



Attachment "A" **Town Consultant Report**

Amending Future Land Use Map

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.



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☐ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☒ **Miami-Dade Office** · 10800 Biscayne Boulevard · Suite 950 · Miami, FL 33161 · 786.485.5200(p) · 786.485.1520(f)

Date: January 15, 2020

To: Rafael G. Casals, ICMA-CM, CFM, Town Manager

From: Alex David, AICP, Interim Planning and Zoning Director

Subject: Adoption of Future Land Use Map Amendment

Project: Conversion to Conservation FLUM

Proposed Future Land Use Map Amendments

REQUEST

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUEST INITIATED BY

Town of Cutler Bay

Agency Review

After Council approved this item at First Reading (November 20, 2019) copies of the amendment package were sent to the following required agencies for review:

- Department of Education
- Department of Environmental Protection
- Department of State
- Department of Transportation District Six
- South Florida Regional Planning Council
- South Florida Water Management District
- Miami-Dade Regulatory and Economic Resources
- Village Manager, Village of Palmetto Bay

The Department of Economic Opportunity responded stating that they had no comments (Exhibit "A"). The South Florida Water Management District (SFWMD) responded with a comment concerning a potential text amendment (Exhibit "B"). The District recommended text changes to the Growth Management Plan Land Use and



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Conservation Elements that would include the types of activities and development that are allowed in the Conservation Land Use Category. This comment has been taken under advisement and at the time of the next Growth Management Plan update, which is scheduled to occur in the summer of 2020, the proposed SFWMD language will be considered. The SFWMD also issued a standard comment concerning the need for the Town to complete its Water Supply Facilities Plan. This endeavor is currently under way and will be completed by the Town's Consultant (The Corradino Group) prior to the May 2020 due date. No other review agency provided comments.

PURPOSE/OBJECTIVE:

To achieve consistency with Policy FLU-4F of the Town's Growth Management Plan (GMP), requiring that the Future Land Use designation of parcels located in the Residential-Conservation Overlay District which are purchased for conservation or public use, or are otherwise protected from development... be converted to Conservation.

RECOMMENDATION:

That the Town Council adopt the requested Amendment (Exhibit "C")

BACKGROUND SUMMARY

Table 1 – Subject Parcel Summary Table (Exhibit "D")

Folio No.	Owner	Acreage	Current Land Use Plan Map Designation	Requested Land Use Plan Map Designation	Amendment Type
36-6003-001-0015	South Florida Water Management District	24.2	Low Density-Conservation	Conservation	Expedited
36-6002-000-0120	South Florida Water Management District	37.8	Estate Density-Conservation	Conservation	Expedited
36-6002-000-0050	South Florida Water Management District	20.0	Estate Density-Conservation	Conservation	Expedited
Portion of 36-6002-000-0020	South Florida Water Management District	3.2	Estate Density-Conservation	Conservation	Expedited
Portion of 36-6002-000-0030	South Florida Water Management District	3.2	Estate Density-Conservation	Conservation	Expedited
Portion of 36-6002-000-0060	South Florida Water Management District	3.2	Estate Density-Conservation	Conservation	Expedited
Portion of 36-6015-000-0020	South Florida Water Management District	243.7	Estate Density-Conservation	Conservation	Expedited
36-6015-000-0080	U.S.A.	15.2	Estate Density-Conservation	Conservation	Expedited



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There are no development applications associated with this request. The parcels are owned by regional or federal governmental agencies and have been purchased primarily for conservation purposes which protect these parcels from future development. The combined acreage of the tracts proposed for FLUM amendment is approximately 350.5 acres.

The change proposed for these parcels or portions of parcels is from their respective current FLU designations to Conservation, in order to meet Policy FLU-4F. This policy states that "when a parcel located in the Residential-Conservation Overlay District is purchased for conservation or public use or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation."

The Conservation FLU designation is for public or private lands that are protected for conservation or recreational purposes via ownership or regulatory mechanisms (GMP Table FLU-1). Because of its stated purpose, this future land use designation does not have development density or intensity associated with it. The parcels are all zoned Conservation on the Town's Official Zoning Map.

