



Legislation Details (With Text)

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Title: AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING THE COASTAL MANAGEMENT ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN TO BE CONSISTENT WITH RECENT STATE LAW LEGISLATION; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Manager Memo-2nd Reading-Coastal Mgmt Element, 2. Manager Memo- 2nd Reading-Attachment A-Coast Mgmt Element, 3. Manager Memo - 2nd Reading - Attachment B-Proof of Advertisement, 4. Ordinance- 2nd Reading- Amending Comp Plan-Coastal Mgmt Element, 5. Ordinance- 2nd Reading-Exhibit A-Coast Mgmt Element, 6. Manager Memo-1st Reading-Coastal Mgmt Element, 7. Manager Memo-Attachment A-State DEO Letter, 8. Manager Memo-Attachment B-Advertisement, 9. Ordinance-Amending Comp Plan-Coastal Mgmt Element, 10. Ordinance-1st Reading Exhibit A-Coastal Mgmt Element

Date	Ver.	Action By	Action	Result
4/19/2017	1	Town Council	approved on second reading	Pass
10/19/2016	1	Town Council	approved on first reading	Pass

MEMORANDUM

To: Honorable Mayor and Town Council

From: Rafael G. Casals, Town Manager

Date: April 19, 2017

Re: Adoption of Amendment to Coastal Management Element within the Town Growth Management Plan: 2nd Reading includes comments from State of Florida Department of Economic Opportunity (Additions to existing code text are shown by underline)

REQUEST

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA AMENDING THE COASTAL MANAGEMENT ELEMENT WITHIN THE TOWN'S COMPREHENSIVE PLAN TO BE CONSISTENT WITH RECENT STATE LAW LEGISLATION; PROVIDING FOR TRANSMITTAL; PROVIDING FOR CONFLICTS; PROVIDING FOR

SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
BACKGROUND AND ANALYSIS

Town Staff is requesting that the Town Council transmit the amendment to the Coastal Management Element to the Department of Economic Opportunity and other review agencies. Based on a comment from the State of Florida Department of Economic Opportunity to amend the Coastal Management Element to include an Objective and implementing Policies.

Since incorporation, the Town has been a leader in green building and other environmentally friendly programs, within Miami-Dade County and beyond. The Town Growth Management Plan and Land Development Regulations are at the forefront of “going green”.

On July 1, 2014 the Miami-Dade Sea Level Rise Task Force issued a Report (the “Report”) and Recommendations concerning Sea Level Rise. The conclusion of this report was the need for an adaptation plan, everglades restoration and measures to prevent salt water intrusion. As stated previously the Town has been proactive. For example, the Town’s Floodplain Mitigation Plan adopted by Resolution #15-27 in May, 2015 recognizes the challenges of Climate Change and Sea Level rise (Sec 3.2.1).

The Report concluded that it is important to understand that sea level rise is not an endpoint but rather a continuing trend and the Town must consider and plan for sea level rise in future policy decisions. By examining local rates of sea level change and local projections for sea level rise at six to ten (6-10) inches by 2030 and fourteen to thirty-four (14-34) inches by 2060, the Town can begin to analyze and plan for the impacts of sea level rise in long range planning.

With respect to Peril of Flood, recent 2015 Florida legislative changes (Section 163.3178(2)(f), F.S. direct coastal communities to address principals that must be used to eliminate inappropriate and unsafe development in coastal areas when opportunities arise. The Town has included the required new strategies.

The amendments to the Coastal Management Element address the recent Peril of Flood 2015 legislative requirements. The Department of Economic Opportunity provided comments consistent with Section 163.3168(3), F.S. These comments are included in the amendment and help strengthen the Town’s Comprehensive Plan in order to foster a vibrant, healthy community and ensure consistency with Chapter 163, F.S.

According to the Florida Department of Economic Opportunity, recent 2015 Florida legislative changes known as “Peril of Flood” direct coastal communities to address principles that must be used to eliminate appropriate and unsafe development in coastal areas when opportunities arise. The Town has included the required strategies in the Coastal Management Element.

RECOMMENDATION

Based on a comment from the State of Florida Department of Economic Opportunity in their letter dated September 2, 2016, on many phone conversations and comments from the State of Florida Department of Economic Opportunity, between first and second reading there were no objections to the Town’s first Climate Change Element. However, there were comments to amend the Coastal Management Element to include an Objective and implementing Policies. Staff is recommending approval of the amendment to the Coastal Management Element.

ATTACHMENT

- Attachment "A" - State of Florida Department of Economic Opportunity Letter
- Attachment "A" - Coastal Management Element Amendments
- Attachment "B" - Advertisement Miami-Herald Local Section (~~October 9, 2016~~ April 9, 2017)