TOWN OF
LONGBOAT KEY
Incorporated November 14, 1955

501 Bay Isles Road
Longboat Key, FL 34228
(941) 316-1999
FAX (941) 316-1656
www.longboatkey.org

June 29, 2018

Borja Crane-Amores
Administrator, NPDES Stormwater Program
Florida Department of Environmental Protection
Mail Station 2500
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Subject: Annual Report for the Town of Longboat Key
Municipal Separate Storm Sewer System (MS4)
NPDES Permit No. FLS000004, Year 4 (Cycle 4)

Dear Mr. Crane-Amores,

Please find enclosed the Town of Longboat Key's MS4 Annual Report for year four of the permit period commencing January 1, 2017 and continuing through December 31, 2017. Note that all co-permittees with Sarasota County, including the Town of Longboat Key, the City of Sarasota, the City of Venice, the City of Northport, and the Florida Department of Transportation District One, will be submitting separate Annual Reports.

Please consider this annual report as notification for reapplication of coverage under the NPDES MS4 Permit which would be Cycle 5, Year 1 for Sarasota County and Longboat Key as a Co-permittees. Sarasota County and Longboat Key request to continue to have our annual reporting period remain as calendar year. Please see Attachment as Appendix H to report.

The Town of Longboat Key entered into an Interlocal Agreement with Sarasota County on November 8th, 2008, to conduct water quality monitoring, of which the summary of data collected and monitoring results discussion are included in Attachment as Appendix B of the Annual Report.

If you have any questions please contact me at (941) 316-1988, or jlinkogle@longboatkey.org.

My best regards,

James K. Linkogle, CFM
Public Works Project Manager

CC: Tom Harmer, Town Manager
Isaac Brownman, Public Works Director
Rene Janneman, Sarasota County, Env. Sec. II

INSTRUCTIONS – DEP FORM 62-624.600(2)
ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR
MUNICIPAL SEPARATE STORM SEWER SYSTEMS

Who Must Submit This Annual Report Form?

Operators of municipal separate storm sewer systems (MS4s) that are covered by an individual NPDES stormwater permit pursuant to Rule 62-624, F.A.C. must submit this form. Each permitted operator must individually complete and submit this form, even if the operator is covered under a permit with multiple co-permittees or has established an interlocal agreement with one or more co-permittees.

When to Submit This Annual Report Form?

This form must be fully completed and submitted for each year of coverage under the NPDES stormwater permit term. The Year 1 Annual Report must cover the twelve-month period beginning on the effective date of the permit and is due six months after the first anniversary of the date of permit issuance. All subsequent annual reports are due six months after the anniversary of the effective date of the permit.

Where To Submit This Annual Report Form?

This form and any REQUIRED attachments must be sent by email to the NPDES Stormwater Program Administrator or to the MS4 coordinator. Their names and email addresses are available at: http://www.dep.state.fl.us/water/stormwater/npdes/contacts.htm. If files are larger than 10mb, materials may be placed on the NPDES Stormwater ftp site at: ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/. After uploading the ANNUAL REPORT files, an email must be sent to the MS4 coordinator or the NPDES program administrator notifying them the report is ready for downloading. Do not submit any materials not specifically required to be submitted as per Section V of this form.

Section I: BACKGROUND INFORMATION

Row A — Provide the name of the governmental entity submitting this form. For example, "City of Lauderhill."

Row B — Provide the name of the permit as it appears on the first page of your permit. For example, "Broward County MS4." The permit name will not necessarily be the same name provided in Row A if the permit covers multiple co-permittees. If the name of the permit is the same name provided in Row A, repeat the name in Row B – do not leave the row blank.

Row C — Provide the last two digits of your permit number as it appears on the first page of your permit.

Row D — Indicate which permit year the annual report covers. If the permit year is beyond Year 5, check the last box and provide the appropriate permit year number.

Row E — Indicate the twelve-month period the annual report covers. Provide the month and year for the beginning of the period and the month and year for the end of the period. For example, "March/2003 through February/2004." Do not provide the day.

Row F — Provide contact information for your Responsible Authority. The definition of a Responsible Authority can be found at Rule 62-620.305, F.A.C.

Row G — Provide contact information for the Designated Stormwater Management Program Contact if it isn't the same person as the Responsible Authority identified in Row F, otherwise leave this section blank. The Stormwater Management Program Contact is the technical person that oversees the stormwater program and is the primary contact for when the Department has questions about the annual report, is scheduling an annual inspection, or needs to discuss miscellaneous issues concerning implementation of the permit.

Section II: MS4 MAJOR OUTFALL INVENTORY

- This section is required to be completed in all permit years EXCEPT Year 1. In Year 1, you are required to provide an inventory and a map of all known major outfalls, in accordance with Rule 62-624.600(2)(a), F.A.C. In all subsequent permit years, you need to only provide any updates to the inventory by completing this section.

- The definition of a "major" outfall can be found at Rule 62-624.200(5), F.A.C.

- Row A — This row contains two separate questions. First, provide the number of outfalls ADDED to the outfall inventory in the current reporting year. If no outfalls were added, insert a "0" – do not leave it blank. Second, indicate whether the number of outfalls added includes any "non-major" outfalls by checking one of the following:
  - "Yes" if the number includes non-major outfalls
  - "No" if the number does not include non-major outfalls, or
  - "Not Applicable" if no new outfalls were added to the inventory.

- Row B — Provide the number of outfalls REMOVED from the outfall inventory in the current reporting year. If no outfalls were removed, insert "0" – do not leave it blank. Then indicate whether the number of outfalls removed includes any "non-major" outfalls by checking one of the following:
  - "Yes" if the number includes non-major outfalls
  - "No" if the number does not include non-major outfalls, or
  - "Not Applicable" if no outfalls were removed from the inventory.

- Row C — Indicate whether the change in the total number of outfalls in the inventory is due to land being either annexed or vacated during the reporting year by checking one of the following:
  - "Yes" if the change is due to lands annexed, lands vacated, or lands both annexed and vacated.
  - "No" if the change is not due to lands annexed or vacated, or
  - "Not Applicable" if no outfalls were reported in Rows A or B as added or removed from the outfall inventory.

Section III: MONITORING PROGRAM

This is the ONLY section of this form that you may reference another permittee's annual report to partially satisfy your reporting requirements, but only if that permittee is fully reporting on the monitoring program as required by this form**.** In you choose to reference another permittee's annual report, you must include the name of the permittee in Row A – do not leave this section blank.

Row A — Provide a brief summary of the status of monitoring plan implementation, including any problems encountered; or, if applicable, include the name of the permittee whose annual report you are referencing for the necessary monitoring information.

Row B — Each permittee must discuss the monitoring results as it relates to the implementation and effectiveness of their SWMP.

Row C — Attach to the form a summary of the monitoring data as required under Rule 62-624.600(2)(c), F.A.C. Do not provide the monitoring raw data.

Section IV: FISCAL ANALYSIS

Row A — Provide a single figure that most accurately represents the total expenditures for the NPDES stormwater management program (SWMP) for the current reporting year. Be sure to include the costs of all departments involved (SWMP-related activities only) and of any contracts or interlocal agreements.

Row B — Provide a single figure that most accurately represents the total budget for the NPDES stormwater management program for the subsequent reporting year. Be sure to include the budgets of all the departments involved (SWMP-related activities only) and of any contracts or interlocal agreements.

Section V: MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM

Use the checklist in this section to determine what is required to be attached to this form. Do not submit any materials not required, such as records or logs of SWMP activities, monitoring raw data, public outreach materials, or pesticide and herbicide applicator certifications.

- For each item listed in the checklist, indicate whether it is "Attached" or "N/A" (Not Applicable). Do not leave any item unchecked.

- For the first item listed, carefully read Part III.A of your permit. In this section of your permit, certain annual reporting requirements are specified. The requirements include submitting certain quantifiable data (which are to be included in Section VII of this form) and may also include submitting non-quantifiable information, such as a copy of any stormwater-related updates to your local codes/ordinances.

- For the second item listed, indicate whether you attached the monitoring data summary requested in Section III.C of the form. If you referenced a co-permittee's annual report for the monitoring information required in Section III, check the "N/A" box.

- For the third item listed, indicate whether you attached the major outfall inventory and a map of the major outfall locations in accordance with Rule 62-624.600(2)(a), F.A.C. This item is only applicable in Year 1. For all other reporting years, check the "N/A" box.

- For the fourth item listed, indicate whether you attached the estimates of pollutant loadings and event mean concentrations as required under Part V.A of your permit and in accordance with Rule 62-624.600(2)(b), F.A.C. This item is only applicable in Year 3. For all other reporting years, check the "N/A" box.

- For the fifth item listed, indicated whether you attached your permit re-application in accordance with the re-application requirements in Rule 62-624.420(2), F.A.C. This item is only applicable in Year 4. For all other reporting years, check the "N/A" box.

Section VI: CERTIFICATION STATEMENT AND SIGNATURE

The Responsible Authority listed in Section I.F of this form must sign the certification statement provided in this section, in accordance with Rule 62-620.305, F.A.C. The annual report form will be returned to the permittee if the required signature is not included. If you choose to submit the annual report and attachments electronically, a signed paper copy of this section must also be submitted.

Section VII: STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

Column A — Columns B through F must be completed for each SWMP element indicated by the permit citation in Column A. No information is to be inserted by the permittee in this column.

Column B — Provide a summary of the permit requirements in Part III.A of your permit for each SWMP element and, underneath the summary, list the quantifiable SWMP activities related to the requirements. The particular quantifiable SWMP activities are specific to each permittee, but must include, at a minimum, the quantifiable activities that are required by the permit to be reported.

Column C — Provide a number representing the activities performed in the current reporting year for each of the quantifiable SWMP activities you listed in Column B. This column may not be left blank for any of the quantifiable SWMP activities listed in Column B.

Column D — Provide a title or description of the record that documents each number you provided in Column C. For example, "Daily Work Orders," "Illicit Complaint/Investigation Forms and Log," or "Construction Inspection Checklists and Log." If the activity is recorded entirely in an electronic database system, you may provide the name of the system, such as the "Hansen Model." This column may not be left blank for any of the numbers provided in Column C.

Column E — Provide the name of your department/division that is responsible for performing each of the SWMP activities listed in Column B, or provide the name of the co-permittee, private contractor, or other entity that is performing the activities on your behalf. Try to be as specific as possible by including, for example, the name of the employee responsible for a particular SWMP activity if only that employee can answer any questions concerning the activity. This column may not be left blank for any of the SWMP activities listed in Column B.

Column F — This column allows for any brief comments you determine are necessary to explain the information you provided in Columns C, D, and E.

Section VIII: EVALUATION OF THE STORMWATER MANAGEMENT PROGRAM

For each section of your permit, discuss the strengths, weaknesses, and needed SWMP revisions to maximize the effectiveness of your SWMP in reducing stormwater pollutant loadings.

Section IX: CHANGES TO STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES

This section is to be completed, as applicable, in all permit years EXCEPT Year 4. In Year 4, any desired changes to your SWMP activities should be included in your permit re-application that is to be attached to the Year 4 Annual Report Form.

Row A — If applicable, include in this row any requested changes to your SWMP activities that are established as specific requirements under Part III.A of your permit. Provide the permit citation/SWMP element that corresponds to the

SWMP activity you want changed, describe the requested change, and provide a rationale for the change. Such changes cannot be implemented without prior approval from the Department and may require a permit revision in accordance with Rule 62-620.325, F.A.C.

Row B — If applicable, include in this row any changes to your SWMP activities that are NOT established as specific requirements under Part III.A of your permit but rather are activities at the discretion of the permittee. Provide the permit citation/SWMP element that corresponds to the SWMP activity you have changed, describe the change, and provide a rationale for the change.

Checklist A: ATTACHMENTS TO BE SUBMITTED WITH ANNUAL REPORTS

This checklist is provided to make it easier to remember what attachments must be submitted with each Annual Report. For each line, please check the appropriate box and insert the Attachment Number and Attachment Title in the appropriate boxes.

Checklist B: REQUIRED ANNUAL REVIEW OF WRITTEN SOPs AND PLANS

For each line, please check the appropriate boxes. If revisions are made to the Proactive Illicit Discharge Plan or the Construction Inspection Plan, please submit these with your Annual Report for review and approval by the Department.

REMINDER LIST OF TMDL REPORTS TO BE SUBMITTED SEPARATELY FROM AN ANNUAL REPORT

Please remember to submit the various reports required by Part VIII.B. for water bodies that have adopted TMDLs by their respective due dates.

BASIN MANAGEMENT ACTION PLAN (BMAP) REPORTING

If you have water bodies with adopted TMDLs and BMAPs that your MS4 discharges, please enter the title(s) of the applicable BMAP(s) and the date on which the last Annual Progress report was submitted to the Department's Watershed Planning and Coordination Section.

ANNUAL REPORT FORM FOR INDIVIDUAL NPDES PERMITS FOR MUNICIPAL SEPARATE STORM SEWER SYSTEMS (RULE 62-624.600(2), F.A.C.)

- This Annual Report Form must be completed and submitted to the Department to satisfy the annual reporting requirements established in Rule 62-621.600, F.A.C.
- Submit this fully completed and signed form and any REQUIRED attachments by email to the NPDES Stormwater Program Administrator or to the MS4 coordinator. Their names and email addresses are available at: http://www.dep.state.fl.us/water/stormwater/npdes/contacts.htm. If files are larger than 10mb, materials may be placed on the NPDES Stormwater ftp site at: ftp://ftp.dep.state.fl.us/pub/NPDES_Stormwater/. After uploading the ANNUAL REPORT files, an email must be sent to the MS4 coordinator or the NPDES program administrator notifying them the report is ready for downloading
- Refer to the Form Instructions for guidance on completing each section.
- **Please print or type information in the appropriate areas below**

SECTION I. BACKGROUND INFORMATION			
A.	Permittee Name: Town of Longboat Key		
B.	Permit Name: Sarasota County Municipal Separate Storm Sewer System		
C.	Permit Number: FLS000004-004 (Cycle 4)		
D.	Annual Report Year: ☐ Year 1 ☐ Year 2 ☐ Year 3 ☒ Year 4 ☐ Year 5 ☐ Other, specify Year:		
E.	Reporting Time Period (month/year): Jan. 1/2017 through Dec. 31/ 2017		
F.	Name of the Responsible Authority: Tom Harmer		
	Title: Town Manager		
	Mailing Address: 501 Bay Isles Road		
	City: Longboat Key	Zip Code: 34228	County: Sarasota/Manatee
	Telephone Number: 941-316-1999	Fax Number: 941-316-1656	
	E-mail Address: tharmer@longboatkey.org		
G.	Name of the Designated Stormwater Management Program Contact (if different from Section I.F above): Isaac Brownman		
	Title: Public Works Director		
	Department: Public Works		
	Mailing Address: 600 General Harris Street		
	City: Longboat Key	Zip Code: 34228	County: Sarasota/Manatee
	Telephone Number: 941-316-1988	Fax Number: 941-316-1984	
	E-mail Address: lbrownman@longboatkey.org		

SECTION II. MS4 MAJOR OUTFALL INVENTORY (Not Applicable In Year 1)	
A.	Number of outfalls ADDED to the outfall inventory in the current reporting year (insert "0" if none): 0 (Does this number include non-major outfalls? ☒ Yes ☐ No ☐ Not Applicable)
B.	Number of outfalls REMOVED from the outfall inventory in the current reporting year (insert "0" if none):0 (Does this number include non-major outfalls? ☒ Yes ☐ No ☐ Not Applicable)
C.	Is the change in the total number of outfalls due to lands annexed or vacated? ☐ Yes ☐ No ☒ Not Applicable

SECTION III. MONITORING PROGRAM

A.

Provide a brief statement as to the status of monitoring plan implementation:

The Water Quality monitoring plan accomplished through an inter-local agreement with Sarasota County and Longboat Key as a Co-Permittee, and is included in the Sarasota County Annual Report.
For the monitoring information please see below resources;

In 2017, monitoring was completed for all elements of the monitoring plan.
1. Ambient Water Quality of Bays
http://www.sarasota.wateratlas.usf.edu/bay-conditions/
http://www.sarasota.wateratlas.usf.edu/water-quality-trends/
2. Ambient Water Quality of Watersheds
http://www.sarasota.wateratlas.usf.edu/creek-conditions/
http://www.sarasota.wateratlas.usf.edu/water-quality-trends/
3. Biological Monitoring – Oysters
http://www.sarasota.wateratlas.usf.edu/oysters/
4. Biological Monitoring – Seagrass
http://www.sarasota.wateratlas.usf.edu/seagrass/#sarasota-seagrass
5. Biological Monitoring – Scallops
http://dev.sarasota.wateratlas.usf.edu/scallops#monitoring-program
http://www.sarasota.wateratlas.usf.edu/upload/documents/2017-Scallop-Program-Update-2018-04-23.pdf
6. Rainfall
http://www.sarasota.wateratlas.usf.edu/rainfall/
http://www.sarasota.wateratlas.usf.edu/datamapper/

B.

Provide a brief discussion of the monitoring results to date:

DEP Note: See Part V of the permit for the monitoring requirements. Each permittee must discuss the monitoring results as it relates to the implementation and effectiveness of their SWMP.

The Bay Conditions Report is included with the Sarasota County Report and on the Sarasota Water Atlas website for Sarasota Bay adjacent waters to Longboat Key. (http://www.sarasota.wateratlas.usf.edu/coastal/conditions-overview.aspx)

The monitoring program was effective in identifying areas that contribute to unhealthy water quality in receiving waters and are suitable locations for implementation of Best Management Practices in the SWMP. The monitoring program also identified areas currently well managed with healthy water quality and biological conditions.

1. The Two bays (Palma Sola and Sarasota Bay) adjacent to Longboat Key achieved the Pass status of the Bay Conditions Index, which is an improvement from the previous year.

2. Oysters: Eleven stations ranked excellent with greater than 75% live oysters. Seven stations fell into the “good” category (50%-75% live oysters). Five stations were in the caution category with less than 50% live.

3. Stable, lush and complex seagrass is more commonly found in areas distant from stormwater runoff discharges. Sparse, short-bladed seagrass is generally found in areas with greater stormwater inputs.

4. This year showed a significant loss in spat landings from 62 in 2016 down to 4 in 2017. The bulk of this loss occurred in our two most productive bays Sarasota Bay and Blackburn.

5. In 2017, 58.4 inches of rain fell on Sarasota County which is above the average of 53 inches. Tropical storms in July, August and September produced large amounts of rainfall. Wet season was wetter and dry season was drier than average. Inland areas received slightly more rain than coastal areas.

Summary:

Bay Conditions is an index of bay health that was developed in cooperation with the Sarasota Bay Estuary Program that compares mean annual concentrations to targets and thresholds for chlorophyll, nitrogen and phosphorus. In 2017, improvement was seen in Sarasota Bay and Blackburn Bay where all three thresholds were met.

C.	Attach a monitoring data summary, as required by the permit. See attached Sarasota County Annual Report Appendix B: Monitoring Data Summary

SECTION IV. FISCAL ANALYSIS	
A.	Total expenditures for the NPDES stormwater management program for the current reporting year: $422,692 *DEP Note: If program resources have decreased from the previous year, attach a discussion of the impacts on the implementation of the SWMP as per Part II.F of the permit.*
B.	Total budget for the NPDES stormwater management program for the subsequent reporting year: $400,000

SECTION V. MATERIALS TO BE SUBMITTED WITH THIS ANNUAL REPORT FORM

Only the following materials are to be submitted to the Department along with this fully completed and signed Annual Report Form (check the appropriate box to indicate whether the item is attached or is not applicable):

Attached	N/A	
		DEP Note: Please complete Checklists A & B at the end of the tailored form.
☒	☐	Any additional information required to be submitted in this current annual reporting year in accordance with Part III.A of your permit that is not otherwise included in Section VII below. • **Appendix A: Development/Redevelopment Code Review** • **Appendix C: Monitoring Plan (as an attachment of Sarasota County Annual Report)** • **Appendix G: Pollutant Loading Trend Analysis (as an attachment of Sarasota County Annual Report)**
☒	☐	A monitoring data summary as directed in Section III.C above and in accordance with Rule 62-624.600(2)(c), F.A.C. • **Appendix B Monitoring Report (as an attachment of Sarasota County Annual Report)**
☐	☒	Year 1 ONLY: An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM) in accordance with Rule 62-624.600(2)(a), F.A.C.
☐	☒	Year 3 ONLY: The estimates of pollutant loadings and event mean concentrations for each major outfall or each major watershed in accordance with Rule 62-624.600(2)(b), F.A.C.
☒	☐	Year 4 ONLY: Permit re-application information in accordance with Rule 62-624.420(2), F.A.C. • **Appendix** H: **Permit Re-application (as an attachment of Sarasota County Annual Report)**

DO NOT SUBMIT ANY OTHER MATERIALS

(such as records and logs of activities, monitoring raw data, public outreach materials, etc.)

SECTION VI. CERTIFICATION STATEMENT AND SIGNATURE

The Responsible Authority listed in Section I.F above must sign the following certification statement, as per Rule 62-620.305, F.A.C: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name of Responsible Authority (type or print): Tom Harmer

Title: Town Manager

Signature: Date: 6 / 29 / 18

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
Part III.A.1	**Structural Controls and Stormwater Collection Systems Operation**				

Maintain an up-to-date inventory of the structural controls and roadway stormwater collection structures operated by the permittee, including, at a minimum, all of the types of control structures listed in Table II.A.1.a of the permit. Report the current known inventory.

DEP Note: The permittee needs to "customize" this section by adding any structural controls to the list below that are part of the permittee's MS4 currently or are planned for the future. The permittee may remove any structural controls listed that it does not have currently or will likely not have during this permit cycle. Please see the attached description of each type of structure. In addition, the permittee may choose its own unit of measurement for each structural control to be consistent with the unit of measurement in the documentation. Unit options include: miles, linear feet, acres, etc.

Provide an inventory of all known major outfalls covered by the permit and a map depicting the location of the major outfalls (hard copy or CD-ROM). Provide the outfall inventory and map with the Year 1 Annual Report.

Report the number of inspection and maintenance activities conducted for each type of structure included in Table II.A.1.a, and the percentage of the total inventory of each type of structure inspected and maintained. If the minimum inspection frequencies set forth in Table II.A.1.a were not met, provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met.

DEP Note: If the minimum inspection frequencies set forth in Table II.A.1.a of the permit were not met for one or more type of structure, the permittee must provide as an attachment an explanation of why they were not and a description of the actions that will be taken to ensure that they will be met. Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.

Maintain documentation of the wet detention systems in the Adopt-A-Pond program. Report the number of systems in the Adopt-A-Pond program.