The date of acquisition by the respective government agencies is not clear from the County Property Appraiser records. However, several of the parcels may have become South Florida Water Management District lands at least as far back as 2010 if not earlier. These land assets might be part of the SFWMD's Biscayne Bay Coastal Wetlands project.

There is no precise indication of when the fifth parcel, identified by Folio No. 36-6015-000-0080 was purchased by the federal government, or by which exact agency.

STAFF ANALYSIS

The Town wishes to amend the FLUM to achieve consistency with the GMP's Policy FLU 4F for lands that are purchased by public agencies for the purpose of conservation or public use. Such lands are protected from development.

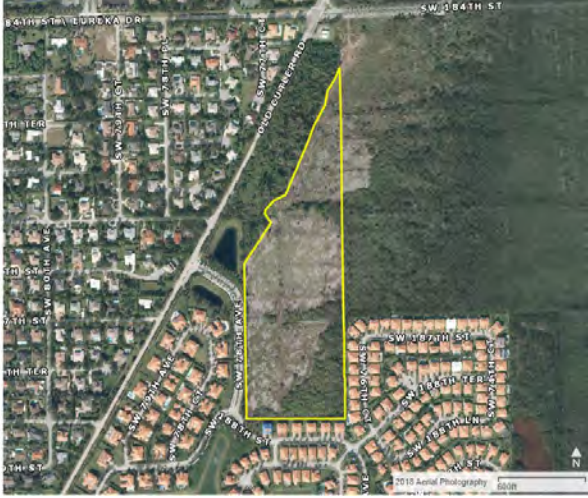
Below is a detailed parcel-level review. In the case of parcels where only a portion of the parcel is proposed for re-designation, the information provided (with the exception of the Folio No. and Legal Description) applies only to the portion being proposed for re-designation.



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Table 2 – Parcel by Parcel Review

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6003-001-0015	Acreage: 24.2
Legal Description: 3 56 40 24.205 AC M/L PERRINE GRANT SUB PB 4-10 TRACTS 1 & 2 & 8 LYG SELY OF INGRAHAM HWY DES AS BEG 348.32FT OF NW COR OF SEC 2 CONT S 00 DEG E 1447.5FT S 00 DEG E 776.28FT S 89 DEG W 674.33FT N 00 DEG W 980.05FT N 36 DEG E 225.55FT N 31 DEG E 95.33FT N 37 DEG W 69.66FT N 07 DEG E 28.73FT N 48 DEG E 82.65FT N 63 DEG E 85.82FT N 24 DEG E 375.62FT N 23 DEG E 102.19FT N 28 DEG E 155.31FT N 12 DEG E 86.85FT N 31 DEG E 91.99FT N 25 DEG E 83.85FT TO POB LOT SIZE 24.205 AC M/L FAU 36 6003 001 0013	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> North – Vacant West – Single-family residential South – Single-family residential East – Single-family residential / vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> North – Low Density-Conservation West – Low Density South – Low Density-Conservation East – Estate Density-Conservation and Estate Density 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> North – Single-Family Residential (SR) West – Single-Family Residential South – Single-Family Residential East – Conservation (C) and Estate Residential (ER)
Current v. Proposed FLU Comparison	
Current FLU: Low Density-Conservation Permitted Uses: Residential units Density and Intensity: 2.5 to 5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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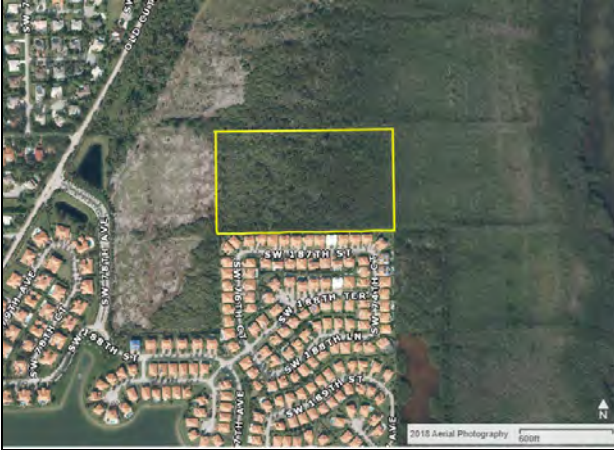
Memorandum

