

**ORDINANCE NO. 20-\_\_**

**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 OLD CUTLER ROAD AND SW 200 STREET (FOLIO NO. 36-6003-035-0060) FROM LOW DENSITY RESIDENTIAL TO MIXED USE; 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**, Cougar Holdings, LLC (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 Mixed Use (the "Application") on property located at Old Cutler Road and SW 200 Street consisting of approximately .82 acres net acres (+/- 1.35 gross acres) as further legally described on Exhibit "A" (the "Property"); and

**WHEREAS**, the Mixed Use Future Land Use Map Designation would permit uses such as sales and service activities, professional and clerical offices, hotels, motels, medical buildings and offices, cultural and entertainment uses, community facilities, institutional, parks and open space, and residential uses, 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: Mixed Use

**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 January, 2020.

PASSED AND ADOPTED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
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 \_\_\_\_\_