

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING THE REQUEST OF COUGAR HOLDINGS, LLC TO PERMIT A REZONING FROM SR (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO NC 1 (NEIGHBORHOOD CENTER 1 DISTRICT) ON PROPERTY LOCATED AT OLD CUTLER ROAD AND SW 200 STREET (FOLIO NO. 36-6003-035-0060), AS LEGALLY DESCRIBED IN EXHIBIT “A”, CONSISTING OF APPROXIMATELY .82 ACRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cougar Holdings, LLC (the “Applicant”) has applied to the Town of Cutler Bay (the “Town”), for approval of a rezoning from SR (Single-Family Residential District) to NC 1 (Neighborhood Center 1 District), for property generally located at Old Cutler Road and SW 200 Street, as legally described in Exhibit “A,” consisting of approximately +/- .82 acres net acres (+/- 1.35 gross acres) (the “Property”); and

WHEREAS, the Neighborhood Center 1 Zoning District would permit uses such as commercial and retail, office, restaurant, multifamily (within a vertical mixed use development), townhouse, medical, civic (excluding educational facility/school), park and open space, place of public assembly, outdoor dining, pharmacy, medical marijuana dispensary, and personal service on the Property; and

WHEREAS, Town staff has reviewed the Application and recommends denial; and

WHEREAS, public notice was provided in accordance with law; and

WHEREAS, this Ordinance was heard and recommended by the Town Council, in its capacity as the Town’s Local Planning Agency; and

WHEREAS, after due notice and hearing, the Town Council finds, based upon competent substantial evidence, this Ordinance to be consistent with the Town Code and the Town’s Comprehensive Plan (Growth Management 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, FLORIDA, AS FOLLOWS:

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

Section 2. **Approval.** The Town Council hereby approves, based upon competent substantial evidence, a rezoning for the Property, legally described in Exhibit “A”, from SR (Single-Family Residential District) to NC 1 (Neighborhood Center 1 District), as shown on Exhibit “B”.

Section 3. **Violation.** Failure to adhere to the terms of any approval shall be considered a violation of the Town Code. Penalties for such violation shall be as prescribed by the Town Code, which include, but are not limited to, the revocation of the approval granted by this Ordinance.

Section 4. **Recording.** The Town, or the Applicant if so requested by the Town Clerk, shall record this Ordinance at the Applicant’s sole expense in the Public Records of Miami-Dade County, Florida.

Section 5. **Effective Date.** This Ordinance shall take effect immediately upon adoption.

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 _____