

ORDINANCE NO. 15-__

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE TOWN OF CUTLER BAY EVALUATION AND APPRAISAL-BASED AMENDMENTS TO THE COMPREHENSIVE PLAN AND AUTHORIZING TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) has completed its Evaluation and Notification Letter pursuant to the requirements of Chapter 163.3191(2), F.S.; and

WHEREAS, the Town has transmitted the Evaluation and Appraisal Notification Letter to the Department of Economic Opportunity; and

WHEREAS, in its April 7, 2014 letter to the Town, the Department of Economic Opportunity acknowledged receipt of the Evaluation and Notification Letter and indicated that the Town has until April 4, 2015 to transmit its proposed Comprehensive Plan amendments based on the letter; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the proposed amendments to the Comprehensive Plan, held an advertised public hearing, provided for public participation in the process and recommended approval of the Ordinance; and

WHEREAS, the Town Council finds that adoption of the Ordinance is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

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

Section 2. **Comprehensive Plan Amendments Adopted.** The Town Council hereby adopts the Evaluation and Appraisal Report based amendments to the Comprehensive Plan attached hereto as Exhibit “A.”

Section 3. **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ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.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 4. 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 5. Transmittal. The Town Manager is hereby authorized to transmit the comprehensive plan amendments adopted by this Ordinance to the Department of Economic Opportunity and other required reviewing agencies for review in accordance with Section 163.3184, F.S.

Section 6. Effective Date. This Ordinance shall be effective immediately upon passage by the Town Council on second reading. However, the comprehensive plan amendments adopted by this Ordinance shall go into effect pursuant to the state land planning agency's notice of intent. If timely challenged, the amendments adopted by this Ordinance do 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 March 2015.

PASSED and ADOPTED on second reading this ____ day of _____, 2015.

ATTEST:

PEGGY R. Bell
Mayor

JACQUELINE WILSON
Interim 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 _____

Council Member Roger Coriat _____

Council Member Sue Ellen Loyzelle _____

Council Member Mary Ann Mixon _____