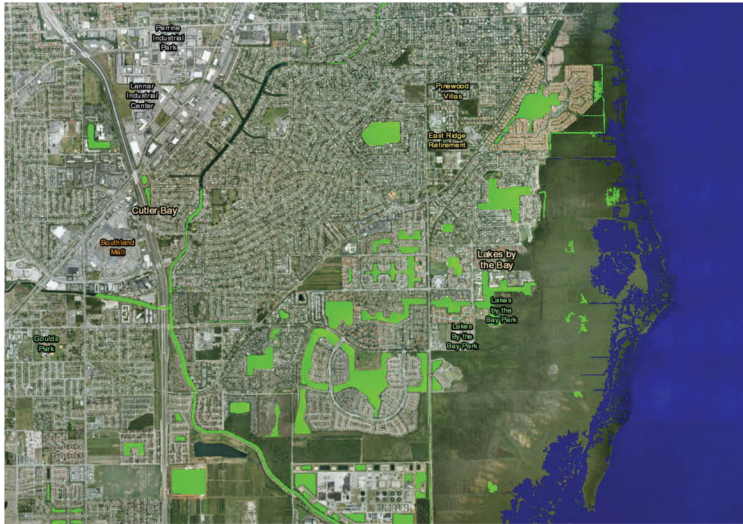


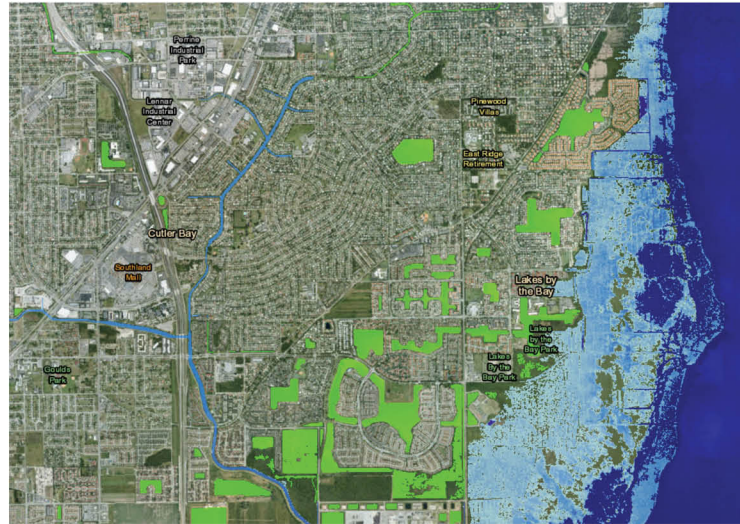


TOWN OF CUTLER BAY

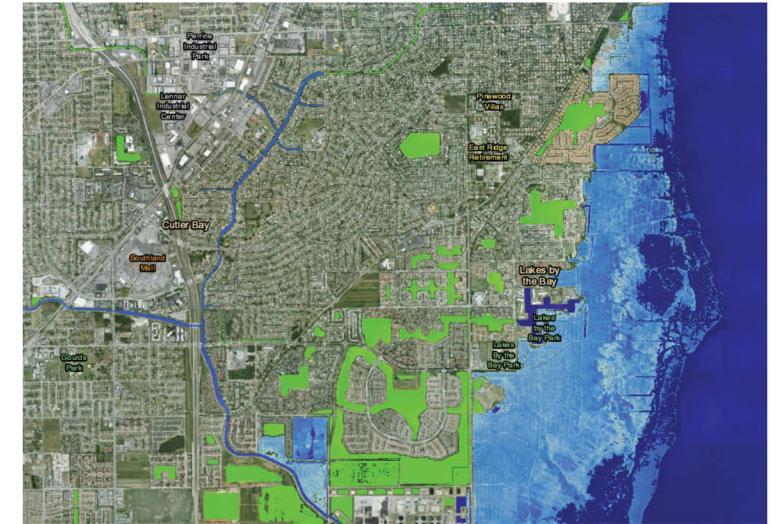
2019 Resiliency Planning Study and Recommendations