Type of Structure	Number of Activities Performed					Documentation / Record	Entity Performing the Activity	Comments
	Total Number of Structures	Number of Inspections	Percentage Inspected	Number of Maintenance Activities	Percentage Maintained			
Dry retention systems	10	12	100%	32	100%	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	As Built Const. Plans for all Town Facilities Each Mowed per maintenance schedule
Exfiltration trench / French drains (linear feet)	216	1	100%	1	100%	Public Works Streets Dept Mark	Public Works Streets Dept	As Built Const. Plans for Police Dept. and Public

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE									
A.	**B.**				**C.**		**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**				**Number of Activities Performed**		**Documentation / Record**	**Entity Performing the Activity**	**Comments**
							Richardson, Mark Kerr		Works Facilities annual inspections
	Wet detention systems	4	12	100%	12	100%	Public Works Streets Dept Mark Richardson, Mark Kerr	Serviced monthly by contractor.	As Built Const. Plans for Fire Dept. and Parks Dept. Facilities
	Major stormwater outfalls	3	4	100%	1	100%	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	36 inch outfalls with Tide-Flex Valves in the North end Longboat Village Qrtly. Inspections
	MS4 pipes / culverts (miles)	3.62	8	24%	3	9%	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	
	Inlets / catch basins / grates	247	660	100%	89	36%	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	Drainage Hot Spot areas are inspected and maintained more frequently.
	Ditches / conveyance swales (Lineal Feet)	1700	32	100%	32	100%	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	Inspected / Maintained during scheduled mowing.
	Systems in the Adopt-A-Pond program	0					0	0	Town does not have an Adopt–a-pond program.
	ATTACH explanation if any of the minimum inspection frequencies in Table II.A.1.a were <u>not</u> met								
	Year 1 ONLY: Attach a map of all known major outfalls						Included in Year 1 Report		Included in Year 1 Report
Part III.A.2	**Areas of New Development and Significant Redevelopment**								
	Report the number of significant redevelopment projects reviewed by the permittee for post-development stormwater considerations. Report the number of new development projects reviewed under Part III.A.9.a *<u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C.*								

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A.	**B.**	**C.**	**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
	Number of significant redevelopment projects reviewed	1	Building Permit Files	Planning Zoning Building Dept.	The Preserve at Longbeach Subdivision Replat.
	Provide in the Year 2 Annual Report the summary report of the review of local codes activity. Provide in the Year 4 Annual Report the follow-up report on plan implementation of modifying codes to allow low impact design BMPs. *DEP Note: Refer to Part III.A.2 of the permit for details regarding what the review entails, and what must be included in the summary report and follow-up report. Please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E.*				
	Year 2 ONLY: Attach the summary report of the review activity		Planning Zoning and Building Dept. records	Alaina Ray, PZB Director	**Included in Yr, 2 Report**
	Year 4 ONLY: Attach the follow-up report on plan implementation		**See attachment A**	Dave Bullock, Town Manager at time and term of discussions before Town Commission	Discussion premised primarily on structure height and density, however parcel coverage includes references to impacts to site development and related impacts to stormwater retention
Part III.A.3	**Roadways**				
	Annually review (and revise, as needed) and implement the permittee's written procedures for the litter control program(s) for public streets, roads, and highways, including rights-of-way, employed within the permittee's jurisdictional area and properly dispose of collected material. Implement the program on a monthly, or on an as needed, basis. Report on the litter control program, including the frequency of litter collection, an estimate of the total number of road miles cleaned or amount of area covered by the activities, and an estimate of the quantity of litter collected. *DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. In addition, the permittee may choose its own units of measurement for the reporting items. Unit options for the amount of litter include: bags, cubic yards, pounds, tons. Unit options for the amount of area covered by the activity include: square feet, linear feet, yards, miles, acres. If all litter collection is performed by staff or by contractors, but not by both, please remove the non-applicable reporting items.*				

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A.	**B.**	**C.**	**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
	PERMITTEE Litter Control Program: Frequency of litter collection	Twice weekly within Gulf of Mexico Drive (SR789) right of way	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	Includes Beach Accesses
	PERMITTEE Litter Control Program: Estimated amount of area maintained (acres)	132.12	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	Gulf of Mexico Drive Road Right of Way
	PERMITTEE Litter Control Program: Estimated amount of litter collected (cubic yards)	230 +/-	Public Works Streets Dept Mark Richardson, Mark Kerr	Public Works Streets Dept	Waste Management Invoices document 46.04 tons for 5- 30 cu/yd. dumpster pulls for 2017 year.
	If an Adopt-A-Road or similar program is implemented, report the total number of road miles cleaned and an estimate of the quantity of litter collected. *DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. The permittee may choose its own unit of measurement for the amount of litter collected. Unit options include: bags, cubic yards, pounds, tons. If an Adopt-A-Road or similar program is not implemented by the permittee, please note that in Column F but do not remove the Adopt-A-Road Program reporting items.*				
	Trash Pick-up Events: Total miles cleaned	0			Town does not have an Adopt–a-Road program.
	Trash Pick-up Events: Estimated amount of litter collected (cubic yards)	0			Town does not have an Adopt–a-Road program.
	Adopt-A-Road Program: Total miles cleaned	0			Town does not have an Adopt–a-Road program.
	Adopt-A-Road Program: Estimated amount of litter collected (cubic yards)	0			Town does not have an Adopt–a-Road program.
	Report on the street sweeping program, including the frequency of the sweeping, total miles swept, an estimate of the quantity of sweepings collected, and the total nitrogen (TN) and total phosphorus (TP) loadings that were removed by the collection of sweepings. If no street sweeping program is implemented, provide the explanation of why not in the Year 1 Annual Report. *DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. Also, the permittee may choose its own unit of measurement for the amount of sweeping material collected. Unit options include: cubic yards, pounds, tons.*				

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A. Permit Citation/ SWMP Element	**B. Permit Requirement/Quantifiable SWMP Activity**	**C. Number of Activities Performed**	**D. Documentation / Record**	**E. Entity Performing the Activity**	**F. Comments**
	DEP Note: If the permittee has curbs and gutters but no street sweeping program is implemented, the permittee must provide an explanation of why not in the Year 1 Annual Report. Refer to Part III.A.3 of the permit for the information that must be included in the explanation (including the alternate BMPs used or planned in lieu of street sweeping). Please provide the title of the attached explanation in Column D and the name of the entity who finalized the explanation in Column E.				
	Frequency of street sweeping	Quarterly	Public Works Streets Dept Mark Richardson, Mark Kerr	USA Services Inc.	Per Invoices. 4th quarter was not done due to Irma. Streets were swept by debris removal contractors – no data.
	Total miles swept (per year)	164.46	Public Works Streets Dept Mark Richardson, Mark Kerr	USA Services Inc.	54.82 curb miles swept per Qtr.
	Estimated quantity of sweeping material collected (tons)	95.2	Public Works Streets Dept Mark Richardson, Mark Kerr	USA Services Inc.	68 cubic yds. @ 1.4 tons per cu/yd. =95.2 tons
	Total nitrogen loadings removed (pounds)	176	PWK:Z drive/ NPDES	James Linkogle, PWKPM	FSA Load Calculator
	Total phosphorus loadings removed (pounds)	188	PWK:Z drive/ NPDES	James Linkogle, PWKPM	FSA Load Calculator
	Year 1 ONLY: If have curbs and gutters, attach explanation of why no street sweeping program and the alternate BMPs used or planned				
	Annually review (and revise, as needed) and implement the permittee's written standard practices to reduce the pollutants in stormwater runoff from areas associated with road repair and maintenance, and from permittee-owned or operated equipment yards and maintenance shops that support road maintenance activities. Report the number of applicable facilities and the number of inspections conducted for each facility. *DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.*				
		Number of Inspections			
	Name of facility #1: Public Works Complex	52	Public Works Department	Public Works staff	Staff report to complex daily, conduct weekly cleanup activities.
	Name of facility #2:				

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	Name of facility #3:				
Part III.A.4	**Flood Control Projects**				
	Report the total number of flood control projects that were constructed by the permittee during the reporting period and the number of those projects that did NOT include stormwater treatment. The permittee shall provide a list of the projects where stormwater treatment was not included with an explanation for each of why it was not. Report on any stormwater retrofit planning activities and the associated implementation of retrofitting projects to reduce stormwater pollutant loads from existing drainage systems that do not have treatment BMPs. *DEP Note: A "stormwater retrofit project" is one implemented primarily to provide stormwater treatment for areas currently without treatment.* *DEP Note: The status of the flood control and retrofit projects should be reported as of the last day of the applicable reporting period. Therefore, there should be no duplication for those reported as planned, for those reported as under construction and for those reported as completed.* *DEP Note: If applicable, please provide the title of the attached list of flood control projects that did not include stormwater treatment in Column D and the name of the entity who finalized the list in Column E. Please provide an explanation in Column F for any "0" reported in Column C.*				
	Flood control projects completed during the reporting period	0	None		Town is a Coastal Barrier Island and lies completely within a Special Flood Hazard Zone on FEMA FIRM
	Flood control projects completed during the reporting period that did not include stormwater treatment	0	None		Town is a Coastal Barrier Island and lies completely within a Special Flood Hazard Zone on FEMA FIRM
	ATTACH a list of the flood control projects that did not include stormwater treatment and an explanation for each of why it was not	0	None		Town is a Coastal Barrier Island and lies completely within a Special Flood Hazard Zone on FEMA FIRM
	Stormwater retrofit projects planned	2	Public Works -or- Purchasing Dept.	Public Works James Linkogle	Village Drainage System Final Assessment Engineering Peer Review completed 2017

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					Project subject to Budget approval. Bayfront Park renovations completed
	Stormwater retrofit projects under construction during the reporting period	1	Construction Plans and Permits		Bayfront Park Renovations completed
	Stormwater retrofit projects completed during the reporting period	1	Construction Plans and Permits		Bayfront Park Renovations completed
Part III.A.5	**Municipal Waste Treatment, Storage, and Disposal Facilities Not Covered by an NPDES Stormwater Permit**				
	Annually review (and revise, as needed) and implement the permittee's written procedures for inspections and the implementation of measures to control discharges from the following facilities that are not otherwise covered by an NPDES stormwater permit: • Operating municipal landfills; • Municipal waste transfer stations; • Municipal waste fleet maintenance facilities; and • Any other municipal waste treatment, waste storage, and waste disposal facilities. Report the number of applicable facilities and the number of the inspections conducted for each facility. *DEP Note: The permittee needs to "customize" this section by listing the names of the applicable facilities in Column B and the number of inspections of each facility in Column C. Add more rows if necessary. If "0" is reported in Column C for the number of inspections conducted and the permittee has one or more applicable facilities, please provide an explanation in Column F for why no inspections were conducted.* ***An applicable facility under Part III.A.5 includes, but is not limited to, those facilities/yards where street sweeping material and/or yard waste are temporary stockpiled, and where solid waste collection vehicles are parked and/or maintained.*** *In addition, if the same facility is applicable under both Parts III.A.3 and III.A.5 of the permit, the same site inspection can count towards both inspection requirements as long as it covers the applicable waste area(s). Be sure to report the site inspection under both Parts III.A.3 and III.A.5.*				
		Number of Inspections			
	Name of facility #1: Public Works Complex	52	Public Works Department	Public Works staff	Staff report to complex daily, weekly clean-up
	Name of facility #2: South Water Plant	52	Public Works Department	Public Works staff	Staff report to complex daily, weekly clean-up
	Name of facility #3:				
	Name of facility #4:				
Part III.A.6	**Pesticides, Herbicides, and Fertilizer Application**				

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	Continue to require proper certification and licensing by the Florida Department of Agriculture and Consumer Services (FDACS) for all applicators contracted to apply pesticides, herbicides, or fertilizers on permittee-owned property, as well as any permittee personnel employed in the application of these products. Report the number of permittee personnel applicators and contracted commercial applicators of pesticides and herbicides who are FDACS certified / licensed. Report the number of permittee personnel and contractors who have been trained through the Green Industry BMP Program, and the number of contracted commercial applicators of fertilizer who are FDACS certified / licensed. *DEP Note: If "0" is reported in Column C for any of the reporting items, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training / certification was previously provided / obtained, and the names of the personnel and contractors previously trained / certified.*				
	PERSONNEL: Florida Department of Agriculture and Consumer Services (FDACS) certified applicators of pesticides and herbicides	5	PWK Z:Files	Public Works Streets Dept Mark Richardson, Mark Kerr	
	CONTRACTORS: FDACS certified / licensed applicators of pesticides and herbicides	2	PWK Z:Files	Public Works Streets Dept Mark Richardson	Right of Way Maintenance Contract
	PERSONNEL: FDACS certified / licensed applicators of fertilizer	1	PWK Z:Files	Public Works Streets Dept Mark Richardson, Mark Kerr	
	CONTRACTORS: FDACS certified / licensed applicators of fertilizer	1	PWK Z:Files	Public Works Streets Dept Mark Richardson	Right of Way Maintenance Contract
	Pursuant to SB 2080 (2009), all local governments are encouraged to adopt a Florida-friendly Landscaping Ordinance similar to the one set forth in the document "Florida-friendly Guidance Models for Ordinances, Covenants and Restrictions." If the broader Florida-friendly ordinance described above is not adopted, then all local governments within the watershed of a nutrient-impaired water body shall adopt the Department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes pursuant to SB 494 (2009) or an ordinance that includes all of the requirements set forth in the Model Ordinance. The ordinance shall be adopted within 24 months of the date of permit issuance. Provide a copy of the adopted ordinance with the subsequent Year 1 or Year 2 Annual Report. *DEP Note: If this provision is not applicable because the permittee is not within the watershed of a nutrient-impaired water body, then please indicate that in Column F, but do not remove this reporting item.* *DEP Note: Please provide the title and citation of the ordinance in Column D, and the name of the entity who finalized the ordinance in Column E.*				
	Year 1 or Year 2 ONLY: Attach copy of adopted Florida-friendly ordinance		Town Code Chapter 102 - FERTILIZER MANAGEMENT	Signed by Hal Lenobel, Mayor	Ord. 08-04, passed 5-5-08 **Submitted with Year One Report**

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	During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage citizens to reduce their use of pesticides, herbicides, and fertilizers, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). Activities performed under the Florida Yards and Neighborhoods (FYN) program should only be reported if the permittee is contributing funding towards the FYN staff and program within its jurisdiction. *DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items please include in Column F an explanation for why no outreach was performed.* *DEP Note: IF APPLICABLE Sarasota County is to report the public education and outreach activities that it performed county-wide (and not just in the unincorporated areas of Sarasota County). The co-permittees are to report just the public education and outreach activities that they performed.* *DEP Note: Indicate under Column E "Entity Performing the Activity" if FYN or IFAS is performing any of the reported public education and outreach activities. In addition, please complete the following line:* **FYN PROGRAM FUNDING: Permittee Provides Funding? ☐ Yes ☒ No Amount of Funding = $**				
	Estimated percentage of the population reached by the activities in total	Est. 3%	Public Works NPDES /CRS files	James Linkogle, PWKPM	3 Events per year avg. attendance @100+/-, no tracking of response to effectiveness.
	Brochures/Flyers/Fact sheets distributed	200+/-	Public Works NPDES /CRS files	James Linkogle, PWKPM	Annual Events, Town Hurricane Seminar, Town Open House, Condo Association Managers meeting,
	FYN: Brochure/Flyers/Fact sheets distributed	125 +/-	Public Works NPDES files	FYN	Available at Public Works and Town Hall information desks.
	Newsletters: Number of newsletters distributed	7962	Public Works NPDES /CRS files	James Linkogle, PWKPM, Donna Spencer PW Admin. Mngr.	Annual Summer Newsletter to all residents has flood, and

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					stormwater information.
	Public displays (e.g., kiosks, storyboards, posters, etc.)	2	Public Works NPDES /CRS files	Public Works Donna Spencer, Town Hall Clerk's Office	FYN and Citizen Guide to Landscape and Fertilizer Ordinance brochures.
	Special events: Number conducted	3	Public Works NPDES /CRS files	James Linkogle. PWPM	Annual Events, Town Hurricane Seminar, Town Open House, Condo Association Managers meeting
	Special events: Number of participants	+/-150	Public Works NPDES /CRS files	James Linkogle. PWPM	Annual Events, Town Hurricane Seminar, Town Open House Condo Association Managers meeting
	Web Site: Number of hits / visitors to the stormwater-related pages	1	Town Website	IT Dept. does not track hits	Do not record number of hits
Part III.A.7.a	**Illicit Discharges and Improper Disposal — Inspections, Ordinances, and Enforcement Measures**				
	Where applicable, strengthen the legal authority to conduct inspections, conduct monitoring, control illicit discharges, illicit connections, illegal dumping and spills into the MS4 and to require compliance with conditions in ordinances, permits, contracts, and orders. Report amendments, as needed. *DEP Note: If applicable, please provide the title of the attached report in Column D and the name of the entity who finalized the report in Column E.*				
	ATTACH a report on any amendments to the applicable legal authority				
Part III.A.7.c	**Illicit Discharges and Improper Disposal — Investigation of Suspected Illicit Discharges and/or Improper Disposal**				
	During Year 1 of the permit, develop and implement a written proactive inspection program plan for identifying and eliminating sources of illicit discharges, illicit connections, or dumping to the MS4. Report on the proactive inspection program, including the number of inspections conducted, the number of illicit activities found, and the number and type of enforcement actions taken.				

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A. Permit Citation/ SWMP Element	**B. Permit Requirement/Quantifiable SWMP Activity**	**C. Number of Activities Performed**	**D. Documentation / Record**	**E. Entity Performing the Activity**	**F. Comments**
	DEP Note: If "0" is reported in Column C for the first reporting item, please include an explanation in Column F for why no proactive inspections were performed. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary. *DEP Note: Proactive inspections may include, for example, suspect areas (e.g., industrial areas), commercial businesses (e.g., restaurants, car washes, service stations, laundries / dry cleaners, auto body shops, mobile carpet cleaners) or temporary activities (e.g., special events / fairs / circus) that would not otherwise be inspected during routine inspections and maintenance of the MS4, in association with high risk industrial facilities or construction sites, or in response to citizen or staff reports.* *DEP Note: Refer to Part III.A.7.c of the permit for what must be included in the written proactive inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.*				
	Proactive inspections for suspected illicit discharges / connections / dumping	2	PWK NPDES files, e-mails	Public Works staff	Incidents brought to staff attention while performing normal duties.
	Illicit discharges / connections / dumping found during a proactive inspection	2	Code Enforcement Records	Chris Elbon, Code Enforcement Officer	Brought into compliance
	Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a proactive inspection	0	Code Enforcement Records	Chris Elbon, Code Enforcement Officer	
	Fines issued for illicit discharges / connections / dumping found during a proactive inspection	0	Code Enforcement Records	Chris Elbon, Code Enforcement Officer	
	Year 1 ONLY: Attach the written proactive inspection program plan				
	Annually review (and revise, as needed) and implement the permittee's written procedures to conduct reactive investigations to identify and eliminate the source(s) of illicit discharges, illicit connections or improper disposal to the MS4, based on reports received from permittee personnel, contractors, citizens, or other entities regarding suspected illicit activity. Report on the reactive investigation program as it relates to responding to reports of suspected illicit discharges, including the number of reports received, the number of investigations conducted, the number of illicit activities found, and the number and type of enforcement actions taken. *DEP Note: If the number of reports received differs from the number of reactive investigations, please provide an explanation for the discrepancy in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.*				
	Reports of suspected illicit connections / discharges / dumping received	2	PWK NPDES files, e-mails	PW staff, CE Officer	Brought into compliance
	Reactive investigations of reports of suspected illicit discharges/ connections / dumping	2	PWK NPDES files, e-mails	PW staff, CE Officer	Brought into compliance
	Illicit discharges / connections / dumping found during a reactive investigation	0	Code Enforcement records	Chris Elbon CE Off.	
	Notices of Violation (NOVs) / warning letters / citations issued for illicit discharges / connections / dumping found during a reactive investigation	0	Code Enforcement records	Chris Elbon CE Off.	

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

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	Fines issued for illicit discharges / connections / dumping found during a reactive investigation			0	Code Enforcement records	Chris Elbon, Code Enforcement Officer	
	During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, fleet maintenance staff, and inspectors) and contractors to identify and report conditions in the stormwater facilities that may indicate the presence of illicit discharges / connections / dumping to the MS4. Refresher training shall be provided annually. Report the type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training). *DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.*						
		Initial Training	**Refresher Training**				
	Personnel trained	**5**	**44**		PWK NPDES files	Sarasota County, Web based Training / Certificates	
	Contractors trained	**0**				Sarasota County, Web based Training / Certificates	Contractors may be obtaining training at County level or web based certification.
Part III.A.7.d	**Illicit Discharges and Improper Disposal — Spill Prevention and Response**						
	Annually review (and revise, as needed) and implement the permittee's written spill-prevention/spill-response plan and procedures to prevent, contain, and respond to spills that discharge into the MS4. Report on the spill prevention and response activities, including the number of spills addressed. *DEP Note: The permittee may report the number of hazardous material spills separately from the number of non-hazardous material spills, or report one combined number, to more accurately reflect its tracking of these spills.*						
	Hazardous and non-hazardous material spills responded to			12	Wintegrate Fire Department Call Records	Fire Dept Staff	12 reported, 6 were related to natural gas lines
	During Year 1 of the permit, develop and implement a written plan for the training of all appropriate permittee personnel (including field crews, firefighters, fleet maintenance staff and inspectors) and contractors on proper spill prevention, containment, and response techniques and procedures. Refresher training shall be provided annually. Report the type of training activities, and the number of permittee personnel and contractors trained (both in-house and outside training). *DEP Note: If "0" is reported for either reporting item, please include in Column F an explanation of why training was not provided to / obtained by personnel and contractors during the applicable reporting year, the most recent year that training was previously provided / obtained, and the names of the personnel and contractors previously trained.*						
		Initial Training	**Refresher Training**				

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	Personnel trained	**0**	**33**		Fire Department Training records	Fire Dept. Staff	Includes new staff.
	Contractors trained	**0**	**1**				Fuel delivery contracted vendor.
Part III.A.7.e	**Illicit Discharges and Improper Disposal — Public Reporting**						
	During Year 1 of the permit, develop and implement a written public education and outreach program plan to promote, publicize, and facilitate public reporting of the presence of illicit discharges and improper disposal of materials into the MS4. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the public reporting of suspected illicit discharges and improper disposal of materials, including the type and number of activities conducted, the type and number of materials distributed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). *DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting item of "Estimated percentage of the population reached by the activities in total" must remain. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, please include in Column F an explanation for why no outreach was performed.* *DEP Note: IF APPLICABLE Sarasota County is to report the public education and outreach activities that it performed county-wide (and not just in the unincorporated areas of Sarasota County). The co-permittees are to report just the public education and outreach activities that they performed.*						
	Estimated percentage of the population reached by the activities in total			Est. 3%	Public Works NPDES /CRS files	James Linkogle, PWKPM	No tracking of response to effectiveness
	Brochures/Flyers/Fact sheets distributed			+/-20	Public Works NPDES/CRS files	James Linkogle PWPM	Annual Town Open House at North Fire Station brochures on display table
	Newsletters: Number of newsletters distributed			7962	Public Works NPDES /CRS files	James Linkogle, PWKPM, Donna Spencer PW Admin. Mngr.	Annual Summer Newsletter to all residents has flood, and stormwater information.
	Special events: Number conducted			1	Public Works NPDES/CRS files	James Linkogle PWPM	Annual Town Open House at North Fire Station display table
	Special events: Number of participants			+/-60	Public Works NPDES/CRS files	James Linkogle PWPM	Annual Town Open House at North Fire

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					Station display table
	Web Site: Number of visitors to the stormwater-related pages	1	IT Dept. does not track hits		Town site has links and searches available
Part III.A.7.f	**Illicit Discharges and Improper Disposal — Oils, Toxics, and Household Hazardous Waste Control**				
	During Year 1 of the permit, develop and implement a written public education and outreach program plan to encourage the proper use and disposal of used motor vehicle fluids, leftover hazardous household products, and lead acid batteries. Report on the public education and outreach activities that are performed or sponsored by the permittee within the permittee's jurisdiction to encourage the proper use and disposal of oils, toxics, and household hazardous waste, including the type and number of activities conducted, the type and number of materials distributed, the amount of waste collected / recycled / properly disposed, the percentage of the population reached by the activities in total, and the number of Web site visits (if applicable). *DEP Note: The permittee should "customize" the list of public outreach activities by removing items or adding items to the list below as appropriate to their particular public outreach program. However, the reporting items of "Estimated percentage of the population reached by the activities in total" and "Household Chemical Collection Center Program: Amount of waste collected / recycled / properly disposed (tons)" must remain. The permittee may add more specifics to the reporting items, such as the name of the brochure or newsletter distributed. If "0" is reported in Column C for all the reporting items, please include in Column F an explanation for why no outreach was performed.* *DEP Note: IF APPLICABLE Sarasota County is to report the public education and outreach activities that it performed county-wide (and not just in the unincorporated areas of Sarasota County). The co-permittees are to report just the public education and outreach activities that they performed.*				
	Estimated percentage of the population reached by the activities in total	40%	2850	Public Works Utility Bill notices, Donna Spencer PW Admin. Mngr.	We advertise for Island wide Collection day annually in each January
	Household Chemical Collection Center Program: Amount of waste collected / recycled / properly disposed (tons)	Qty. unknown	Waste Management Manatee County Solid Waste	Waste Management keeps collection records.	We did not receive report from Waste Management. on Haz Mat or e-scrap .
	Household Chemical Collection Center Program: Events	1	Manatee County Solid Waste	Manatee County	We advertise for Island wide Collection day annually in each January.
	Newspapers & newsletters: Number of articles/notices published	1	Public Works NPDES	Public Works Donna Spencer	We advertise for Island wide

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					Collection day annually
	Special events: Number conducted	1	Public Works NPDES/CRS files	James Linkogle PWPM	Annual Town Open House at North Fire Station display table
	Special events: Number of participants	+/-60	Public Works NPDES/CRS files	James Linkogle PWPM	Annual Town Open House at North Fire Station display table
	Storm sewer inlets newly marked/replaced	0	Public Works NPDES	Public Works Streets Dept Mark Richardson, Mark Kerr	Majority of Markers previously installed still in place.
	Web Site: Number of visitors to the stormwater-related pages	1	IT Dept. does not track hits		Town site has links and searches available
Part III.A.7.g	**Illicit Discharges and Improper Disposal — Limitation of Sanitary Sewer Seepage**				
	Annually review (and revise, as needed) and implement the permittee's written procedures to reduce or eliminate sanitary wastewater contamination into the MS4, including discharges to the MS4 from sanitary sewer overflows (SSOs) and from inflow / infiltration from collection / transmission systems and/or septic tank systems. Advise the appropriate utility owner of a violation if constituents common to wastewater contamination are discovered in the MS4. Report on the type and number of activities undertaken to reduce or eliminate SSOs and inflow/ infiltration, the number of SSOs or inflow / infiltration incidents found and the number resolved, and the name of the owner of the sanitary sewer system within the permittee's jurisdiction. *DEP Note: The permittee needs to "customize" this section as it pertains to the type of activities undertaken to reduce or eliminate SSOs and inflow / infiltration into the MS4. The first five reporting items below are examples.* *DEP Note: The permittee should contact the appropriate authorities for accurate reporting information, such as the sanitary sewer system operator who is responsible for investigating and eliminating SSOs and the local health department who is responsible for permitting / overseeing septic tank systems.* *DEP Note: Report only the SSOs and inflow / infiltration incidents into the MS4.*				
	Activity to reduce/eliminate SSOs and inflow / infiltration: Sanitary sewer pipe inspected for infiltration (linear feet)	480 lin. Ft.	Public Works Utilities	Joe Samblanet Utilities Service Worker	The town performs annual inspections of gravity sewer lines, CCTV inspections of

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A.	**B.**	**C.**	**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
					gravity lines and laterals.
	Activity to reduce/eliminate SSOs and inflow / infiltration: Sanitary sewer pipe sealed, lined, and / or replaced (linear feet)	480 Lin. Ft.	Public Works Utilities	Joe Samblanet Utilities Service Worker	Conducted via various slip lining projects in identified areas as a result of inspections.
	Activity to reduce/eliminate SSOs and inflow / infiltration: Sanitary sewer line breaks repaired	3	Public Works Utilities	Joe Samblanet Utilities Service Worker	Leaks or breaks at clean-out connections repaired.
	Activity to reduce/eliminate SSOs and inflow / infiltration: Emergency back up pumps added	2	Public Works Utilities	John Michael, Utilities Crew Leader	Added Fixed by-pass pump at LS- F and Vac Truck 2017
	SSO incidents discovered	1	Public Works Utilities	Bert Warner Utilities Manager	Force Main failure reported to FDEP spill site portal. Incident ID is **1270**
	SSO incidents resolved	1	Public Works Utilities	Bert Warner Utilities Manager	Force Main failure reported to FDEP spill site portal. Incident ID is **1270**
	Inflow / infiltration incidents discovered	3	Public Works Utilities	Joe Samblanet Utilities Service Worker	Leaks or breaks at clean-out connections repaired.
	Inflow / infiltration incidents resolved	3	Public Works Utilities	Joe Samblanet Utilities Service Worker	Leaks or breaks at clean-out connections repaired.
	Name of owner of the sanitary sewer system	Town of Longboat Key Public Works Utilities			
Part III.A.8.a	**Industrial and High-Risk Runoff — Identification of Priorities and Procedures for Inspections**				
	Continue to maintain an up-to-date inventory of all existing high risk facilities discharging into the permittee's MS4. The inventory shall identify the outfall and surface water body into which each high risk facility discharges. For the purposes of this permit, high risk facilities include:				

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A. Permit Citation/ SWMP Element	B. Permit Requirement/Quantifiable SWMP Activity	C. Number of Activities Performed	D. Documentation / Record	E. Entity Performing the Activity	F. Comments

- Operating municipal landfills;
- Hazardous waste treatment, storage, disposal and recovery facilities;
- Facilities that are subject to EPCRA Title III, Section 313 (also known as the Toxics Release Inventory (TRI) maintained by the U.S. EPA); and
- Any other industrial or commercial discharge that the permittee determines is contributing a substantial pollutant loading to the permittee's MS4. This could include facilities identified through the proactive inspection program as per Part III.A.7.c of the permit.

