

ORDINANCE NO. 17- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT MIXED USE CATEGORY LAKES-BY-THE-BAY TO PERMIT RESIDENTIAL USES AS A PART OF A MIXED USE PROJECT; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; 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 text of the Town's Future Land Use Element Lakes-by-the-Bay Mixed Use designation of the Comprehensive Plan be amended as provided on Exhibit "A" (the "Application"); and

WHEREAS, the 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 text of the Future Land Use Element Lakes-by-the-Bay Mixed Use designation of the Comprehensive Plan, as provided 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. 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ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.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 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 July, 2017.

PASSED AND ADOPTED on second reading this ___ day of _____, 2017.

PEGGY R. BELL
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: _____

Second by: _____

Second Reading:

Moved by: _____

Second 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 _____