



OFFICE OF THE MAYOR AND TOWN COUNCIL

Tim Meerbott
Mayor

Memorandum

To: Honorable Members of the Town Council

From: Tim Meerbott, Mayor

Date: July 16, 2025

Re: Text Amendment to Modify Regulations Relating to Parking Requirements for Restaurants in the NC-1, Neighborhood Commercial Zoning District
(First Reading)

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 3-142, "PARKING SPECIFICATIONS," AND SECTION 3-144, "MINIMUM PARKING RATIOS," OF CHAPTER 3 OF THE TOWN CODE OF ORDINANCES RELATING TO GOLF CART PARKING STANDARDS AND MINIMUM PARKING RATIO CALCULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

The proposed text amendment to the Land Development Regulations would modify the existing regulations to accomplish two goals: (1) reduce the amount of required parking for restaurants in the NC-1, Neighborhood Commercial Zoning District, which is the Old Cutler Road business corridor; and (2) allow golf cart parking spaces to count toward required parking for restaurants in this corridor. These changes are proposed to encourage restaurant development along Old Cutler Road and in recognition of the Town's long-term planning efforts to draw new restaurants to this area.

Even before the Town was incorporated, the County conducted a planning charrette for the business corridor along Old Cutler Road, which has informed our decisions made for this area for decades.

Through rebuilding Old Cutler, increasing pedestrian connectivity, and building a truly multi-modal corridor, the Town-wide requirement of one (1) space per fifty (50) square feet of patron area results in a heavier parking burden, than should be required, in this area. While parking tends to be a minor consideration to many, the space it occupies, and the cost of construction, are constraints that developers have to recognize when deciding where to build or open a new restaurant. Our long-term plan has been to encourage restaurant options in this area, and this proposed ordinance will make Old Cutler Road an even more attractive area to bring a business than it already is.





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This ordinance proposes three (3) connected amendments to the Land Development Regulations:

1. Reducing the required parking ratio for restaurants along Old Cutler Road from one (1) space per fifty (50) square feet of patron area to one (1) space per seventy-five (75) square feet of patron area
2. Allowing up to 25% of the required parking spaces to be dedicated golf cart parking spaces
3. Creating standards for golf cart parking within the Town Code to ensure the appropriate parking stall sizes and drive aisle widths.

The purpose of optional golf cart parking, and the associated standards for those spaces, is in recognition of our residents' affinity for using their golf carts to visit friends and access businesses along the Old Cutler Road corridor. The golf cart standards are limited in application to the Old Cutler Road corridor because after considering other commercial areas of the Town, state law would preclude legal access to those areas by golf cart.

RECOMMENDATION

It is recommended that the Town Council adopt the attached Ordinance, which will modify the parking standards for restaurants in the NC-1, Neighborhood Commercial corridor of Old Cutler Road, allow golf cart parking to count toward meeting these parking standards, and establish clear guidelines for golf cart parking if provided.



ORDINANCE NO. 25-__

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL
OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING
SECTION 3-142, "PARKING SPECIFICATIONS," AND
SECTION 3-144, "MINIMUM PARKING RATIOS," OF
CHAPTER 3 OF THE TOWN CODE OF ORDINANCES
RELATING TO GOLF CART PARKING STANDARDS AND
MINIMUM PARKING RATIO CALCULATIONS;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CONFLICTS; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town of Cutler Bay ("Town") Council recognizes that changes to the adopted Code of Ordinances ("Town Code") are periodically necessary to ensure that the Town's regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Council desires to amend the Town Code to provide standards for golf cart parking spaces and to decrease the required parking ratio for restaurants within the NC-1, Neighborhood Commercial District, and count a percentage of golf cart parking spaces towards parking requirements within the NC-1 District; and

WHEREAS, Town staff recommend approval of the proposed changes; and

WHEREAS, the proposed changes are consistent with the Town's Growth Management Plan; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the Ordinance and recommends 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:¹

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

Section 2. **Amending Chapter 3 of the Town Code.** That Chapter 3, "Land Development Regulations," of the Town Code of Ordinances is hereby amended to read as follows:

¹ 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.