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0120	Acreage: 37.8
Legal Description: 2 56 40 37.797 AC M/L N1/2 OF NW1/4 OF NW1/4 INC EXCESS LESS W75.01FT OF N215.03FT & LESS N50FT OF E899.99FT OF W975FT FOR R/W OR 22016- 4515 102003 2(8) F/A/U 30-6002-000-0120	



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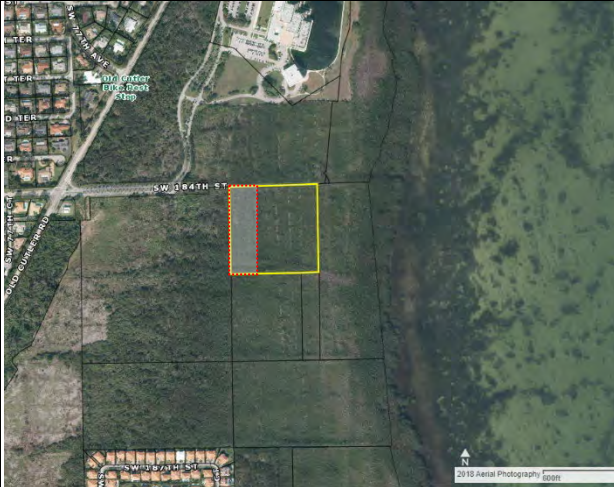
Memorandum

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0050	Acreage: 20
Legal Description: 2 56 40 20 AC N1/2 OF S1/2 OF NW1/4 OF NW1/4 INCLUDING EXCESS OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0050	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Single-family residential • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Low Density-Conservation • South – Estate Density-Conservation • East – Estate Density-Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Estate Residential • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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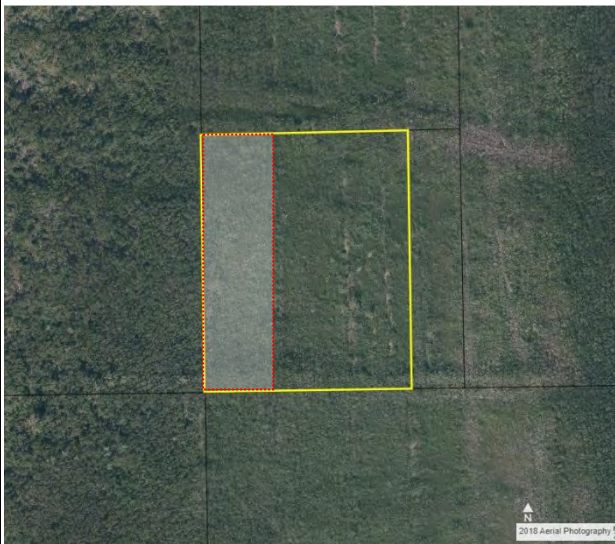
Memorandum

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0020	Acreage: approx. 3.2 of 9.8
Legal Description: 2 56 40 9.8 AC N1/2 OF NW1/4 OF NE1/4 OF NW1/4 LOT SIZE IRREGULAR OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0020	
	Approximate area outlined in red
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – n/a (Village of Palmetto Bay) • West – Estate Density-Conservation • South – Estate Density-Conservation and Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – n/a (Village of Palmetto Bay) • West – Conservation (C) • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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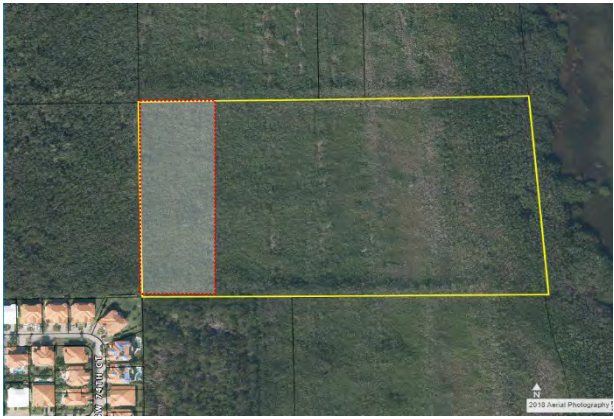
Memorandum

Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0030	Acreage: 3.2 of 7.8
Legal Description: 2 56 40 7.8 AC W528FT OF S1/2 OF NW1/4 OF NE1/4 OF NW1/4 OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0030	 <p>Approx. area outlined above in red</p>
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6002-000-0060	Acreage: 3.2 of 13
Legal Description: 2 56 40 13 AC N1/2 OF S1/2 OF NE1/4 OF NW1/4 INCLUDING EXCESS OR 22016-4515 102003 2(8) F/A/U 30-6002-000-0060	 <p>Approx. area outlined above in red</p>
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Estate Density-Conservation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Conservation (C) • West – Conservation • South – Conservation • East – Conservation
Current v. Proposed FLU Comparison (Portion Proposed for Re-designation)	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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Owner: SFWMD (Real Estate Mgmt Section)	
Parcel Folio: 36-6015-000-0020	Acreage: 243.7 of 313
Legal Description: 15 56 40 313.31 AC M/L S1/2 LESS W125FT FOR CANAL R/W LOT SIZE IRREGULAR COC 23185-3488 02 2005 6(2) F/A/U 30-6015-000-0020	 <p>Approx. area outlined in red</p>
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Vacant and Institutional • West – Vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Institutional, Estate Density-Conservation, and Conservation • West – Conservation • South – n/a (unincorporated Miami-Dade County) • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North – Institutional (INT) and Conservation (C) • West – Conservation • South – n/a (unincorporated Miami-Dade County) • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Portion subject of this amendment: Estate Density-Conservation Permitted Uses: Residential units in the portion of the site designated Estate Density-Conservation Density and Intensity: On the portion of the site designated Estate Density-Conservation only, one (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a



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Owner: U.S.A.	
Parcel Folio: 36-6015-000-0080	Acreage: 15.2
Legal Description: 15 56 40 15.23 AC BEG 1035.43FTS & E125FTE OF NW COR OF SEC TH S220FT E1380FT S1415FT E220FT N1635FT W1600FT TO POB F/A/U 30-6015-000-0080	
	Current Land Use(s): Vacant
Current Surrounding Land Uses: <ul style="list-style-type: none"> • North – Institutional and recreational • West – Water and vacant • South – Vacant • East – Vacant 	Current Zoning Designation: Conservation
Current Surrounding FLU Designations: <ul style="list-style-type: none"> • North – Institutional and Parks and Recreation • West – Estate Density-Conservation • South – Estate Density-Conservation • East – Conservation 	Current Surrounding Zoning Designations: <ul style="list-style-type: none"> • North –Institutional (INT) and Park (PK) • West – Institutional (INT) • South – Conservation (C) • East – Conservation
Current v. Proposed FLU Comparison	
Current FLU: Estate Density-Conservation Permitted Uses: Residential units Density and Intensity: One (1) to 2.5 units per gross acre, until such time as the land is transferred in ownership for conservation purposes or other public use, or otherwise protected from development via conservation mechanisms.	Proposed FLU: Conservation Permitted Uses: Public or private lands protected for conservation or recreational purposes via ownership or regulatory mechanisms. Density and Intensity: n/a

Concurrency Review

The goal of the amendment is to place these parcels in a land use designation consistent with their ownership and purpose, as stated in Policy FLU-4F. Therefore, there is no development proposal associated with or triggering this review, and no anticipated impact on Town services from approving the proposed amendment, which would have the effect of protecting these parcels from future development. This could, on the other hand, have a beneficial long-term impact on regional and local drainage, stormwater management and flood protection, natural resource and coastal protection, air and water quality, and recreation purposes.



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Consistency Review with the Town Growth Management Plan Goals, Objectives, and Policies

The main purpose of this amendment is to comply with Policy FLU-4F, which states that "When a parcel located in the Residential-Conservation Overlay District is purchased for conservation or public use, or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation." However, the proposed amendment will also further other goals, objectives, and policies of the Town's Growth Management Plan:

Future Land Use Element

Policy FLU-1B: The Town, through its Future Land Use Map and Land Development Regulations, will ensure that land uses are located in conjunction with appropriate topographic and soil conditions.

