

**ORDINANCE NO. 17-\_\_**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE  
TOWN OF CUTLER BAY, FLORIDA, ADOPTING THE ANNUAL  
UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT WITHIN  
THE TOWN'S GROWTH MANAGEMENT PLAN; PROVIDING FOR  
SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, local governments are annually required to update the Capital Improvements Element (CIE) contained within the Town's Growth Management Plan in order to ensure that the required level of service standard for the public facilities listed in Section 163.3180, Florida Statutes are achieved and maintained over the planning period; and

**WHEREAS**, public notice was provided in accordance with law; 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 TOWN COUNCIL OF THE  
TOWN OF CUTLER BAY, FLORIDA:**

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

**Section 2. Adoption of the Capital Improvements Element Update.** The Town Council hereby adopts the annual update to the CIE within the Town's Growth Management Plan, which is attached to this Ordinance as Exhibit "A."

**Section 3. Conflicts.** All ordinances or code provisions in conflict herewith are hereby repealed.

**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. Effective Date.** This ordinance shall be effective immediately upon passage by the Town Council on second reading.

PASSED on first reading this \_\_ day of July, 2017.

PASSED AND ADOPTED on second reading this \_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

Attest:

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Debra E. Eastman, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE SOLE  
USE OF THE TOWN OF CUTLER BAY:

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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 \_\_\_\_\_