

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 24, 2023

MEETING DATE: April 3, 2023

SUBJECT: Recommendations on Batch 5 Comprehensive Plan
Amendments - Conservation & Coastal Management
Element and Recreation & Open Space Element

Recommended Action

Accept Planning & Zoning (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 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. The P&Z Board acted on the ROS Element over the course of three Regular Meetings (January 17, 2023, February 28, 2023 and 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 purpose of the ROS Element is to ensure that the Town has a comprehensive system of public recreation and open space that meets the needs of existing and projected users, and enhances the natural resources of the Town.

Both the CCM and ROS Elements, like the other Comprehensive Plan Elements, consist 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 of those components 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.”

As currently drafted, the ROS Element has two overarching Goals:

- “ROS GOAL 1: Provide appropriate active and passive recreational and cultural opportunities and preserve open space.
- ROS GOAL 2: Enhance the quality of the visual environment in the Longboat Key community, both natural and built.”

The Comprehensive Plan Evaluation and Appraisal Report (EAR) provided a number of recommendations to both the CCM and the ROS Elements, which are summarized in the attached CCM Batch 5 Summary Document, and the ROS 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 recommends a total of 98 amendments. 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, 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 Sea Level Rise 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. Strategy 3.4.1.1 was also added to the CCM Element to incorporate the map as Appendix A. 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 related to 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 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 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 Objective, 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 basis related to the maintenance and dredging of canals in relation to 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 revisions related to the Long-Term Post-Disaster Plan (please see Town Clerk's Office for edits).

The ROS Element has 36 Goals, Objectives, Policies, Strategies (GOPS) and one Level of Service table (Table 1). Of the 36 GOPS, the P&Z Board recommends a total of 24 amendments. These 24 amendments primarily consist of the following four types:

- “Accept EAR Recommendation”: amendments based upon EAR recommendations (**13** total, **2** of which are new Policies and **8** 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 (**5** total, **one** of which is a new Policy) and;
- Non-substantive, series of “clean-up” items that correct scrivener’s errors and otherwise generally add or revise wording for clarity (**3** total).

A majority of the P&Z Board’s recommendations are related to ROS Element Table 1, which contain the Level of Service (LOS) standards for recreation facilities and open space within the Town. These LOS standards are directly tied to the Town’s Land Acquisition Fund, which provides a funding mechanism to meet the Comprehensive Plan standards. Zoning Code Section 158.115, “Parks and Open Space Land Acquisition,” describes the purpose and intent of the Land Acquisition Fund:

- A. “This section is enacted to ensure that future land development within the town preserves or provides land in its natural state for parks and open space in accordance with the policies as set forth in the Longboat Key Comprehensive Plan. Developers and landowners, including builders of residences on single-family lots, must provide for parks and open space. The scope of this section is further to set forth certain regulations pertaining to land development and construction within the town, providing for parks and open space, which regulations shall be in addition to all other applicable building, subdivision, zoning and other regulations established by the town ordinances. This section shall apply to and be enforced in all areas of the town; and no persons shall develop land anywhere in the town except in conformity with this section and other applicable regulations of the Code of Ordinances and amendments thereto.
- B. The town will use the following as criteria to guide open space land acquisition:
 - (1) Implementation of the policies that minimize risk seaward of the coastal construction control line;
 - (2) Continuing to preserve natural landscape, native vegetation and significant wildlife species and their habitats as adopted in the Zoning Code;
 - (3) Consideration of the inventory of existing parks and open space property;
 - (4) Located adjacent to existing publicly-owned or controlled lands;

- (5) The provisions of the reserve account in trust as established pursuant to town ordinances; and
- (6) Properties that serve the public interest.”

The Land Acquisition fee is charged at the time the Building Permit fee is collected for new developments that are adding residential density to a property (i.e., redevelopments that do not add residential density (such as tear-down and replacement of an existing single-family home) are not required to pay into this fund). The equation for the fee can be found in Section 158.115, Parks and open space land acquisition, Subsection (C)(2)(c).

The Town determines the current market value of the land by utilizing the amount from a recent sale of similar property that has occurred within one year of the Land Acquisition fee being applied. If there has not been a similar sale within one year, the land valuation is typically obtained by utilizing the Property Appraiser’s land value and adding 20% to that value. The money that is accrued in the Land Acquisition Fund can be used to construct facilities to meet the LOS standards set by Table 1.

At their January 17, 2023 workshop, the P&Z Board requested to see an example of a permit where the Land Acquisition Fee was applied. On August 19, 2021, the Town issued a Building Permit to construct a new single-family home at 620 Hibiscus Way. The Land Acquisition calculation that was applied to the permit was one unit multiplied by \$240,000 times 435.6 and then divided by 7,469.

