

M E M O R A N D U M

TO: Howard Tipton, Town Manager

FROM: Allen Parsons, AICP,
Director – Planning, Zoning and Building Department

REPORT DATE: March 3, 2023

MEETING DATE: March 20, 2023

SUBJECT: Recommendations on Part 1 of Batch 5 Comprehensive Plan
Amendments - Conservation & Coastal Management Element

Recommended Action

Accept P&Z Board Recommendations, and proceed with Ordinance to be considered by the P&Z Board prior to presenting for first reading by Town Commission.

Background

As previously discussed, staff is continuing to facilitate updating of the Comprehensive Plan in a batched approach. Amendments to the Comprehensive Plan will be completed in six Batches of Element-specific reviews and recommendations.

Batch 5 contains two Elements: Conservation & Coastal Management (CCM) Element and the Recreation and Open Space (ROS) Element. Batch 5 includes these two Elements, as some of the policies and subject matter are related. The P&Z Board acted on the CCM Element first, over the course of five Regular Meetings (October 28, 2022, November 15, 2022, December 13, 2022, January 17, 2023 and February 28, 2023). The time spent was partially due to the size and complexity of the Element and partially due to the availability of time to review at the scheduled meetings. At their February 28, 2023 Regular Meeting, the P&Z Board reached consensus (7-0) to send the CCM Element to the Town Commission's March 20, 2023 Regular Workshop ahead of the ROS Element, as they have finalized their recommendations on the CCM Element but are still continuing their work on the ROS Element (continued P&Z Workshop discussion scheduled for March 21, 2023).

The purpose of the CCM Element to establish the foundation for the Town's protection and preservation of its natural environment and coastal resources, as well as to protect life and property from natural disasters. The CCM Element also establishes a policy foundation supporting the resiliency of the Town and the ways it seeks to protect the quality of natural systems within the community.

The CCM Element, like the other Comprehensive Plan Elements, consists of a directional framework that establishes an overall plan and recommended actions relevant to the current and future needs of the Town. The framework includes four action-oriented components: Goals, Objectives, Policies, and Strategies. Each component is defined as follows:

1. Goal: stated as an overall long-term end toward which programs or activities are ultimately directed;

2. Objective: a more specific end that is achievable and marks progress toward a goal, and;
3. Policy: a statement that clearly states an intent, direction or result desired to advance an objective.
4. Strategy: an action, program, or technique that implements a policy.

As currently drafted, the CCM Element has three overarching goals:

“CCM Goal 1: Maintain the integrity and quality of the coastal resources.

CCM Goal 2: Provide infrastructure to ensure public health, safety, and welfare within the Coastal High Hazard Area (CHHA). F.S. § 163.3178(2)(h), as amended, defines the CHHA as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

CCM Goal 3: Ensure resiliency in response to natural disasters.”

The Comprehensive Plan Evaluation and Appraisal Report (EAR) provided a number of recommendations to this Element, which are summarized in the attached CCM Batch 5 Summary Document. The CCM Element is one of the larger Elements with 129 total Goals, Objectives, Policies, and Strategies (GOPS). Of the 129 GOPS, the P&Z Board recommended amendments to 98 of those. These 98 amendments primarily consist of the following four types:

- “Accept EAR Recommendation”: amendments based upon EAR recommendations (**36** total, **11** of which are new Policies and **14** of which are Policies recommended to be deleted);
- “Accept EAR Recommendation with a P&Z Board revision”: amendments based upon EAR recommendations wherein the P&Z Board had additional wording related recommendations (**3** total);
- “P&Z Board initiated revisions”: amendments that were recommended by the P&Z Board and unrelated to the EAR recommendations (**9** total) and;
- Non-substantive, series of “clean-up” items that correct scrivener’s errors and otherwise generally add or revise wording for clarity (**50** total).

The proposed amendments include correcting and updating references and consolidating repetitive language. There are also 12 new Policies recommended, addressing protection and restoration of wildlife and habitats, limiting development within the Coastal High Hazard Area, and incorporating direction to implement the final phase of a four-phase Sea Level Rise Study referred to as the Sea Level Rise and Recurring Flooding Resilience Plan.

Because the final phase of this Study had not been completed by the time P&Z Board reviewed the CCM Element (it is scheduled to be presented at the March 20, 2023 Town Commission Workshop), a new Objective (CCM Objective 3.4) and Policy (CCM Policy 3.4.1) were recommended by the P&Z Board to more broadly address the Town’s implementation of Sea Level Rise and Recurring Flooding Resilience Plan’s recommendations. The final phase of the Study includes a limited number of policy and

regulatory recommendations to address sea level rise and recurrent flooding. Of the recommendations related to the Comprehensive Plan, only one is recommended to be incorporated into the Comprehensive Plan during this phase of amendments: to include a new map of land areas that may experience tidal flooding or permanent inundation as a result of future sea level rise. Based upon Commission acceptance of the Sea Level Rise and Recurring Flooding Resilience Plan, this proposed map could be included as an appendix to the CCM Element during the ordinance phase of Batch 5. The other recommendations, that could be incorporated into the Comprehensive Plan, include: 1) updates to the Stormwater Level of Service to reflect the conveyance of additional floodwaters and 2) a recommendation to add a continuous impermeable barrier around the Town. These are recommended to be addressed separately as future updates, as these actions will benefit from more evaluation from staff and from public input.

The P&Z Board also discussed and made recommendations to add to the subjects of Coastal Waters (in addition to Coastal Wetlands), the Sarasota Bay Shoreline, and addressing the navigability of Canals.

