

MEMORANDUM

TO: Howard Tipton

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

REPORT DATE: May 24, 2023

MEETING DATE: June 5, 2023

SUBJECT: Ordinance 2023-01- Batch 5 Comprehensive Plan Batch 5
Amendments - Conservation & Coastal Management
Element and Recreation & Open Space Element

Recommended Action

Transmit Ordinance 2023-01 to the Department of Economic Opportunity (DEO) for review and comment.

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: the Conservation & Coastal Management (CCM) Element and the Recreation and Open Space (ROS) Element, as some of the policies and subject matter are related. The Planning and Zoning (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 Town Commission reviewed the P&Z Board's recommendations at their April 3, 2023, Regular Meeting and reached consensus to forward these Elements to the P&Z Board's May 16, 2023, Regular Meeting as an Ordinance that incorporates all of the proposed amendments.

The P&Z Board held a public hearing on May 16, 2023, to consider Ordinance 2023-01. The P&Z Board made several additional, non-substantive, clean-up, recommendations, which have been incorporated into Ordinance 2023-01.

The purpose of the CCM Element is 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;
3. Policy: a statement that clearly states an intent, direction or result desired to advance an objective and;
4. Strategy: an action, program, or technique that implements a policy.

Conservation & Coastal Management Element

The CCM Element will be maintaining its 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 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 and Town Commission recommended a total of 98 amendments. These 98 amendments primarily consist of the following four types:

- “Accept EAR Recommendation:” amendments based upon the Evaluation and Appraisal Report (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 or 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. A new Objective (CCM Objective 3.4) and Policy (CCM Policy 3.4.1) have been incorporated 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 included 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 being 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 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 were recommended to be addressed separately as future potential updates, as these actions will benefit from more evaluation from staff and from public input.

Other noteworthy amendments include the incorporation of the P&Z Board's recommendations related to Coastal Waters (in addition to Coastal Wetlands), the Sarasota Bay Shoreline, and addressing the navigability of Canals.

One of the more significant changes resulted from the P&Z Board's identification of Policies and Strategies that were under an 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.

Recreation & Open Space Element

The ROS Element will be maintaining its 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 ROS Element has 36 total Goals, Objectives, Policies, Strategies (GOPS) and one Level of Service table (Table 1). Of the 36 GOPS, the P&Z Board and Town Commission recommended 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 or otherwise generally add or revise wording for clarity (3 total).

A majority of the P&Z Board's recommendations, which the Town Commission accepted, are related to ROS Element Table 1, which contain the Level of Service (LOS) standards for recreation facilities and open space within 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 made a number of recommendations to the Adopted Levels of Service (LOS), which the Town Commission accepted.

Table 1 (available in Town Clerk's Office) reflects the current LOS standards (that were adopted in 2016). Staff has added two columns (Columns 1 and 3) to the table to indicate the current number of facilities, and the P&Z Board and Town Commission recommended number of facilities. The adopted Table 1 in the ROS Element only contains the adopted number of facilities. This is because 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 public hearings and review by State, local and regional government and agencies each time a change is made to a comprehensive plan.

The final noteworthy amendment derived from P&Z Board with the incorporation of a 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 Attachments C and D (Available in Town Clerk's Office).

The P&Z Board recommended approval (5-0) of Ordinance 2023-01, and forwarded it to the June 5, 2023, Regular Meeting for Commission consideration and first reading.

Staff Recommendation

Transmit Ordinance 2023-01 to the Department of Economic Opportunity (DEO) for review and comment.

Attachments

- A. Ordinance 2023-01 ROS and CCM Elements (version shown with edits in strike thru and underline)(Available in Town Clerk's Office).
- B. Ordinance 2023-01 ROS and CCM Elements (clean version without strike thru and underline shown) (Available in Town Clerk's Office).
- C. Summary of CCM Amendments(Available in Town Clerk's Office).
- D. Summary of ROS Amendments (Available in Town Clerk's Office).

End of Agenda Item