Report on the high risk facilities inventory, including the type and total number of high risk facilities and the number of facilities newly added each year. If a permittee relies on Sarasota County to conduct these activities on its behalf, the permittee shall obtain (and, upon request, Sarasota County shall make available) the necessary annual report information from the County.

DEP Note: The TRI is updated every spring / summer by the U.S. EPA at www.epa.gov/triexplorer. Select "Facility" on the left, chose your Geographic Location, and then select "Generate Report." Please indicate in Column F when (month / year) you last checked EPA's TRI for applicable facilities.

During Year 1 of the permit, develop and implement a written plan for conducting inspections of high risk facilities to determine compliance with all appropriate aspects of the stormwater program. While the permittee may determine the order and frequency of the inspections, the permittee shall inspect each identified facility at least once during the permit term; however, facilities identified as high risk due to the findings of the proactive inspection program as per Part III.A.7.c of the permit shall be inspected annually. Report on the high risk facilities inspection program, including the number of inspections conducted and the number and type of enforcement actions taken. . If a permittee relies on Sarasota County to conduct these activities on its behalf, the permittee shall obtain (and, upon request, Sarasota County shall make available) the necessary annual report information from the County

DEP Note: If "0" is reported for the number of inspections conducted and the permittee has one or more high risk facilities, please provide an explanation in Column F for why no inspections were conducted. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.

DEP Note: Sarasota County is to report ONLY the inventory of high risk facilities in the unincorporated areas of Sarasota County – the inventory of high risk facilities located in the co-permittees' jurisdictions are to be reported by the co-permittees. Likewise, the County is to report ONLY the high risk facility inspections it performed in the unincorporated areas of Sarasota County – any high risk facility inspections it performed in the co-permittees' jurisdictions are to be reported by the co-permittees. Each co-permittee is to obtain the necessary information from Sarasota County that pertains to its jurisdiction.

	Number of Facilities	Number of Inspections	For violations discovered during a high risk inspection				
			Fines issued	Notices of Violation (NOVs) / warning letters / citations issued			
Total high risk facilities	**0**						The Town has no high risk facilities
New high risk facilities added to the inventory during the current reporting period	**0**						The Town has no high risk facilities

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE								
A.	**B.**				**C.**	**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**				**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
	Operating municipal landfills	**0**						The Town has no high risk facilities
	Hazardous waste treatment, storage, disposal and recovery (HWTSDR) facilities	**0**						The Town has no high risk facilities
	EPCRA Title III, Section 313 facilities (that are not landfills or HWTSDR facilities)	**0**						The Town has no high risk facilities
	Facilities determined as high risk by the permittee through the proactive inspections as per Part III.A.7.c	**0**						The Town has no high risk facilities
	Other facilities determined as high risk by the permittee (that are <u>not</u> facilities identified through the proactive inspections)	**0**						The Town has no high risk facilities
Part III.A.8.b	**Industrial and High-Risk Runoff — Monitoring for High Risk Industries**							
	Sampling of the discharge to the stormwater system may be required on an as-needed basis in the event that inspections of high-risk facilities disclose suspected illicit discharges to the MS4. New high-risk industrial facilities as defined in 40 CFR 122.26(d)(2)(iv)(C) must be evaluated to determine if the new discharge is contributing a substantial pollutant load to the MS4. The evaluation may include site-specific monitoring. Report the number of high risk facilities sampled.							
	High risk facilities sampled				0			The Town has no high risk facilities
Part III.A.9.a	**Construction Site Runoff — Site Planning and Non-Structural and Structural Best Management Practices**							
	Continue to implement the local codes or land development regulations and the written pre-construction site plan review procedures that require the use and maintenance of appropriate structural and non-structural erosion and sedimentation controls during construction to reduce the discharge of pollutants to the MS4. Report the number of permittee and private pre-construction site plans <u>reviewed for stormwater, erosion, and sedimentation controls</u>, and the number approved. *<u>DEP Note:</u> Please provide an explanation in Column F for any "0" reported in Column C.*							
	PERMITTEE SITES: Construction site plans reviewed				0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	PERMITTEE SITES: Construction site plans approved				0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	PRIVATE SITES: Construction site plans reviewed				186	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	PRIVATE SITES: Construction site plans approved				186	BSA Permit Files	Planning Zoning Building Dept.	

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A. Permit Citation/ SWMP Element	**B. Permit Requirement/Quantifiable SWMP Activity**	**C. Number of Activities Performed**	**D. Documentation / Record**	**E. Entity Performing the Activity**	**F. Comments**
				Construction Permitting Files	
	Annually review (and revise, as needed) and implement the permittee's written procedures to notify all new development / redevelopment permit applicants of the need to obtain all required stormwater permits. Report the number of new development/redevelopment permit applicants notified of the ERP and CGP, and the number of applicants who confirmed ERP and CGP coverage. *DEP Note: Please provide an explanation in Column F for any "0" reported in Column C. If the number of applicants notified of ERP or CGP coverage is less than the number of construction site plans reviewed, please provide an explanation for the discrepancy in Column F.*				
	Notified of ERP stormwater permit requirements	0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	Confirmed ERP coverage	0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	Notified of CGP stormwater permit requirements	0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
	Confirmed CGP coverage	0	BSA Permit Files	Planning Zoning Building Dept. Construction Permitting Files	
Part III.A.9.b	**Construction Site Runoff — Inspection and Enforcement**				
	As an attachment to the Year 1 Annual Report, the permittee shall submit a written plan that details the standard operating procedures for implementation of the stormwater, erosion and sedimentation inspection program for construction sites discharging stormwater to the MS4. The permittee shall implement the plan for inspecting construction sites immediately upon written approval by the Department. Prior to Department approval, the permittee shall continue to perform inspections in accordance with its previously developed construction site inspection procedures. Report on the inspection program for privately-operated and permittee-operated construction sites, including the number of active construction sites during the reporting year, the number of inspections of active construction sites, the percentage of active construction sites inspected, and the number and type of enforcement actions / referrals taken. *DEP Note: If "0" is reported in Column C for the number of inspections conducted, please provide an explanation in Column F of why no inspections were conducted. If the number of inspections reported is equal to or less than the number of active construction sites, or the percentage inspected is less than 100%, please provide an explanation in Column F. In addition, the permittee should re-word the "NOVs / warning letters / citations issued" reporting item to more accurately reflect its particular initial enforcement activity, if necessary.* *DEP Note: Refer to Part III.A.9.b of the permit for what must be included in the construction site inspection program plan. Please provide the title of the attached plan in Column D and the name of the entity who finalized the plan in Column E.*				
	PERMITTEE SITES: Active construction sites	0	Construction Progress Files	PW &Planning Zoning Building Dept. Inspectors	No construction progress files for 2017

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE					
A.	**B.**	**C.**	**D.**	**E.**	**F.**
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
	PERMITTEE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs	5 monthly progress meetings	Construction Progress Files	PW & Planning Zoning Building Dept. Inspectors	Bayfront Park Renovations during progress on site meetings. Project substantially complete May 2017
	PERMITTEE SITES: Percentage of active construction sites inspected	100%	Construction Progress Files	PW & Planning Zoning Building Dept. Inspectors	Bayfront Park Renovations.
	PRIVATE SITES: Active construction sites	186	BSA Permit Files	Planning Zoning Building Dept. Inspectors.	
	PRIVATE SITES: Inspections of active construction sites for proper stormwater, erosion and sedimentation BMPs	725	BSA Permit Files	Planning Zoning Building Dept. Inspectors.	Quantity of inspections are a result of Multi-unit complexes that require an insp. record for each type or trade.
	PRIVATE SITES: Percentage of active construction sites inspected	100%	BSA Permit Files	Planning Zoning Building Dept. Inspectors	
	Red Tags issued	1	NPDES E-mail records	Planning Zoning Building Dept. Construction Permitting Files	Brought into compliance
	Notices of Violation (NOVs) issued	1	NPDES E-mail records	Planning Zoning Building Dept. Construction Permitting Files	Complied with request for corrections to BMP's
	Stop Work Orders issued	1	NPDES E-mail records	Planning Zoning Building Dept. Construction Permitting Files	Complied with request for corrections to BMP's
	Fines issued	0			All complied
	Year 1 ONLY: Attach the written construction site inspection program plan		Planning Zoning Building Dept. Files	Planning Zoning Building Dept. Construction Permitting Files	Submitted in Year One

SECTION VII. STORMWATER MANAGEMENT PROGRAM (SWMP) SUMMARY TABLE

A.	B.	C.	D.	E.	F.
Permit Citation/ SWMP Element	**Permit Requirement/Quantifiable SWMP Activity**	**Number of Activities Performed**	**Documentation / Record**	**Entity Performing the Activity**	**Comments**
Part III.A.9.c	**Construction Site Runoff — Site Operator Training**				

During Year 1 of the permit, develop and implement a written plan for stormwater training / outreach for construction site plan reviewers, site inspectors and site operators. Provide training for permittee personnel (employed by or under contract with the permittee) involved in the site plan review, inspection or construction of stormwater management, erosion, and sedimentation controls. Also provide training for private construction site operators. All permittee inspectors (employed by or under contract with the permittee) of construction sites shall be certified through the Florida Stormwater, Erosion and Sedimentation Control Inspector Training program, or an equivalent program approved by the Department. Refresher training shall be provided annually. Report the type of training activities, the number of inspectors, site plan reviewers and site operators trained (both in-house and outside training), and the number of private construction site operators trained by the permittee.

DEP Note: If "0" is reported for any of these reporting items, please include in Column F an explanation of why training was not provided to / obtained by the permittee's staff and private construction site operators during the applicable reporting year.

DEP Note: The permittee should report only the number of staff and private construction site operators trained / certified during the applicable reporting year, and then note in Column F the number of staff who were previously trained / certified. Private site operator training can include pre-construction meetings.

	Certification Training	Initial Training (non-certification)	Refresher Training				
Permittee construction site inspectors	**0**		**4**			Via review of Power Point Presentation	Review of FSA Level 1 Stormwater Operators Certification Course
Permittee construction site plan reviewers			**1**			Via review of Power Point Presentation	
Permittee construction site operators		**0**	**3**				One Town Project completed this year. 2 new development reviews.
Private construction site operators		**0**	2				Informal Pre-Construction Meetings

SECTION VIII. EVALUATION OF THE STORMWATER MANAGEMENT PROGRAM (SWMP)		
	Permit Citation/ SWMP Element	**SWMP EVALUATION**
A.	**Part II.A.1 Structural control inspection and maintenance**	Strengths: The majority of the Town stormwater system is catch basin to outfalls within 100 feet.
		Weaknesses: The majority of the stormwater systems within the Town are privately maintained. The Town monitors but does not collect records. Any potential impacts are immediate due to direct outfall in many locations.
		SWMP Revisions to address deficiencies: None
	Part II.A.2 Significant redevelopment	Strengths: The Town is 95% to 98% developed. Most redevelopment is smaller scale parcels and individual lots.
		Weaknesses: Undetermined. Most redevelopment occurs within individual lot/parcel boundaries.
		SWMP Revisions to address deficiencies: None
	Part II.A.3 Roadways	Strengths: The major thorough fare road is FDOT right of way, State Road 789, Town streets are swept quarterly, only 36 curb miles total.
		Weaknesses: None
		SWMP Revisions to address deficiencies: None
	Part II.A.4 Flood control	Strengths: The Town is currently looking into long term studies/plans to address vulnerability. Town is highly rated for National Flood Insurance Program activities.
		Weaknesses: The Town is a Coastal Barrier Island that lies completely within a Special Flood Hazard Area per FEMA Flood Insurance Rate Maps.
		SWMP Revisions to address deficiencies: None
	Part II.A.5 Waste TSD Facilities	Strengths: The Town Has none
		Weaknesses: None
		SWMP Revisions to address deficiencies: None
	Part II.A.6 Pesticide, herbicide, fertilizer application	Strengths: The Fertilizer Management Code has been in effect since 2008.
		Weaknesses: Hard to control, primarily done state wide via retail outlets for seasonal applications.
		SWMP Revisions to address deficiencies: None
	Part II.A.7 Illicit Discharge Detection and Elimination	Strengths: The Town in general experiences very few incidents and or reports.
		Weaknesses: The Town has experienced staffing changes and Code Enforcement positions.

SECTION VIII. EVALUATION OF THE STORMWATER MANAGEMENT PROGRAM (SWMP)		
		SWMP Revisions to address deficiencies: Improve Public Outreach and Training opportunities and coordinate with County.
	Part II.A.8 High Risk Industry Runoff	Strengths: The Town has no High Risk Industrial facilities.
		Weaknesses: None
		SWMP Revisions to address deficiencies: None
	Part II.A.9 Construction Site Runoff	Strengths: The Town has incorporated required inspections for each and any type of inspection request for every new construction permit issued.
		Weaknesses: Coordination with inter-departmental responsibilities, still in process of upgrading and replacing entire computerized management systems.
		SWMP Revisions to address deficiencies: None

SECTION IX. CHANGES TO THE STORMWATER MANAGEMENT PROGRAM (SWMP) ACTIVITIES (Not Applicable In Year 4)		
A.	**Permit Citation/ SWMP Element**	**Proposed Changes to the Stormwater Management Program Activities Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change) — REQUIRES DEP APPROVAL PRIOR TO CHANGE IF PROPOSING TO REPLACE OR DELETE AN ACTIVITY.** *<u>DEP Note:</u> There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.*
B.	**Permit Citation/ SWMP Element**	**Changes to the Stormwater Management Program Activities NOT Established as Specific Requirements Under Part III.A of the Permit (Including the Rationale for the Change)** *<u>DEP Note:</u> There may be changes deemed necessary after developing / reviewing your plans and SOPs as per Part III.A of the permit, after completing your SWMP evaluation as per Part VI.B.2 of the permit, or due to a TMDL / BMAP as per Part VIII.B of the permit.*

CHECKLIST A: ATTACHMENTS TO BE SUBMITTED WITH THE ANNUAL REPORTS

Below is a list of items required by the permit that may need to be attached to the annual report. Please check the appropriate box to indicate whether the item is attached or is not applicable for the current reporting period. Please provide the number and the title of the attachments in the blanks provided.

Attached	N/A	Rule / Permit Citation	Required Attachment	Attachment Number	Attachment Title
☐	☒	Part II.F	**EACH ANNUAL REPORT:** If program resources have decreased from the previous year, a discussion of the impacts on the implementation of the SWMP.		
☐	☒	Part III.A.1	**EACH ANNUAL REPORT:** An explanation of why the minimum inspection frequency in Table II.A.1.a was not met, if applicable.		
☐	☒	Part III.A.4	**EACH ANNUAL REPORT:** A list of the flood control projects that did not include stormwater treatment and an explanation for each of why it did not, if applicable.		
☐	☒	Part III.A.7.a	**EACH ANNUAL REPORT:** A report on amendments / changes to the legal authority to control illicit discharges, connections, dumping, and spills, if applicable.		
☒	☐	Part V.B.9	**EACH ANNUAL REPORT:** Reporting and assessment of monitoring results. **[Also addressed in Section III of the Annual Report Form]**	See Sec III, and **Attachment as Appendix "B"**	**Attachment as Appendix B**, and included as part of Sarasota County Report
☐	☒	Part VI.B.2	**EACH ANNUAL REPORT:** An evaluation of the effectiveness of the SWMP in reducing pollutant loads discharged from the MS4 that, at a minimum, must include responses to the questions listed in the permit.	See Sec VIII	
☐	☒	Part VIII.B.3.e	**EACH ANNUAL REPORT:** A status report on the implementation of the requirements in this section of the permit and on the estimated load reductions that have occurred for the pollutant(s) of concern.		
☐	☒	Part VIII.B.4.f	**EACH ANNUAL REPORT after approval of the BPCP:** The status of the implementation of the Bacterial Pollution Control Plan (BPCP).		
☐	☒	Part III.A.1	**YEAR 1:** An inventory of all known major outfalls and a map depicting the location of the major outfalls (hard copy or CD-ROM).	Submitted Yr. 1	Submitted Year 1
☐	☒	Part III.A.3	**YEAR 1:** If have curbs and gutters but no street sweeping program, an explanation of why no street sweeping program and the alternate BMPs used or planned.		Submitted Year 1
☐	☒	Part III.A.6	**YEAR 1 or YEAR 2:** A copy of the adopted Florida-friendly Ordinance, if applicable.	Submitted Yr. 1	Submitted Year 1
☐	☒	Part III.A.7.c	**YEAR 1:** A proactive illicit discharge / connection / dumping inspection program plan.	Submitted Yr. 1	Submitted Year 1
☐	☒	Part III.A.9.b	**YEAR 1:** A construction site inspection program plan. **[For approval by DEP]**	Submitted Yr. 1	Submitted Year 1
☐	☒	Part III.A.2	**YEAR 2:** A summary report of a review of codes and regulations to reduce the stormwater impact from new development / redevelopment.	Submitted in Year 2	Submitted in Year 2.
☐	☒	Part V.A.2	**YEAR 3:** Estimates of annual pollutant loadings and EMCs, and a table comparing the current calculated loadings with those from the previous two Year 3 ARs.	Submitted Yr. 3	**Submitted in Yr. 3**
☒	☐	Part III.A.2	**YEAR 4:** A follow-up report on plan implementation of changes to codes and regulations to reduce the stormwater impact from new development / redevelopment.	**Attachment as Appendix A**	**Attachment A as Appendix A**,

☒	☐	Part V.A.3	**YEAR 4:** If the total annual pollutant loadings have not decreased over the past two permit cycles, revisions to the SWMP, as appropriate.	**Attachment as Appendix G**	**Attachment as Appendix G**, and included as part of Sarasota County Report
☒	☐	Part V.B.3	**YEAR 4:** The monitoring plan (with revisions, if applicable).	**Attachment as Appendix "C"**	**Attachment as Appendix C**, and included as part of Sarasota County Report
☒	☐	Part VII.C	**YEAR 4:** An application to renew the permit.	**Attachment as Appendix "H"**	**Attachment H as Appendix H**, and included as part of Sarasota County Report
☐	☒	Part VIII.B.3.d	**YEAR 4:** A TMDL Implementation Plan / Supplemental SWMP.		

CHECKLIST B: THE REQUIRED ANNUAL REVIEWS OF WRITTEN STANDARD OPERATING PROCEDURES (SOPs) & PLANS

The permit requires annual review, and revision if needed, of written Standard Operating Procedures (SOPs) and plans (e.g., public education and outreach, training, inspections). Please indicate your review status below. **If you have made revisions that need DEP approval, you must complete Section VIII.A of the annual report.**

Did not complete review of existing SOP / Plan	Developed new written SOP / Plan	Reviewed & no revision needed to existing SOP / Plan	Reviewed & revised existing SOP / Plan	Permit Citation	Description of Required SOPs / Plans
☐	☐	☒	☐	Part III.A.1	SOP and/or schedule of inspections and maintenance activities of the structural controls and roadway stormwater collection system.
☐	☐	☒	☐	Part III.A.2	SOP for development project review and permitting procedures and/or local codes and regulations for new development / areas of significant development.
☐	☐	☒	☐	Part III.A.3	SOP for the litter control program.
☐	☐	☒	☐	Part III.A.3	SOP for the street sweeping program.
☐	☐	☒	☐	Part III.A.3	SOP for inspections of equipment yards and maintenance shops that support road maintenance activities.
☒	☐	☐	☐	Part III.A.5	SOP for inspections of waste treatment, storage, and disposal facilities not covered by an NPDES stormwater permit.
☐	☐	☒	☐	Part III.A.6	Plan for public education and outreach on reducing the use of pesticides, herbicides and fertilizer.
☐	☐	☒	☐	Part III.A.6	SOP for reducing the use of pesticides, herbicides and fertilizer, and for the proper application, storage and mixing of these products.
☐	☐	☒	☐	**Part III.A.7.c**	**Plan for proactive illicit discharge / connections / dumping inspections.***
☐	☐	☒	☐	Part III.A.7.c	SOP for reactive illicit discharge / connections / dumping investigations.
☐	☐	☒	☐	Part III.A.7.c	Plan for illicit discharge training.
☐	☐	☒	☐	Part III.A.7.d	SOP for spill prevention and response efforts.
☐	☐	☒	☐	Part III.A.7.d	Plan for spill prevention and response training.
☐	☐	☒	☐	Part III.A.7.e	Plan for public education and outreach on how to identify and report the illicit discharges and improper disposal to the MS4.

☐	☐	☒	☐	Part III.A.7.f	Plan for public education and outreach on the proper use and disposal of oils, toxics and household hazardous waste.
☐	☐	☒	☐	Part III.A.7.g	SOP to reduce / eliminate sanitary wastewater contamination of the MS4.
☒	☐	☐	☐	Part III.A.8	SOP for inspections of high risk industrial facilities.
☒	☐	☐	☐	Part III.A.9.a	SOP for construction site plan review for stormwater, erosion and sedimentation controls, and ERP and CGP coverage.
☒	☐	☐	☐	**Part III.A.9.b**	**Plan for inspections of construction sites.***
☐	☐	☒	☐	Part III.A.9.c	Plan for stormwater, erosion and sedimentation BMPs training.

*** Revisions to these plans require DEP approval – please complete Section VIII.A of the annual report.**

REMINDER LIST OF THE TMDL / BMAP REPORTS TO BE SUBMITTED SEPARATELY FROM AN ANNUAL REPORT

Rule / Permit Citation	Report Title	Due Date
Part VIII.B.3.a	**6 MONTHS from effective date of permit:** TMDL Prioritization Report.	7/1/14
Part VIII.B.3.b	**12 MONTHS from effective date of permit:** TMDL Monitoring and Assessment Plan.	1/1/15
Part VIII.B.3.c	**6 MONTHS from receiving analyses from the lab:** TMDL Monitoring Report.	TBD
Part VIII.B.4	**30 MONTHS from start date per TMDL Prioritization Report:** A Bacterial Pollution Control Plan (BPCP).	TBD

BMAP Reporting

MS4 permittees are NOT required to submit the annual report required by any BMAP that applies to them since the NPDES Stormwater Staff can obtain them from the department's Watershed Planning and Coordination staff. However, to assure that the stormwater staff are aware of which BMAPs apply to the MS4 permittees and when the latest BMAP annual report was submitted, please complete the information below, if applicable:

Rule/Permit Citation	BMAP Title	Date BMAP Annual Report Submitted to DEP
Part VIII.B.2		
Part VIII.B.2		
Part VIII.B.2		
Part VIII.B.2		

END OF REVISED TAILORED MS4 AR FORM
CYCLE 3 PERMIT

APPENDIX A - DEVELOPMENT REDEVELOPMENT CODE REVIEW

Regular Workshop – June 19, 2017
Agenda Item 7A and 7B

Agenda Item: Discussion Regarding Objectives for Future Development and Redevelopment and Draft Ordinance Language to Amend Chapter 158, Zoning Code, to Address Nonconforming Properties

Presenter: Town Manager

Summary: At their May 15, 2017, Regular Workshop Meeting, the Town Commission requested a discussion item regarding the objectives for addressing aging properties, nonconforming properties, future development, and redevelopment. Town Staff and Consultants will assist the Commission with a discussion to identify objectives and a path forward.

Also at the May 15, 2017, Regular Workshop Meeting, Commissioner Clair proposed draft language as an alternative to Ordinance 2016-32 (PUD ordinance) to address nonconforming properties. The Town Commission directed that a draft of that language be incorporated into an ordinance and forwarded to the June 19, 2017 Regular Workshop Meeting for discussion.

Attachments: PowerPoint Presentation;
6-14-17 Memo, Town Attorney to Commission;
Draft Ordinance Language (2017-15);
4-27-17 E-Mail, Commissioner Clair to Commission;
5-11-17 E-Mail, Commissioner Clair to Commission, supplement;
Ordinance 2007-48.

Recommended Action: Pending discussion, provide direction to Manager.

Town of Longboat Key

KEY POLICY WORKSHOP – JUNE 19, 2017

Luis N. Serna, AICP
David Healey, FAICP
Christopher Brimo, AICP
Andrew Dickman, Esq., AICP

Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS℠

Town Commission Objectives for Redevelopment

What are the Objectives for the Town Commission for the Next 20 to 30 Years?

- **Focus on non-conforming properties only?**
- **What are Commission's objectives for non-conforming properties?**

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Potential Redevelopment Areas

Examples of Areas that Might Redevelop in the Next 20 to 30 Years

- St. Jude's Area

- Spanish Main
- Diplomat Area
- Casa Del Mar

Future Redevelopment

What Should Future Redevelopment Look Like?

- Exactly the same as currently exists?
- If different, what can be different?

  - Height?
  - Building footprint?
  - Setbacks?
  - Density?
  - Use?
  - Other standards?

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Methods to Achieve Redevelopment

- Apply for Rezoning?
- Town sponsored rezoning?
- Some combination of both?

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Potential Obstacles

What are the Potential Obstacles to Achieving the Objectives?

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Should There be a Difference Between Voluntary and Involuntary Destruction?

Should redevelopment look different depending upon how the previous structure was removed?

