

ORDINANCE NO. 16- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S COMPREHENSIVE PLAN FROM MIXED-USE TO MEDIUM DENSITY ON PROPERTY GENERALLY LOCATED SOUTH OF S.W. 216TH STREET BETWEEN S.W. 92ND PLACE AND S.W. 89TH COURT (FOLIO NUMBER 36-6016-000-0027), AS LEGALLY DESCRIBED IN EXHIBIT "A", CONSISTING OF APPROXIMATELY 18.57 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2008, the Town Council adopted its first Comprehensive Plan in accordance with Chapter 163, Florida Statutes; and

WHEREAS, Arc/Treo, LLC (the "Applicant") has submitted a Comprehensive Plan amendment application requesting that the Town's Future Land Use Map be amended from Mixed-Use to Medium Density (the "Application") on property generally located south of SW 216th Street between S.W. 92nd Place and S.W. 89th Court consisting of approximately 18.57 acres as further legally described on Exhibit "A" (the "Property"); and

WHEREAS, the Town staff has reviewed the Application and recommends denial; and

WHEREAS, public notice was provided as required by applicable law; and

WHEREAS, the Town Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, after review and consideration, the Town Council desires to adopt this Ordinance and finds that it is consistent with the Comprehensive Plan; 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 AS FOLLOWS:

Section 1. Findings. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Comprehensive Plan Amendment. The Town Council hereby approves the Application amending the Future Land Use Map designation on the Property, as shown on Exhibit "A," as follows:

From: Mixed Use
To: Medium Density

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

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. Effective Date. This Ordinance shall become effective upon passage and adoption. However, pursuant to Section 163.3184, Florida Statutes, the effective date of this amendment to the comprehensive plan future land use map adopted by this Ordinance shall be 31 days after the state land planning agency notifies the Town that the plan amendment package is complete. If timely challenged, the amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED on first reading this __ day of _____, 2016.

PASSED AND ADOPTED on second reading this __ day of _____, 2016.

PEGGY R. BELL
Mayor

Attest:

JACQUELINE N. WILSON
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 Peggy R. Bell _____

Vice Mayor Ernest N. Sochin _____

Councilmember Roger Coriat _____

Councilmember Sue Ellen Loyzelle _____

Councilmember Mary Ann Mixon _____