NOAA Mean Higher High Water



NOAA 1 ft Sea Level Rise



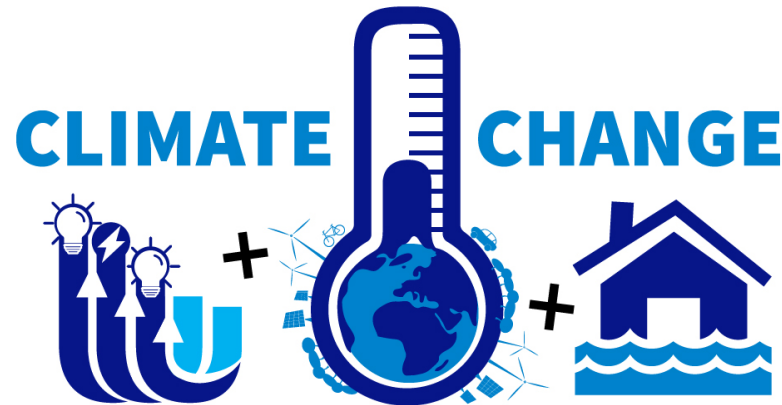
NOAA 2 ft Sea Level Rise

Public Workshop ♦ Wednesday ♦ January 22, 2020

Prepared by:
THE CORRADINO GROUP

Purpose of Report

Town has **initiated a moratorium** on development for the purpose of creating stricter development guidelines, standards and bonuses that will **address issues facing the Town because of impacts to the environment, including sea level rise.**

