

ORDINANCE NO. 19-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 20851 SW 97 AVENUE (FOLIO NO. 36-6009-000-0160) FROM LOW DENSITY RESIDENTIAL TO INSTITUTIONAL; 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, Centro Evangelistico La Roca (the "Applicant") has submitted a Small Scale Comprehensive Plan amendment application requesting that the Town's Future Land Use Map be amended from Low Density Residential to Institutional (the "Application") on property located at 20851 SW 97 Avenue consisting of approximately 4.2 acres as further legally described on Exhibit "A" (the "Property"); and

WHEREAS, the Institutional Future Land Use Map Designation would permit uses such as governmental facilities, educational facilities, communications facilities, religious institutions, fraternal organizations, hospitals, and congregate care and nursing homes, on the Property; and

WHEREAS, Town staff has reviewed the Application and recommends denial; 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 Future Land Use Map designation on the Property, as shown on Exhibit “B,” as follows:

From: Low Density Residential
To: Institutional

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. Conflict. 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 163.3187, Florida Statutes, the effective date of this small scale development amendment to the Comprehensive Plan Future Land Use Map adopted by this Ordinance shall be 31 days after adoption. If timely challenged within 30 days after adoption, the small scale amendment may not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a final order determining that the adopted small-scale development amendment is in compliance.

PASSED on first reading this ____ day of September, 2019.

PASSED AND ADOPTED on second reading this ____ day of _____, 2019.

TIM MEERBOTT
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: _____

Seconded By: _____

Second Reading

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____