



## Legislation Details (With Text)

**File #:** Item # 2019-76      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Second Reading  
**File created:** 3/13/2019      **In control:** Town Council  
**On agenda:** 4/17/2019      **Final action:** 4/17/2019

**Title:** AN ORDINANCE OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING CHAPTER 36, "UTILITIES" OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR STORMWATER MANAGEMENT REGULATIONS AND A FACILITY INSPECTION PROGRAM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Manager Memo-2nd Reading-Adopting Stormwater Regulations, 2. Manager Memo-2nd Reading-Attachment A-Town Consultant Report, 3. Manager Memo-2nd Reading-Attachment B-Advertisement, 4. Ordinance-2nd Reading-Stormwater Management Regulations, 5. Manager Memo-1st Reading-Adopting Stormwater Regulations, 6. Manager Memo-Attachment A-Town Consultant Report, 7. Ordinance-1st Reading-Stormwater Management Regulations

Date	Ver.	Action By	Action	Result
4/17/2019	1	Town Council	approved on second reading	Pass
3/20/2019	1	Town Council	approved on first reading	Pass

## MEMORANDUM

To: Honorable Mayor and Town Council

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

Date: April 17, 2019

Re: An Ordinance Adopting the Town of Cutler Bay Stormwater Manual Management Regulations and Facility Inspection Program.  
*(Second Reading)*

*\* Changes between 1<sup>st</sup> and 2<sup>nd</sup> reading are **highlighted in yellow** double strikethrough/ double underline*

### REQUEST

**AN ORDINANCE OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY,**

**FLORIDA, AMENDING CHAPTER 36, “UTILITIES” OF THE TOWN CODE OF ORDINANCES TO PROVIDE FOR STORMWATER MANAGEMENT REGULATIONS AND A FACILITY INSPECTION PROGRAM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BACKGROUND AND ANALYSIS**

The Town of Cutler Bay (the “Town”) is actively engaged in stormwater management, stormwater master planning, compliance with State and Federal requirements, and protection of its natural areas and receiving waters. Looking ahead to future development and re-development, the Town is working to manage its stormwater infrastructure, minimize flooding, and maintain or improve water quality. An important component to this goal is a commitment to Low Impact Development (LID) techniques and Green Infrastructure (GI) practices.

On January 16, 2019 the Town Council adopted (via Resolution No. 19-05) the Stormwater Manual (the “Manual”), a supplement of the Watershed Master Plan, that provides guidance and specifications for Best Management Practices (BMPs). Examples of BMPs suggested in the Manual include: shallow bioretention, rain gardens, water quality swale, pervious pavement systems, exfiltration trenches, rainwater harvesting, and green roofs.

The purpose of this proposed Ordinance is to protect, maintain and enhance public health, safety, environment and general welfare by establishing minimum requirements and procedures to control adverse effects of post construction stormwater runoff, illicit discharges, flood damage and sediment and erosion control. Proper management of stormwater runoff will minimize damage to public and private property and infrastructure along with providing safeguard to the public health, safety and general welfare and to protect water and aquatic life.

The Town is an active participant in the Federal Emergency Management Agency’s (“FEMA”) National Flood Insurance Program’s (“NFIP”) Community Rating System (“CRS”) Program, which encourages communities to voluntarily implement standards, policies, and programs that go above and beyond the minimum NFIP regulations in return for lower flood insurance premiums. The participation and documented activities in FEMA’s CRS Program have earned the Town a classification rating of five (5), which results in an annual savings of twenty-five percent (25%) premium discount to all property owners who purchase flood insurance policies.

This proposed Ordinance in conjunction with the Stormwater Manual and Watershed Master Plan would aide in advancing the Town from a CRS classification rating of a five (5) to a CRS classification rating of a four (4), which will save Cutler Bay insurance policyholders an annual savings of a thirty percent (30%) premium discount.

**RECOMMENDATION**

It is recommended that the Town Council adopt the attached Ordinance creating a new Section 36-53 in Chapter 36, Article III “Utilities” of the Town Code, for the purpose of establishing minimum requirements and procedures to control adverse effects of post construction stormwater runoff, illicit discharges, flood damage, sediment, and stormwater control. The Stormwater Manual Management Regulations and Facility Inspection Program will protect, maintain and enhance public health, safety, environment and general welfare.

**ATTACHMENT(S)**

- Attachment “A” - Town Consultant Report *(dated February 11, 2019)*
- Attachment “B” - Advertisement Miami Herald *(dated April 7, 2019)*