

CONSERVATION AND COASTAL MANAGEMENT ELEMENT

GOAL 1

The Town will maintain the quality of its environmental features.

OBJECTIVE 1.1

The Town will protect the acreage, distribution and natural functionality of the coastal wetlands remaining in the Town, and where possible increase the acreage.

Policy 1.1.1

No development activity will be allowed in wetlands unless competent evidence indicates that either dominant vegetation is no longer comprised of wetland types, and the water regime has been permanently altered naturally or artificially in a manner to preclude its associated watershed areas from functioning as wetlands, or the activity is essential in furtherance of the health, safety and welfare of the Town.

Policy 1.1.2

Filling in the Town's non-wetland areas will be only for the purposes of 1) beach restoration or renourishment, 2) to meet National Flood Insurance Program (NFIP) height requirements, 3) to protect vital public facilities, 4) for landscaping, berming, and creating dunes, or 5) to otherwise protect the Town's interest.

Policy 1.1.3

Wetland boundaries will be established by the applicable governmental agencies' accepted methodologies.

Policy 1.1.4

Development will be directed away from wetlands areas through implementation of Policies 1.2.4-1.2.6 of the Future Land Use Element.

Policy 1.1.5

The Town has implemented an ecosystem management plan for Sister Keys.

Policy 1.1.6

Where and when possible, the coastal wetland acreage in the Town will be increased through public lands restoration, private sector mitigation and in-lieu land dedications.

OBJECTIVE 1.2

The Town will not allow wastewater, or additional direct discharges of untreated stormwater, into adjacent coastal waters from development.

Policy 1.2.1

All development will meet the Southwest Florida Water Management District's (SWFWMD) and the Florida Department of Environmental Protection's (FDEP) stormwater and wastewater discharge requirements.

Policy 1.2.2

Existing developments seeking permit modification will be reviewed by staff to assess the feasibility of stormwater retrofit if stormwater is being discharged into adjacent coastal waters.

Policy 1.2.3

The Town will support and participate in efforts to improve Sarasota Bay to meet the objectives of the Sarasota Bay Estuary Program.

Policy 1.2.4

The Town will not permit development activity that could have significant adverse impacts on adjacent coastal waters.

OBJECTIVE 1.3

The Town will not approve any land development proposal that imperils the survival of wildlife, marine life, and plant life that are rare, endangered, threatened, or species of special concern or alters the natural processes of wetlands.

Policy 1.3.1

Specimens or habitat of terrestrial species on the US Fish and Wildlife Service (USFWS) lists, as amended, will not be adversely impacted by development unless appropriate mitigation is approved by the appropriate government agencies.

Policy 1.3.2

Specimens or habitat of bayside marine species on the USFWS lists, as amended will not be altered by new dredging activity; however, existing channels and/or canals may be maintained consistent with local regulations, state statutes, and federal law.

Policy 1.3.3

Specimens or habitat of gulfside marine species on the USFWS lists, as amended, may be affected by beach restoration efforts, but only after such efforts are assessed and adequate mitigation programs are instituted for the affected species.

Policy 1.3.4

In an effort to protect manatees, the following actions will be taken:

- 1) All public and private boating access facilities (marinas, mooring areas, boat ramps) will post signage requiring boats to operate at speeds in compliance with designated manatee protection zones.

- 2) The aforementioned facilities will erect permanent educational displays explaining appropriate manatee protection actions, while providing general knowledge about the species.
 - 3) The Town will enforce the adopted Manatee Protection Plan in Sarasota County, consistent with the ordinance adopted by the Town.
 - 4) The Town will adopt a Manatee Protection Plan for the Manatee County portion of the Town in the future. Until such time, permitting activities will be regulated by appropriate state agencies.
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OBJECTIVE 1.4

The Town will take those actions necessary to implement applicable sections of the Comprehensive Beach Management Plan, as amended, the Town Code, and state and federal regulations, in order to: maintain the Town's native beach and the beach restoration project; control the effects of shoreline erosion; enhance storm protection; and, protect developed upland properties and public infrastructure.

Policy 1.4.1

The Town will not permit development on dunes or permit development that adversely impacts the stability of the native or restored beach.