If so, what regulations would be different?

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Next Steps

- **Staff and Consultants can bring forward analysis of options to enable Objectives to be achieved**

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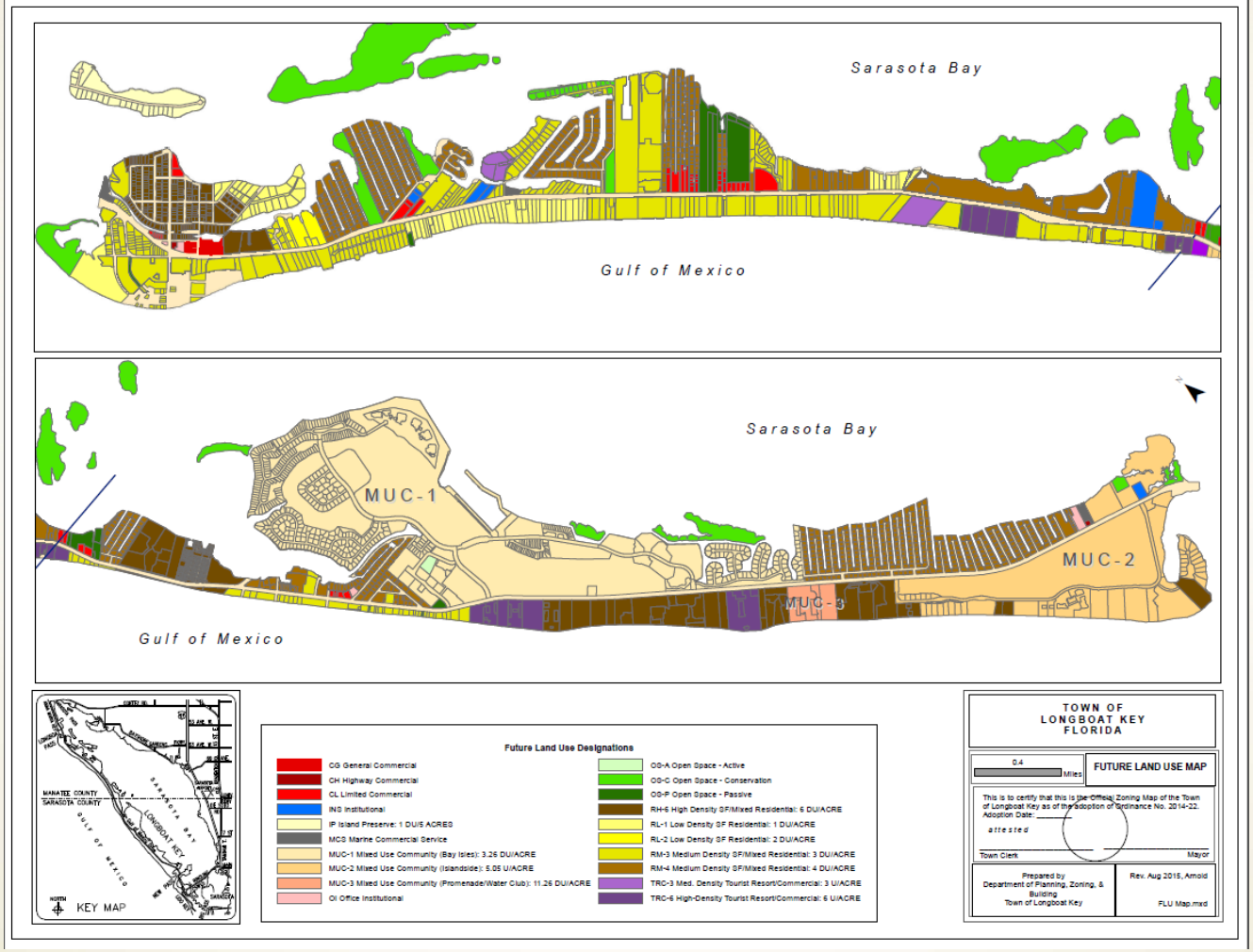
Future Land Use Map



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Reply to: Lakewood Ranch

MEMORANDUM

DATE: June 14, 2017

TO: Town Commission

THRU: Dave Bullock, Town Manager

FROM: Maggie D. Mooney-Portale, Town Attorney

SUBJECT: Draft Ordinance Relating to Commissioner Clair's April 27, 2017, Alternative Option to Address Nonconformities

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On April 27, 2017, Commissioner Clair submitted an alterative to Ordinance 2016-32 (the proposed "PUD Ordinance") for consideration by the Town Commission to address the issue of nonconformities. Commissioner Clair made additional modifications to his submittal (dated May 11, 2017) and introduced his suggested approach to resolving the nonconformity issue to the Town Commission for discussion at the May 15, 2017, Workshop. Copies of Commissioner Clair's submittals are attached. At that Workshop, the Town Commission indicated a desire to discuss various policy matters relating to the direction, goals and objectives of the Town's land development code and comprehensive plan re-write efforts and requested that the policy discussion occur at the June 19, 2017, Workshop. The Town Commission also directed that the Town Attorney draft an Ordinance incorporating Commissioner Clair's suggestions for consideration.

As I mentioned at the May 15, 2017, Workshop, I have many questions on what the Town Commission's objectives are at the present time with respect to the Town's land planning objectives. Once the Town Commission's objectives are identified, I will be better able to assist the Town Commission in the crafting of legislation that accomplishes those objectives. Nevertheless, I have followed the Town Commission's direction and drafted an ordinance based upon Commissioner Clair's alternative approach to nonconformities. Included in this Memorandum is a section-by-section summary of the modifications made in each section and a list of policy issues and questions relating to the draft ordinance for consideration and discussion. The questions and policy considerations listed below are intended to be read in conjunction with the review of the attached draft Ordinance 2017-15. Accordingly, the attached draft Ordinance 2017-15 is not intended to be, nor should it be construed as, a final product. Should the Town Commission move forward with Ordinance 2017-15, I would recommend that the Town's planning consultant participate in the next reiteration of the draft Ordinance. Further, I would recommend that additional workshops be held on the subject to address the policy considerations and questions set forth below.

Ordinance Recital Section:

- *Policy Consideration:* The Town Commission should consider whether the zoning district proposed in Commissioner Clair's proposal is a desired floating zoning district (similar to a PUD) or a more standard zoning district.
- *Policy Consideration:* A summary of the Town Commission's stated planning goals and objectives should be recited once developed.

Ordinance Section 1:

- This section incorporates by reference all of the recitals within the Ordinance for purposes of building a legislative record.

Ordinance Section 2:

Section 158.002 - Purpose

- "Redevelopment" has been added to subsections (A) and (B) as an objective of the zoning code.
- Subsection (B) was amended to be consistent with the intent of Commissioner Clair's proposal to preserve nonconforming density and building height that lawfully existed prior to March 12, 1984, in the event of reconstruction.
- Subsection (C) includes introductory language relating to the purpose of the subsection that was previously not included in the text.
- Subsections (C)(5), (6) and (7) reaffirm the intention to preserve non-conforming density. Subsection (C)(5) has been amended to state that the existing density that is being preserved had to lawfully exist prior to March 12,

1984, and be "in existence as of March 2008". The March 2008 date is included because Ordinance 2007-48 provided for a referendum on the right to rebuild nonconforming residential and tourism unit density based upon the "current dwelling or tourism unit" density as of March 2008. That referendum could be construed as a point in time "snap shot" of existing density.

- Subsection (D) may need to be further modified or deleted to provide for a floating/catch all zoning district that has varying regulations within the zoning district. The decision to modify or delete this subsection would be dependent upon further Town Commission policy direction.

Section 158.003 - Interpretation

- Minor edits were made to strikethrough "height of buildings". This section provides that the greater restrictions in the Code shall control in the event of a conflict. Since Commissioner Clair's proposal contemplates that the "non-conforming height" controls over the zoning district height, the language relating to the "height of buildings" was stricken.

Section 158.004 - Application

- This section requires that buildings not be enlarged, altered, etc., other than as permitted in their zoning district. Commissioner Clair's proposal specifically allows for enlargement, alterations and expansions of certain nonconformities. Accordingly, language has been added reaffirming that "[p]roperties that lawfully existed prior to March 12, 1984 and became nonconforming as to density, height and use, shall be excluded from this provision of the Zoning Code."
- *Policy Consideration:* This additional language excludes the specified class of nonconformities (density, height and use) from the Code and would functionally limit the ability to regulate an expansion of a nonconforming use on those properties with those types of nonconformities. For example, if a building is nonconforming as to density or height and is **also** nonconforming as to use, exemption from this section would allow them to **also** expand the nonconforming use.

Section 158.008 - Establishment of zoning districts

- The "Legacy Zoning District" has been added to the chart of zoning districts.
- *Policy Consideration:* There are still details that must be developed by the Town Commission surrounding the "Legacy Zoning District" including whether the zoning district has density limits or whether it is a "floating zone" (like the PUD).

- *Policy Consideration:* Any rezoning of properties into this new zoning district would require a quasi-judicial hearing to "move" the properties from their existing zoning district into this new zoning district. A rezoning process can be property owner or Town initiated.

Ordinance Section 3:

Section 158.006 - Definitions

- Commissioner Clair has proposed that new terminology, "*pre-existing legal residential and/or tourist density*" and "*pre-existing legal height*", be included in the definitions section of the Code. The new terminology is based upon an existing definition of "pre-existing legal use" found in Section 158.006. The current definition of "pre-existing legal use" as set forth in the Code is limited in its application and must be read together with Section 158.125 of the Code. This term "pre-existing legal use" was only intended to have limited application and apply to the restaurants in the MUC-1 and MUC-2 zoning districts. This interpretation is confirmed in a June 6, 2014, Memorandum from the Town's consultant, Bill Spikowski, who drafted that term in the Code. Accordingly, the term was not intended to have town-wide application. Outside of the limited definition in the Town's Code, the phrase "pre-existing legal use" is otherwise synonymous with a nonconforming use. Using terms that mean substantially the same thing in a Code could lead to confusion. To avoid confusion, in lieu of using the phrase "pre-existing legal use," I used language that describes the "class" of nonconformities which I believe is consistent with Commissioner Clair's intent. The intent of Commissioner Clair's proposal appears to be to identify the classes of nonconformities (height, density and use) and then carve those specific nonconformities out from the existing nonconforming regulations provided for in the Code. Accordingly, the following phrases with definitions have been added: (1) "nonconforming density" and (2) "nonconforming height." "Nonconforming use" was already a defined phrase in the Code but the definition has been amended for consistency purposes to mirror the definitions for "nonconforming density" and "nonconforming height."
- *Questions for Consideration:*

  -Who is responsible for determining status of the nonconforming classes? Town or property owner(s)?

  -What is the process for determining "nonconforming density" and "nonconforming height"? What are the submittal requirements?

  -How will the Code treat properties that were previously nonconforming and then redeveloped? For example, the Holiday Inn and Aria. Will

redeveloped properties have additional nonconforming density that can be used in the future?

-How will the Code treat properties where a density or use was abandoned or changed? For example, Oscar Parson's commercial property and Moore's prior residential density referendum.

Ordinance Section 4:

Section 158.009 - Description of districts and district policies

- Establishes a Subsection (S) to include the proposed zoning district suggested by Commissioner Clair – "Legacy, Residential/Tourist – Applicable Legal Density District (LEG)."
- *Policy Consideration:* Additional details about this zoning district and its qualities must be developed by the Town Commission. A preliminary description has been included based upon the "floating zoning district" concept. The LEG zoning district would be available to any "residential, tourism or mixed use projects that were legally established prior to March 12, 1984, that do not conform with the maximum allowable density in their underlying zoning district" and that were "existing as of March 2008". As mentioned above, Ordinance 2007-48 (the referendum that authorized residential and tourism properties that were nonconforming as to density to rebuild to existing density) presumes a point in time "snap shot" of existing density as of the date of the referendum. Therefore, the "existing density" has been noted as of March 2008.
- *Policy Consideration:* Any property being moved into this zoning district will have to be moved through a quasi-judicial hearing process. A rezoning can be property owner or Town sponsored initiatives.
- *Policy Consideration:* The Comprehensive Plan will need to be evaluated to confirm it adequately provides for this new zoning district.
- *Questions for Consideration:*

  -What other qualifying criteria should apply to the LEG zoning district?

  -As written, the LEG zoning district would remain available to properties that have redeveloped using the existing underlying zoning district (i.e., the Aria, Holiday Inn). Can these redeveloped properties regain the lost density because the properties were legally established prior to March 12, 1984, and in existence on March 2008? Do properties ever lose their eligibility to qualify for this zoning district?

  -Will this zoning district be available to properties that have abandoned their density? (i.e., Oscar Parson's property)

-As written this zoning district would also allow redevelopment of duplexes and small apartment complexes that are currently nonconforming. Is this desired?

Ordinance Section 5:

Section 158.125 - Schedule of use regulations

- The "Legacy, Residential/Tourist – Applicable Legal Density District" has been added as a zoning district and the district is referred to as "LEG" in the schedule of use regulations table. A short definition associated with the purpose of the district has been inserted into the table describing the LEG zoning district as a district that "allows nonconforming properties as to density to retain their density provided that the properties were legally established prior to March 12, 1984 and in existence as of March 2008."
- *Policy Consideration:* Additional details for the LEG zoning district will need to be established and inserted into the table to reflect: permitted uses without a site plan, permitted uses with a site plan, accessory uses and special exceptions.

Ordinance Section 6:

Section 158.138 - Status of nonconformities

- Language was added to Subsection (A) that makes this section relating to nonconformities inapplicable to properties with nonconforming density, nonconforming height and nonconforming uses.
- Subsection (B)(2) was modified to strike "height" from the regulation and to reaffirm that the provisions are inapplicable to properties with nonconforming density, nonconforming height and nonconforming uses.
- *Policy Consideration:* If the Town codifies Commisisoner Clair's approach, the Town Commission needs to understand that once the Town relinquishes regulatory authority over the excepted class of nonconformities (density, height and use) and allows the nonconformities to enlarge and expand, the Town will be limited in its ability to repeal those expanded rights in the future.
- *Policy Consideration:* Many of the policy considerations provided for in Subsection (B) relating to the "management of nonconformities" would no longer apply to the carved-out class of nonconforming properties. By exempting nonconformities as to density, height and use from the entirety of this section, the provisions relating to termination, changes in use, unsafe structures, would no longer apply to those exempted properties. Therefore, the ability to regulate a change from one nonconforming use to another nonconforming use, even one that is more intensive, could be lost for those exempted properties.

- *Policy Consideration:* The Town Commission should consider whether the proposed modifications to the nonconformity provisions would conflict with an objective to conform the nonconforming properties into a zoning district and whether this approach adequately "plans" for growth and redevelopment. To proceed in this manner, the Town Commission should consider whether they are comfortable recognizing the nonconforming density, height and use that is presently in place with an allowance to perpetuate or enlarge the height and use.
- *Questions for Consideration:*

  -What "nonconformities" remain regulated by these sections of the Town Code after the excepted class is excluded? As proposed, the most significant nonconformities [use, density and height] are being carved out of the regulation.

  -If the Town Commission allows the carved out class to rebuild, what standards apply to the rebuild (i.e., lot, yard, bulk, open space)? Currently, there are no guidelines/codes that regulate how the carved out nonconforming class would rebuild. Many of the existing nonconforming properties would be unable to rebuild to their existing density and still comply with the standards of their underlying zoning district so using the underlying zoning standards may not be feasible.

  -Will the carved out class of nonconformities be subject to any limitations or provisions for abandonment, termination or provisions for unsafe structures?

Ordinance Section 7:

Section 158.139 - Reconstruction of nonconformities in the event of involuntary reconstruction

- Language referencing density, height, uses and the number of units was stricken from the various sections of the Code.
- New language was added that affirmed that the section was inapplicable to properties with nonconforming density, nonconforming height and nonconforming uses.
- *Policy Consideration:* Town Commission should consider providing a new section of the Code that will clarify the criteria and any limitations for the rebuilding of the carved-out class of nonconformities (density, height, use). Such criteria should include development parameters and site plan process.
- *Policy Consideration:* Town Commission may want to consider whether the cubic content provisions remain relevant since many nonconforming properties (as to density, height and use) are being exempted from the section and are authorized to expand their nonconforming conditions.

Ordinance Section 8:

Section 158.140 - Reconstruction of nonconformities in the event of voluntary reconstruction

- The entirety of this section of the Code has been stricken because nonconforming properties as to density are excluded from the provisions of Section 158.138 and are, therefore, permitted to rebuild, expand and enlarge their height and use.
- *Policy Consideration*: Since nonconforming densities are exempted out of the nonconforming regulations, Town Commission should consider establishing a new section of the Code that will clarify the criteria and limitations for rebuilding the carved-out class of nonconformities (density, height, use). As mentioned above, such criteria should identify the development parameters and site plan process.

Ordinance Section 9:

Section 158.145 - Schedule of Lot, Yard and Bulk regulations

- This section adds the "Legacy" (LEG) zoning district to the schedule of lot, yard and bulk regulations chart.
- Additional details for the LEG zoning district will need to be established and inserted into the table.

Commissioner Clair's concept of creating a zoning district for all nonconforming properties as to density to reflect the actual present, onsite density is an available approach for the Town Commission to utilize to conform properties into a zoning district. As mentioned above, additional details will need to be developed relating to that zoning district for inclusion in various sections of the Code. Commissioner Clair's concept of excluding certain classes of nonconformities (density, height and use) from the provisions within Sections 158.138, 158.139 and 158.140 of the Code, is a novel approach to addressing nonconformities. As discussed above, the intent of this approach is to confer rights to enlarge and expand the existing nonconformities on properties and is not the traditional way nonconformities are treated in land use law. While there is no precedent for this approach, the Town Commission can legally pursue this approach if it so desires. However, if the Town Commission chooses to pursue this approach, the Town Commission needs to appreciate that, once rights are conferred on properties that allows for an expansion of a nonconformity, it will be difficult for the Town Commission to ever repeal those rights in the future.

Should you have any questions or comments regarding this Memorandum or draft Ordinance 2017-15, please do not hesitate to contact me.

ORDINANCE 2017 -15

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, MODIFYING AND AMENDING TITLE 15 LAND DEVELOPMENT CODE, CHAPTER 158, ZONING CODE; AMENDING ARTICLE I, GENERAL PROVISIONS; AMENDING SECTION 158.002 PURPOSE; AMENDING SECTION 158.003 INTERPRETATION; AMENDING SECTION 158.004 APPLICATION; AMENDING SECTION 158.006 DEFINITIONS; AMENDING SECTION 158.008 ESTABLISHMENT OF ZONING DISTRICTS; AMENDING SECTION 158.009 DESCRIPTION OF ZONING DISTRICTS AND DISTRICT POLICIES; AMENDING ARTICLE IV, GENERAL REGULATIONS; AMENDING DIVISION 1, USE REGULATIONS; AMENDING SECTION 158.125 SCHEDULE OF USE REGULATIONS; AMENDING SECTION 158.138 STATUS OF NONCONFORMITIES; AMENDING SECTION 158.139 RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF INVOLUNTARY DESTRUCTION OR DAMAGE; AMENDING SECTION 158.140 RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF VOLUNTARY RECONSTRUCTION; AMENDING DIVISION 2, LOT, YARD AND BULK REGULATIONS; AMENDING SECTION 158.145 SCHEDULE OF LOT, YARD AND BULK REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Town of Longboat Key (Town) is a barrier island with unique natural attributes and limited development; and

WHEREAS, the Town's Land Development Code serves to preserve and enhance the Town's character by ensuring that land uses are responsive to the social and economic needs of the community and are consistent with the support capabilities of the natural and manmade systems; and

WHEREAS, the Town's Land Development Code also serves to maintain an environment conducive to the health, safety, welfare of the Town's residents, and preserves and enhances property values within the Town; and

WHEREAS, at the May 15, 2017, workshop, the Town Commission indicated a desire to discuss at a future workshop its land use planning goals and objectives for development and redevelopment within the Town over the next 20 to 30 years; and

WHEREAS, at the May 15, 2017, workshop, the Town Commission also directed that a draft Ordinance be prepared for consideration that incorporated a proposal advanced by Commissioner Clair that (1) creates a zoning district that allows non-conforming properties to become conforming as to density and height; and additionally (2) allows all non-conforming properties as to density and height that were legally built prior to the adoption of Town's 1984 Comprehensive Plan to rebuild and expand the non-conforming structure(s) on the property regardless of the reasons for the destruction; and

WHEREAS, the Town Commission held a workshop on June 19, 2017, and discussed its land use planning goals and objectives and indicated a desire to amend the Town's Land Development Code and Comprehensive Plan to achieve the following goals: [insert]; and

WHEREAS, after due public notice, the Town's Planning and Zoning Board held a public hearing on _____ 2017, to consider the proposed Zoning Code amendments and provided recommendations to the Town Commission as the local governing body; and

WHEREAS, on _____, 2017, the Town Commission conducted a duly noticed initial public hearing on the proposed Zoning Code amendments and considered the recommendations of the Town's Planning and Zoning Board; and

WHEREAS, on _____, 2017, the Town Commission conducted a duly noticed second public hearing on the proposed Zoning Code amendments and the Town Commission approved the amendments.

THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, THAT:

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 158, Zoning Code, Article I, General Provisions, are hereby amended as follows:

Chapter 158 Zoning Code

Article I. General Provisions

158.002 - Purpose.

(A) The purpose of this chapter is to establish comprehensive controls for the development and redevelopment of land in the town based on the comprehensive plan, as defined in chapter 160, and designed to preserve the unique island character of the town and enacted in order to protect, promote and improve the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the people; and to use and strengthen the town's role in establishing and implementing the comprehensive planning process in order to protect natural and man-made resources and to maintain, through orderly growth and development, the character and stability of present and future land use and community development.

(B) The objectives of this chapter are to provide: For efficiency and economy in the process of development and redevelopment; for the appropriate and best use of land, for preservation, protection, development and conservation of the natural resources of land, water and air; for convenience of traffic and circulation of people and goods; for the use and occupancy of buildings; to maintain an appropriate balance for the scale of buildings; to promote and protect safety, light, air, access,

and enhancement of appearance; for healthful and convenient distribution of population; for adequate public facilities and utilities; for promotion of civic amenities of beauty and visual interest; for the preservation of non-conforming density and building height that lawfully existed prior to March 12, 1984 in the event of reconstruction; and for development in accord with comprehensive plan.

(C) The purpose of this chapter is to establish regulations on the following:

(1) Height, number of stories, size, scale, interrelation among buildings and to the adjacent environment, bulk, location, erection, construction, repair, reconstruction, alteration and use of buildings and other structures, for trade, industry, residence and other purposes.

(2) Use of land and water for trade, profession, residence and other purposes.

(3) Size of yards and other open spaces.

(4) Percentage of lot that may be occupied.

(5) The preservation of ~~D~~ density that lawfully existed prior to March 12, 1984, and that was in existence as of March __ 2008.

(6) Conditions under which various classes of nonconformities may continue, be expanded or enlarged.

(7) Conditions under which classes of nonconforming properties may rezone to become conforming;

(8) Use and types and sizes of structures in those areas subject to seasonal or periodic flooding so that danger to life and property in those areas will be minimized.

(~~8~~9) Performance standards for use of property and location of structures thereon.

(D) All regulations shall be uniform throughout each district, but the regulations in one district may differ from those in other districts. Each district shall designate the permitted uses.

158.003 - Interpretation.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the protection, promotion and improvement of the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants, or other agreements between parties. However, where this chapter imposes a greater restriction on the use of buildings or premises, ~~or on the height of buildings~~, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this chapter shall control. If, because of error or omission in the zoning map, any property in the town not shown as being in a zoning district, the classification of the property shall be R-1SF unless changed by amendment to the zoning map or by subsequent zoning ordinances.

158.004 - Application.

Except as otherwise provided, the following restriction shall apply:

No building shall be erected and no existing building shall be moved, altered, added to, or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as permitted in the zoning district in which the building or land is located. Properties that lawfully existed prior to March 12, 1984 and became nonconforming as to density and height, shall be excluded from this provision of the Zoning Code.

158.008 - Establishment of zoning districts.

For the purpose of protecting, promoting, and improving the public health, safety, comfort, order, appearance, convenience, morals and general welfare of the community, the town is hereby divided into the following zoning districts, with the stated densities, and intensities as regulated by sections 158.125, 158.145, and other provisions of this Zoning Code.

DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY) [1]

OS	Open Space District (no density)
INS	Community Facility Institutional District (no density)
R-1IP	Island Preserve Residential District (1 D.U./5A)
R-1SF	Single-Family Low-Density Estate Residential District (1 D.U./A.)
R-2SF	Single-Family Low-Density Residential District (2 D.U./A.)
R-3SF	Single-Family Low-Medium-Density Residential District (3 D.U./A.)
R-4SF	Single-Family Medium-Density Residential District (4 D.U./A.)
R-6SF	Single-Family High-Density Residential District (6 D.U./A.)
R-3MX	Low-Medium-Density Mixed Residential District (3 D.U./A.)
R-4MX	Medium-Density Mixed Residential District (4 D.U./A.)
R-6MX	High-Density Mixed Residential District (6 D.U./A.)
LEG	Legacy, Residential/Tourist Density (___ D.U./A.)
MUC-1	Mixed Use Community - Bay Isles (3.26 D.U./A. overall density)

MUC-2	Mixed Use Community - Islandside (5.05 U./A. overall density)
MUC-3	Mixed Use Community - Promenade/Water Club (11.26 D.U./A. overall density)
OI	Office-Institutional District (no density)
C-1	Limited Commercial District (no density)
C-2	General Commercial District (no density)
C-3	Highway-Oriented Commercial District (no density)
M-1	Marine Commercial Service District (1 accessory D.U. located on the same lot)
T-3	Low-Medium-Density Tourist Resort Commercial District (3 D.U./A. or 3 T.U./A.)
T-6	High-Density Tourist Resort Commercial District (6 D.U./A. or T.U./A.)

