

**ORDINANCE NO. 20- \_\_\_\_\_**

**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 GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, in 2008, the Town of Cutler Bay's (the "Town") Council adopted its Growth Management Plan (GMP) in accordance with Chapter 163, Florida Statutes; and

**WHEREAS**, the South Florida Water Management District and the U.S. Government own certain properties located within the Town limits as described above; and

**WHEREAS**, the combined gross acreage of these lands is approximately 350.5 acres; and

**WHEREAS**, property location area no. 1 is generally described as east of Old Cutler Road, west of Biscayne National Park, north of S.W. 188 Street, and south of S.W. 184 Street; and

**WHEREAS**, property location area no. 1 folio numbers are identified as 36-6003-001-0015, 36-6002-000-0120, 36-6002-000-0050, portion of 36-6002-000-0020, portion of 36-6002-000-0030, portion of 36-6002-000-0060; and

**WHEREAS**, property location area no. 2 is generally described as east of S.W. 87 Avenue, west of Biscayne National Park, north of S.W. 232 Street, and south of S.W. 216 Street; and

**WHEREAS**, property location area no. 2 folio numbers are identified as 36-6015-000-0080, and a portion of 36-6015-000-0020; and

**WHEREAS**, according to Policy FLU-4F of the Town's GMP, when a parcel located in the Residential-Conservation Overlay District, such as the properties described above, are purchased for conservation or public use, or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation; and

**WHEREAS**, the parcels in question have previously been purchased by government entities and meet the purposes and conditions described in Policy FLU-4F, but have not previously been converted to a Conservation Future Land Use designation; and

**WHEREAS**, the Town staff has duly reviewed the proposed amendments and has recommended approval as it fulfills the intent of Policy FLU-4F; 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 amending the Future Land Use Map designation of the Comprehensive Plan, on the properties shown on Exhibit “A.”

**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. Conflict.** 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 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 20<sup>th</sup> day of November, 2019.

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: Council Member Coriat  
Seconded By: Council Member Callahan

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 \_\_\_\_\_