Policy 1.4.2

The Town will encourage owners of structures threatened by destruction to relocate their buildings.

Policy 1.4.3

The Town will implement the Comprehensive Beach Management Plan, as amended, in cooperation with other agencies.

Policy 1.4.4

Any action taken by the Town with respect to the beach must include the purpose of protecting, restoring or maintaining beaches and dunes to their natural functions.

Policy 1.4.5

The Town will comply with the mitigation and construction standard programs of the NFIP, FDEP, and the Florida Building Code (FBC).

Policy 1.4.6

The Town will not allow the mining and exportation of sand or other minerals within the Town's jurisdiction unless there is a valid public purpose.

Policy 1.4.7

Except for emergency or authorized purposes, no motorized vehicles will be permitted on the Town's beaches.

Policy 1.4.8

The Town will not fund or allow new armoring or groin construction along the Gulf shoreline, unless such structures are integrated into the Town's Comprehensive Beach Management Plan, as amended, and the Town and FDEP finds that such structures are necessary to protect the public health, safety and welfare.

Policy 1.4.9

No private efforts for shoreline construction will be permitted on the Gulf shoreline (except for emergency repairs to existing structures) unless they are integrated into the Town's Comprehensive Beach Management Plan, as amended. For pass shorelines, the Town, FDEP and applicable federal agencies must find that such structures are in the interest of the public health, safety and welfare, and the Town additionally finds that there is significant erosion at the site and there exists an inhabited structure that is threatened by the erosion.

Policy 1.4.10

Man-made structures will not be erected within the Town's setback from the established Erosion Control Line, with the exception of: those structures allowed by variance for single-family homes; departures for structures within an approved Planned Unit Development; permitted recreational use; or the structures are necessary for safety and wind protection purposes. Development permitted by this policy will not be in conflict with Policy 1.4.8 and 1.4.9 above.

Policy 1.4.11

Proposed development seaward of FDEP's Coastal Construction Control Line must have FDEP approval prior to, or as a condition of, final Town approval, including infrastructure authorization.

Policy 1.4.12

Sand dunes and natural landscape barriers fronting on the Gulf of Mexico will be preserved, enhanced, and restored to the greatest extent possible through the land development process.

OBJECTIVE 1.5

The Town will maintain its existing air quality and noise prevention program throughout the planning period.

Policy 1.5.1

The Town will not allow any point source air pollution generation.

Policy 1.5.2

The Town will participate in all area-wide air quality programs that maintain or improve the area's air quality.

Policy 1.5.3

The Town will participate in, and may initiate action, to ensure that other jurisdictions act to maintain air quality.

Policy 1.5.4

The Town will enforce its ordinances that restrict noise generation activities.

OBJECTIVE 1.6

The Town will participate in programs for the management and conservation of coastal environmental resources.

Policy 1.6.1

The Town will participate and declare legal standing in events affecting Sarasota Bay, Longboat Pass, New Pass, and the nearby waters of the Gulf of Mexico.

Policy 1.6.2

The Town will participate in the Sarasota Bay Estuary Program.

Policy 1.6.3

Necessary crossings of Gulf or Bay waters for utility and other infrastructure needs will be designed to have minimal adverse environmental impacts.

Policy 1.6.4

The Town will ensure the protection of shorelines through enforcement of its Shoreline Construction regulations. These regulations are designed to ensure that artificial stabilization, such as bulkheads, seawalls, groins, retaining walls, and revetments along the Gulf of Mexico, and coastal watercourses are the minimum necessary to protect the public health, safety and welfare.

Policy 1.6.5

The Town will ensure appropriate management of shorelines and coastal resources in cooperation with Manatee and Sarasota Counties, as well as applicable regional, state and federal entities. In instances where management strategies overlap or conflict, the Town's regulations shall prevail.

OBJECTIVE 1.7

The Town will maintain the community-wide vegetation cover.

Policy 1.7.1

The Town will enforce its tree and landscaping requirements.

Policy 1.7.2

The Town will give priority to the maintenance and use of native trees and other vegetation based on water conservation principles.

Policy 1.7.3

The Town will support the removal of nuisance exotics and in particular Australian Pines, and other potential obstacles to protect evacuation routes and public utilities.