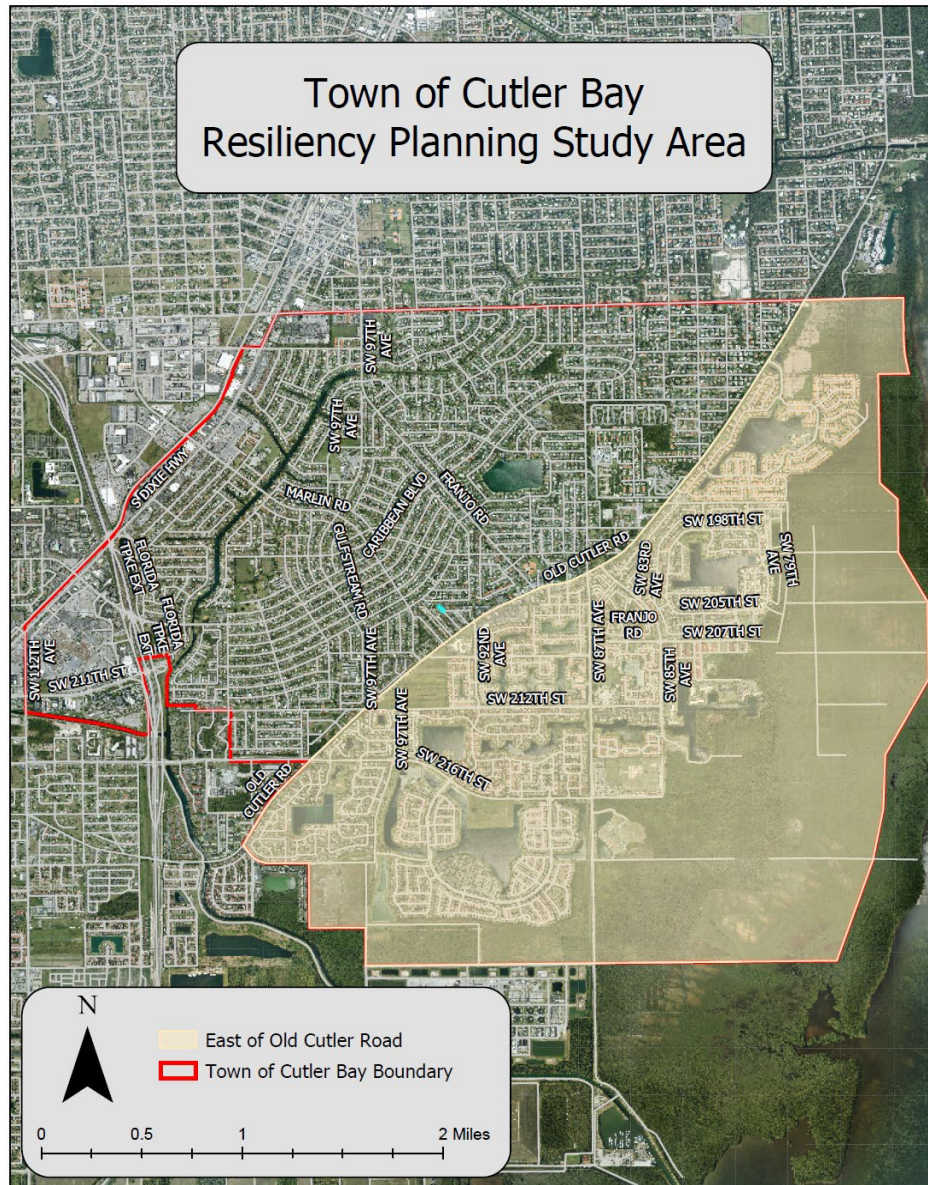


Temperatures Rise + Property Losses Increase +
Power Costs Rise + Crop Yields Decrease *



**If we continue on this path!*

Area of Focus



The area east of Old Cutler Road is the focus for this study due to the proximity and potential impacts to the waters of Biscayne Bay, one of the region's most significant natural resources.

This area includes approximately 55% of the Town.

Format

Report format consist of three parts.

Section One includes recommended actions

Section Two recommendations were made to update and revise the Growth Management Plan existing goals, policies or objectives

Section Three includes recommended updates and amendments to the Land Development Regulations



Land Cover Change



**Coastal land cover changes twice
as fast as the rest of the nation.**

Amount: 41.6 million acres—an area larger than Florida—from 1996 - 2010

Section One - Actions

Section One: Recommended 13 Actions the Town can engage in.

Highlights are:

- Collaborations and partnerships
- Implement the Building Efficiency 305 Program
- Become a SolSmart Community
- Create Growing Green Bus Stops
- Create a Process for Development to Address Adaptation
- Create Goals to Green the Fleet and Expand Golf Cart Usage

Section Two – Growth Management Plan

- **Section Two:** Recommended 25 policy Amendments and 14 new policies to the Growth Management Plan
- All Elements were reviewed and strengthened to address climate change issues.

Future Land Use Element Amendments

Amendments to the Growth Management Plan Future Land Use

- **Policy FLU-4D:** The Town shall implement strategies to improve residential neighborhoods, including but not limited to, mitigate flooding, providing resilient neighborhoods, and ensuring the long term protection of neighborhoods located east of Old Cutler Road that are more vulnerable to the ultimate effects of sea levels and storm surges.
-
- **Policy FLU-6B:** The Town, on an ongoing basis, shall investigate the availability of grants and other funding sources to implement redevelopment programs and achieve redevelopment goals with a focus to mitigate the adverse impacts of flooding and other disasters. Priority for funding will go to repetitive loss properties. Mitigation may include purchasing repetitive loss properties.
-
- **Policy FLU-6C:** The Town shall implement, to the extent financially feasible, capital improvements to address the needs of residential neighborhoods, including, but not limited to, street connectivity, and multi-modal infrastructure.
-
- **New POLICY FLU-13G:** The Town shall ensure residential areas east of Old Cutler Road are not negatively impacted by future development by not allowing inconsistent land uses within these areas. In addition, any development located within this area will be reviewed to ensure that there are no adverse impacts to the community. The Town will continue to maintain Conservation FLUM Designations in the wetlands and when feasible, seek to purchase lands designated as Conservation.