Notes:

[1] Dwelling units per acre D.U./A refers to residential units; tourism units per acre T.U./A. refers to tourism units; units per acre (U./A) refers to total allowed residential units and tourism units.

SECTION 3. Section 158.006, Definitions, are hereby amended to add the following:

"Nonconforming density" a legal residential and/or tourist density that lawfully existed before March 12, 1984 and was subsequently recognized as existing and authorized to be rebuilt by the March 2008 referendum held pursuant to Ordinance 2007-48.

"Nonconforming height" a legal residential or tourist height (by feet or in stories) that lawfully existed before March 12, 1984.

"Nonconforming use" a use that does not conform to the regulations of the district in which it is situated and includes a legal residential, tourist or mixed use that lawfully existed before March 12, 1984.

Pre-existing legal use" A use of land listed in section 158.125 that lawfully existed on January 1, 2014. A use that qualifies as a "pre-existing legal use" may also be classified as a nonconforming use, but by virtue of its listing in section 158.125, it shall be afforded the privileges of a permitted use and may be reconstructed up to

its pre-existing density in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

SECTION 4. Section 158.009, Description of districts and district policies, is hereby amended to add the following:

158.009 - Description of districts and district policies

(S) Legacy, Residential/Tourist – Applicable Legal Density District. (LEG) – This district is established to apply to residential, tourism or mixed use projects that were legally established prior to March 12, 1984 that do not conform with the maximum allowable density in their underlying zoning district as set forth in the Town's Comprehensive Plan. This zoning district allows nonconforming properties as to density to retain and conform to their current density provided the properties were legally established prior to March 12, 1984 and existing as of March __ 2008. This zoning district is available to properties that sufficiently demonstrate a legally established density that predates March 12, 1984 and existence as of the March __ 2008 referendum conducted pursuant to Ordinance 2007-48.

SECTION 5. Section 158.125 - Schedule of use regulations, is hereby amended to add the following:

Section 158.125 - Schedule of use regulations.

The restrictions and controls intended to regulate development in each zoning district are set forth in the schedule below and in the schedule in section 158.145, which are supplemented by other sections of this chapter.

DISTRICT (Maximum Gross Density)	PURPOSE	PERMIT-TED USES WITHOUT SITE PLAN REVIEW	PERMITTED USES WITH SITE PLAN REVIEW	ACCESS-ORY USES	SPECIAL EXCEPTION USES
Legacy – (LEG)	This zoning district allows nonconforming properties as to density to	TBD	TBD	TBD	TBD

	retain their density provided that the properties were legally established prior to March 12, 1984 and in existence as of March __ 2008.				

SECTION 6. Section 158.138, Status of nonconformities, is hereby amended as follows:

158.138 - Status of nonconformities.

(A) Within the districts established by these zoning regulations or amendments that may be later adopted, there may exist lots, buildings, or structures~~, or uses~~ which are lawful at the effective date of this chapter but which would be prohibited, regulated, or restricted under the terms of this chapter to permit those nonconformities to continue until they are removed either voluntarily or as required by subsection (B)(5), unsafe structures, or subsection (B)(8)(a), abandonment. With the exception of properties with nonconforming density, nonconforming height, and non conforming uses, ~~I~~it is further the intent that nonconformities shall not be expanded, enlarged upon, intensified, or extended, except as provided hereafter in this section. Furthermore, no expansion, enlargement, intensification extension of a nonconforming structure, building, lot of record, use, or waiver thereof, shall be permitted which increases its nonconformance with present site and development plan performance standards or district regulations, unless provided for in this section or section 158.139. It is the intent that the provisions of this Section of the Code shall not apply to properties with nonconforming density, nonconforming height or nonconforming use.

(B) The following policies shall determine the management of nonconformities:

(1) Nonconforming lots of record. A permitted or permissible building or structure may be erected, expanded or altered on any lot of record at the effective date of the ordinance from which this chapter derives or any legally created amendment thereto. ~~The maximum density t~~ To the greatest extent possible, maximum lot coverage~~, building height~~ and floor area shall conform to the district in which the lot is located, and shall be subject to the requirements below:

(a) All nonconforming lots shall:

1. Have a minimum required side yard setback of ten feet for each side yard or meet the minimum requirements within its respective district, whichever is less.

2. Meet the required yards conforming to the minimums required for the district in which the lot is located.

(b) Two or more nonconforming lots or combinations of lots shall be considered an undivided lot for the purposes of this chapter if:

1. As of July 21, 1976, the lots were in continuous frontage in single ownership, of record in the appropriate county where located; and

2. The lots are deficient in the requirements established for lot width or area.

(c) Lot reduction.

1. No lot or interest therein shall be transferred, conveyed, or sold as subdivided so as to create a new nonconforming lot, which avoids, circumvents or subverts any provision of this chapter or leaves remaining any lot in violation of the requirements of this chapter. No lot or portion of a lot required as a building site under this chapter shall be used as a portion of a lot required as a building site for another structure.

2. No building permit shall be issued for any lot or parcel of land which has been conveyed, sold, or subdivided in violation of this section. Any transferee who acquires a lot in violation of this section, without knowledge of such violation, or any subsequent transferee, shall have the right to rescind and receive damages from the transferor who violates the provisions of this section.

(2) Nonconforming buildings or structures. Where a building or structure exists lawfully that could not be built under this chapter or as it may be amended by reason of restrictions on lot area, lot coverage, ~~height,~~ yards, location on the lot, or requirements (other than density, height and use) concerning the structure, then the building or structure may be continued so long as it remains otherwise lawful; provided further, that:

(a) The building or structure may not be altered or enlarged in any way which creates a new nonconformity or increases or enlarges an existing nonconformity; and

(b) The building or structure may be altered or enlarged in any way which decreases an existing nonconformity or in any way which is otherwise conforming.

(c) This subsection shall not apply to the rebuilding of buildings or structures on properties having nonconforming density, nonconforming height or nonconforming uses.

(3) Nonconforming use. Where at the effective date of the ordinance codified in this chapter or any amendments thereto, lawful use of buildings or structures exists, the use may be continued subject to the provisions of this chapter. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the effective date of the ordinance codified in this chapter or any amendments thereto. Any nonconforming use which occupied a portion of a building not originally designed or intended for such a use shall not be extended to any other part of the building.

(4) Repairs. Normal maintenance, repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not extend the area or volume of space occupied by the nonconforming use. A building or other structure containing residential nonconforming uses may be altered in any way to improve interior livability; however, no structural alterations shall be made which would increase the number of dwelling units.

(5) Unsafe structures. If a nonconforming structure or portion of structure or any structure containing a nonconforming use becomes unsafe or unlawful due to lack of repairs or maintenance and is declared by the planning and zoning official to be unsafe or unlawful by reason of its condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the provisions of this chapter; and its removal shall be deemed voluntary.

(6) Off-street parking. Additional off-street parking may be permitted on other property in the immediate vicinity, subject to the provision of subchapter 3 [article IV, section 158.128] of this chapter.

(7) Change in nonconforming uses without structural alteration. If no structural alterations are made, a nonconforming use of a building or structure may be changed to another nonconforming use of a similar or higher (more restrictive) classification under the following conditions:

(a) The change in use shall not intensify or enlarge the basic use of the building or premises by increasing the need for more parking facilities, by increasing vehicular or pedestrian traffic, by creating more noise, vibration, fire hazard, smoke, dust or fumes, by increasing hours of operation or number of employees, by increasing ground coverage or adversely impacting drainage, or otherwise result in a more intensive use of the building or premises, or change the basic character of the building or premises except to more nearly conform to the character of the zoning of the district in which the building or structure is located.

(b) When a nonconforming use of all or any part of a building, structure or premises is changed to another nonconforming use of a more restricted

character, the new use may not thereafter be changed to any nonconforming use.

(c) When a nonconforming use of all or any part of a building, structure or premises has been changed to a conforming use, the conforming use shall not thereafter be changed to any nonconforming use.

(d) No structural alterations shall be made to any building or structure occupied by a nonconforming use except as permitted in this Code.

(e) The parking and landscape provisions of this chapter shall be met.

(8) Termination of nonconforming uses and structures.

(a) Abandonment. Except as set forth in subsection 158.139(A), providing for the reconstruction of involuntarily destroyed nonconforming structures, buildings or uses, a nonconforming use not used for a period of one year or the change of use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof and the nonconforming use shall not thereafter be revived.

(b) Removal of nonconformance; extension of time to comply. A nonconforming building or structure not used or occupied in a lawful manner or vacant for a period of one year or more shall be considered an abandonment and the nonconforming building or structure shall be removed or made conforming. However, should the period of nonuse or vacancy be caused by legal restraints upon the owner, the owner may set forth such grounds in a petition to the town commission and serve such petition on the planning and zoning official. The time may be extended by the town commission for good cause shown. The town commission may require the petitioner to decrease the nonconformity of the building or structure in one or more aspects of its nonconformity. The town commission may require the petitioner to secure the buildings, structures, and/or property in a manner acceptable to the town to ensure the health, safety and welfare of the public.

(c) Special extension for continuance. The town commission, by resolution, may grant a special extension for the continuance of an abandoned nonconforming building or structure for a period of time to be determined at a public hearing to provide for the removal of the nonconforming building or structure, or the making of the building or structure conforming, on or before the end of the period approved.

1. The property owner shall have furnished the town with a good and sufficient surety bond or other security in an amount to be approved by the town commission, to require compliance with this Code and/or state building codes.

2. The amount of the surety bond or security shall be established by the town commission at a quasi-judicial public hearing up to an amount of no more than 100 percent of the total value of the property, including structures and land. The value of the property, including structures and land, shall be determined based on the full assessed value prior to any exemptions assigned to said property, including structures and land, according to the most recent tax assessment records for the property.

3. The purpose of such bond or security shall be for the town to utilize and draw on such amounts in circumstances where the property owner has failed to provide adequate building, structure, and/or site maintenance to ensure the health, safety and welfare of the public. In such circumstances, the town may elect to utilize such bond or security to bring said property into compliance with town and/or state building codes, which may include, but is not limited to, conditions related to structural demolition, debris removal, site stabilization, utility stabilization, environmental remediation, building maintenance, pest and/or rodent control, site security, pool maintenance, landscape maintenance, potential storm damage, fire, vagrancy and vandalism.

4. Nothing within this section shall prohibit the town from any actions deemed necessary by the building official relating to unsafe buildings or structures.

(9) Pre-existing legal uses. Certain uses of land that cannot be added under current regulations are legal because they lawfully existed on January 1, 2014, and are authorized as "pre-existing legal uses" on the schedule of uses in section 158.125. "Pre-existing legal uses" uses may also be classified as nonconforming uses, but by virtue of their listing in section 158.125 shall be afforded the privileges of permitted uses and may be reconstructed up to their pre-existing density in accordance with all applicable current regulations, but only on the specific parcels on which they are located. The abandonment and termination provisions in subsection (B)(8) do not apply to uses that qualify as "pre-existing legal uses."

SECTION 7. Section 158.139, Reconstruction of nonconformities in the event of involuntary reconstruction, is hereby amended as follows:

158.139 - Reconstruction of nonconformities in the event of involuntary destruction or damage.

(A) Intent. It is the intent of this section that in the event of involuntary destruction due to natural events to allow noncompliant structures to be rebuilt to the same ~~density and~~ building cubic volume~~, allowing an increase of height of the structure to correspond with the increase in height required by the flood ordinance(s), and~~ and to reduce or eliminate nonconformities, especially gulf and pass waterfront yard setbacks, to the

greatest degree possible~~ as set forth below~~. This subsection shall not be applicable to properties having nonconforming density, nonconforming height or nonconforming uses.

(B) Legally nonconforming structures~~,~~ and buildings ~~and uses~~ which are substantially damaged by more than 50 percent in accordance with chapter 154, destroyed or made unsafe or unusable by hurricane, storm surge, or other involuntary act, may be reconstructed to the same building cubic content ~~and number of units~~ in existence prior to the casualty, subject to compliance with the following conditions:

(1) Compliance with town ordinances. To the greatest extent possible, such reconstruction shall comply with all codes and regulations of the town. For purposes of this section, "to the greatest extent possible" shall mean bringing the previous nonconformities into conformance with the Town's Code to the extent that it does not create an unnecessary and undue hardship as determined by the town.

(2) Prohibition on increase in extent of nonconformities. Unless otherwise excepted, ~~A~~ll such reconstruction shall not increase the extent of the prior existing nonconformities~~, except for height as addressed below or as a result of modifications approved by the planning and zoning board,~~ and prior existing nonconformities shall be eliminated to the greatest extent possible. This subsection shall not apply to the reconstruction of buildings or structures that have nonconforming density, nonconforming height or nonconforming uses.

(3) Building cubic content. Owners of legally nonconforming structures shall be permitted to rebuild the structure to the same building cubic content that existed prior to the casualty. Additional building volume created as a result of compliance with flood control laws shall not be included in determining building cubic content. Additional areas and volume created for elevators, stairs, landings, mechanical areas and walkways, which were not included in the former structure, shall not be included in building cubic content, provided that the addition of any of these elements does not create a greater nonconformity as to open space or required setback.

(4) Unit area increase. So long as there is no increase in overall building cubic content, as determined by subsection (3) above, units within the structure may be increased in cubic volume only as a result of decreasing the number of units within the structure or diminishing the previously existing common areas within the substantially damaged or destroyed building.

(5) Time frame for obtaining site plan approval. To qualify for rights under this provision, any such reconstruction shall obtain site plan approval within two years of the date of the casualty. The planning and zoning board may, upon application received prior to the expiration of the two-year period, extend such time for demonstrated cause pursuant to the town's Code. A building permit shall be obtained within the timeframe conditioned at the time of site plan approval.

Notwithstanding the foregoing, the planning and zoning board may in its sole discretion unilaterally extend the date for site plan approval up to an additional two years if, owing to the circumstances of the disaster, such extension is in the best interests of the town.

(C) It is the burden of the applicant to establish, to the satisfaction of the town manager or designee, by clear and convincing evidence, through documentation, including, but not limited to, photographs, diagrams, plans, affidavits, and permits, the actual ~~uses,~~ building cubic content~~, densities,~~ and intensities legally existing prior to the disaster event, prior to seeking site plan approval.

(D) Nonconformities and the relaxation of certain controls. To minimize the need for individual variances or departure applications, prior to the approval of reconstruction site plans, the planning and zoning board may, as part of the site plan review process, relax or modify one or several of the controls listed in sections 158.069, 158.102, 158.127, 158.128, 158.145, 158.150 and 158.153 in conformance with this section. However, prior existing nonconformities shall be eliminated to the greatest extent possible. In considering such request, the planning and zoning board shall also consider the nature and character of development in the surrounding area, and the impact thereon, in determining whether, or the degree to which, these controls may be modified. Those controls which may be modified are listed below in order of importance, highest to lowest, such that the control with the highest importance is the control with the greatest need for reduction or elimination of any nonconformities (and least likely of relaxation or modification) and the control with lower importance has a lesser need for reduction or elimination (and more likely of relaxation or modification). This subsection shall not apply to the reconstruction of buildings or structures having nonconforming density, nonconforming height or nonconforming uses.

(1) Required yards:

(a) Properties which were previously permitted to build within a gulf or pass waterfront yard, closer to the water than currently permitted, may continue to enjoy these lawfully existing rights without subsequent planning and zoning board approval, however those properties shall not be able to avail themselves of this Code section regarding reconstruction of nonconformities in the event of involuntary destruction or damage and shall comply in all respects with the codes in effect at the time of the destruction or damage. These properties may, alternatively, waive these previously granted rights and seek approval of the planning and zoning board for encroachments into the required gulf or pass waterfront yard, thus availing themselves of the provisions of this Code section. In accordance with the policies and procedures in this Code section, the planning and zoning board may approve encroachments into a waterfront yard up to the amount of the previously existing encroachment.

(b) The approval of a modification to the required gulf or pass waterfront yards shall never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward, unless the previous legal

encroachment was less than 50 feet, in which case the modification may never be less than the previous encroachment. The burden to provide sufficient evidence as to why the modification is necessary and essential to the redevelopment of the site shall be upon the applicant.

(c) Street, rear, side, or waterfront yards, other than the gulf waterfront yard, may be modified to:

(i) Permit the reconstruction of existing structures that are nonconforming, with minor modifications to the required yards, in order to accommodate an increase in building cubic content, as permitted in subsection (B)(3) of this section;

(ii) Permit the reconstruction of existing structures that are nonconforming with regard to a specific setback so long as the reconstruction will not further reduce the setback;

(iii) Permit the construction of a handicapped access appurtenance to any reconstruction; or

(iv) Allow for the placement of stairs or stair landing that provides access into a reconstructed dwelling unit.

(d) Buildings or structures that are not in compliance with the current street, rear, side or waterfront yards regulations, other than the gulf or pass waterfront yards, and can be proven to have been permitted prior to the adoption of such regulations shall be considered legally nonconforming. The street, rear, side or waterfront yards, other than the gulf or pass waterfront yards, may be modified to be reconstructed as it existed prior to the disaster event.

(2) Open space:

(a) Modifications which reduce the open space requirement of the Zoning Code may be allowed when it:

(i) Accommodates modifications to the off-street parking requirements, and utilizes the subsection locating off-street parking at the ground floor level of a structure pursuant to subsections (5)(c) and (d) of this section; or

(ii) Accommodates other approved changes to the site as a result of the reconstruction.

(b) Reductions from the open space that existed prior to the disaster event shall be minimized to the greatest extent possible to allow for compliance with the town's flood control ordinance, but open space shall not be less than 20 percent of the lot area.

~~(3) Building height:~~

~~(a) The overall height of a building, at the time of reconstruction, shall be measured from the minimum habitable floor elevation in accordance with the local flood control ordinance, or state mandated height, whichever is applicable. This shall not preclude the utilization of the ceiling of the ground floor parking garage from being utilized as the base measuring point for building height for a multifamily structure, as defined in section 158.006 (definition of "Building, Height of").~~

~~(b) The overall height of a building may be increased by a maximum of the additional elevation required to comply with subsection (3)(a) above.~~

(34) Maximum building length, distance between buildings, and distance between buildings and driveways. These development criteria may be modified, but shall not be reduced in a manner that jeopardizes public safety.

(45) Off-street parking spaces.

(a) In no instance shall the parking requirements be modified where the reconstruction involves the increase of density or intensity of use.

(b) Shelters for parking spaces that were previously unsheltered shall not be permitted unless the shelters meet the setback and land coverage requirements for the site.

(c) Where to the greatest extent possible, the ground floor area of the reconstructed building shall be utilized for off-street parking.

(d) Off-street parking modifications may include the number of spaces provided, minimum dimensions of the stalls, minimum aisle widths, and location of spaces within required yards, and be made to:

(i) Improve ingress and egress to the site;

(ii) Eliminate or reduce the instances where conditions require that parked vehicles back out onto public/private streets; or

(iii) Allow for the provision of handicapped-accessible parking spaces.

(E) Site plan approval.

(1) All applications for the rebuilding of involuntarily damaged or destroyed nonconforming structures, buildings or uses shall be submitted for site plan review in accordance with article III of this chapter.

(2) Permitted uses without site plan review, as listed in section 158.125, are not required to be processed under the site plan review provisions of article III, but can instead be processed in accordance with section 150.31.

(3) Permitted uses with site plan review, which meet the provisions of section 158.100, may be exempted from site plan submission requirements, in accordance with said section, and the administrative staff is hereby authorized to modify the controls as set forth herein.

(F) The town commission, by emergency ordinance, may develop additional or alternative procedures for the swift processing of applications in cases where a state of emergency is declared; and, in addition, may expand the authority of the administrative staff to relax certain controls by the emergency ordinance. A status report, delineating activities undertaken by the administrative staff under the provisions of this section, shall be provided to the planning and zoning board on a monthly basis.

(G) Decisions of the administrative staff, made relative to the provisions of this section, may be appealed by any person to the zoning board of adjustment, in accordance with the appeal procedures set forth in section 158.027. No provision herein, shall be construed to deny the reconstruction, continuance or improvement of legally nonconforming structures~~,~~ and buildings ~~and uses~~, so long as the reconstruction, continuance or improvement is in accordance with this section.

(H) Developments approved by an outline development plan may request departures from the land development regulations through the standard ODP procedures.

SECTION 8. Section 158.140, Reconstruction of nonconformities in the event of voluntary reconstruction, is hereby deleted in its entirety.

~~158.140 - Reconstruction of nonconformities in the event of voluntary reconstruction.~~

~~(A) Intent. It is the intent of this section, subject to an applicant meeting all of the criteria set forth below, to allow existing, legally nonconforming multifamily residential or tourism properties that exceed the current allowable density, to be voluntarily demolished and rebuilt for the existing use and density. Existing developments that are legally nonconforming due to the current number of dwelling or tourism units, may be reconstructed to the same building cubic content, the same number of units, and the same type of principal use(s) in existence prior to the reconstruction.~~

~~(1) For multifamily or tourism use structures whose first habitable floor does not comply with the current flood control ordinance(s) or state requirements, an increase in height of the new structure will be granted equal to the increase in height required by the local flood control ordinance(s) or the state.~~

~~(2) Voluntary reconstruction under this section allows for the town commission under certain circumstances to allow for modifications of zoning code requirements to comply with federal, state, or local code requirements and limited adjustments from the requirements of this Code as set forth below.~~

(3) Density.

(a) The maximum allowable density for voluntary reconstruction under this section shall be the density allowed by the underlying zoning district or the legally nonconforming existing density on the subject site at the time of application, whichever is greater.

(b) The number of units approved by the ODP shall become the maximum allowable density.

(c) Any additional density between what is allowed by the ODP and what was legally nonconforming shall be lost, forfeited and not available for future development.

(B) Nonconformities and code compliance . In conjunction with an application to voluntarily reconstruct a legally nonconforming structure, the town commission may, as part of the review and approval process, permit modifications for one or several of the controls listed in sections 158.069, 158.102, 158.127, 158.128, 158.145, 158.150 and 158.153, in conformance with this section. In considering such request, the town commission shall consider the nature and character of existing and approved future development in the surrounding area, the comprehensive plan, and the impact thereon, in determining whether or the degree to which these controls may be modified. Modifications of zoning code requirements shall be subject to compliance with the following conditions:

(1) Compliance with town ordinances. To the greatest extent possible, such reconstruction shall comply with all codes and regulations of the town, to eliminate prior existing nonconformities. For purposes of this section, "to the greatest extent possible" shall mean bringing the previous nonconformities into conformance with the Town's Code to the extent that it does not create an unnecessary and undue hardship as determined by the town.

(2) Prohibition on increase in extent of nonconformities. All such reconstruction shall not increase the extent of the prior existing nonconformities, except for height as provided herein, and all prior existing nonconformities shall be eliminated to the greatest extent possible.

(3) Modifications of zoning code requirements may be granted for the following:

(a) Building height.

i. The overall allowable height of a building, at the time of reconstruction, shall be measured from the minimum habitable floor elevation, as required by the local flood control regulations, or state mandated height, whichever is applicable.

ii. The overall height of a building may be increased by a maximum of the additional elevation required to comply with subsection (A).

iii. Modifications of zoning code requirements for the existing building height, exceeding the application of subsections (B)(3)(a)i. and (B)(3)(a)ii. above, may be requested not to exceed the minimum height necessary to comply with federal, state and town flood regulations and to allow for the maximum use of understructure area for parking to encourage the reduction of nonopen space. The burden to provide sufficient evidence as to why the modification is the minimum necessary and essential to the redevelopment of the site shall be upon the licensed design professional.

(b) Building cubic content. Legally nonconforming structures shall be permitted to rebuild the structure to the same building cubic content that existed at the time of application for voluntary reconstruction, subject to compliance with the following conditions:

i. Additional building volume created as a result of compliance with flood control laws shall not be included in determining building cubic content.

ii. Additional areas and volume created for elevators, stairs, landings, mechanical areas and walkways required to meet all applicable code requirements and minimum legal standards, which were not included in the former structure, shall not be included in building cubic content, provided that the addition of any of these elements does not create a greater nonconformity as to open space or required setback.

iii. Unit area. So long as there is no increase in overall building cubic content, as determined by the applicable subsection of (B)(3)(b), subject to compliance with all other conditions of this section, units within the structure may be increased in cubic volume as a result of decreasing the number of units to be reconstructed or by diminishing the previously existing common areas within the building.

(c) Open space. The required open space may be modified, but shall not be less than what existed prior to the voluntary redevelopment or a minimum of 50 percent of the lot area.

(d) Yard areas. Buildings or structures that are not in compliance with the current street, rear, side or waterfront yards regulations, other than the gulf or pass waterfront yards, and can be proven to have been permitted prior to the adoption of such regulations shall be considered legally nonconforming. The street, rear, side or waterfront yards, other than the gulf or pass waterfront yards, may be modified to be reconstructed as it existed prior to the application for voluntary reconstruction. The burden to provide evidence, sufficient to establish that the modification is the minimum necessary and essential to the redevelopment of the site, shall be upon the licensed design professional.

i. Modifications may be permitted to yard areas for the construction of a handicapped access appurtenance to the minimum legal standards necessary for any reconstruction.

ii. Modifications may be permitted to yard areas for the placement of stairs or stair landings that provide access into a reconstructed dwelling unit to the minimum code standard.

(C) Limited adjustments. Limited adjustments may be granted to the following controls in order to benefit the public interest. The burden of proof shall be upon the applicant. The benefit to the public interest shall be demonstrated by clear and convincing evidence and that the adjustments are necessary and essential to the application.

(1) Building height.

(a) Adjustments to the existing building height, exceeding the application of subsection (B)(3)(a), may be requested.

(b) Additional height permitted by the zoning code does not require an adjustment.

(2) Unit area.

(a) Units within the structure may be increased in cubic volume, as a result of increasing unit square footage, only if there is sufficient open space on the property to accommodate the increased square footage, and the structure complies with the building coverage requirements of the site.

(b) The floor area ratio (FAR) for the proposed structure shall not exceed the FAR of the existing structure or that allowed by the underlying zoning district, whichever is greater.

