

ORDINANCE NO. 20-__

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA UPDATING THE TOWN WATER SUPPLY PLAN AND ADOPTING WATER SUPPLY PLAN RELATED AMENDMENTS TO THE TOWN GROWTH MANAGEMENT PLAN; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires each local government to address in its Comprehensive Plan, the water supply sources necessary to meet and achieve the existing and projected water use demand for an established planning period; and

WHEREAS, the Town of Cutler Bay (the “Town”) recognizes the need for integration between land use planning and water supply planning; and

WHEREAS, Section 163.3177, Florida Statutes, requires that local governments prepare and adopt at least a 10-Year Water Supply Facilities Work Plan; and

WHEREAS, in order to reflect recent updates to state and regional Water Supply Facilities Work Plans, the Town desires to amend its Water Supply Facilities Work Plan and related elements within the Town’s Comprehensive Plan (Growth Management Plan); 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 two duly noticed public hearings, the Town Council desires to adopt this Ordinance and finds that it is consistent with the 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 AS FOLLOWS: ¹

Section 1. Findings. The foregoing “Whereas” clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

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 yellow highlighted ~~double strikethrough~~ and double underline.

Section 2. Amendment of Water Supply Facilities Work Plan. The Town Council hereby adopts an amendment to its Water Supply Facilities Work Plan and also incorporates by reference its Water Supply Facilities Work Plan into its Comprehensive Plan (Growth Management Plan) as supporting data and analysis for the amendments adopted in this Ordinance. A copy of the Water Supply Facilities Work Plan is provided in “Exhibit A.”

Section 3. Amendment of the Town’s Comprehensive Plan (Growth Management Plan). The Town Comprehensive Plan (Growth Management Plan) is hereby amended as provided in Exhibit “B,” which is attached hereto and made a part of this Ordinance.

Section 4. Transmittal. The Town Manager or designee is authorized to transmit this Ordinance to the appropriate local, regional and state agencies.

Section 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective upon passage and adoption. However, pursuant to Florida Law, the Comprehensive Plan amendment(s) adopted by this Ordinance shall not become effective until 31 days after the state land planning agency notifies the Town that the plan amendment(s) package is complete. If timely challenged, the amendment(s) do not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment(s) to be in compliance.

PASSED on first reading this ____ day of March, 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 _____