Housing Element Amendments

- **Policy H1-2B:** Coordinate with Miami-Dade County and other agencies as appropriate, including non-profit organizations, to ensure the availability of housing assistance to qualified households, homeowners, as well as other individuals that are displaced from their residence by natural disasters and other acts of god.
- **Policy H1-2D:** The Town shall, at a minimum, annually reach out to community stakeholders and continue to implement strategies that continue to meet the needs of specific residential neighborhoods, and may identify subareas that warrant special studies with a focus on providing a resilient and sustainable future.
- **Policy H2-3B:** The Town shall coordinate with the County to ensure the availability of adequate emergency shelters, transitional housing, and relocation assistance for low and moderate income households who might be displaced by natural disasters as part of its emergency response and post-disaster recovery efforts. The Town shall create, maintain, and distribute a list of adequate emergency shelters, transitional housing options, and relocation assistance programs.
- **New Policy H#-XX:** Encourage the redevelopment of underperforming commercial and multifamily residential properties that support and complement the surrounding neighborhood's use and scale.
- **New Objective H#:XX:** Develop mechanisms that allow property owners to recover economic value lost to flooding.
- **New Policy H#.XX:** The Town shall examine potential tools, such as a temporary relaxation of regulations on accessory uses or short-term rentals, which would allow for a property to be utilized for additional economic purposes, a TDR program, and other mechanisms that allow property owners to recover the lands value as a result of flood damages.

Transportation Element Amendments

- **New Policy T-XX:** The Town will examine and maintain the connectivity for all modes of transit between the most resilient areas of the Town to all other areas, such as East of Old Cutler Road, to ensure a safe, resilient route provides access to services, goods, jobs, entertainment, and, emergency services at all times.
- **Policy T1-8B,** the Town shall maintain, regularly update, and publish on the Town's website an Emergency Response Plan (ERP) addressing disaster-preparedness, flooding, hurricane evacuation and post disaster redevelopment plans, procedures and personnel duties.
- **Policy T1-8C:** Work with Miami-Dade County to ensure that Town employees are adequately trained in the policies and procedures required during and after a disaster emergency and the long-term post disaster. Annually evaluate and provide updated training plans for Town employees to ensure individuals are trained with the most up to date technology, plans, and post-disaster procedures.

Recreation and Open Space Amendments

- **Policy ROS-5B:** Those portions of park properties containing important natural, historic, or archaeological resources will be developed and managed for long-term viability and integrity of the resource. The Town will assure that land in the vicinity of such park properties is developed for a use that is compatible with the protection of the natural, historic or archaeological resources. The Town shall examine techniques to protect natural, historic and archaeological resources from sea level rise and natural disasters.
- **Policy ROS-5C:** The Town will use native plant materials for park landscaping and land owned by the Town where appropriate and shall use it especially in developing and maintaining environmentally sensitive parklands.

Infrastructure Element Amendments

- **New Policy XX:** The Town shall maintain a GIS, or similar, file showing the locations of key infrastructure including, but not limited to, water and sewer lines, potable water facilities, storm drainage infrastructure, key civic buildings, facilities housing emergency responders and other services.
- **Policy I1-3E:** The Town will assist South Florida Water Management District in providing educational materials on innovative ways homeowners can landscape and install devices such as rainbarrels to collect rainwater for reuse within their own yards. In addition, the Town will examine ways to provide incentives for homeowners to incorporate such devices, as well as educational materials and demonstration projects at Town sponsored events.
- **Policy I3-4A:** The Town will review the Land Development Regulations on an annual basis to ensure that all feasible options are being utilized to protect water quality and enhance groundwater recharge.
- **Policy I4-1F:** The Town will enforce that prior to a storm event, construction sites will be required to be clean of excess debris and fully secure all equipment and construction materials.

Coastal Management Element Amendments

- **Policy CM-1C:** Consistent with the Miami-Dade County Comprehensive Development Master Plan, coastal mangroves and scrub forests within and adjacent to Biscayne National Park shall be designated as “Mangrove Protection Areas”. In these areas, no cutting, trimming, pruning or other alteration of mangrove shall be permitted. However, approval for a permit may be obtained for purposes of surveying or for projects that the trimming is observed by a qualified expert and that provide evidence showing the project is : 1) necessary to prevent or eliminate a threat to public health, safety or welfare; 2) water dependent; or 3) clearly in the public interest and where no reasonable upland alternative exists. In such cases, the trimming or alteration shall be kept to a minimum, and done in a manner which preserves the functions of the mangrove system, and does not reduce or adversely affect habitat used by endangered or threatened species. 4) required for natural system restoration and enhancement.
- **Policy CM-2C:** The Town will maintain and regularly re-examine the standards for stormwater management techniques that emphasize retention, infiltration, back-slopping and berming in order to hydrate the coastal area.
- **New Policy CM-XX:** Through a combination of hard and green infrastructure, the Town shall examine techniques to expand the flood protection system, specifically in the areas east of Old Cutler Road.
- **Policy CM-8A:** The Town shall develop and distribute on the Town’s website a Town Emergency Response Plan and update it every two years to provide comprehensive pre-disaster planning for pre- and post-disaster activities, development and redevelopment consistent with the County’s Comprehensive Emergency Management Plan.
- **Policy CM-9A:** To facilitate post-disaster recovery and redevelopment following a major hurricane and consistent with available personnel and funding, the Town shall maintain, implement, and distribute on the Town’s website an Emergency Response Plan (ERP).

