

TOWN OF CUTLER BAY

Mayor Paul S. Vrooman
Vice-Mayor Edward P. MacDougall
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Councilmember Peggy R. Bell

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria
Town Manager Steve Alexander

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation, a sign language interpreter or hearing impaired to participate in this proceeding should contact the Town Clerk at (305) 234-4262 for assistance no later than four (4) days prior to the meeting.

LOCAL PLANNING AGENCY AGENDA

Wednesday, August 20, 2008, 7:00 PM
South Dade Government Center
10710 SW 211th ST, Room 203
Cutler Bay, Florida 33189

- I. **CALL TO ORDER, ROLL CALL**
- II. **ADDITIONS, DELETIONS, AND DEFERRALS**
- III. **CONSENT AGENDA**
 - A. Minutes – June 18, 2008
- IV. **PUBLIC HEARING: (MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE)**
 - A. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING REMEDIAL COMPREHENSIVE PLAN AMENDMENTS RELATING TO THE COASTAL HIGH HAZARD AREA IN ACCORDANCE WITH A COMPLIANCE AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
 - B. AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AND AMENDING THE TOWN'S COMPREHENSIVE PLAN (GROWTH MANAGEMENT PLAN) TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- VI. **ADJOURNMENT.**

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

**TOWN OF CUTLER BAY
LOCAL PLANNING AGENCY MEETING
MINUTES**

Wednesday, June 18, 2008, 7:00 PM
South Dade Regional Library
10750 Southwest 211th Street, 2nd Floor
Cutler Bay, Florida 33189

I. CALL TO ORDER/ROLL CALL OF MEMBERS: The meeting was called to order by the mayor at 8:35 p.m. Present were the following chartered officials:

Councilmember Peggy R. Bell
Councilmember Timothy J. Meerbott
Councilmember Ernest N. Sochin
Vice Mayor Edward P. MacDougall
Mayor Paul S. Vrooman

Town Attorney Mitchell Bierman
Town Attorney Chad Friedman
Town Clerk Erika Gonzalez-Santamaria
Town Manager Steven Alexander

II. PLEDGE OF ALLEGIANCE: There was no Pledge of Allegiance at this time.

III. ADDITIONS, DELETIONS, AND DEFERRALS: None at this time.

IV. CONSENT AGENDA:

Councilmember Meerbott made a motion approving the minutes of meeting of May 21, 2008. The motion was seconded by Councilmember Sochin and adopted by a unanimous voice vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

V. PUBLIC HEARING: MOTION RECOMMENDING ADOPTION OF THE FOLLOWING ORDINANCE:

- A. AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 33 "ZONING" ARTICLE VI "SIGNS" IN ORDER TO REVISE THE PROCEDURAL AND SUBSTANTIVE REGULATIONS OF SIGNS IN THE TOWN AND PROVIDE FOR AMORTIZATION OF CERTAIN TYPES OF NONCONFORMING OR PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE. (BELL)**

Councilmember Bell provided a brief oral presentation on the ordinance. Planning Director, Don O' Donniley also provided a brief discussion and recommending approval of the ordinance.

The mayor opened the public hearing. There were no speakers.

Councilmember Bell made a motion to adopt staff's recommendation to approve. The motion was seconded by Vice Mayor MacDougall and approved by unanimous 5-0 roll call vote. The vote was as follows: Councilmembers Bell, Meerbott, Sochin, Vice Mayor MacDougall and Mayor Vrooman voting Yes.

VI. ADJOURNMENT: The meeting was officially adjourned at 8:45 p.m.

Respectfully submitted:

*Erika Gonzalez-Santamaria, CMC
Town Clerk*

*Adopted by the Town Local Planning Agency
on this 20th day of August, 2008.*

Paul S. Vrooman, Mayor

PURSUANT TO FLORIDA STATUTES 286.0105, THE TOWN HEREBY ADVISES THE PUBLIC THAT IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THIS COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT ITS MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT FOR SUCH PURPOSE, THE AFFECTED PERSON MAY NEED TO ENSURE THAT VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE TOWN FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.



R. Don O'Donniley, AICP
Planning Director

MEMORANDUM

To: Steve Alexander, Town Manager

From: R. Don O'Donniley

Date: August 20, 2008

Re: Town of Cutler Bay Growth Management Plan Remedial Amendment to the Coastal Management Element and Exhibit FLU-8

BACKGROUND:

The Town's Growth Management Plan was determined by the State to be fully in compliance with the exception of the Coastal High Hazard Area map (Exhibit FLU-8) and Coastal Management Policy CM-8E. Revisions have been made to the map and to Policy CM-8E to be consistent with the definition of the Coastal High Hazard Areas as defined in Section 163.3178(2)(h), Florida Statutes, which states: "The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model."

