



FLORIDA MUNICIPAL SERVICES

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Meeting Date July 16, 2019
Agenda Item 6a.

July 12, 2019

MEMORANDUM

TO: Town of Redington Beach Planning Board

FROM: Darin Cushing, CBO, CFM, Building Official
R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Impervious Surface Ratio Issue: Preliminary Discussion

EXECUTIVE SUMMARY

The Impervious Surface Ratio (ISR) for the Town is set in the Comprehensive Plan at 0.40. Since the Town Board reaffirmed that ratio in November, 2018, there has been consideration of increasing the ISR. One of this Board's duties is to ensure that any Plan Amendment changing the ISR is consistent with all other existing Plan policies. This report presents for discussion purposes, without analysis or a recommendation, the Plan policies with which any amendment to the ISR must be consistent or which policies would have to be amended to maintain consistency with an amended ISR.

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	Entire Town

THE ISSUE

To establish the appropriate Impervious Surface Ratio for the Town’s residential areas to permit reasonable use of the residential properties while minimizing the negative impacts of stormwater generation.

HISTORY

Since the adoption of a new Comprehensive Plan pursuant to the 1985 Growth Management Act, the permitted ISR in the Town’s residential areas was 0.40. In 2016, the then Building Official recommended increasing the permitted ISR to 0.65 to be more in line with the permitted ISRs in other Beach communities.

The Town attempted to implement the Building Official’s recommendation through the adoption of Ordinances 2016-04 purporting to amend the ISR in the Comprehensive Plan’s residential designations and 2016-08 amending Code Section 6.103. Ordinance 2016-04 never lawfully took effect because the Town was not then permitted to amend its Comprehensive Plan having failed to prepare an Evaluation and Appraisal Report, because the notice and hearing for Ordinance 2016-04 were inadequate and because Ordinance 2016-04 was never submitted to the State for approval.¹ In summary, permitted ISRs are:

1989- August, 2016	0.40
August 2016 - July, 2017 ²	0.65
July, 2017 to present	0.40

In the summer of 2018, the Planning Board, acting without a staff recommendation, recommended to the Town Board that the Comprehensive Plan Amendment attempted by Ordinance 2016-04 be readopted. By the time this proposal reached the Town Board in November, 2018:

- Staff had had the benefit of an additional three months of casual observation of the conditions in the Town, particularly through the “rainy season;”

¹ Whether or not there were enactment issues with Ordinance 2016-08 has not been examined since the governing Comprehensive Plan policy was never lawfully amended.

² Ordinance voidable if not void *ab initio*. Issues with enacting ordinance identified in July, 2017, and enforcement reverted to 0.40.

- The storm surge from Hurricane Michael caused substantial street flooding, even without a rainfall event;
- A squall line that passed rapidly over the Town in the early afternoon of October 26, 2018, dropped 0.23" of rain³ on the Town and left significant areas of standing water;
- Staff, along with a highly qualified stormwater engineer, toured the entire Town on October 26, 2018, renewing our observations of the stormwater issues in the Town;
- The Town has embarked on the pursuit of flood mitigation funding from the Southwest Florida Water Management District, the Tampa Bay Estuary Program and, perhaps, the Federal Emergency Management Agency, and the success of these funding applications could be adversely affected by the increase in the permitted impervious surface ratio;
- The 2016 increase in the impervious surface ratio, beyond the status of the ISR, was clearly procedurally invalid.

Based on the foregoing, Staff's ambivalence on the topic of the appropriate impervious surface ratio was resolved and Staff then firmly recommended against increasing the impervious surface ratio above the lawfully established 0.40 ratio. The Town Board concurred and rescinded the effort to increase the permitted ISR to 0.65 with the result that the lawful ISR in the Town's residential areas remains 0.40.

NOTICE

This is a duly noticed public meeting but not an advertised public hearing. The only notice required is the notice of the Planning Board meeting which has been duly given,

AUTHORITY

If the ISR is changed, that change will take the form of a Comprehensive Plan Amendment (and perhaps an amendment to the Town's Building Code).

The Planning Board, as the Town's Local Planning Agency, is charged with:

Be[ing] the agency responsible for the preparation of the comprehensive plan or plan amendment and shall make recommendations to the governing body regarding the adoption or amendment of such plan.

Section 163.3174 (4)(a), F.S.

Town Code § 15.34 reiterates these powers and duties.

COMPREHENSIVE PLAN CONSISTENCY

As noted above, one of this Board's duties is to ensure that any Comprehensive Plan Amendment is consistent with the balance of the Plan. Beyond changing the called-out ISRs in Future Land Use Element Policy 1.8.1, the following policies must be considered as part of the discussion and determination of the appropriate ISR for the Town. (All **bold** emphasis added.)

Future Land Use Element

Policy 1.1.2

Residential areas shall be located and designed to protect life and property from natural and manmade hazards such as flooding, excessive traffic, subsidence, noxious odors, and noise.

Policy 3.1.4

The land development regulations shall contain specific and detailed provisions required to implement this comprehensive plan, which, at a minimum:

...

4. Ensure that all development is consistent with Federal Flood Insurance regulations;

...

7. Provide for drainage and stormwater management, based on the minimum criteria established by the Southwest Florida Water Management District, the Town of Redington Beach or other appropriate governmental agencies;

...

10. Provide provisions for the control of erosion and runoff from construction sites.

11. Promote green building techniques and materials.

Infrastructure Element

Goal 2: To endeavor to provide an efficient drainage system which protects human life, minimizes property damage, and **improves** stormwater quality and **on-site retention**.