Conservation Element Amendments

- **Policy C-2N:** Through the development review process, the Town will enforce landscape regulations as follows: ~~The Town will encourage~~ the use of Florida Friendly Landscape guidelines and principles for all developments; gutter downspouts, roof runoff, and rain harvesting through the use of rain barrels and directing runoff to landscaped areas; drip irrigation or micro-sprinklers; and the use of porous surface materials (brick, gravel, turf block, mulch, pervious concrete, etc) on walkways, driveways and patios.
- **New Policy C-XX:** The Town will enforce other resilient and sustainable principles, such as green roofs and waterproofing ground level floors, for all new future developments.
- **Policy C-12E:** The Town will require all buildings taller than ~~18~~ 6 stories to be LEED certified or similar.
- **New Policy C-XX** The Town shall continue to support Building Efficiency 305 (BE305) countywide water and energy efficient strategies for existing large public and private sector buildings.

Intergovernmental Coordination Element Amendments

- **New Policy IC-XX:** The Town shall coordinate with the Village of Palmetto Bay, Miami-Dade County, and the other South Miami-Dade County Region municipalities in order to collaborate to create a long range resiliency plan.
- **New Policy IC- XX:** The Town shall explore additional funding options, such as the National Disaster Resilience Competition through the Federal Department of Housing and Urban Development, for assistance with disaster recovery and long-term community resilience.
- **New Policy IC-XX:** The Town shall continue to support Miami-Dade County's Office of Resilience.
- **New Policy C-XX** The Town shall continue to support Miami Resilient 305 Strategy, addressing resilience challenges prioritized through intergovernmental and community collaboration.

Educational Facilities Element Amendments

- **Policy EDU-3A:** It is the policy of Cutler Bay that Miami-Dade County Public Schools shall not purchase sites for schools nor build new schools outside of the Urban Development Boundary (UDB), and that new elementary schools constructed should be located at least 1/4 mile inside the UDB; new middle schools should be located at least 1/2 mile inside the UDB, and; new senior high schools should be located at least one mile inside the UDB. In substantially developed areas of the County where suitable sites in full conformance with the foregoing are not available and a site or portion of a site for a new school must encroach closer to the UDB, the majority of the site should conform with the foregoing location criteria and the principal school buildings and entrances should be placed as far as functionally practical from the UDB. The locations of these schools should also be in low flood risk areas, whenever feasible. The same criteria of this paragraph that apply to public schools also pertain to private schools.
- **Policy EDU-3E:** When considering a site for possible use as an educational facility, Miami-Dade County Public Schools should review the adequacy and proximity of other public facilities and services necessary to the site such as roadway access, transportation, fire flow and portable water, sanitary sewers, drainage, solid waste, police and fire services, flood zones, and means by which to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization.

Capital Improvement Element Amendments

- **New Policy CI-XX:** Address social inequalities by ensuring adequate public infrastructure is either budgeted for or is in place throughout the community. This includes, but is not limited to, utilities, sidewalks, and public transit routes.

