

**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:<sup>1</sup>**

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

**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 17<sup>th</sup> day of June, 2020.

**PASSED and ADOPTED** on second reading this \_\_\_\_ day of August, 2020.

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TIM MEERBOTT  
Mayor

Attest:

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DEBRA E. EASTMAN, MMC  
Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY FOR THE  
SOLE USE OF THE TOWN OF CUTLER BAY:

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WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
Town Attorney

First Reading

Moved By: Council Member Coriat

Seconded By: Council Member Callahan

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 \_\_\_\_\_