Based upon the formula, the Town charged a Land Acquisition Fee for this new single-family home in the amount of \$13,997.50 as part of the costs associated with the Building Permit.

As noted, the Land Acquisition Fee is deposited into a Town Land Acquisition Fund, that can be used to fund facilities, as delineated in Table 1 of the ROS Element. The P&Z Board had several questions related to the origin of Table 1. “Table 1: Standards for Recreation Facilities for the residents of the Town of Longboat Key” and the origin of the table.

Table 1 derives from a series of Comprehensive Plan Amendments that were adopted in 2016. Prior to the adoption of Table 1, the Recreation & Open Space Level of Service (LOS) was solely based upon the following acreage and population standard:

“The minimum level of service for parks, recreational, and cultural facilities is 12 acres per 1,000 peak seasonal functional population”.

During the 2016 amendment process, staff evaluated the LOS based upon the “functional population¹,” and determined that the required LOS, based on the above standard, was 213.82 acres of open space. Based upon data provided for a Community Rating System audit (see the attached map and table), the Town had 311.04 acres of open space, which was a surplus of 97.22 acres.

Because the Town wanted to provide more than just land acreage of recreation and open space and in order to continue collecting the Land Acquisition Fee, the Town revised the LOS to address various improvements. That is the primary basis for how Table 1 was adopted into the ROS Element.

During the amendment process in 2016, a report written for the American Planning Association (attached for more information), “Alternatives for Determining Parks and Recreation Level of Service”, was initially presented to the P&Z Board to assist in determining an appropriate LOS for parks and recreation. Utilizing the report, the P&Z Board recommended and the Town Commission adopted a Facilities per Capita based LOS, which specifies a number of facilities in the Town.

The P&Z Board discussed the current LOS standards for facilities (adopted in 2016) and expressed concern about whether these standards were still appropriate and how best to establish what the community’s priorities for facilities should be.

The P&Z Board agreed that future LOS standards should be carefully crafted and should ideally represent known desires of the community, per the recommendations provided in the American Planning Association (APA) report, “Alternatives for Determining Parks and Recreation Level of Service”. The current LOS standards were derived from the different methods of LOS metrics found in the APA report. The P&Z Board ultimately agreed to review and provide recommendations to amend the current LOS standards in Table 1. In addition, the P&Z Board recommended that a needs assessment be performed in the future to review and determine whether the LOS standards still represented the appropriate priorities for the Town.

The table below reflects the LOS standards that were adopted in 2016. Staff has added two columns (Columns 1 and 3) to the table below to indicate the current number of facilities, and P&Z Board recommended facilities (based upon consensus), in comparison to the adopted number of recreational facilities (i.e. LOS). The adopted Table 1 in the ROS Element only contains the adopted number of facilities, as the current number of facilities is subject to change. Having to update the Comprehensive Plan each time a facility number changes would not be efficient due to the extended comprehensive plan amendment process including involving State, local and regional government and agency

¹ Southwest Florida Water Management District (SWFWMD) defines Functional Population as: “The served permanent population as adjusted by the seasonal residents, tourist, group quarters, and net commuter population within a utility service area.”

reviews each time a change is made to a comprehensive plan. (Please see Town Clerk's Office for a copy of the table)

The P&Z Board's recommendations above reflect the intent to adopt a Level of Service that is consistent with the number of facilities that the Town currently has. The P&Z Board discussed Manatee County's plans to open a library/community center on the north end of Longboat Key, which is why a "Community Center" was added to the table. There was also discussion regarding the number of tennis courts and pickleball courts on the island. The P&Z Board recognized that the Town Commission will be discussing pickleball at their Strategic Planning Retreat and reached consensus to leave the number of pickleball court facilities as is, until the Town Commission discusses the issue. The P&Z Board also noted that if the tennis court at Bayfront Park is removed and converted into a pickleball court, the number of tennis courts as adopted in Table 1 would result in a surplus.

The P&Z Board recommended amending the policy related to LOS to reflect the number of facilities LOS instead of calculating acreage.

The P&Z Board's final recommendation is new ROS Policy 2.1.2, which is related to ROS Goal 2 of recognizing the visual quality in Longboat Key:

"ROS Policy 2.1.2 (NEW): Encourage consideration of aesthetic values in construction of structures."

Two color-coded summaries of the amendments to the CCM Element and the ROS Element are attached to this memo as Attachment A. At the April 3, 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 upon 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),
- C. CCM Element (clean version without strike thru and underline shown) (Available in Town Clerk's Office),

- D. Summary of Part 2 of Batch 5 Recreation and Open Space Element (ROS) Amendments (Available in Town Clerk's Office),
- E. ROS Element (version shown with edits in strike thru and underline) (Available in Town Clerk's Office), and;
- F. ROS Element (clean version without strike thru and underline shown) (Available in Town Clerk's Office).

End of Agenda Item