Climate Change Element Amendments

- **Policy CC-1B:** The Town of Cutler Bay shall develop building standards that promote the increased use of solar, wind, geothermal, and ocean powered electricity in the community, and shall monitor the initiatives of Miami-Dade County and other agencies in the development of additional renewable energy sources.
- **Policy CC-1D:** The Town of Cutler Bay shall implement expedited permitting for the installation of renewable energy infrastructure, such as solar panels, alternative fuel, and electric vehicle charging infrastructure.
- **Policy CC-2B:** The Town of Cutler Bay shall evaluate risk from sea level rise or climate change related impacts in the location and design of new infrastructure, as well as the fortification or retrofitting of existing infrastructure, specifically within areas east of Old Cutler Road.
- **Policy CC-6B:** The Town of Cutler Bay shall collaborate with the South Florida Water Management District in order to review, develop and implement strategies to address impacts of rising sea levels on the operation of the flood and salinity control structures, specifically in areas east of Old Cutler Road.

Amendments to the Land Development Regulations

Section 3: Recommended Amendments to the Land Development Regulations:

- Land Development Regulation provide the regulatory framework that governs a community's use and development of land.
- Avoiding the construction of unsustainable development in the first place is often the most efficient way to deal with it.
- The following final Section of this study consists of recommendations to strengthen the Town's Land Development Regulations to address impacts to the environment and plan for a resilient future.

Amendments to the Land Development Regulations

- Add Mangrove Protection regulations to Chapter 14, Environmental Protection, Article II Protection of Public Trees to strengthen the Town's regulations and management of coastal mangroves (starting on page 14 of the report)
- Strengthen Hybrid electric vehicles and inherently low emission vehicle parking requirements as follows:
 - (c) Hybrid electric vehicles and inherently low emission vehicle parking.*
Nonresidential and/or multifamily development requiring 20 or more parking spaces or when located east of Old Cutler Road, 10 or more parking spaces shall provide an area for parking hybrid electric vehicles (HEV), inherently low emission vehicles (ILEV), and golf carts equal to five percent of the off-street parking required for the site. Such parking spaces shall be clearly marked and reserved for such vehicles and are to be located close to the handicapped parking spaces. Vehicles parking in these spaces must display a current state division of motor vehicles issued decal.

Amendments to the Land Development Regulations

Include “living shorelines and alternative shoreline stabilization” as permitted uses in Conservation District and Water use District

- **Sec. 3-63. - CON, Conservation District.**

- (1) *Permitted uses.*

- a. Elevated walkway (with railing).
 - b. Undeveloped passive park and open space.
 - c. Scenic viewing tower.
 - d. Recreational facility (limited to trail, interpretive centers, viewing areas and other recreation uses deemed to be of low intensity).
 - e. living shorelines and alternative shoreline stabilization

- **Sec. 3-64. - WU, Water Use District.**

- (1) *Permitted uses.*

- a. Public and privately owned bodies of water, including ponds, lakes and canals.
 - b. Boat ramp, dock and pier incidental to residential uses and marinas where such activities are permitted uses on upland property abutting a WU district. Site plan approval is required for all uses.
 - c. living shorelines and alternative shoreline stabilization

Amendments to the Land Development Regulations

- New Site development standards to encourage living shorelines

(2) *Site development standards* . Ramps, docks, and piers shall be similar in design, height, and appearance to those on adjoining lots. They are limited to one per lot with a minimum width of four feet and extending no more than 20 feet waterward of the lot line for lakes and no more than six feet for canals. Structures shall be setback a minimum of ten feet from side property lines and 20 feet from adjoining docks. Where shoreline stabilization structures are determined to be needed, the preferred structures will be living shorelines and other alternatives to bulkheads or similar hard engineered protective devices.

Amendments to the Land Development Regulations

- Changes to address excessive dust from construction sites and cleared areas and noise issues from construction

Prior to the issuance of the Building Permit, the Applicant shall submit plans for the construction of an appropriate barrier between construction site and adjoining properties to minimize blowing of dust and construction debris. Applicant shall use its good faith efforts to minimize vibration, odors and noise during construction of the project.