CHAPTER 3 - LAND DEVELOPMENT REGULATIONS

* * *

ARTICLE X. – OFF-STREET PARKING AND LOADING AREAS

* * *

Section 3-142. – Parking specifications.

* * *

(h) Parking Dimensions.

(1) Vehicle parking spaces shall be a minimum of 18 feet long and nine feet wide. Parallel vehicle parking spaces shall be a minimum of 22 feet long and eight feet wide.

(2) Golf cart-only parking spaces, when provided, shall be a minimum of 11 feet and six feet wide and 14 feet by six feet for parallel golf cart-only parking spaces.

* * *

Section 3-144. – Minimum parking ratios.

* * *

Restaurants, Take-Out and Nightclubs

Restaurant: 1 per 50 square feet of patron area¹⁴

Take-out and nightclubs: 1 per 250 square feet of gross floor area

* * *

NOTES:

* * *

(14) The minimum parking ratio for restaurants within the NC-1, Neighborhood Commercial District shall be calculated at a rate of 1 per 75 square feet of patron area. Restaurants within the NC-1 District may provide up to 25% of required parking spaces as golf cart parking spaces, provided however that at least one golf cart charging station is provided for every two golf cart parking spaces.

* * *

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 Town 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 _____ day of July, 2025.

PASSED AND ADOPTED on second reading this _____ day of _____, 2025.

TIM MEERBOTT
Mayor

Attested and Rendered July ____, 2025:

MAURICIO MELINU, CMC
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: _____

Second Reading:

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Michael P. Callahan _____

Councilmember Robert “B.J.” Duncan _____

Councilmember Suzy Lord _____

Councilmember Richard M. Ramirez _____

BUSINESS IMPACT ESTIMATE¹

Meeting Date: July 16, 2025

Agenda Item No. 8A

Summary of Proposed Ordinance and Statement of Public Purpose to be Served

The proposed ordinance seeks to amend Chapter 3, "Land Development Regulations," of the Town Code of Ordinances (the "Town Code") to amend parking requirements for restaurant uses in the NC-1, Neighborhood Commercial zoning district. This amendment will reduce the number of parking spaces required for restaurant use and will allow optional golf cart parking spaces to count toward required parking. This amendment is driven by the Town's goal of enhancing pedestrian and multi-modal transportation options on the Old Cutler Road corridor and in recognition of the Town's long-term planning efforts to revitalize this corridor through right-of-way improvements, pedestrian connectivity, and investments in transit infrastructure.

Estimate of Direct Economic Impact on Private/For Profit Businesses

a. Estimate of Direct Business Compliance Costs:

The proposed ordinance does not require businesses to take on additional compliance costs. Development costs will likely be reduced as fewer parking spaces will be required in conjunction with restaurant use.

b. New Charges/Fees on Businesses Impacted:

The proposed ordinance does not create new fees or charges.

c. Estimate of Regulatory Costs:

The proposed ordinance does not impose foreseeable regulatory expenses beyond expenses already associated with development. As noted, by reducing the parking requirement and allowing smaller parking spaces (golf cart parking) the cost of development is not expected to increase as a result of this ordinance.

Good Faith Estimate of Number of Businesses Likely Impacted

The number of businesses to be impacted is indeterminate and is dependent on the number of restaurant businesses which are established in the NC-1, Neighborhood Commercial Zoning District along Old cutler Road.

Any Additional Information:

¹ Business Impact Estimate does not apply to the following:

1. Ordinances required for compliance with federal or state law or regulation;
2. Ordinances related to the issuance or refinancing of debt;
3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
4. Ordinances required to implement a contract/agreement;
5. Emergency ordinances;
6. Ordinances relating to procurement;
7. Ordinances enacted to implement the following:
 - a. Part II of Chapter 163, F.S.;
 - b. Sec. 190.005, F.S. and Sec. 190.046, F.S.;
 - c. Sec. 553.73, F.S. (Fla. Building Code);
 - d. Sec. 633.202, F.S. (Fla. Fire Prevention Code).