Policy FLU-5E: The Town shall discourage urban sprawl by directing new development and redevelopment in accordance with the Future Land Use Map, which provides for mixed-use development in areas currently served by urban infrastructure and services, and by designing environmentally sensitive areas as "Conservation."

Objective FLU-9: Natural Resource Protection

The Town shall ensure the preservation and conservation of natural resources within its boundaries and in adjacent areas.

Policy FLU-9A: The Town shall coordinate the protection of natural resources with the appropriate local, County, State and federal agencies.

Coastal Management Element

Objective CM-1

Protect, conserve and enhance coastal wetlands and living marine resources within the coastal area of the Town of Cutler Bay.

Policy CM-1D: The Town will coordinate with the county and state agencies to implement natural surface water flow regimes into and through coastal wetland systems will be restored and maintained to the maximum extent possible.

Conservation Element

Goal 1

Protect and enhance the long-term environmental resources of the town of cutler bay to ensure continued resource availability and environmental quality through prudent management, public education, appropriate regulations and enforcement, and active partnership with governmental and environmental entities.

Objective C-4

Protect the 100-year floodplain, groundwater aquifer recharge, and the natural drainage features within the Town of Cutler Bay.



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Objective C-5

The Town will conserve and protect the remaining natural systems of Cutler Bay in recognition of the inherent values of these areas left in their natural state.

Policy C-5B: The Town will continue to coordinate with the South Florida Water Management District (SFWMD), the South Florida Regional Planning Council, Miami-Dade County, state agencies and Biscayne National Park with managing natural resources to protect the values and functions of these sensitive natural systems that are located within Cutler Bay.

Policy C-6B: The Town will support the acquisition of identified wetlands by South Florida Water Management District.

Intergovernmental Coordination Element

Objective IC-5

The Town shall continue to improve the coordination of planning activities with the agencies that have regulatory, supply or jurisdictional authority within the Town; such as, the South Florida Regional Planning Council, the South Florida Water Management District, the Florida Department of Transportation – District 6, the Department of Community Affairs [sic], the Department of Environmental Protection, the Department of State, the U.S. Department of Interior – Biscayne National Park, the Bureau of the Census and any other entity where coordination would be beneficial to the Town.

Policy IC-5B: The Town will coordinate with the South Florida Water Management District concerning its jurisdictional authority as necessary and support its efforts concerning the Lower East Coast Water Supply Plan 2005-2006 Update, ACCELER8 Everglades and CERP and the Biscayne Bay Coastal Wetlands Project to protect an Outstanding Florida Water – Biscayne Bay.

EXHIBITS:

- Exhibit "A" – Department of Economic Opportunity Response Letter (dated December 20, 2019)
- Exhibit "B" – South Florida Water Management District Response Email (dated December 23, 2019)
- Exhibit "C" – Ordinance
- Exhibit "D" – Future Land Use Map (Existing and Proposed)

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

December 20, 2019

The Honorable Tim Meerbott, Mayor
Town of Cutler Bay
10720 Caribbean Boulevard, Suite 105
Cutler Bay, Florida 33189

Dear Mayor Meerbott:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the Town of Cutler Bay (Amendment No. 19-01ESR) received on November 26, 2019. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

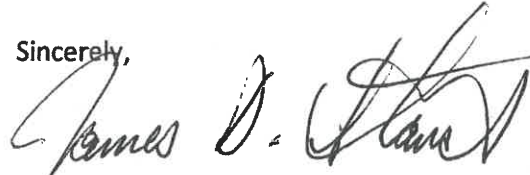
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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The Honorable Mayor Meerbott
December 20, 2019
Page 2 of 2

If you have any questions concerning this review, please contact Ed Zeno, Planning Analyst, by telephone at (850) 717-8511 or by email at ed.zeno-gonzalez@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" being the most prominent.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/ez

Enclosure(s): Procedures for Adoption

cc: Silvia E. Vargas, AICP, LEED AP, Principal Planner, Calvin Giordano & Associates
Isabel Cosio Carballo, Executive Director, South Florida Regional Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, in **color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Email Excerpt from South Florida Water Management District