Amendments to the Land Development Regulations

- Recommended additional regulations for protecting wetlands through stringent standards for existing high functioning wetlands. (starting on page 21 of the report)
- Establish LEED ‘Neighborhood Green Standards’ or similar criteria to use in reviewing site plans.
 - (2) *Approval criteria* . The town council shall use the following criteria in making their decision regarding approval or disapproval of a site plan application:
 - a. The development permitted by the application, if granted, conforms to the growth management plan, is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered.
 - b. The development permitted by the application, if granted, will have a favorable impact on the environmental and natural resources of the town, including consideration of the means and estimated cost necessary to minimize the adverse impacts, the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment, and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development. The development will demonstrate at least three (3) criteria to advance the Town’s desire to conform with LEED “Neighborhood Green Standards” or similar criteria.

Amendments to the Land Development Regulations

- Requiring an environmental report for all potential development sites to address impacts to threatened or endangered species and identifying invasive species. (starting on page 23 of the report)
- Prohibiting variances that will increase impervious surface area of new or renovated parking lots.

Sec. 3-36. - Variance.

Owners of lands or structures may apply to the town council for a variance from the requirements or restrictions of the land development regulations, except that no variance for use or density issues shall be considered. Variances shall be submitted in writing through the department, stating the specific variance(s) requested. Each variance of a code requirement necessitates a separate variance application and process. The town council, after a public hearing, may approve, approve with conditions or deny the application. (2)

(2) Approval standards . The applicant shall have the burden of proof and provide a written statement describing the manner and degree of compliance with the following standards:

- a. The variance will result in conditions that maintain and are consistent in all material respects with the intent and purpose of these regulations, and that the general welfare, stability and appearance of the community will be protected and maintained.
- b. The variance will be compatible with the surrounding land uses, and otherwise consistent with these regulations and the comprehensive plan, and will not be detrimental to the community.
- c. The request for a variance is not based on an economic disadvantage to the owner or occupant of the property upon which the variance is sought.
- d. No variance shall be approved if the result will increase impervious surface area of new or renovated parking lots.

Amendments to the Land Development Regulations

- Prohibiting rezoning that will increase impervious surface area of new or renovated parking lots.

Sec. 3-38. - Rezoning.

The town council may rezone property, in conformity with the provisions of this section. Rezones may be initiated by the town, petition of the owner or owner's agent, or contract purchaser with the owner's written consent, which is the subject of the proposed map amendment.

Approval criteria. The town council shall use the following criteria in making their decision regarding approval or disapproval of a rezoning application:

- a. The proposed rezone is consistent with goals, objectives and policies of the town's growth management plan.
- b. The proposed zoning district is compatible with the surrounding area's zoning designation(s) and existing uses.
- c. The subject property is physically suitable for the uses permitted in the proposed district.
- d. No variance shall be approved if the result will increase impervious surface area of new or renovated parking lots.

Amendments to the Land Development Regulations

- Require all new car washes (self-serve and automatic) to utilize BMPs required by State Law 62-660, 803

(2) Automotive/boat/truck sales, service, and repair (transit corridor and town center districts).

a. Large surface parking/display lots shall be visually and functionally segmented into several smaller lots, no larger than 36 parking spaces, 18 feet long and nine feet wide each.

b. The size of any single lot shall be limited to one and one-half acres, unless divided by a street, principal building, or 15-foot landscape buffer area. All areas shall be connected internally with sidewalks and landscaping following the requirements of this code.

c. No outdoor public address system shall be permitted which can be heard beyond the boundaries of the property.

d. Service and repair activities shall operate during regular business hours, no earlier than 7:00 a.m. and no later than 8:00 p.m.

e. Service and repair activities are not permitted outdoor.

f. All new car washes (self-serve and automatic) shall utilize Best Management Practices required by State Law 62-660, 803.

Amendments to the Land Development Regulations

- Increase the fine for littering from \$100.00 to \$1,000.00.

26-219 (c)	Failure to remove litter from premises or abutting rights-of-way	\$100.00 <u>\$1,000.00</u>
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- Regulate the use of fertilizer and minimizing the contribution to adverse effect on surface and/or ground water. (starting on page 28 of the report)

Next Steps

- Accept the Report at a Public Hearing
- Prioritize recommended Actions and assign tasks and deadlines
- Adopt revisions to the Land Development Regulations by Ordinance (Two Public Hearings)
- Adopt amendments to the Growth Management Plan by Ordinance (Two Public Hearings and Review by DEO)

Title goes here

Questions and Comments