

MEMORANDUM

TO: Howard Tipton, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning & Building Department

Report Date: January 22, 2024

Meeting Date: March 4, 2024

Subject: Ordinance 2024-04, Amending Chapter 151, Shoreline Construction

Recommended Action

Forward Ordinance 2024-04 to the April 1, 2024, Town Commission Regular Meeting for second reading and public hearing.

Background

Ordinance 2024-04 is one of the near-term implementation items (Action 2) from the Town's recently accepted Sea Level Rise and Recurring Flooding Resilience Plan (SLR Plan). The ordinance would amend the Shoreline Construction (Town Code Chapter 151) provisions that regulate the maximum allowable seawall elevation height from 4.5 feet "North American Vertical Datum¹" (NAVD) to up to 6 feet NAVD.

The Town Commission accepted the SLR Plan at their April 3, 2023, Regular Meeting. The SLR Plan was the final step in a four-step approach to provide a practical, high-level overview of impacts from sea level rise and recurrent flooding, and then to develop recommendations for adaptation in which the Town engaged APTIM Environmental and Infrastructure (APTIM), beginning in 2018. The four-step approach to accomplish this effort included:

1. Initial Assessment
2. Define Impacts
3. Adaptation Strategies
4. Implementation Plan.

The Phase 4 SLR Plan was initially presented to the Town Commission at the March 20, 2023 Regular Workshop Meeting, and included:

¹ The North American Vertical Datum is the official horizontal control datum for the United States, Canada, Mexico, and Central America. It is essentially measurement from a surface of zero elevation (i.e. mean sea level) to which heights of various points are referenced.

- A depiction of the baseline projections.
- A collection of best practices, administrative actions and projects intended to prepare the Town of Longboat Key for changes in asset management and operational needs likely to manifest as sea level rises. The plan consists of six overarching objectives and twenty-five actions to be implemented in the next 5, 10, and 20 years. Some of the actions were new, while some overlap with existing programs and projects. The objectives include the following strategies:
 - Mitigate tidal flooding
 - Prepare for active stormwater management
 - Protect public assets and natural areas
 - Leverage redevelopment to implement adaptation
 - Engage community to build resilience
 - Continue to integrate resilience into the capital program.

The recommendation, to amend seawall regulations to address tidal flooding (Action 2), is among the first regulatory and near-term related recommendations under the objective, Mitigate Tidal Flooding. The recommendation calls for, “establishing a new minimum seawall elevation greater than 3.5 feet NAVD and amending the existing maximum seawall elevation to 6 feet NAVD.”

The intention is to, “help prevent overtopping of seawalls during higher-than-normal tides and small storm events. If seawalls are lower than high tide levels, ‘flood trespassing’ into public drainage systems and onto roads may occur.”

Ordinance 2024-04 does not include the portion of the recommendation that calls for establishing a minimum seawall elevation. This is due to recently passed state legislation, starting with the “SB 250,” which established a moratorium on “more restrictive or burdensome amendments” to comprehensive plans and land development regulations until October 2024 and, more recently, “SB 2-C: Disaster Relief,” which extended the moratorium until October 1, 2026. Establishing a minimum seawall elevation could be viewed as more restrictive or burdensome.

The ordinance does include an increase to the maximum allowable seawall elevation (from 4.5 ft. NAVD to 6 ft. NAVD), as this change is not mandatory and is more permissive. Staff would recommend revisiting the establishment of minimum seawall elevations after the moratorium expires.

Staff is of the opinion that this amendment will be positively received. The replacement and repair of seawalls are both expensive² and long-lasting³ investments. In addition, local sea level rise estimates from the Sarasota Bay Estuary Program have indicated that local sea level rise rates have averaged about 3 inches per decade over the past 20 years, which is roughly triple the long-term average. Allowing property owners, who are making significant investments, to be able to elect to construct higher elevation seawalls is expected to help maintain and improve the community, protect the Town's property values and Town infrastructure.

The adoption of this ordinance is exempt from the Business Impact Estimate (BIE) preparation and posting obligations, pursuant to Florida Statutes 166.041(4)(C).

The Planning & Zoning Board (P&Z Board) held a public hearing on January 16, 2024, and recommended approval (7-0) of Ordinance 2024-04.

Staff Recommendation

Forward Ordinance 2024-04 to the April 1, 2024, Town Commission Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2024-04 (Available in Town Clerk's Office)
- B. Sea Level Rise and Recurring Flooding Resilience Plan Excerpt (Available in Town Clerk's Office)
- C. Business Impact Estimate (Available in Town Clerk's Office)
- D. PowerPoint Presentation (Available in Town Clerk's Office)

² Costs range from \$650-\$2,000 per linear foot, depending on the depth of the waterway and location of the seawall.

³ A seawall that is properly maintained can last from 30-50 years.

End of Agenda Item