From: Manning, Terese <tmanning@sfwmd.gov>
Sent: Monday, December 23, 2019 4:34 PM
To: Silvia Vargas <SVargas@cgsolutions.com>
Cc: Alex David <ADavid@cgsolutions.com>; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com) <DCPexternalagencycomments@deo.myflorida.com>; 'kelly.corvin@deo.myflorida.com' <kelly.corvin@deo.myflorida.com>; Isabel Cosio Carballo (isabelc@sfrpc.com) <isabelc@sfrpc.com>; Isabel Moreno (imoreno@sfrpc.com) <imoreno@sfrpc.com>; Jerry Bell (Jerry.Bell@miamidade.gov) <Jerry.Bell@miamidade.gov>
Subject: Town of Cutler Bay, DEO #19-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Vargas:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from the Town of Cutler Bay (Town). The amendment package includes a Future Land Use Map amendment to the Town's Comprehensive Plan to change lands designed as either Low Density-Conservation or Estate Density-Conservation Land Use Categories in 2005 when the Town's original Comprehensive Plan was adopted to the Conservation Land Use Category. The lands are owned by the District. The District offers the following comments and recommendations for revising the proposed amendment package and requests that the Town address these comments and recommendations prior to adopting the amendment:

- Revise Future Land Use Element Table FLU-1 and the conservation protection policies in the Future Land Use and Conservation Elements to include the types of activities and development that are allowed in the Conservation Land Use Category to assist in maintaining and protecting the designated Conservation areas.
- Coordinate all changes in land use designation for properties owned by the District with the District's Real Estate Section. Please contact Ray Palmer, Real Estate Leasing and Support Section at (561) 682-2246 or rpalmer@sfwmd.gov.

The District offers the following technical guidance regarding Regional Water Supply Planning:

- The Town is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on November 8, 2018. Therefore, the Town's Work Plan needs to be updated and adopted by **May 2020**. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/doing-business-with-us/work-plans>.

The District offers its technical assistance to the Town and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the Town's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact me.

Sincerely,

Ms. Terry Manning, Policy and Planning Analyst
South Florida Water Management District
Water Supply Implementation Unit
3301 Gun Club Road
West Palm Beach, FL 33406
Phone: 561-682-6779 / Fax: 561-681-6264
E-Mail: tmanning@sfwmd.gov

ORDINANCE NO. 19- _____

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING THE FUTURE LAND USE MAP (FLUM) WITHIN THE TOWN'S GROWTH MANAGEMENT PLAN FROM ESTATE DENSITY-CONSERVATION AND LOW DENSITY-CONSERVATION TO CONSERVATION ON THE PROPERTIES GENERALLY DESCRIBED AS: (1) EAST OF OLD CUTLER ROAD, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 188 STREET, AND SOUTH OF S.W. 184 STREET; AND (2) EAST OF S.W. 87 AVENUE, WEST OF BISCAYNE NATIONAL PARK, NORTH OF S.W. 232 STREET, AND SOUTH OF S.W. 216 STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2008, the Town of Cutler Bay's (the "Town") Council adopted its Growth Management Plan (GMP) in accordance with Chapter 163, Florida Statutes; and

WHEREAS, the South Florida Water Management District and the U.S. Government own certain properties located within the Town limits as described above; and

WHEREAS, the combined gross acreage of these lands is approximately 350.5 acres; and

WHEREAS, property location area no. 1 is generally described as east of Old Cutler Road, west of Biscayne National Park, north of S.W. 188 Street, and south of S.W. 184 Street; and

WHEREAS, property location area no. 1 folio numbers are identified as 36-6003-001-0015, 36-6002-000-0120, 36-6002-000-0050, portion of 36-6002-000-0020, portion of 36-6002-000-0030, portion of 36-6002-000-0060; and

WHEREAS, property location area no. 2 is generally described as east of S.W. 87 Avenue, west of Biscayne National Park, north of S.W. 232 Street, and south of S.W. 216 Street; and

WHEREAS, property location area no. 2 folio numbers are identified as 36-6015-000-0080, and a portion of 36-6015-000-0020; and