Objective 2.1

The Town shall seek to improve the stormwater drainage system located within its municipal boundaries.

Policy 2.1.1

Ensure that **surface cover vegetation loss during construction is minimized or replaced** to reduce erosion and flooding.

Policy 2.1.2

Ensure that the developer or owner of any new development or redevelopment site is responsible for the on-site management of stormwater runoff **so that post-development runoff rates, volumes, and pollutant loads do not exceed predevelopment conditions**.

Policy 2.1.3

Future drainage outfalls associated with either new development or redevelopment, shall be designed to prevent the direct discharge of runoff into Boca Ciega Bay or the Gulf of Mexico.

Policy 2.1.4

Implement the town's Watershed Management Plan in conjunction with the Southwest Florida Water Management District to address existing drainage and flooding conditions.

Objective 2.2

All development within the Town of Redington Beach shall meet the adopted level-of-service standard for stormwater drainage.

Policy 2.2.1

All development activity shall adhere to the level-of-service standard for drainage requirements of the 25 year, 24 hour rainfall storm design standard.

Policy 2.2.2

New development, redevelopment, and rehabilitation shall meet and maintain the standards established by the Florida Department of Environmental Regulation for the Outstanding Florida Waters and Aquatic Preserve designations of Boca Ciega Bay that require an additional fifty percent storage and treatment on site.

Policy 2.2.3

The following management techniques shall be used to reduce stormwater runoff:

1. Expansion and regular maintenance of retention swales adjacent to town roadways;
2. Use of front, rear and side lot line swales for new construction or redevelopment;
3. Use of erosion and runoff control devices during construction; and [*sic*]

Policy 2.2.4

The land development regulations shall continue to enforce provisions which, at a minimum, protect natural drainage features found within the Town as follows:

1. All applications for development approval within those areas identified as coastal high hazard area shall undergo site plan review;
2. **The flood-carrying and flood storage capacity of the 100-year floodplain shall be maintained;**
3. Development along Boca Ciega Bay shall maintain adequate setbacks to maintain any existing areas of natural coastal/marine habitat;
4. The prevention of erosion, retardation of runoff and protection of natural functions and values of the floodplain shall be considered while promoting public usage; and
5. The Town shall require development or redevelopment proposals to be consistent with the performance standards regulating development within the designated floodplain.

Objective 2.3

The Town shall take positive steps to implement its Watershed Management Plan.

Policy 2.3.1

The Town shall assess existing conditions and recommend modifications or cures to **relieve existing drainage problems.**

Policy 2.3.2

Consistent with budget allocations, the Town shall continue to retrofit the existing drainage system in conjunction with the Southwest Florida Water Management District.

Conservation and Coastal Management Element

Objective 1.1

The Town shall protect the quality and quantity of surface and groundwater.

Policy 1.1.3

The Town shall enforce the required standards and regulations set forth in the Pinellas Aquatic Preserve Management Plan to protect and enhance the water quality of Boca Ciega Bay. [Document may not exist]

Policy 1.2.2

The Town shall protect the natural functions of the 100-year floodplain so that the flood carrying and flood storage capacity are maintained.

Policy 1.2.4

The Town shall enforce land development regulations which recognize the limitations of development on a barrier island (e.g., 100-year floodplain, vulnerability to tropical storms, topography and soil conditions).

Objective 1.9

The Town of Redington Beach shall coordinate with the State of Florida and other local jurisdictions in an effort to maintain the Outstanding Florida Waters designation on Boca Ciega Bay.

Policy 1.9.1

No new point sources shall be permitted to discharge from the Town of Redington Beach into Boca Ciega Bay or the Gulf of Mexico, or into ditches or canals that flow into the bay and gulf.

Policy 1.9.2

In order to reduce non-point source pollutant loadings, the *Watershed Management Plan* shall follow the regulations set out in the Florida Administrative Code. [Document may not exist]

Policy 1.4.1

Require that all new development preserve, or relocate on site, a minimum of 25 percent of the native vegetation on site. This should not be interpreted to allow development in wetland areas.

Intergovernmental Coordination Element

Policy 2.2.12

Coordinate with those communities and counties lying within the boundaries of the Tampa Bay S.W.I.M. Plan 1988 in implementation of the Surface Water Improvement Management Program for Tampa Bay.

Policy 2.3.1

The Town shall be involved in proceedings to develop joint planning and management programs with the neighboring municipalities for hurricane evacuation, provision of public access, provision of infrastructure, **controlling stormwater**, protection of wetland vegetation and coordinating efforts to protect species with special status.

Policy 2.3.2

Through the Pinellas Planning Council or other appropriate governmental mechanism, the Town shall coordinate with neighboring municipalities and the County to protect estuaries which are within the jurisdiction of more than one local government; including methods for coordinating with other local governments to ensure adequate sites for water-dependent uses,

preventing estuarine pollution, **controlling surface water runoff**, protecting living marine resources, reducing exposure to natural hazards, and ensuring public access.

Capital Improvements Element (as amended)

CIE Policy 1.5.5

- b. Prior to approval of a building permit or its functional equivalent, the Town shall examine that part of the Town's drainage system that will be directly impacted by the new development to determine whether adequate stormwater drainage capacity will be available to serve the new development no later than the anticipated date of issuance of certificate of occupancy or its functional equivalent.