This remedial amendment is proposed to adopt the definition of Coastal High Hazard Area pursuant to state statutes as well as to adopt the updated Exhibit FLU-8 to be consistent with the adopted Coastal High Hazard Area map prepared by Miami-Dade County, Office of Emergency Management, 2007, titled "Areas Subject to Coastal Flooding", Figure 11.

REQUEST:

Adoption of a Remedial Amendment to the Coastal Management Element and Exhibit FLU-8 of the Town of Cutler Bay Growth Management Plan in compliance with State requirements for adoption of an updated map and definition of the coastal high hazard area within the Town's boundary.

RECOMMENDATION:

It is recommended that the Town Council **approve** the adoption of the remedial amendment to the Growth Management Plan to amend Exhibit FLU-8 and Coastal Management Policy CM-8E.

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING REMEDIAL COMPREHENSIVE PLAN AMENDMENTS RELATING TO THE COASTAL HIGH HAZARD AREA IN ACCORDANCE WITH A COMPLIANCE AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the “Town”) recently adopted its first Comprehensive Plan, pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Department of Community Affairs (the “DCA”) found the plan to be in compliance with the exception of the Coastal High Hazard definition and related map; and

WHEREAS, the Town Council seeks to enter into a compliance agreement with the DCA and to adopt the remedial amendments to the Comprehensive Plan, which are attached as Exhibit “A,” in order for the Coastal High Hazard definition and related map to be found in compliance by the DCA; and

WHEREAS, the Town Council, sitting as the Local Planning Agency, has reviewed the proposed Ordinance and recommended approval; and

WHEREAS, the Town Council finds that these changes are 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 FOLLOWS¹:

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

Section 2. Approval of Comprehensive Plan Amendments. The Town Council hereby adopts the remedial comprehensive plan amendments, attached as exhibit “A” to this Ordinance.

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.

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

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 be effective immediately upon adoption on second reading.

PASSED on first reading this _____ day of _____, 2008.

PASSED and ADOPTED on second reading this _____ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF THE
TOWN OF CUTLER BAY ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____



Planning & Zoning Department

R. Don O'Donniley, AICP
Planning Director

MEMORANDUM

To: Steve Alexander, Town Manager

From: R. Don O'Donniley

Date: August 20, 2008

Re: Town of Cutler Bay 10-Year Water Supply Facilities Work Plan and related Growth Management Plan Amendments

BACKGROUND:

The Town of Cutler Bay is subject to the jurisdiction of the South Florida Water Management District (SFWMD). The SFWMD has concluded that traditional water supply sources will not be sufficient to meet the water needs of the growing South Florida population. As a result, the Florida Legislature enacted bills in 2002, 2004 and 2005 in order to address the state's water supply needs as potential limitations on the continued use of traditional water supplies, such as the Biscayne Aquifer, became increasingly apparent.

In 2005, the state legislation modified Chapters 163 and 373, F.S. to improve the coordination of water supply planning and land use planning. Senate Bills 360 and 444 require all local municipalities to prepare a 10-Year Water Supply Facilities Work Plan and adopt that plan into the comprehensive plan within 18 months of the SFWMD's approval of the Lower East Coast Water Supply Plan. The work plan and the comprehensive plan amendments must address the development of traditional and alternative water supplies and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period.

Proposed amendments to the goals, objectives and policies of the Growth Management Plan have been made to incorporate the water supply plan in the Infrastructure and Conservation Elements.

The purpose of this request to transmit and adopt the Town's first 10-Year Water Supply Facilities Work Plan and the related amendments to the Growth Management Plan. A copy of the proposed Water Supply Facilities Work Plan and the related Growth Management Plan amendments are attached.

REQUEST:

Transmittal and adoption of the Town's 10-Year Water Supply Facilities Work Plan and related Growth Management Plan amendments in compliance with State requirements for local water supply planning.

RECOMMENDATION:

It is recommended that the Town Council **approve** the transmittal and adoption of the 10-Year Water Supply Facilities Work Plan and related Growth Management Plan amendments to the Department of Community Affairs.