Policy 1.7.4

Soil erosion and sedimentation by wind and water will be minimized by retaining or restoring vegetation during and after construction.

OBJECTIVE 1.8

Hazardous material will be strictly regulated in the Town.

Policy 1.8.1

The Town will prohibit the improper disposal of any regulated hazardous materials.

Policy 1.8.2

The Town will conduct periodic fire/safety inspections on all commercial building and the common areas of multi-family residential. Any violations will be reported to the appropriate local, state and/or federal agencies.

Policy 1.8.3

Hazardous material sites located within the Town and regulated by Section 1910, Code of Federal Regulations, will be inspected by Sarasota and/or Manatee County.

Policy 1.8.4

The Town's Hazardous Material Cost Recovery provisions, adopted by ordinance, will be utilized to respond to the impacts of hazardous material incidents.

Policy 1.8.5

Hazardous materials utilized for normal and customary household use must be properly stored and residents are required to dispose of them in a proper and legal manner.

GOAL 2

The Town will invest in infrastructure necessary to meet its future land use demand for infrastructure in the Coastal High Hazard Area (CHHA) consistent with the public health, safety and welfare.

OBJECTIVE 2.1

The Town will provide services for existing and development consistent with the adopted Future Land Use Element and Capital Improvement Element.

Policy 2.1.1

The Town will provide infrastructure to service the peak season population.

Policy 2.1.2

The Town will minimize the addition of road, potable water, wastewater, stormwater, or other public infrastructure in the federally-designated FEMA V-Zone. Where additional public infrastructure must, by necessity, be located in the V-Zone, such infrastructure will be sited to avoid potential breach areas. Further, the Town will not provide infrastructure for new development seaward of the state CCCL unless such development is permitted by FDEP.

Policy 2.1.3

With the exception of Jewfish Key, the Town will not allow septic tanks to be built within its jurisdiction.

Policy 2.1.4

The Town will not permit potable water wells, however, individual irrigation wells will be considered, where feasible and applicable agencies have issued permits.

Policy 2.1.5

With the exception of Jewfish Key, all new development will be required to connect to the central water and wastewater system, as provided by the Town,

OBJECTIVE 2.2

The Town will provide adequate access to the Town's coastal recreational amenities for all Town residents.

Policy 2.2.1

The Town will provide appropriate access, bicycle racks, and parking to the identified beach accesses.

Policy 2.2.2

Wherever dune systems exist, the Town will provide walkovers at public access points.

Policy 2.2.3

The Town will preserve the Bay access points as currently identified on the Future Land Use Map.

Policy 2.2.4

The Town will coordinate with the Florida Department of Transportation (FDOT) for access to Overlook Park and with Manatee County for access to Greer Island Beach Park.

Policy 2.2.5

All commercially-provided recreational activities requiring Gulf shoreline or near-shore water utilization will be concentrated at the commercial tourist facilities.

Policy 2.2.6

All motorized watercraft (e.g., power boats, jet-skis, etc.) operating at greater than idle speed will remain a minimum of 300-feet off-shore or in designated channels and a minimum of 150 feet from swimmers at all times. Law enforcement and rescue vessels are exempt from this policy.

Policy 2.2.7

Where discretion is allowed in reviewing structural development proposals, the Town will protect Gulf of Mexico Drive waterfront views, as reasonably possible.

Policy 2.2.8

Commercial establishments will not be permitted to unreasonably hinder access to beach frontage.

OBJECTIVE 2.3

The Town will encourage the integration of cultural, historic, and archaeological facilities into an overall community cultural program.

Policy 2.3.1

The Town supports the submittal of eligible historic resources for consideration to be included on the National Register of Historic Places, through the US Department of the Interior.

Policy 2.3.2

The Town will assist, when requested, archaeologists in identifying significant archaeological sites in need of protection.

Policy 2.3.3

The Town will support appropriate Town associations in developing a coordinated cultural program that identifies the Town's historic resources.

GOAL 3

The Town's population will not adversely affect the ability to evacuate in the event of a hurricane or storm event.

OBJECTIVE 3.1

The Town will coordinate with, and participate in, local and regional plans and programs, including identification of shelters and protection of transportation corridors, to ensure safe and orderly evacuations.