(3) Required yards. Properties that were previously permitted to build within a gulf or pass waterfront yard, closer to the water than currently permitted, must comply with the minimum required gulf or pass waterfront yard to the greatest extent possible. These properties may request an adjustment to decrease the required yard, but in no case shall the adjustment permit encroachments into a waterfront yard further than the amount of the previously existing encroachment.

(a) The adjustment to the required gulf or pass waterfront yards shall never be less than 50 feet from the mean high-water line or erosion control line, whichever is most landward.

(b) If the structure cannot be otherwise constructed, adjustments to the required street, rear, side or waterfront yards, other than the gulf and pass waterfront yards, may be requested subject to compliance with the following:

i. Adjustments may be permitted to yard areas for the reconstruction of existing structures that are nonconforming, with adjustments to the required yards, in order to accommodate an increase in building cubic content as permitted in subsection (B)(3)(b) building cubic content, and shall be subject to the following limits:

a. Street yards shall be no less than 20 feet.
b. Side yards shall be no less than ten feet on each side.
c. Water yards, other than gulf or pass waterfront yards, shall be no less than 30 feet.
d. Rear yards shall be no less than 20 feet.

ii. Adjustments may be permitted for the reconstruction of existing structures that are nonconforming with regard to a specific setback so long as the reconstruction will not further reduce the setback.

iii. Adjustments to required yards shall be prioritized with the goal of preserving the required gulf waterfront yard.

(4) Open space. Adjustments may be granted so long as the provided open space is no less than 20 percent of the land area.

(5) Off-street parking spaces.

(a) In no instance shall the parking requirements be modified where the reconstruction involves the intensity of use.

(b) Shelters for parking spaces that were previously unsheltered shall not be permitted unless the shelters meet the setback and land coverage requirements for the site.

(c) To the greatest extent possible, the ground floor area of the reconstructed building shall be utilized for off-street parking.

(d) Requested adjustments to the off-street parking requirements of the zoning code may include the number of spaces provided, minimum dimensions of the stalls, minimum aisle widths, and location of spaces within required yards only when clear and convincing evidence is submitted that the adjustment will:

i. Improve ingress and egress to the site;

ii. Eliminate or reduce the instances where conditions require that parked vehicles back out onto public/private streets; or

iii. Allow for the provision of handicapped accessible parking spaces.

(6) If ten or more units cannot be otherwise constructed, the following adjustments to the supplemental controls for setbacks, maximum building length, distance

between buildings, and distance between buildings and driveways for buildings may be requested:

(a) Maximum building length. Adjustments to the allowable building length may be granted so long as the proposed side yards comply with the underlying zoning district of the property.

(b) Distance between buildings.

i. Adjustments to the required distance between buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

ii. Adjustments to the required distance between the front or rear of any buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

iii. Adjustments to the required distance between the sides of any buildings may be granted so long as all applicable life safety, fire and building code requirements are met.

(c) Distance between buildings and driveways. Adjustments to the distance between the driveway or parking lot and any building may be granted, but shall not be reduced to less than ten feet. This supplemental control does not apply to proposed parking under or within a building or to a front entrance to a building.

(D) Application and review process. Applications for voluntary reconstruction of nonconforming multifamily or tourism properties shall follow the procedures for approval of an outline development plan and site plan review under article III of the Town of Longboat Key Zoning Code. The review process required for voluntary reconstruction shall require concurrent review and approval of the ODP and site plan applications.

(E) Mobile home parks. Mobile home parks that were in existence as of January 1, 2009, may voluntarily rebuild and convert to a multifamily building or buildings with up to the same density and up to the same cubic foot content of each mobile home in existence within a particular mobile home park and ancillary structures within the park, so long as the lot, yard, height and bulk regulations of the underlying zoning district are met. Each unit shall meet the minimum requirements for square footage in accordance with section 158.145. The application shall be in the form of an outline development plan and site plan and shall be otherwise governed by the provisions of this Code.

(F) Conflicting code provisions. Should provisions under this section for voluntary reconstruction and the provisions of sections 158.065 through 158.103 conflict, the provisions for voluntary reconstruction shall prevail.

SECTION 9. The chart provided for in section 158.145, Schedule of Lot, Yard and Bulk regulations is hereby amended as follows:

LOT				YARD				BULK		
_____				_____				_____		
District Uses	Min. Area (sq. ft.)	Min. Width (feet)	Min. Depth (feet)	Max. Gross Den.	Min. Street (feet)	Min. Side Yard (both/one, feet)	Min. Rear (feet)	Min. Floor Area *(d) (sq. ft.)	Max. Height (stories/feet)	Max. Coverage (percent)
LEG	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

SECTION 10. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 11. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 12. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 13. Effective Date. This Ordinance shall take effect immediately upon its adoption, as provided by law.

Passed on first reading and public hearing the ____ day of _____, 201_.

Adopted on second reading and public hearing the _____ day of _____, 201_.

_____
Terry A. Gans, Mayor

ATTEST:

_____
Trish Granger, Town Clerk

DRAFT

To: Terry Gans, Mayor; Ed Zunz Vice Mayor and Commissioners George Spoll, Jack Daly, Jim Brown, and Irwin Pastor; Dave Bullock, Town Manager; Alaina Ray, Director Planning, Zoning and Building Department; and Trish Granger, Town Clerk

Re: Commission Regular Meeting, May 1, 2017, Agenda No: 10

SUGGESTED SIMPLE ALTERNATIVE TO COMPLEX ORDINANCE 2016-32
FOR CONSIDERATION BY THE COMMISSION

Because of the May 7, 1985 Referendum, adopting an Amendment to the Town' Charter, requiring a downsize in density in accordance with the March 12, 1984 Comprehensive Plan, has resulted in 116 residential properties (3,363 units) and 45 tourist properties (825 units) being classified as "nonconforming". The critical objective is to find a simple, effective and economical solution so that our owners of " pre-existing legal residential and/or tourist units" can redevelop their properties, meet all current applicable Town ordinances (excluding density), without all of the negative connotations associated with the classification "nonconforming".

The basis for my suggestion is Ordinance 2013-20 which was adopted by the Commission on June 30, 2014 in connection with addressing a similar issue "Pre-existing legal uses".

1. Section 158.006 'Definitions', Amend to insert the following:

   "Pre-existing legal residential and/or tourist density". A legal residential and/or tourist density listed in Section 158.008 that lawfully existed before March 12, 1984. A density that qualifies as a "Pre-existing legal residential and/or tourist density" which may be classified as a non-conforming density, but by virtue of its listing in Section 158.008, it shall be afforded the privileges of a permitted density and may be reconstructed up to its pre-existing density in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

2. Section 158.008, "ZONING DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY)", amend the table to insert a new Zoning District as follows:

   "R/T-ALD, Residential/Tourist-Applicable Legal Density (up to 31 D.U.A. or T.U.A.)". Note 2

   Note 2: The Residential and/or Tourist applicable legal density (ALD) shall not exceed 31 units/acre or the actual number of units/acre permitted by the TLBK and constructed prior to March 12, 1984, which ever density number is less.

3. SECTION 158.138, STATUS OF NONCONFORMITIES, amend to insert a new paragraph following (B) (9) as follows:

   "(10) "(Pre-existing legal Residential and/or Tourist Density)", certain residential and/or tourist density that lawfully existed before March 12, 1984, and are authorized as a pre-existing legal residential and/or tourism density on the schedule of density in Section 158.008. "Pre-existing

legal residential and/or tourist density" may be classified as non-conforming density, but by virtue of their listing in Section 158.008 shall be afforded the privileges of permitted density and may be reconstructed up to their pre-existing legal density in accordance with all applicable current regulations, but only on the specific parcel on which they are located. The abandonment and termination provisions in subsection (B) (8) do not apply to density that qualifies as pre-existing legal residential and/or tourist density."

It should be noted that three of properties listed in the introduction are located in PUD-MUC-2 (Island side) with residential (170 units) which are classified nonconforming. I am not sure what PUD procedure (current or Ord 2017 – 32) should be followed to reclassify these units into legal density properties. However, I believe that the Town should approach those owners and help expedite their reclassification into conforming density properties since they are located in an existing PUD, which apparently provides the necessary flexibility to accomplish the reclassification without further delay.

IT WILL BE NECESSARY TO MAKE CONFORMING CHANGES TO SECTION 158.139, "RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF INVOLUNTARY DESTRUCTION OR DAMAGE", AND SECTION 158.140," RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF VOLUNTARY RECONSTRUCTION". IN PARTICULAR, FOR THESE SECTIONS TO BE EFFECTIVE IN THE REVITALIZATION/REDEVELOPMENT OF THE TOWN AGING CONDO AND TOURIST PROPERTIES, WE NEED TO DELETE ANY REFERENCE TO THE "BUILDING CUBIC CONTENT" RESTRICTION, FOR ANY PROPERTIES THAT HAVE "PRE-EXISTING LEGAL RESIDENTIAL AND/OR TOURIST DENSITY", AND SUBSTUTE APPROPRIATE PROVISIONS REFLECTING THEIR "EXISTING LEGAL RESIDENTIAL AND/OR TOURIST DENSITY".

I am afraid that ordinance 2016-32 is not a practical, economic or simple solution for the Town's owners of pre-existing legal residential and or tourist density properties. If what the Town accomplished by Ordinance 2013-20 with respect to "pre-existing legal uses", can be duplicated, we will have performed a great service to our "pre-existing legal residential and/or tourist density" owners as well as all of our residents to further the revitalization and redevelopment of our community. I urge that we redouble our efforts to rethink and solve this problem with a practical, economic and simple solution as soon as possible.

I hope your will consider my suggestions.

Commissioner Randy Clair

April 27, 2017

Regular Workshop – May 15, 2017
Agenda Item 18

Agenda Item:	Agenda Item Request by Commissioner Clair
Presenter:	Commissioner Clair
Summary:	Commissioner Clair requested that an agenda item be added to the May 15, 2017 Regular Workshop Meeting to present suggested language for a new Ordinance. Commissioner Clair's request and recommended discussion material is presented for your consideration.
Attachments:	5-9-17 E-Mail, Commissioner Clair to Manager; Requested discussion document.
Recommended Action:	Pending discussion, provide direction to Manager.

Dave Bullock

From: Randall Clair <clairjwrt@verizon.net>
Sent: Tuesday, May 09, 2017 1:15 PM
To: Dave Bullock
Subject: SUGGESTED ORD NONCONFORMING CURE 592017.docx
Attachments: SUGGESTED ORD NONCONFORMING CURE 592017.docx

I request that you place on the Commission May 15, 2017. 1 PM. Workshop Agenda the attached for discussion. Pending the Commission's decision, it will be necessary to prepare it in formal Ordinance Form as well as an appropriate Ordinance authorizing the necessary changes to the Town's Comprehensive Plan . Thank you. Commissioner Randy Clair

Virus-free. www.avast.com

SUGGESTED PROVISIONS IN DRAFT ORDINANCE AS AN ALTERNATIVE TO COMPLEX ORDINANCE 2016-32 TO ADDRESS THE ISSUE OF NONCONFORMITIES

1. Section 158.006 'Definitions', Amend to insert the following:

   "Pre-existing legal residential and/or tourist density". A legal residential and/or tourist density, sometimes referred to as "Legacy Density", listed in Section 158.008 that lawfully existed before March 12, 1984. A density that qualifies as a "Pre-existing legal residential and/or tourist density" which may be classified as a non-conforming density, but by virtue of its listing in Section 158.008, it shall be afforded the privileges of a permitted density and may be reconstructed up to its pre-existing density in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

   "Pre-existing legal height". A legal height, sometimes referred as "Legacy Height", listed in Section 158.145 that lawfully existed before March 12, 1984. A legal height that qualifies as a "Pre-existing legal height" which may be classified as a nonconforming height, but by virtue of its listing in Section 158.145, it shall be afforded the privileges of a permitted height and may be reconstructed up to its pre-existing height in accordance with all applicable current regulations, but only on the specific parcel on which it is located.

2. Section 158.008, "ZONING DISTRICT TYPE (MAXIMUM ALLOWABLE DENSITY)", amend the table to insert a new Zoning District as follows:

   "LEGACY, Residential/Tourist-Applicable Legal Density." Note 2

   Note 2: In the event a property exceeds 6 units/acre, LEGACY Residential and/or Tourist applicable legal density shall not exceed the actual number of units/acre previously permitted by the TLBK and constructed prior to March 12, 1984.

3. SECTION 158.138, STATUS OF NONCONFORMITIES, amend to insert two new paragraphs following (B) (9) as follows:

   "(10) "(Pre-existing legal Residential and/or Tourist Density)", certain residential and/or tourist density, sometimes referred to as "Legacy Density", that lawfully existed before March 12, 1984, and are authorized as a pre-existing legal residential and/or tourism density on the schedule of density in Section 158.008. "Pre-existing legal residential and/or tourist density" may be classified as non-conforming density, but by virtue of their listing in Section 158.008 shall be afforded the privileges of permitted density and may be reconstructed up to their pre-existing legal density in accordance with all applicable current regulations, but only on the specific parcel on which they are located.

The abandonment and termination provisions in subsection (B) (8) do not apply to density that qualifies as pre-existing legal residential and/or tourist density."

"(11) "(Pre-existing legal height)", certain height, sometimes referred to as " Legacy Height", that lawfully existed before March 12,1984 and is authorized as a pre-existing height on the Schedule of Lot, yard and bulk regulations in Section 158.145. "Pre-existing legal height" may be classified as a non-conforming height, but by virtue of its listing in Section 158.145 shall be afforded the privileges of permitted height and may be reconstructed up to its pre-existing legal height in accordance with all applicable current regulations, but only on the specific parcel on which it is located. The abandonment and termination provisions in subsection (B) (8) do not apply to height that qualifies as pre-existing legal height.

4. SECTION 158.138, STATUS OF NONCONFORMITIES, Amend Paragraph (A) to insert a new sentence after the first sentence to read as follows:

   "It is the intent that Section 158.138 shall not include "nonconformities" caused by or resulting from "Pre-existing legal use", "Pre-existing legal residential and/or tourist density" and/or "Pre-existing legal height"."

5. SECTION 158.139, RECONSTRUCTION OF NONCONFORMING IN THE EVENT OF INVOLUNTARY DESTRUCTION OR DAMAGES, Amend Paragraph (A) to insert a new sentence after the first sentence to read as follows:

   "It is the intent that Section 158.139 shall not include "nonconformities" caused by or resulting from Pre-existing legal use", "Pre-existing legal residential and/or tourist density," and/or "Pre-existing legal height", and that the restriction "same building cube content" shall not be applicable in these pre-existing legal conditions.

6. SECTION 158.140, RECONSTRUCTION OF NONCONFORMITIES IN THE EVENT OF VOLUNTARY RECONSTRUCTION, Amend Paragraph (A) to insert a new sentence after the first sentence to read as follows:

   " It is the intent that Section 158.140 shall not include "nonconformities" caused by or resulting from "Pre-existing legal use", "Pre-existing legal residential and/or tourist density," and/or Pre-existing legal height", and that the restriction "same building cube content" shall not be applicable in these pre-existing legal conditions.

7. SECTION 158.145, SCHEDULE OF LOT, YARD AND BULK REGULATIONS, amend the Schedule under column "District Uses" and the respective entries "R _MX Multifamily" and "T _ , Tourism unit" categories, insert an addition phrase under heading "Max Height (stories/feet) as follows:

   "LEGACY HEIGHT, in excess of existing current applicable TLBK Ordinances". Note k

   'Note k: In the event a property exceeds current TLBK's Height limitations, Legacy Height shall not exceed the actual height previously permitted by the TLBK and constructed prior to March 12, 1984."

8. LEGACY PROPERTY ALLOWANCES, SEE ATTACHED CHART A, (NOTE THAT THIS IS ONLY A SAMPLE), [it is necessary for this SAMPLE CHART to be completed for all Nonconforming Properties and attached to this Ordinance].

Note: This page Revised on May 11, 2017

CHART A
LEGACY PROPERTY ALLOWANCES

Prop ID	Property	Address	Post 1984 Zone	Post 1984 Units /Acre	Acres	Actual Units Built	Density Units per Acre	Post 1984 Zone Units	Post 1984 Unit Overage	Legacy Units Allowed	Bldg Hgt Ft	Bldg Hgt In	# of Stories	Year Built
14	Beachside Cottages of Longboat	361 & 371 North Shore Rd	R-3SF	3	0.40	2	5.01	1	1	2				
112	Bayou of Longboat Key	5850 GMD	R-3SF	3	0.37	3	8.03	1	2	3				
1	Sea Oats Apts - 5601 GMD	5601 GMD	R-3MX	3	1.00	8	8.03	2	6	8				
9	Beach at LBK, The (was Seabird Beach Resort)	3465 GMD	R-3MX	3	0.58	15	25.93	1	14	15				
20	Cedars West	5655 GMD	R-3MX	3	6.23	56	8.99	18	38	56				
21	Club Longboat Beach & Tennis	5055 GMD	R-3MX	3	8.77	87	9.92	26	61	87				
24	Covert Condo III (Gulfside)	5211 GMD	R-3MX	3	2.14	15	7.01	6	9	15				
25	Diplomat, The	3155 GMD	R-3MX	3	1.72	50	29.00	5	45	50				
42	La Playa	4425 GMD	R-3MX	3	1.64	21	12.84	4	17	21				
73	Sarasota Outrigger (Continentals Sea Club I)	5155 GMD	R-3MX	3	1.09	10	9.15	3	7	10				
76	Sea Horse Beach Resort	3453 GMD	R-3MX	3	1.72	36	20.96	5	31	36				
86	Spanish Main Yacht Club Condo	5700 GMD	R-3MX	3	25.20	213	8.45	75	138	213				
92	Tiffany Plaza	4325 GMD	R-3MX	3	3.12	43	13.77	9	34	43	63		6	1975
108	Continentals Sea Club II (Sea Club III)	5591 GMD	R-3MX	3	1.00	8	8.00	3	5	8				
116	Little Gull Bayside	5330 GMD	R-3MX	3	1.55	8	5.15	4	4	8				
129	Gulf Tides (Gukside)	3005 GMD	R-3MX	3	0.71	10	14.14	2	8	10				
131	Covert Condo II	5231 GMD	R-3MX	3	2.08	27	12.99	6	21	27				
10	Beach Castle Resort (Bayside)	5310 GMD	R-4MX	4	1.31	13	9.89	5	8	13				
26	Dock on the Bay	3440 GMD	R-4MX	4	3.58	19	5.31	14	5	19				
34	Gulf Key Condo	540 Neptune Ave	R-4MX	4	1.15	10	8.72	4	6	10				
47	Longboat Bay Club	3200 GMD	R-4MX	4	1.66	15	9.05	6	9	15				
104	White Sands (Bayside)	5114 GMD	R-4MX	4	2.41	18	7.45	9	9	18				
123	White Sands Gulfside)	5115 GMD	R-4MX	4	1.22	12	9.83	4	8	12				
125	LBK Yacht/Tennis Mark I	4140 GMD	R-4MX	4	1.15	8	6.95	4	4	8				
139	Longboat Harbour Towers	4401 GMD	R-4MX	4	3.12	73	23.37	12	61	73	108	+	11	1972
	Island Court	3350 GMD	R-4MX	4	1.60	7	4.38	6	1	7				
88	Sunset Beach	2101 thru 2109 GMD	R-6MX	6	5.97	65	10.89	35	30	65	60	^	6	1984
90	Tencon Beach *	1511 GMD	R-6MX	6	3.38	10	2.96	20	.	20	73		6	1978
22	Colony Beach & Tennis Club	1620 GMD	T-6	6	17.59	237	13.47	105	132	237				
30	Four Winds Beach Resort	2605 GMD	T-6	6	3.46	45	13.01	20	25	45				
41	La Firenza	4125 & 4127 GMD	T-6	6	2.31	10	4.34	13	.	13				
70	Sand Cay Condo	4725 GMD	T-6	6	4.56	60	13.14	27	33	60				
98	Veranda Beach Club	2509 GMD	T-6	6	3.68	40	10.86	22	18	40	61		6	1982
109	Zota **	4711 GMD	T-6	6	5.04	187	37.13	30	157	187				

* Tencon has acreage for additional units. The building height places it in the Legacy category.

** Originally had 102 units or 20.25 units/acre. 85 additional units granted from the 2008 Referendum pool of 250 tourist units.

SAMPLE LIST OF PROPERTIES. NOT A COMPLETE LIST.

+ = plus 10' elevator shaft ^= plus 8' ac

ORDINANCE 2007-48

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CALLING FOR A REFERENDUM TO BE PLACED BEFORE THE QUALIFIED ELECTORS OF THE TOWN OF LONGBOAT KEY AT THE NEXT GENERAL TOWN ELECTION SCHEDULED FOR MARCH, 2008, FOR PURPOSES OF DETERMINING WHETHER THE TOWN OF LONGBOAT KEY COMPREHENSIVE PLAN, ZONING CODE AND RELATED DOCUMENTS MAY BE AMENDED TO ALLOW PROPERTIES WHICH HAVE MORE DWELLING OR TOURISM UNITS (DENSITY) THAN THE CURRENT LAW ALLOWS, BUT WHICH WERE LEGAL AT THE TIME THEY WERE CREATED, TO VOLUNTARILY REBUILD TO THEIR CURRENT DWELLING OR TOURISM DENSITY LEVELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Charter of the Town of Longboat Key, Article II, Section 22(b), "*Comprehensive Plan for* Town", does not permit an increase in the allowable density, as established by the March 12, 1984, Comprehensive Plan, without a referendum approved by the electors of Longboat Key; and

WHEREAS, the process for a referendum as required by Article II, Section 22, is set forth by Section 160.04 of the Longboat Key Code of Ordinances; and

WHEREAS, the Planning and Zoning Board, at the direction of the Town Commission, has undertaken not only the legally required review of the Town's Comprehensive Plan, but also the development of a long-range community Vision Plan; and

WHEREAS, the Vision Plan has analyzed the current conditions on Longboat Key, reflected upon the method by which the Town achieved those current conditions and identified certain areas of improvement as the Town looks forward to the next 20 years; and

WHEREAS, to assist in drafting the Vision Plan, the Town hired Arrington-Marlowe as consultants; and

WHEREAS, after receiving both formal and informal public input, the Planning and Zoning Board received a draft Vision Plan in the Spring of 2007; and

WHEREAS, the Planning and Zoning Board appointed a Vision Plan Subcommittee to review and edit the plan over the Summer and to offer recommendations to the full Planning and Zoning Board; and

WHEREAS, after completion of the Vision Plan Subcommittee's work, the Subcommittee identified a series of potential referendum questions concerning the current and future density of the Town of Longboat Key; and

WHEREAS, it is deemed desirable to stabilize the existing residential and tourism densities by allowing redevelopment while maintaining the current density of the property; and

WHEREAS, the Planning and Zoning Board recommended to the Town Commission that this referendum question be placed before the electors of the Town; and

WHEREAS, the Town Commission has met, discussed the merits of this ballot question, and, after due consideration and public hearing, wishes to offer this question to the electors of the Town of Longboat Key at the next general election to be held in March, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. The Whereas clauses above are ratified and confirmed as true and correct.

Section 2. The proposed question concerning allowing legally nonconforming tourism and residential units to be rebuilt shall be submitted to the vote of the qualified electors of the Town for approval. The referendum shall be held at the March 2008, general election at a specific date established by law.

Section 3. A ballot question shall be placed before the qualified electors substantially in the following form, which shall be printed on the official ballot:

OFFICIAL BALLOT
TOWN OF LONGBOAT KEY, FLORIDA
ALLOWING LEGALLY NONCONFORMING UNITS TO BE REBUILT REFERENDUM
MARCH, 2008

REFERENDUM QUESTION:

For the properties that have more dwelling or tourism units than currently allowed, but which were legal at the time they were created, may the Town consider and grant approval to allow those properties to rebuild to their current dwelling or tourism unit levels in the event of involuntary or voluntary destruction?

_____ **YES**

_____ **NO**

Section 4. If a majority of the qualified electors of the Town of Longboat Key actually voting on the referendum shall vote for adoption of the proposed modification to the Town's density, said modification shall become effective at 12:01 a.m. on the day following the day of the Commission's canvass of the referendum results on the next day after the referendum. If a majority of the qualified electors of the Town of Longboat Key actually voting on said question vote against the adoption of the proposed modification, then it shall not be effective or operative, and the same shall be void and of no effect, and the present density and Comprehensive Plan of the Town of Longboat Key shall remain in full force and effect.

Section 5. The laws and ordinances in effect in the Town of Longboat Key at the time of this referendum governing election procedures, including the laws and ordinances governing the voting and counting of absentee ballots, shall apply to and govern the referendum provided for herein and all matters pertaining thereto, except as otherwise provide for in this Charter.

Section 6. This Ordinance shall take effect upon second reading and adoption if approved during the referendum process and shall become effective as specifically provided for in Section 4 above.

Passed on the first reading and public hearing the 5th day of November, 2007.

Adopted on the second reading and public hearing this 3RD day of DECEMBER, 2007.

Jeremy Whatmough, Mayor

ATTEST:

Jane O'Connor, Town Clerk

End of Agenda Item

Sarasota County

2017 NPDES MS4 Annual Report

APPENDIX B

SECTION III: MONITORING SUMMARY

1.Ambient Water Quality of Bays
2.Ambient Water Quality of Watersheds
3.Biological Monitoring – Oysters
4.Biological Monitoring – Seagrass
5.Biological Monitoring – Scallops
6.Rainfall Monitoring

Sarasota County

2017 NPDES MS4 Annual Report

1. Ambient Water Quality of Bays

Ambient Water Quality of Bays
Reporting and Assessment of Monitoring Results

Healthy bays have intrinsic value to marine life, human life and the local economy. As a monitoring tool, water quality of bays integrates the cumulative effects of watershed management. The foremost example of this is the use of seagrass as an integrated measure for managing nitrogen that comes from the watersheds. This relationship is the foundation of bay standards in 62-302 F.A.C. for Southwest Florida.