ORDINANCE NO. 08-_____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, ADOPTING A 10 YEAR WATER SUPPLY FACILITIES WORK PLAN AND AMENDING THE TOWN'S COMPREHENSIVE PLAN (GROWTH MANAGEMENT PLAN) TO STRENGTHEN COORDINATION BETWEEN WATER SUPPLY AND LOCAL LAND USE PLANNING AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167(13) 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, Section 163.3177(4)(a), Florida Statutes requires coordination of the local comprehensive plan with the water management district's regional water supply plan; and

WHEREAS, the Town of Cutler Bay recognizes the need for better integration between land use planning and water supply planning; and

WHEREAS, Section 163.3177(6)(c), Florida Statutes, requires that local governments prepare and adopt a 10-Year Water Supply Facilities Work Plan and amend their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update; and

WHEREAS, the Town of Cutler Bay has proposed amendments to the policies of the Infrastructure Element and Conservation Element of its Growth Management Plan; and

WHEREAS, the Town Council adopts the 10 Year Water Supply Facilities Work Plan as supporting data and analysis for the Plan amendments; and

WHEREAS, the Town Council finds the proposed 10 Year Water Supply Facilities Work Plan and the amendments to its Growth Management Plan to be in compliance with and consistent with Florida law and its adopted Growth Management Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS¹:

¹ Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, **shaded** text reflects changes made from First Reading.

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

Section 2. Amendment to the Infrastructure Element within the Comprehensive Plan (Growth Management Plan). The Town Council hereby amends the Infrastructure Element within the Town’s Comprehensive Plan (Growth Management Plan) as follows:

Objective I1-4

Town of Cutler Bay shall comply with its 10-year Water Supply Facilities Work Plan, as required by section 163.3177(6)(c), F.S. within 18 months after the governing board of the South Florida Water Management District approves its Lower East Coast Water Supply Plan Update. The Work Plan will be updated, at a minimum, every 5 years. The Town of Cutler Bay Water Supply Facilities Work Plan is designed to: assess current and projected potable water demands; evaluate the sources and capacities of available water supplies; and, identify those water supply projects, using all available technologies, necessary to meet the Town’s water demands for a 10-year period.

Monitoring Measure I1-4

The Work Plan shall remain consistent with the County’s 20-Year Supply Facilities Work Plan, which is compatible with the Miami Dade County Water Use Permit renewals and with projects as listed in the South Florida Water Management District’s Lower East Coast Regional Water Supply Plan. The Work Plan will be updated, at a minimum, every 5 years and within 18 months after the South Florida Water Management District’s approval of an updated Lower East Coast Regional Water Supply Plan.

Policy I1-4A: Comply with the 10-year Water Supply Facilities Work Plan and incorporate such work plan into the Town of Cutler Bay Growth Management Plan.

Policy I1-4B: Coordinate appropriate aspects of its comprehensive plan (GMP) with the appropriate water management district’s regional water supply plan.

Policy I1-4C: The Miami-Dade County Water Supply Facilities Work Plan, as prepared by the Miami-Dade County Department of Water and Sewer dated July, 2007, and revised April 2008 is incorporated by reference into the Town of Cutler Bay Growth Management Plan as the Town’s 10-year Water Supply Facilities Work Plan.

Section 3. Amendment to the Conservation Element within the

Comprehensive Plan (Growth Management Plan). The Town Council hereby amends the Conservation Element within the Comprehensive Plan (Growth Management Plan) as follows:

Objective C-2

Increase potable water conservation in order to better meet present and projected needs of all consumers and reduce demands on water service.

Monitoring Measures C-2

The successful implementation of the following policies will be analyzed to determine if water resources were conserved.

Policy C-2A: The Town will develop language and standards in the Land Development Regulations to comply with the water conservation policies of the South Florida Water Management District (SFWMD) to conserve the potable water supply and protect the Town from saltwater intrusion, including groundwater recharge, water-saving devices and xeriscape concepts.

Policy C-2O: Encourage water conservation through the use of Green Building construction and site design techniques.

Policy C-2P: Continue to promote water conservation through public education.

Section 4. Adoption of the Town’s 10-year Water Supply Facilities Work Plan. The Town Council hereby adopts the 10-year Water Supply Facilities Work Plan, attached as Exhibit “A” to this Ordinance.

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 be effective immediately upon passage by the Town Council on second reading, except that the effective date of these plan amendments approved by this Ordinance shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the plan amendments in compliance in accordance with Section 163.3184, Florida Statutes,

whichever occurs earlier. The Department of Community Affairs notice of intent to find the plan amendments in compliance shall be deemed to be a final order if no timely petition challenging the plan amendments is filed.

PASSED on first reading this _____ day of _____, 2008.

PASSED and ADOPTED on second reading this ____ day of _____, 2008.

PAUL S. VROOMAN, Mayor

Attest:

ERIKA GONZALEZ-SANTAMARIA, CMC
Town Clerk

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

WEISS SEROTA HELFMAN PASTORIZA
COLE & BONISKE, P.L.
Town Attorney

Moved By:
Seconded By:

FINAL VOTE AT ADOPTION:

Mayor Paul S. Vrooman _____
Vice Mayor Edward P. MacDougall _____
Councilmember Peggy R. Bell _____
Councilmember Timothy J. Meerbott _____
Councilmember Ernest N. Sochin _____