WHEREAS, according to Policy FLU-4F of the Town's GMP, when a parcel located in the Residential-Conservation Overlay District, such as the properties described above, are purchased for conservation or public use, or is otherwise protected from development via conservation mechanisms that compensate the owner for development rights, its Future Land Use designation shall convert to Conservation; and

WHEREAS, the parcels in question have previously been purchased by government entities and meet the purposes and conditions described in Policy FLU-4F, but have not previously been converted to a Conservation Future Land Use designation; and

WHEREAS, the Town staff has duly reviewed the proposed amendments and has recommended approval as it fulfills the intent of Policy FLU-4F; 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 amending the Future Land Use Map designation of the Comprehensive Plan, on the properties shown on Exhibit “A.”

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 163.3184, Florida Statutes, the effective date of this amendment to the comprehensive plan adopted by this Ordinance shall be 31 days after the state land planning agency notifies the Town that the plan amendment package is complete. If timely challenged, the amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED on first reading this ____ day of November, 2019.

PASSED AND ADOPTED on second reading this ____ day of _____, 2019.

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

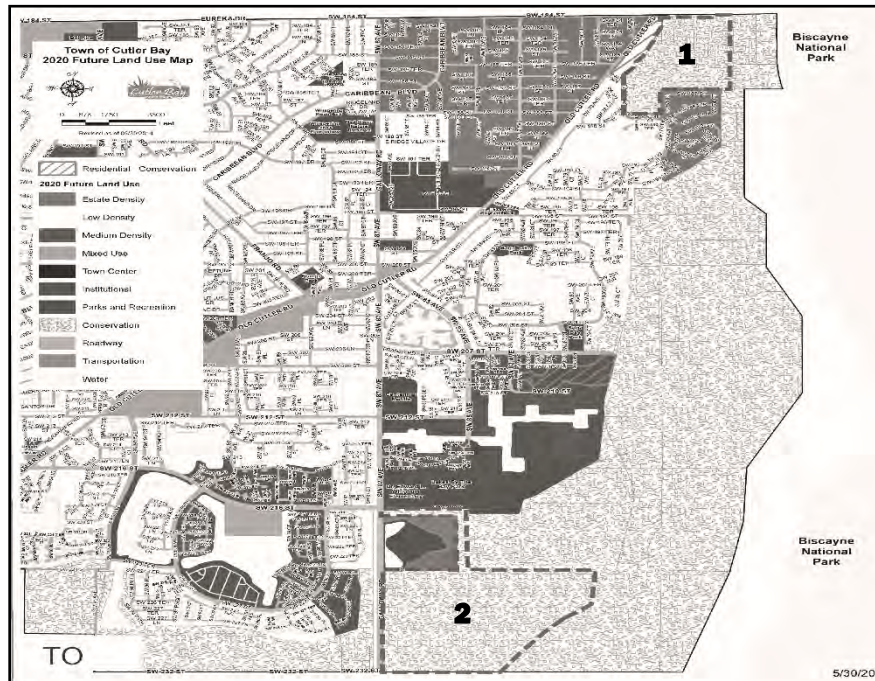
First Reading
Moved By: _____
Seconded By: _____

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	_____

PROPERTY LOCATIONS (1) and (2)



Property Location #1 includes:

From:

To:

Folio Number	Acreage	Current Land Use Plan Map Designation	Requested Land Use Plan Map Designation
36-6003-001-0015	24.2	Low Density- Conservation	Conservation
36-6002-000-0120	37.8	Estate Density- Conservation	Conservation
36-6002-000-0050	20.0	Estate Density- Conservation	Conservation
Portion of 36-6002-000-0020	3.2	Estate Density- Conservation	Conservation
Portion of 36-6002-000-0030	3.2	Estate Density- Conservation	Conservation
Portion of 36-6002-000-0060	3.2	Estate Density- Conservation	Conservation

Property Location #2 includes:

From:

To:

Folio Number	Acreage	Current Land Use Plan Map Designation	Requested Land Use Plan Map Designation
Portion of 36-6015-000-0020	243.7	Estate Density-Conservation	Conservation
36-6015-000-0080	15.2	Estate Density-Conservation	Conservation