Summary of Monitoring Data from 2017 Reporting Year

Ambient monthly water quality monitoring for all bays was conducted in 2017. Results are summarized on the Sarasota Water Atlas website on the Bay Conditions Pages located at http://www.sarasota.wateratlas.usf.edu/coastal/conditions-report/85/sarasota-bay/2017/ and on the Water Quality Trends Pages located at http://www.sarasota.wateratlas.usf.edu/water-quality-trends/. Raw data can also be downloaded at http://www.sarasota.wateratlas.usf.edu/datadownload/Default.aspx

Long Term Assessment

Bay Conditions is an index of bay health that was developed in cooperation with the Sarasota Bay Estuary Program that compares mean annual concentrations to targets and thresholds for chlorophyll, nitrogen and phosphorus. In 2017, improvement was seen in Sarasota Bay and Blackburn Bay where all three thresholds were met. Both bays achieved Pass Status because chlorophyll rose from Caution to Pass status from 2016 to 2017. Roberts Bay, Little Sarasota Bay, Dona/Roberts Bays and Lemon Bay remained in Caution status. Roberts Bay improved from Caution to Pass Status for nitrogen but on the whole remained in Caution status because of elevated levels of chlorophyll. Improvements in Bay Conditions indicates improved watershed management in the contributing land use to Sarasota Bay, Roberts Bay and Blackburn Bay.

Bay Conditions Time Series 2010-2017

Bay Conditions	Sarasota Bay	Roberts Bay	Little Sarasota Bay	Blackburn Bay	Dona / Roberts Bay	Lemon Bay
2010	Pass	Caution	Caution	Pass	Caution	Caution
2011	Pass	Pass	Pass	Pass	Caution	Pass
2012	Pass	Pass	Pass	Pass	Caution	Caution
2013	Pass	Pass	Pass	Pass	Caution	Caution
2014	Pass	Pass	Pass	Pass	Caution	Caution
2015	Pass	Caution	Caution	Pass	Caution	Caution
2016	Caution	Caution	Caution	Caution	Caution	Caution
2017	Pass	Caution	Caution	Pass	Caution	Caution
Chlorophyll	**Sarasota Bay**	**Roberts Bay**	**Little Sarasota Bay**	**Blackburn Bay**	**Dona / Roberts Bay**	**Lemon Bay**
2010	Pass	Caution	Caution	Pass	Caution	Caution
2011	Pass	Pass	Pass	Pass	Caution	Pass
2012	Pass	Pass	Pass	Pass	Pass	Caution
2013	Pass	Pass	Pass	Pass	Caution	Caution
2014	Pass	Pass	Pass	Pass	Caution	Pass
2015	Pass	Caution	Caution	Pass	Caution	Caution
2016	Caution	Caution	Caution	Caution	Caution	Caution
2017	Pass	Caution	Caution	Pass	Caution	Caution
Nitrogen	**Sarasota Bay**	**Roberts Bay**	**Little Sarasota Bay**	**Blackburn Bay**	**Dona / Roberts Bay**	**Lemon Bay**
2010	Pass	Pass	Pass	Pass	Caution	Caution
2011	Pass	Pass	Pass	Pass	Caution	Pass
2012	Pass	Pass	Pass	Pass	Caution	Caution
2013	Pass	Pass	Pass	Pass	Caution	Caution
2014	Pass	Pass	Pass	Pass	Caution	Caution
2015	Pass	Pass	Pass	Pass	Caution	Caution
2016	Pass	Caution	Pass	Pass	Caution	Caution
2017	Pass	Pass	Pass	Pass	Caution	Caution
Phosphorus	**Sarasota Bay**	**Roberts Bay**	**Little Sarasota Bay**	**Blackburn Bay**	**Dona / Roberts Bay**	**Lemon Bay**
2010	Pass	Pass	Pass	Pass	Pass	Pass
2011	Pass	Pass	Pass	Pass	Pass	Pass
2012	Pass	Pass	Pass	Pass	Pass	Pass
2013	Pass	Pass	Pass	Pass	Pass	Pass
2014	Pass	Pass	Pass	Pass	Pass	Pass
2015	Pass	Pass	Pass	Pass	Pass	Pass
2016	Pass	Pass	Pass	Pass	Pass	Pass
2017	Pass	Pass	Pass	Pass	Pass	Pass

The Bay Conditions pages have a section called Other Measures of Bay Health that presents graphs five years of 6-month running averages for chlorophyll, nitrogen, phosphorus, dissolved oxygen, light attenuation, salinity, and turbidity. This method may or may not illustrate the same trends as the Bay Conditions Index because the calculation is different.

Bay Conditions - Other Measures of Bay Health

	Sarasota Bay	Roberts Bay	Little Sarasota Bay	Blackburn Bay	Dona / Roberts Bay	Lemon Bay
Chlorophyll	Increasing	Increasing	Increasing	Decreasing	Increasing	Increasing
Nitrogen	Flat	Flat	Increasing	Decreasing	Flat	Flat
Phosphorus	Increasing	Flat	Flat	Flat	Flat	Flat
Dissolved Oxygen	Flat	Flat	Flat	Flat	Flat	Flat
Light Attenuation	Flat	Flat	Increasing	Flat	Flat	Flat
Salinity	Flat	Flat	Decreasing	Flat	Flat	Flat
Turbidity	Decreasing	Flat	Flat	Flat	Decreasing	Flat
	This is a visual assessment of apparent changes to water quality, not a statistical trend test.					

Observations of apparent trends from viewing the graphs suggest increasing chlorophyll in five bays, increasing nutrients in 2 bays and increasing light attenuation in one. Greater light attenuation indicates less water clarity.

Trend analysis that is statistically significant is conducted for Nitrogen, Chlorophyll and Dissolved Oxygen for each sampling location and for both the preceding 10 years and the period of record for any data. A summary table is presented below and full information is available online at http://www.sarasota.wateratlas.usf.edu/water-quality-trends/.

Station ID	Waterbody	Nitrogen 10 Year Trend	Nitrogen Period of Record Trend	Chlorophyll 10 Year Trend	Chlorophyll Period of Record Trend	Dissolved Oxygen 10 Year Trend	Dissolved Oxygen Period of Record Trend
US-1	Sarasota Bay	No Trend	Increasing	No Trend	Increasing	No Trend	No Trend
US-2	Sarasota Bay	No Trend	Increasing	No Trend	Increasing	No Trend	No Trend
US-3	Sarasota Bay	No Trend	Increasing	No Trend	No Trend	No Trend	No Trend
US-4	Sarasota Bay	No Trend	Increasing	No Trend	Increasing	No Trend	No Trend
US-5	Sarasota Bay	No Trend	Increasing	No Trend	No Trend	No Trend	No Trend
10-1	Sarasota Bay	No Trend	Increasing	No Trend	No Trend	Increasing	No Trend
10-2	Sarasota Bay	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
10-3	Sarasota Bay	No Trend	Increasing	No Trend	No Trend	Increasing	No Trend
10-4	Sarasota Bay	Increasing	Increasing	Increasing	Increasing	Decreasing	No Trend
10-5	Sarasota Bay	No Trend	Increasing	Increasing	Increasing	Decreasing	No Trend
11-1	Sarasota Bay	No Trend	Increasing	No Trend	No Trend	No Trend	No Trend
11-2	Sarasota Bay	Increasing	Increasing	No Trend	Increasing	No Trend	No Trend
11-3	Sarasota Bay	No Trend	Increasing	No Trend	Increasing	Decreasing	No Trend
11-4	Sarasota Bay	Increasing	Increasing	Increasing	Increasing	Decreasing	No Trend
11-5	Sarasota Bay	Increasing	Increasing	Increasing	Increasing	Decreasing	No Trend
13-1	Roberts Bay	Increasing	Increasing	No Trend	Increasing	No Trend	Increasing
13-2	Roberts Bay	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
13-3	Roberts Bay	Increasing	Increasing	No Trend	Increasing	No Trend	No Trend
13-4	Roberts Bay	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
13-5	Roberts Bay	Increasing	Increasing	No Trend	Increasing	No Trend	No Trend
14-1	Little Sarasota Bay	Increasing	Increasing	No Trend	Increasing	No Trend	Increasing
14-2	Little Sarasota Bay	Increasing	Increasing	No Trend	No Trend	Increasing	Increasing
14-3	Little Sarasota Bay	Increasing	Increasing	No Trend	No Trend	No Trend	Increasing
14-4	Little Sarasota Bay	Increasing	Increasing	No Trend	Increasing	No Trend	Increasing
14-5	Little Sarasota Bay	Increasing	Increasing	No Trend	Increasing	No Trend	Increasing
16-1	Blackburn Bay	Increasing	Increasing	Increasing	No Trend	No Trend	Decreasing
16-2	Blackburn Bay	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
16-3	Blackburn Bay	Increasing	Increasing	Increasing	No Trend	No Trend	Decreasing
16-4	Blackburn Bay	Increasing	Increasing	Increasing	Increasing	No Trend	Decreasing
16-5	Blackburn Bay	Increasing	Increasing	No Trend	No Trend	No Trend	Decreasing
DR-1	Dona/Roberts Bays	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
DR-2	Dona/Roberts Bays	No Trend	Increasing	Increasing	Increasing	No Trend	No Trend
DR-3	Dona/Roberts Bays	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
DR-4	Dona/Roberts Bays	Increasing	Increasing	Increasing	Increasing	Decreasing	No Trend
DR-5	Dona/Roberts Bays	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
LB-1	Lemon Bay	No Trend	Increasing	Increasing	Increasing	No Trend	No Trend
LB-2	Lemon Bay	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
LB-3	Lemon Bay	Increasing	Increasing	No Trend	Increasing	No Trend	No Trend
LB-4	Lemon Bay	Increasing	Increasing	No Trend	No Trend	Increasing	No Trend
LB-5	Lemon Bay	No Trend	Increasing	No Trend	Increasing	No Trend	No Trend

The analysis shows many areas with increasing trends for nitrogen and chlorophyll. In the case of dissolved oxygen increasing concentrations are considered a good condition and are colored green. The explanation for these apparent increases in nitrogen pollution in the bay is elusive and will require more investigation. Significant efforts to reduce pollution have been made such as the Celery Fields, wastewater consolidation and the fertilizer ordinance.

Relationship of Data to Stormwater Management Plan (SWMP)

Monthly ambient monitoring of bays provides measurements of the response of our receiving waters to watershed management activities. In 2017, 2 of 6 bays were rated as passing the bay conditions index – Sarasota Bay and Blackburn Bay. Four bays were assigned caution status. Roberts Bay and Little Sarasota Bay were in caution status only because of not meeting one target - chlorophyll. Dona/Roberts Bays and Lemon Bay were in caution status because of not meeting two targets – nitrogen and chlorophyll. The Bay Conditions Index illustrates which basins would benefit from more stormwater pollutant reduction best management practices in the SWMP.

Other Measures of Bay Health indicates that there may be an increasing trend in light attenuation in 5 of 6 bay systems. The bay monitoring program provides a focus for additional analysis of whether statistically significant trends are present and to identify the causes of this potential trend. Contributing basins to bays with problems are more appropriate locations for additional BMPs.

Trend analysis of bay water quality monitoring data provides a solid, statistically valid measure of improving or degrading conditions. In 2017, the least desirable conditions were found in the more southern bays: Blackburn, Dona/Roberts and Lemon. The data suggests that these would be suitable locations for implementation of Best Management Practices. In the coming year, improvements to the Sarasota Water Atlas will include adding more parameters to the statistical trend analysis.

Sarasota County

2017 NPDES MS4 Annual Report

2. Ambient Water Quality of Watersheds

Ambient Water Quality of Watersheds
Reporting and Assessment of Monitoring Results

Creeks receive stormwater from the watersheds and transport it to the bays. The upstream portions are entirely fresh water and the downstream portions are tidally influenced by salt water. Healthy creeks are nurseries for fisheries and other aquatic life, they add to the quality of human life, and support local property values. Nutrients, bacteria, sediments, and oxygen-demanding substances have been identified as priority pollutants.

Summary of Monitoring Data from 2016 Reporting Year

In 2017, monthly ambient water quality was conducted in 17 creeks. The data is explained on the Sarasota Water Atlas as a Creek Conditions Report located at http://www.sarasota.wateratlas.usf.edu/creek-conditions and a trend analysis located at http://www.sarasota.wateratlas.usf.edu/water-quality-trends/. Raw data can also be downloaded here: http://www.sarasota.wateratlas.usf.edu/datadownload/Default.aspx.

Long Term Assessment

Seventeen Creeks were assessed for Creek Conditions using chlorophyll, nitrogen, phosphorus, and dissolved oxygen data and the results are summarized below. Additional information is available at http://www.sarasota.wateratlas.usf.edu/creek-conditions/.

Five creeks have been in the Caution category every year: Elligraw, Clower, North, Alligator and Gottfried. Four creeks have been in the Caution category for a majority of years: Whitaker, Phillippi, Woodmere and Forked. Three creeks have been entirely in the Pass category for all years: Matheny, Cowpen and Ainger.

Creek Conditions	Whitaker Bayou	Hudson Bayou	Phillippi Creek	Matheny Creek	Elligraw Bayou	Clower Creek	Catfish Creek	North Creek	South Creek	Cowpen Slough	Curry Creek	Hatchett Creek	Alligator Creek	Woodmere Creek	Forked Creek	Gottfried Creek	Ainger Creek
2011	Pass	Caution	Caution	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Caution	Pass
2012	Caution	Caution	Pass	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Caution	Pass
2013	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass	Pass	Pass	Pass	Caution	Caution	Pass	Caution	Pass
2014	Caution	Pass	Caution	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass
2015	Pass	Pass	Pass	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Caution	Pass	Caution	Caution	Caution	Caution	Pass
2016	Pass	Pass	Caution	Pass	Caution	Caution	Caution	Caution	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Caution	Pass
2017	Caution	Pass	Caution	Pass	Caution	Caution	Pass	Caution	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass

Chlorophyll	Whitaker Bayou	Hudson Bayou	Phillippi Creek	Matheny Creek	Elligraw Bayou	Clower Creek	Catfish Creek	North Creek	South Creek	Cowpen Slough	Curry Creek	Hatchett Creek	Alligator Creek	Woodmere Creek	Forked Creek	Gottfried Creek	Ainger Creek
2011	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Pass	Pass
2012	Caution	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass
2013	Caution	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
2014	Caution	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
2015	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Pass
2016	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass
2017	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass

Nitrogen	Whitaker Bayou	Hudson Bayou	Phillippi Creek	Matheny Creek	Elligraw Bayou	Clower Creek	Catfish Creek	North Creek	South Creek	Cowpen Slough	Curry Creek	Hatchett Creek	Alligator Creek	Woodmere Creek	Forked Creek	Gottfried Creek	Ainger Creek
2011	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass
2012	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2013	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass
2014	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass
2015	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass
2016	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Pass	Caution	Pass
2017	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass

Phosphorus	Whitaker Bayou	Hudson Bayou	Phillippi Creek	Matheny Creek	Elligraw Bayou	Clower Creek	Catfish Creek	North Creek	South Creek	Cowpen Slough	Curry Creek	Hatchett Creek	Alligator Creek	Woodmere Creek	Forked Creek	Gottfried Creek	Ainger Creek
2011	Pass	Caution	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2012	Pass	Caution	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2013	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2014	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2015	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2016	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Caution	Pass
2017	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass	Pass

Dissolved Oxygen	Whitaker Bayou	Hudson Bayou	Phillippi Creek	Matheny Creek	Elligraw Bayou	Clower Creek	Catfish Creek	North Creek	South Creek	Cowpen Slough	Curry Creek	Hatchett Creek	Alligator Creek	Woodmere Creek	Forked Creek	Gottfried Creek	Ainger Creek
2011	Pass	Caution	Pass	Pass	Pass	Caution	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Caution	Pass
2012	Caution	Caution	Pass	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Pass	Caution	Pass
2013	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Pass
2014	Pass	Pass	Caution	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass
2015	Pass	Pass	Pass	Pass	Caution	Caution	Pass	Caution	Pass	Pass	Caution	Pass	Caution	Caution	Caution	Caution	Pass
2016	Pass	Pass	Caution	Pass	Pass	Caution	Pass	Caution	Pass	Pass	Pass	Pass	Caution	Pass	Caution	Caution	Pass
2017	Caution	Pass	Caution	Pass	Caution	Caution	Pass	Caution	Caution	Pass	Pass	Pass	Caution	Caution	Caution	Caution	Pass

Pass / Fail	6/28	6/28	4/28	0/28	12/28	7/28	2/28	11/28	1/28	0/28	2/28	1/28	12/28	5/28	8/28	17/28	0/28

Trend analysis that is statistically significant is conducted for Nitrogen, Chlorophyll and Dissolved Oxygen for each sampling location for both the preceding 10 years and for the period of record. A summary table is presented below and full information is available online at http://www.sarasota.wateratlas.usf.edu/water-quality-trends/.

Station ID	Waterbody	Nitrogen 10 Year Trend	Nitrogen Period of Record Trend	Chlorophyll 10 Year Trend	Chlorophyll Period of Record Trend	Dissolved Oxygen 10 Year Trend	Dissolved Oxygen Period of Record Trend
WH-1	Whitaker Bayou	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
WH-2	Whitaker Bayou	Increasing	Increasing	Increasing	Increasing Trend	Decreasing	Decreasing
HUD-2	Hudson Bayou	Increasing	Increasing	Decreasing	No Trend	No Trend	No Trend
HUD-3	Hudson Bayou	Increasing	Increasing	No Trend		Increasing	No Trend
RBW-A	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
RBW-D	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
RBW-F	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
RBW-H	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	Decreasing	Decreasing
RBW-J	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
RBW-O	Phillippi Creek	Increasing	Increasing	No Trend	No Trend	Decreasing	Decreasing
RBS-J	Red Bug Slough		No Trend		No Trend		No Trend
MAT-1	Matheny Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
MAT-2	Matheny Creek	Increasing	Increasing	Increasing	Increasing	No Trend	No Trend
ELL	Elligraw Bayou	No Trend	No Trend	Decreasing	Decreasing	No Trend	No Trend
CLO	Clower Creek	No Trend	No Trend	No Trend	No Trend	No Trend	No Trend
CAT	Catfish Creek	Increasing	Increasing	Decreasing	Decreasing	Decreasing	Decreasing
CAT-2	Catfish Creek	No Trend	Increasing	No Trend	No Trend	No Trend	No Trend
NOR	North Creek	Increasing	Increasing	No Trend	No Trend	No Trend	Decreasing
SOU-2	South Creek	Increasing	Increasing	Increasing	Increasing	No Trend	Decreasing
CPS-1	Cow Pen Slough	No Trend	Increasing	Decreasing	Decreasing	No Trend	No Trend
CPS-2	Cow Pen Slough	Increasing	Increasing	No Trend	Decreasing	No Trend	No Trend
CC-2	Curry Creek	No Trend	Increasing	Decreasing	No Trend	No Trend	Decreasing
CC-3	Curry Creek	Increasing	Increasing	Decreasing	Decreasing	No Trend	No Trend
BBC	Blackburn Canal	No Trend		No Trend		No Trend	
BBC	Blackburn Canal	No Trend		No Trend		No Trend	
HAT-1	Hatchett Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
WOD	Woodmere Creek	Increasing	Increasing	No Trend	Decreasing	No Trend	No Trend
WOD-2	Woodmere Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
ALL	Alligator Creek	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
ALL-2	Alligator Creek	No Trend	No Trend	No Trend	Decreasing	No Trend	No Trend
ALL-3	Alligator Creek	Increasing	Increasing	No Trend	No Trend	Decreasing	Decreasing
FOR-2	Forked Creek	Increasing	Increasing	No Trend	No Trend	Decreasing	Decreasing
MYA	Myakka River	Increasing	Increasing	No Trend	No Trend	No Trend	No Trend
MYA-B	Myakka River	Increasing		Decreasing		No Trend	
MYA-B	Myakka River	Increasing		Decreasing		No Trend	
MYA-C	Myakka River	Increasing		No Trend		No Trend	
MYA-C	Myakka River	Increasing		No Trend		No Trend	
MYA-E	Myakka River	No Trend		No Trend		No Trend	
MYA-E	Myakka River	No Trend		No Trend		No Trend	
MYA-F	Myakka River	Increasing		Decreasing		No Trend	
MYA-F	Myakka River	Increasing		Decreasing		No Trend	
BGS-B	Big Slough	Increasing		No Trend		No Trend	
BGS-B	Big Slough	Increasing		No Trend		No Trend	
CLG	Clay Gully	Increasing		No Trend		No Trend	
CLG	Clay Gully	Increasing		No Trend		No Trend	
DPS	Deer Prairie Slough	No Trend		No Trend		No Trend	
DPS	Deer Prairie Slough	No Trend		No Trend		No Trend	
HWC	Howard Creek	No Trend		No Trend		No Trend	
HWC	Howard Creek	No Trend		No Trend		Increasing	

Trends seen from this analysis highlight many areas with increasing nitrogen concentrations but much less so in undeveloped areas such as the Myakka Watershed. Whitaker Bayou, Matheny Creek, South Creek would seem to be suitable locations for the implementation of Best Management Practices. It is not obvious why nitrogen is increasing in concentration. Additional investigation will be needed to better understand the sources.

Relationship of Data to Stormwater Management Plan

Monthly ambient monitoring of creeks provides valuable facts about where pollutants are having the greatest impact. Data provides a foundation for making decisions about where to implement Best Management Practices to help reduce pollutant loading in a cost-effective manner.

Sarasota County

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3. Biological Monitoring - Oysters

2017 Biological Monitoring –

Oyster Monitoring Reporting and Assessment of Monitoring Results

Oysters have long been recognized as key bio-indicators of the ecological health of marine and estuarine ecosystems. Changes in oyster health can provide an early warning of potential adverse impacts associated with hydrological alterations occurring throughout the watershed. Monitoring the changes in percent live oyster coverage is a simple, cost-effective tool to document changes and allow watershed managers to minimize impacts.

Summary of Monitoring Data from 2017 Reporting Year

In 2017 eleven stations ranked excellent with greater than 75% live oysters. Seven stations fell into the "good" category (50%-75% live oysters). Five stations were in the caution category with less than 50% live. Below is the current and historic percent live oyster monitoring data.

Long Term Assessment Most oyster stations on Sarasota County creeks followed typical patterns that they have through the years. Some of the upstream stations experienced some die off during the wet season. Sarasota County did experience higher than average rainfall in the Summer of 2017. This higher than normal rainfall likely contributed to upstream stations being too fresh for too long causing some oyster die off. This is particularly evident in the Shakett Creek and Curry Creek in the Dona and Roberts Bay watershed. This watershed is highly altered and upstream sites have experienced die off in the past during heavy rainfall years.

Relationship of Data to Stormwater Management Plan (SWMP)

The percent live oysters generally drop in the wet season and in certain watersheds with excessive runoff, the die off in up-stream stations is more pronounced. This allows the county to identify areas in which to focus water retention efforts. A recent watershed restoration effort was completed during the winter of 2016- 2017 in the Dona Bay watershed. It is anticipated that upstream die offs in the Dona Bay watershed will decrease in the future due to restoration efforts.

Percent Live Oysters by Year

Excellent (>75%), Good (50-75%), Caution (<50%)

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Alligator Creek (AL1)					63	68	61	62	69		43	49	65	81	77
Alligator Creek (AL2)					78	84	66	69	80		21	49	73	49	47
Ainger Creek (ANG1)					75	75	46	80	79		75	74	72	80	87
Ainger Creek (ANG2)					85	72	55	80	72		52	85	73	76	70
Catfish Creek (CAT1)				76	88	94	70	2	0		0				
Curry Creek (CC1)	0	41	59	59	71	80	68	76	71	61	61	68	45	53	52
Curry Creek (CC2)			13	51	74	91	47	59	77	55	21	33	38	35	23
Dona Bay (DB1)	22	58	76	64	73	77	67	84	82	74	77	71	79	70	80
Forked Creek (FRK1)					64	50	36	48	33		0	84	81	82	
Forked Creek (FRK1A)											44				
Forked Creek (FRK2)					77	79	69	73	85		72	86	85	87	74
Gottfried Creek (GOT1)					72	75	68	84	84		80	72	86	80	78
Gottfried Creek (GOT2)					79	70	63	70	76		46	79	75	78	58
Gottfried Creek (GOT3)					81	55	55	64	60		69	75	55	64	55
Hudson Bayou (HUD1)				78	75	77	71	79	87		59	85	87	88	86
Hudson Bayou (HUD2)				54	66	63	67	67	70		68	71	63	70	69
Lyons Bay (LYB1)	80	79	80	77	63	71	78	74	73	75	68	83	84	77	88
North Creek (NC1)				82	76	69	77	77	85		82				
North Creek (NC2)				0	85	47	59	50	0		0				
North Creek (NC2A)											72				
North Creek (NO1)												86	85	81	
Phillippi Creek (PH1)				56	76	54	77	78	77		72	56	79	85	80
Phillippi Creek (PH2)				60	81	75	72	78	80		67	64	83	88	80
Phillippi Creek (PH3)				21	84	75	66	70	46		23	68	67	55	48
Roberts Bay (RB1)	79	78	73	73	76	79	80	83	89	87	80	86	77	74	86
South Creek (SC1)				57	54	62	64	78	80		69	56	67	82	78
South Creek (SC2)	0			58	85	78	68	73	80		66	75	62	69	68
Shakett Creek (SKC1)	8	79	89	72	86	82	82				86	78	88	83	62
Shakett Creek (SKC2)		76	55	56	80	81	81	84	81	78	62	87	65	74	49
Shakett Creek (SKC3)			36	37	16										
Shakett Creek (SKC4)					79	87	73	84	83	61	32	55	35	22	10

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4. Biological Monitoring - Seagrass

Biological Monitoring – Seagrass Monitoring
Reporting and Assessment of Monitoring Results

Seagrass is the response variable that was used to develop nutrient management criteria for bays in Southwest Florida. The SW Florida Water Management District (SWFWMD) maps seagrass acreage from aerial photography every other winter. Results from 2016 show an overall increase in seagrass throughout Sarasota County but increases in Sarasota, Roberts and Dona/Roberts Bays were offset by losses in Little Sarasota, Blackburn and Lemon Bays. This data is for Sarasota County only and does not include the portions of Sarasota and Lemon Bays that are beyond the County borders. Targets were achieved in 2 of 6 bays.

