

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

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING  
THE TOWN'S COMPREHENSIVE PLAN BY CLARIFYING  
THE MIXED USE REQUIREMENTS WITHIN THE MIXED  
USE FUTURE LAND USE DISTRICT; PROVIDING FOR  
TRANSMITTAL; PROVIDING FOR CONFLICTS;  
PROVIDING FOR SEVERABILITY; AND PROVIDING  
FOR AN EFFECTIVE DATE.**

**WHEREAS**, as a result of a recent court ruling, the Town Council of the Town of Cutler Bay (the "Town") wishes to amend its Comprehensive Plan (i.e., Growth Management Plan) by clarifying the mixed use requirements for developments within certain areas of the Town (the "Amendments"); and

**WHEREAS**, the Town Council, sitting as the Local Planning Agency, has reviewed the Amendments, held an advertised public hearing and recommended approval of this Ordinance; and

**WHEREAS**, the Town Council finds that adoption of 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.**     **Comprehensive Plan Amendments Adopted.** The Town Council hereby adopts the Amendments, which are attached hereto as Exhibit "A" and incorporated herein.

**Section 3.**     **Severability.** 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 by a court of competent jurisdiction, 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.**     **Transmittal.** The Town Manager is hereby authorized to transmit the Amendments adopted by this Ordinance to the Department of Economic Opportunity and other required reviewing agencies for review in accordance with Section 163.3184, Florida Statutes.

**Section 5. 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Ordinances or parts of Ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.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 6. Effective Date.** This Ordinance shall be effective immediately upon passage by the Town Council on second reading, except that the effective date of the Amendments adopted by this Ordinance shall go into effect 31 days after the state land planning agency notifies the Town that the plan amendment package is complete. 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 amendments to be in compliance.

PASSED on first reading this 17<sup>th</sup> day of May, 2017.

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

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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: Council Member Coriat  
Second by: Council Member Mixon

**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 \_\_\_\_\_