

ORDINANCE NO. 13- _____

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 LOW DENSITY RESIDENTIAL TO MIXED-USE ON PROPERTY GENERALLY LOCATED ON OLD CUTLER ROAD AND S.W. 216 STREET CONSISTING OF APPROXIMATELY 1.8 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, the Old Cutler Development Partners (the "Applicant") has submitted an Small Scale Comprehensive Plan amendment application requesting that the Town's Future Land Use Map be amended from Low Density Residential to Mixed-Use (the "Application") on property generally located on Old Cutler Road and S.W. 216th Street consisting of approximately 1.8 acres as further legally described on Exhibit "A" (the "Property"); and

WHEREAS, Town staff has reviewed the Application and recommends approval; 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 "B," as follows:

From: Low Density Residential
To: Mixed Use

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ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.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 163.3187, Florida Statutes, the effective date of this small scale development amendment to the comprehensive plan future land use map adopted by this Ordinance shall be 31 days after adoption. If timely challenged within 30 days after adoption, small scale amendment may not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance.

PASSED on first reading this __ day of _____, 2013.

PASSED AND ADOPTED on second reading this __ day of _____, 2014.

Edward P. MacDougall, 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 PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

First Reading:

Moved By: _____

Seconded By: _____

Second Reading:

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall _____

Vice Mayor Ernest N. Sochin _____

Council Member Peggy R. Bell _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____