member Michael P. Callahan	YES
------------------------------------	-----

Council Member Roger Coriat	YES
-----------------------------	-----