

ORDINANCE 19-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 3 LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING SECTION 3-60 TC, TOWN CENTER DISTRICT TO PERMIT MEDICAL MARIJUANA DISPENSARIES WITHIN THE TC, TOWN CENTER EDGE SUB-DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 21, 2018, the Town of Cutler Bay (the “Town”) adopted Ordinance No. 18-01 to address pharmacies and medical marijuana dispensaries in certain zoning districts; and

WHEREAS, the Town Council desires to amend the TC District to specifically permit medical marijuana dispensaries in the Town Center Edge Sub-district; and

WHEREAS, Town staff recommends approval of the proposed changes; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the ordinance and recommended approval; 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, FLORIDA, AS FOLLOWS: ¹

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

Section 2. **Section 3-60 Amended.** The Town Council hereby amends Section 3-60 of the Town Code of Ordinances as follows:

Sec. 3-60. - TC, Town Center District.

The town center district is coded to accommodate the higher overall intensity of development required to support the town. It is expected that the district may be expanded over time to meet the growth in demand for downtown facilities and services. The town

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted** ~~double-strikethrough~~ and double underline.

center district is provided to encourage the expansion and redevelopment of Southland Mall and adjoining areas zoned town center. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, workplaces, civic, educational, and public assembly uses, and higher density housing in a compact, pedestrian-oriented environment. The town center district anchors the surrounding residential neighborhoods while also serving the broader community.

- (1) Permitted uses.
 - a. Mixed use.
 - b. Commercial and retail.
 - c. Multifamily (within a mixed use development).
 - d. Civic (excluding educational facility/school).
 - e. Office.
 - f. Hotel.
 - g. Family entertainment center.
 - h. Bar or nightclub.
 - i. Medical marijuana dispensary (TC Center and Edge Sub-Districts only, minimum 275 feet from a pharmacy or another medical marijuana dispensary, measured nearest property line to nearest property line).
 - j. Park.
 - k. Pharmacy (TC Center Sub-District only, minimum 275 feet from a medical marijuana dispensary or another pharmacy, measured nearest property line to nearest property line).
 - l. Professional service.
 - m. Place of public assembly (minimum 1,000 feet between another place of public assembly).
 - n. Recreational facility.
 - o. Restaurant.
 - p. Outdoor dining.
 - q. Medical Office (TC Center Sub-District only).

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Section 3. **Severability.** That 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, 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. **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. **Codification.** That it is the intention of the Town Council, and hereby ordained, that the provisions of the Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered and/or re- lettered to accomplish such intentions; and that the word, “Ordinance,” shall be changed to “Section” or such other appropriate word.

Section 6. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED on first reading this 18th 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: Council Member Coriat
Seconded By: Council Member Duncan

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 _____