The P&Z Board identified Policies and Strategies that were under the Objective related to Coastal Wetlands, and how some of those specific Policies and Strategies were broader than just the subject of Wetlands. The P&Z Board recommended that those be moved to support a new broader Objective, and requested that staff draft a new Objective for their review. Staff created a new Objective, and also re-organized a portion of the CCM Element to provide clarity and improved readability among the topics addressed. The P&Z Board recommended new Objective states:

“CCM OBJECTIVE 1.1: Preserve the quantity, quality and function of coastal waters, including the Gulf of Mexico and Sarasota Bay and its adjacent tributaries.”

All of the existing Policies and Strategies that applied to topics that are broader than just Wetlands were moved to this Objective.

The P&Z Board also recommended a series of new Objectives, Policies and Strategies to address negative impacts to the shoreline and seagrasses on the Sarasota Bay side of the Town, primarily related to boating activities and associated wave action. The P&Z Board recommended the addition of the following Objective, Policy and Strategies:

“CCM OBJECTIVE 1.4: Preserve and protect Sarasota Bay.

CCM Policy 1.4.2 (NEW): Protect, restore, and maintain the Sarasota Bay shoreline.

CCM Strategy 1.4.2.1 (NEW): The Town shall coordinate with Florida Fish and Wildlife Commission to evaluate conditions along the shoreline.

CCM Strategy 1.4.2.2 (NEW): The Town shall encourage appropriate government agencies to evaluate, monitor, and enforce speed limits and boat activity that negatively affect the shoreline.

CCM Strategy 1.4.2.3 (NEW): The Town shall adopt LDC standards to encourage and require, where appropriate and feasible, the use of living shorelines to preserve the quality of Sarasota Bay.

CCM Strategy 1.4.2.4 (NEW): The Town shall utilize, where appropriate, living shorelines at Town facilities.”

The P&Z Board’s discussion included a recognition that the Comprehensive Plan should provide the policy direction and serve as the basis related to the maintenance and dredging of canals for navigability. The P&Z Board recommended the following new Objective and Policy to address this:

“CCM OBJECTIVE 1.5 (NEW): Preserve the navigability of canals.

CCM Policy 1.5.1 (NEW): Create, maintain, and update a Town Canal Navigation Maintenance Program.”

The P&Z Board also had questions regarding the status of developing a Long-Term Post-Disaster Plan that is referenced in Policy 3.3.1. Staff provided background that the Town currently coordinates with Manatee and Sarasota Counties for emergency management during disasters. With regard to Long-Term Post-Disaster Plans, Manatee County’s Plan is oriented to short-term recovery efforts. The longer-term redevelopment strategies in their Plan defer to Comprehensive Plan Goals, Objectives, Policies. Sarasota County’s Plan, is more general in nature, and notes that Post-Disaster Redevelopment Planning (PDRP) implementation is related to events that can’t fully be anticipated in their magnitude and scope. Their Plan does not include short-term recovery details, but includes a more general statement that “implementation will be flexible and scaled to the disaster as it occurs.” For Long-Term Planning, their Plan refers to the “many other preparedness, recovery, and redevelopment plans and actions” referenced in their plan.

Based upon the P&Z Board’s discussion, staff coordinated with the Town’s Fire Chief, who serves as the Town’s Emergency Manager, to revise the Policy and Strategies and remove an obligation to develop a Long-Term Post Disaster Redevelopment. The P&Z Board accepted the staff recommendation and has recommended the following revisions related to the Long-Term Post-Disaster Plan:

- CCM Policy 3.3.1 currently reads: Develop, implement and maintain a Long-Term Post Disaster Plan. The P&Z Board is recommending it read: Coordinate with Manatee and Sarasota Counties on long-term post disaster planning.
- CCM Strategy 3.3.1.1 currently reads: The Long-Term Post Disaster Redevelopment Plan shall require that reconstructed properties be brought into compliance with the FBC, FEMA requirements and the LDC to the extent practicable. The P&Z Board is recommending it read: The Town shall require that reconstructed properties be brought into compliance with the FBC, FEMA requirements and the LDC to the extent practicable.
- CCM Strategy 3.3.1.2 currently reads: The LDC shall include criteria, standards, methodologies, and procedures for the certification and documentation of legal

non-conforming status pertaining to use, density, lot size and structural dimensions. The P&Z Board is recommending the Strategy be deleted and replaced with the following Strategy: Consistent with Strategy 3.1.2.2, the LDC shall specify that legally nonconforming structures, buildings, and uses that are substantially damaged by natural disaster or involuntary action by more than 50% of the structural value, may be reconstructed to the same number of units in existence prior to the casualty.”

A color-coded summary of the amendments to the CCM Element is attached to this memo as Attachment A. At the March 20, 2023 Regular Workshop presentation staff will focus on the more significant recommended amended policies and will be available to respond to questions, comments or other input that the Commission may have.

Based on the agreed process for the Batch amendments, upon receipt of any Commission input, the changes will be prepared in ordinance format for the P&Z Board’s consideration before coming back to the Town Commission.

Staff Recommendation

Accept P&Z Board Recommendations, and proceed with Ordinance to be considered by the P&Z Board prior to presenting for first reading by Town Commission.

Attachments

- A. Summary of Part 1 of Batch 5 Conservation & Coastal Management Element (CCM) Amendments (Available in Town Clerk’s Office)
- B. CCM Element (version shown with edits in strike thru and underline) (Available in Town Clerk’s Office), and;
- C. CCM Element (clean version without strike thru and underline shown) (Available in Town Clerk’s Office).

End of Agenda Item