ORDINANCE NO. 16-____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CLARIFYING SECTION 3-102 OF THE TOWN CODE OF ORDINANCES RELATING TO MINIMUM BUFFER AREA STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") has adopted land development regulations to facilitate safe and orderly growth which forms an integral part of the community; and

WHEREAS, the Town Council desires to clarify a scrivener's error in the standards in the land development regulations regarding buffer areas along boundaries of multifamily, non-residential and planned development lots abutting a less intensive use; 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. **Amendment to Chapter 3.** The Town Council hereby amends Section 3-102 of Chapter 3 of the Town Code of Ordinances as follows: [1]

Sec. 3-102. Types of Landscaping

* * *

(F) Buffer Area. A buffer area shall be required along boundaries of multifamily, non-residential and planned development lots abutting a less intensive use. Such lots shall comply with the following minimum standards.

* * *

4. Buffer areas shall follow the minimum width (in feet) as set forth in the matrix below:

[1]Additions to existing code text are shown by underline; deletions from existing code text are shown by ~~strikethrough~~. Changes between first and second reading are indicated with highlight.

	SF	TF	MF	OF	CM	IND
SF	0	~~0~~ 5	~~0~~ 15	~~0~~ 25	~~0~~ 25	~~0~~ 30
TF	5	0	~~0~~ 10	~~0~~ 15	~~0~~ 20	~~0~~ 25
MF	15	10	0	~~0~~ 15	~~0~~ 15	~~0~~ 20
OF	25	15	15	0	~~0~~ 15	~~0~~ 15
CM	25	20	~~20~~ 15	15	0	~~0~~ 15
IND	30	25	20	15	15	0

* * *

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.** That 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 19th day of October, 2016.

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

_____
PEGGY R. BELL
Mayor

Attest:

_____

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: Vice Mayor Sochin
Seconded By: Council Member Coriat

Second Reading:
Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell ___

Vice Mayor Sue Ellen Loyzelle ___

Council Member Mary Ann Mixon ___

Council Member Michael P. Callahan ___

Council Member Roger Coriat ___