Policy 3.1.1

The Town will maintain evacuation standards consistent with the requirements of the Southwest Florida Regional Planning Council (SWFRPC) and Chapter 252, Florida Statutes (FS).

Policy 3.1.2

The Town will support continued identification by Sarasota and Manatee Counties of public and private shelters.

Policy 3.1.3

The Town declares legal standing in all development decisions along the Town's evacuation routes to I-75 that would adversely affect the Town's evacuation times.

Policy 3.1.4

The Town will participate in all transportation planning efforts to ensure the 18-hour maximum total hurricane evacuation time, as required by the SWFRPC, can be maintained during an evacuation.

Policy 3.1.5

The Town will participate, if appropriate, in erosion control efforts for those areas along the Town's evacuation routes likely to be breached.

Policy 3.1.6

The Town will consider vertical refuge hurricane shelter as a last resort policy in hurricane evacuation comprehensive planning efforts when continuing evacuation is not an option.

OBJECTIVE 3.2

The Town will encourage the reduction of potential damage to structures subject to damage in the Coastal High Hazard Area (CHHA).

Policy 3.2.1

The Town will encourage the relocation, removal, or replacement of existing non-compliant structures in V-Zones, or seaward of the CCCL to safer locations.

Policy 3.2.2

The Town will encourage owners to take advantage of buy-out programs for structures subject to repetitive damage in the V-Zones.

Policy 3.2.3

The Town will encourage residents to retrofit their homes with storm resistant materials.

Policy 3.2.4

The Town will enforce applicable Federal Emergency Management Agency (FEMA), FDEP and the FBC requirements for the safety of structures.

Policy 3.2.5

The Town will require all future building setbacks, fronting the Town's north and south passes, to be equal to or greater than those setbacks required for construction along the Gulf of Mexico.

Policy 3.2.6

Existing structures not conforming to minimum flood elevation that suffer in excess of 50% damage will be demolished. Permits to rebuild will be issued only if the design meets current applicable local, state, and federal regulations.

OBJECTIVE 3.3

The Town will enforce policies related to reconstruction in the designated Coastal High Hazard Area (CHHA) following a catastrophic disaster that will reduce the danger to human life, the exposure of property damage from future natural hazards, as well as eliminate non-conformities to the extent practicable.

Policy 3.3.1

In the event of a hurricane or storm event that requires post-disaster redevelopment actions, the Town will implement its short-term post-disaster redevelopment plan.

Policy 3.3.2

In the event of a hurricane or storm, the short-term recovery effort will be accelerated by emergency permits to repair and clean up damage to private and public structures and utilities that are potential public health, safety or welfare hazards, to the extent allowable by law.

Policy 3.3.3

It is the policy of the Town that during long-term reconstruction following a catastrophic storm event, all reconstructed structures will be brought into compliance with the FBC, FEMA requirements and local flood control regulations to the greatest extent practicable while still allowing original density and building cubic volume as described in Policy 3.3.4.

Policy 3.3.4

Legally nonconforming structures, buildings and uses that are substantially damaged by natural disaster or involuntary action by more than 50% in accordance with the Town Code, may be reconstructed to the same building cubic content and number of units in existence prior to the casualty, subject to conditions in the Town Code.

Policy 3.3.5

The Town will monitor the development of Sarasota County's long-term post-disaster redevelopment plan. The Town will also monitor Manatee County's efforts to develop post-disaster redevelopment plans.

OBJECTIVE 3.4

The Town will limit public expenditures and subsidies in the Coastal High Hazard Area (CHHA) to the population capacity established by the permitted density of the adopted Future Land Use Map and direct concentrations of people away from designated V-zones or storm breach areas.

Policy 3.4.1

Use of funds from the recreation and open space acquisition fee will be prioritized to acquire, enhance, or protect properties that serve the public interest, and are adjacent to or in close proximity to existing open space areas or within the FEMA V-Zone and must be consistent with the criteria identified in Recreation and Open Space Policy 1.2.2.

Policy 3.4.2

Public expenditures that subsidize development in the Coastal High Hazard Area (CHHA) will be limited through the implementation of Objective 1.2 (and its associated policies) of the Capital Improvements Element.