Year	Sarasota County	Sarasota Bay	Roberts Bay	Little Sarasota Bay	Blackburn Bay	Dona Roberts Bay	Lemon Bay
2014	6,598	3,479	321	884	461	99	1,354
2016	6,705	3,719	356	772	415	107	1,336
Trend	2% Increase	7% Increase	11% Increase	-13% Decrease	-10% Decrease	8% Increase	-1% Decrease
Target	4,640	2,022	348	702	447	112	1,009
Variance	2,065	1,697	8	70	-32	-5	327
2016 Target Success	45% Above	84% Above	2% Above	10% Above	-7% Below	-4% Below	32% Above

Summary of Monitoring Data from 2016 Reporting Year

Sarasota County's Seagrass Monitoring Program began in 2006 and has played an important role in assessing the state of the county's seagrass habitat and overall health of the bays. Monitoring works to characterize the density, complexity, and stability of those seagrass meadows. Data is gathered on species found, percent cover of the bay bottom (abundance), blade length, drift algae, epiphyte coverage and other characteristics.

The premise is that healthy seagrass beds will grow densely, be diverse and tall. Conversely, when large amounts of nutrients are present from stormwater runoff, algae will be seen in extreme abundance. Excess drift algae and epiphytes are known to be harmful to the health of seagrass. This data is collected in each bay in Sarasota (160 total sites) and compared to seagrass acreage maps created by the Southwest Florida Water Management District (SWFWMD) and County water quality data. Together these pieces paint a picture of how stormwater affects overall water quality and bay health.

Long Term Assessment

The SWFWMD Sarasota Bay Surface Water Improvement and Management Plan established that there is a negative correlation between nitrogen and seagrass biomass in Sarasota Bay (Tomasko et al., 1992).

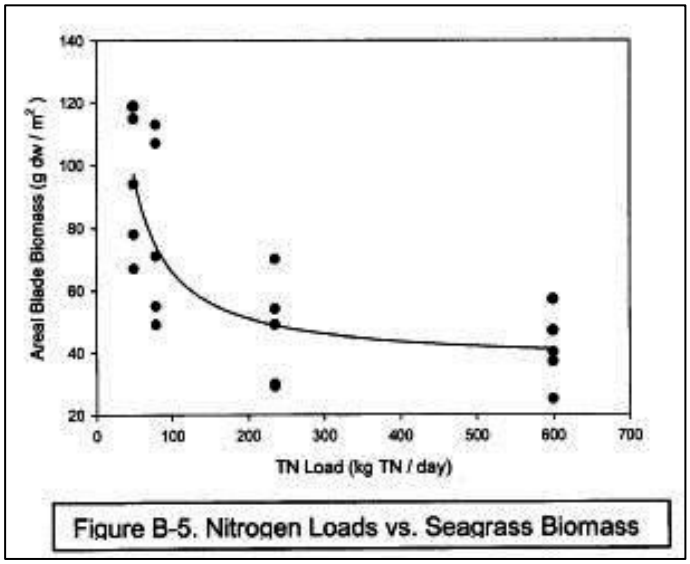


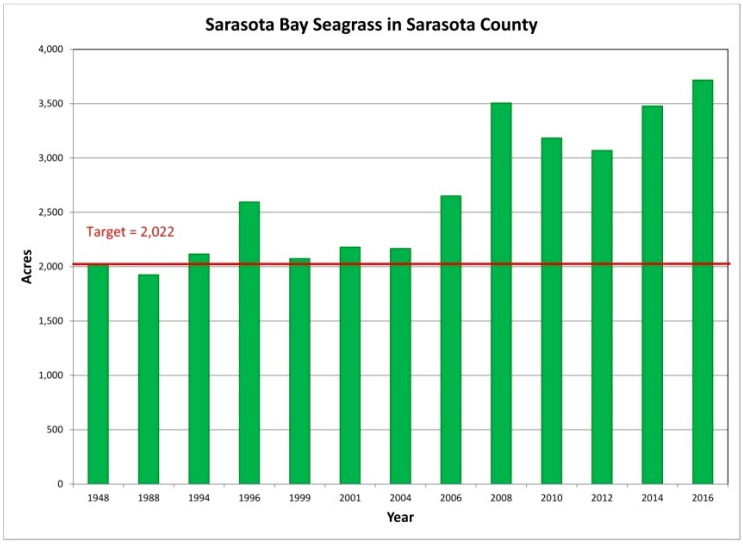
Figure B-5. Nitrogen Loads vs. Seagrass Biomass

The characteristics collected by the County may be analyzed spatially for each bay and be correlated to water quality characteristics, such as nitrogen and chlorophyll, from freshwater inputs in the correlating watershed. Below are two such examples. Complete data for all bays can be found on the Sarasota Water Atlas Seagrass pages.

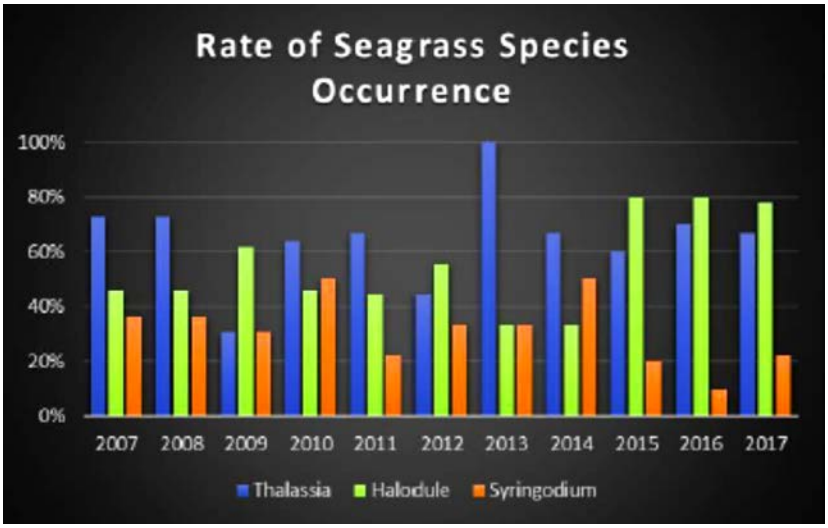
Seagrass species are sensitive to salinity and therefore have an inherent relationship to stormwater management. The presence of large, well-mixed beds of *Thalassia testudinum*, *Syringodium filiforme*, and *Halodule wrightii* indicate that an area benefits from a combination of tidal flushing and decreased influences from freshwater and nutrients in stormwater runoff. Thalassia and Syringodium have long blade lengths and form dense meadows creating good habitat.

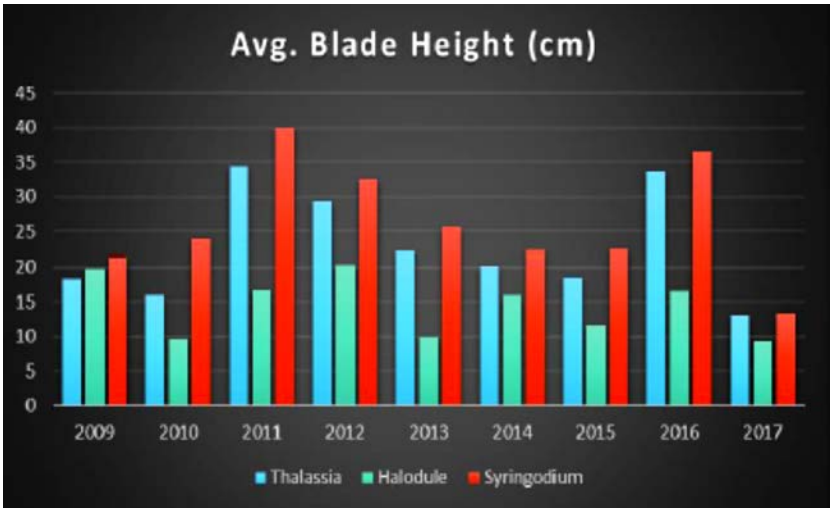
The first data set (collected in Sarasota Bay) reflect this model. The second data set (collected in Dona Bay) reflects the impacts that increased nutrients and fresh water can have on a system causing much slower seagrass recovery rates and a substantial change in species and blade height.

Sarasota Bay- Longboat and Lido Key- Big Sarasota Pass and New Pass

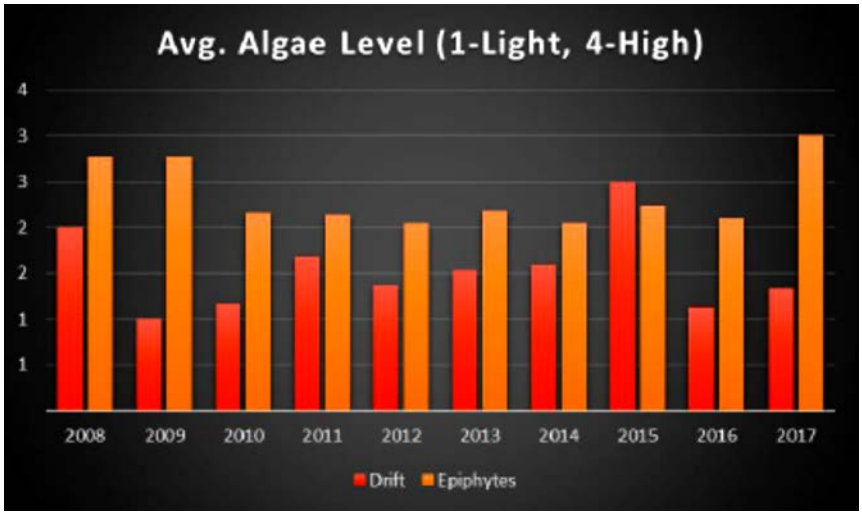


Due to continued improvements in stormwater management beginning the 1990s and proximity to the passes, seagrass meadows in this area of Sarasota Bay have rebounded and provide a lush and relatively complex habitat. Seagrass acreages continue to surpass initial management goals.





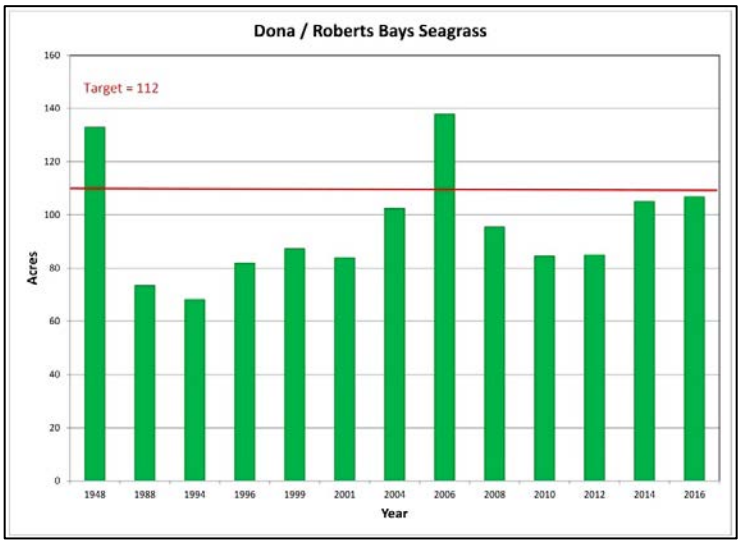
Depicted above are the results for the seagrass species on the gulf side of Sarasota Bay. These beds benefit from a large amount of tidal flushing due to their proximity to New Pass and Big Sarasota Pass, and they receive much less stormwater runoff than the inland portion of the bay. Turtle grass (*Thalassia testudinum*) is prominent here. They are well mixed, creating a habitat mosaic of seagrass meadows that will support a diversity of species. These seagrass beds appear to be stable, lush, and complex.



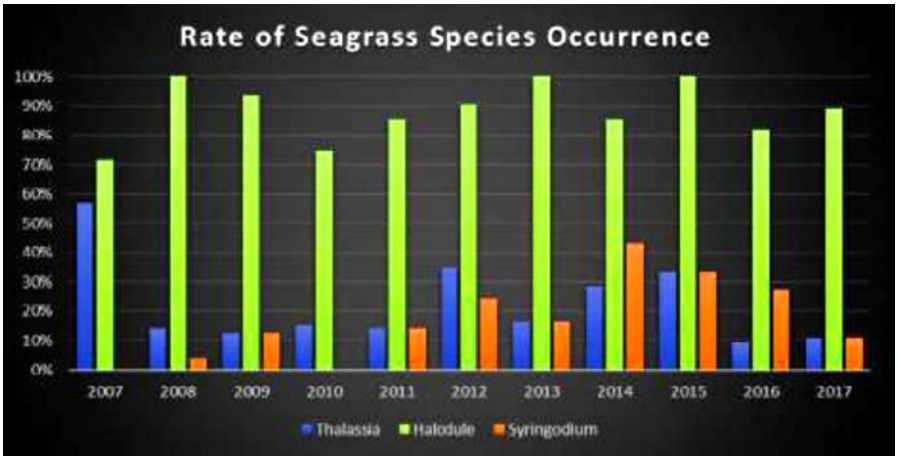
Algae and epiphytes that can grow excessively in response to nutrient outputs in the water show slight increases (coastal development could be a factor in this) but also remain relatively stable.

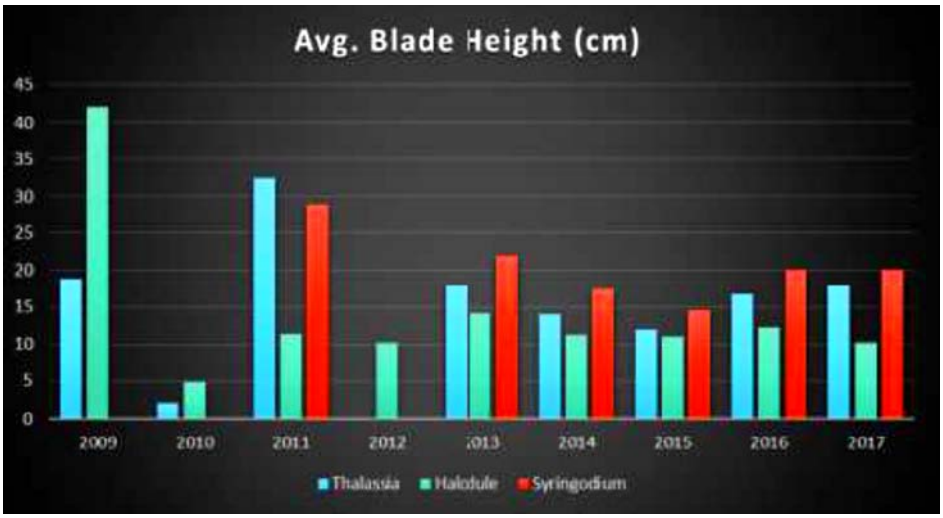
Dona Bay-Roberts Bay South-Venice Inlet
Cow Pen Slough, Shakett, Fox, Salt and Curry Creeks

The Dona Bay/Roberts Bay south area experiences tidal flow from gulf waters at the Venice Jetty Inlet. However, fresh water flows in from multiple creeks as well as Cow Pen Slough. Cow Pen Slough is a man-made canal that diverts water from the Myakka River into Shakett Creek and Dona Bay. Freshwater from over 74 square miles (up from its original watershed of 10,000 acres) now flows directly into Dona Bay. This enormous increase in freshwater flow has drastically affected water conditions and seagrass beds in the area.

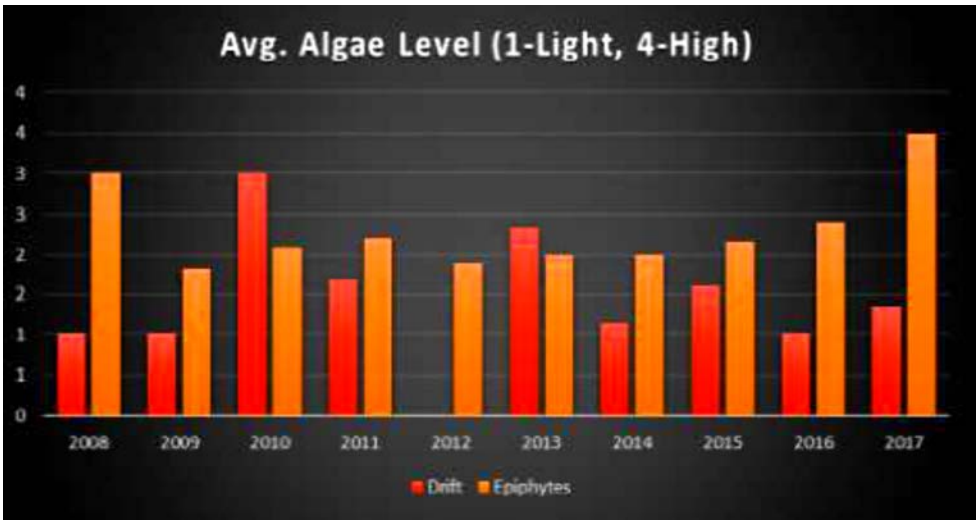


Halodule is a pioneer species that is often found where the others cannot survive. If an area is dominated by Halodule and little else, it indicates the bay may experience large amounts of fresh water runoff as offset with very little tidal influence. Less tidal flushing will make them more vulnerable to increases in stormwater runoff and nutrients.





Seagrass acreage has varied greatly over the years and currently the dominant species currently is shoal grass (Halodule wrightii) partly due to its ability to survive changeable conditions. Blade heights have also varied widely. This may be explained by vulnerability to fluctuations in stormwater runoff from land. Due to the sheer volume of freshwater influencing Dona Bay, it may be difficult for tidal flushing to stabilize seagrass beds.



It is expected that the Dona Bay Project, which was completed in 2017, will provide measurable benefits to seagrass in the downstream estuary by reducing salinity, color and nutrient levels in the bays. Proximity to the tidal influences at the Venice Jetty Inlet also make the area suitable for recovery. Diverting the freshwater back into wetlands may cause seagrass meadows to become larger, denser, and even create a shift in species ratios over time. A reduction in nutrients could potentially lead to a lighter algae load found in Dona Bay in the future.

Relationship of Data to Stormwater Management Plan (SWMP)

The County Seagrass Monitoring Program not only measures the overall quantity of seagrass, it also seeks to characterize the health of those seagrass populations. When seagrass is ephemeral, short or sparse that population will not provide all the habitat, sediment control, and oxygenation benefits that a dense, diverse seagrass meadow can.

These differences in existing populations also inform county staff about the success or need for improvement in stormwater management practices in the surrounding watersheds. In addition to being a biological indicator, seagrass is an important part of water quality management. The presence of biological indicators like seagrass and oysters actively improve the water quality in the vicinity. Working to restore and protect these populations through good stormwater management practices such as shoreline plantings for erosion, low impact design and pervious pavement, centralized sewer, and reductions in fertilizer use and pet waste is vital to water quality management in the bays.

Florida Water Quality Standards are based on meeting the Designated Use, which means waterbodies must be suitable for recreation, have edible fish and shellfish and provide conditions suitable for maintenance and propagation of aquatic life. Healthy seagrass is an ideal measure of Designated Use because it integrates the many influences of water quality and watershed management into one measure.

Sarasota County

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5. Biological Monitoring - Scallops

Scallop Monitoring Program
Reporting and Assessment of Monitoring Results

Since 2008, Sarasota County has been monitoring the scallop populations of our bays. The Scallop Program is part of a monitoring plan to help measure the effectiveness of the County's Stormwater Management Plan on our watersheds. The bay scallop (*Argopecten irradians)* is an indicator species that is particularly sensitive to freshwater influences and poor water quality. The county scallop monitoring program includes spat collection, adult surveys and survival rates of caged adults. These efforts are in partnership with the Florida Fish and Wildlife Research Institute (FWRI), Mote Marine Laboratory, and Sarasota Bay Watch.

Summary of Monitoring Data from 2017 Reporting Year

A. SPAT MONITORING

Figure 1: Monthly Scallop Spat Landings

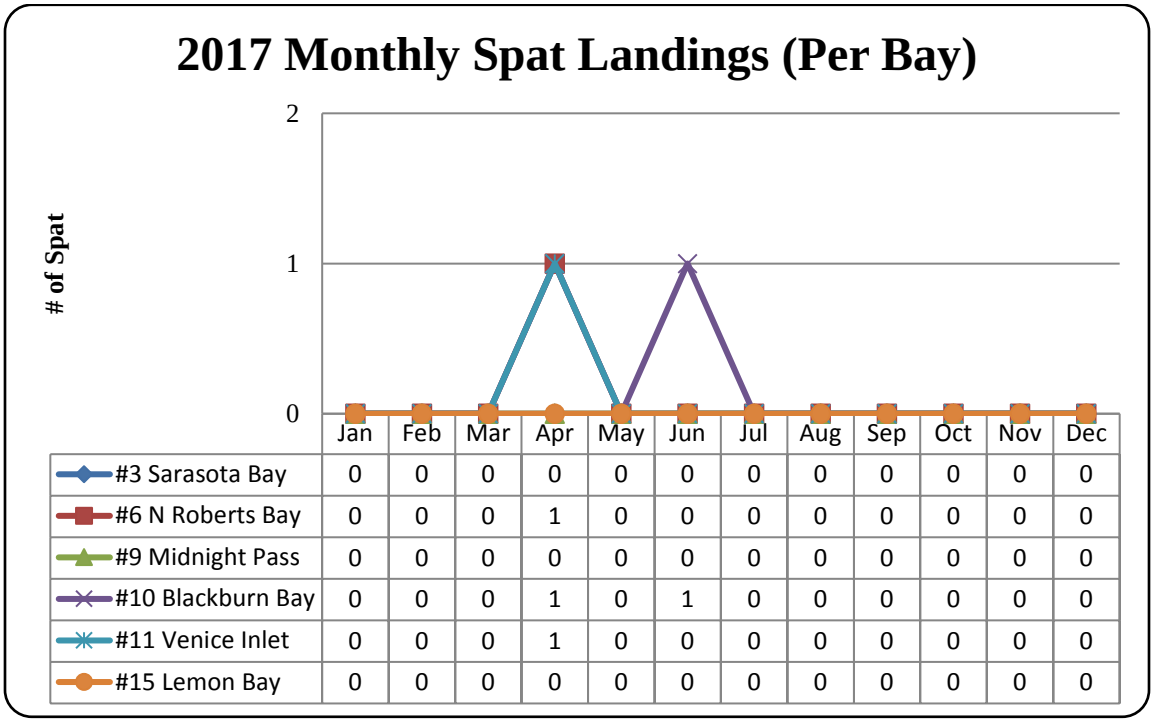
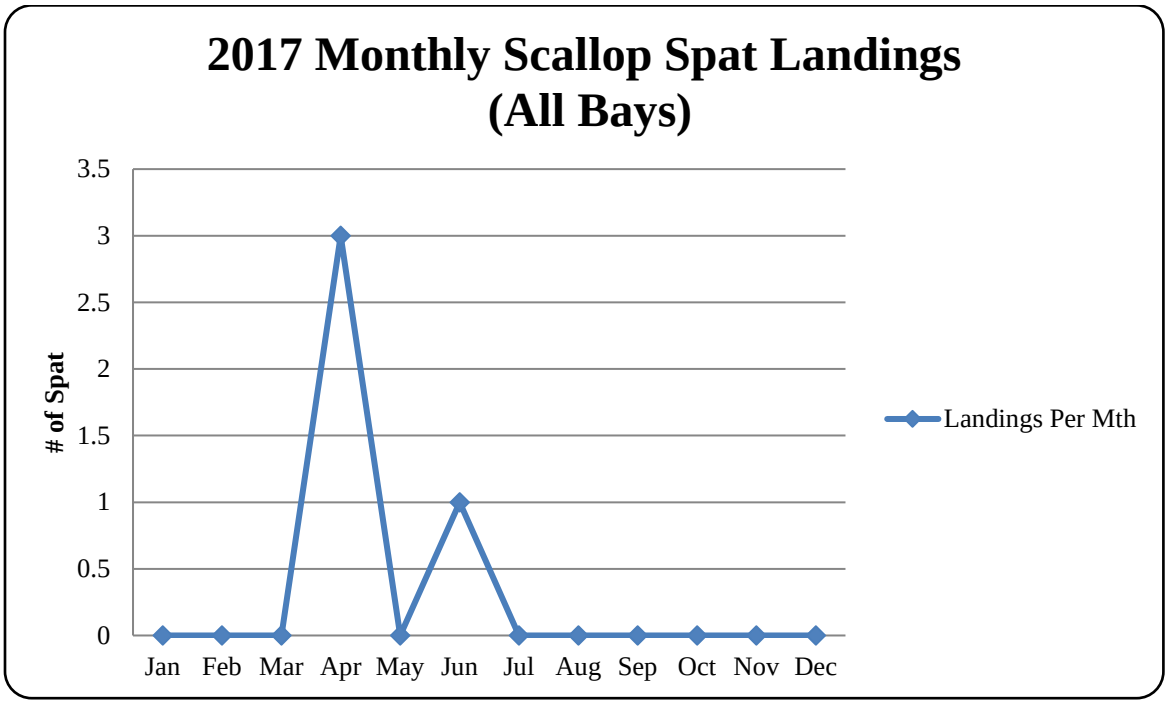


Figure 2: Monthly Scallop Spat Landings



This data showed a significant loss in spat landings from 62 in 2016 (figure 6) down to 4 in 2017. The bulk of this loss occurred in our two most productive bays, Sarasota Bay and Blackburn Bay. The combined loss in these two bays went from 55 down to 2. Our historical patterns in our spat landings have consistently shown elevated landings from March through May with a peak occurring in April. This pattern remained intact although our spat landings dropped dramatically.

B. ADULT SCALLOP TRANSECT SURVEY SITES

Figure 3: Transect Survey Sites

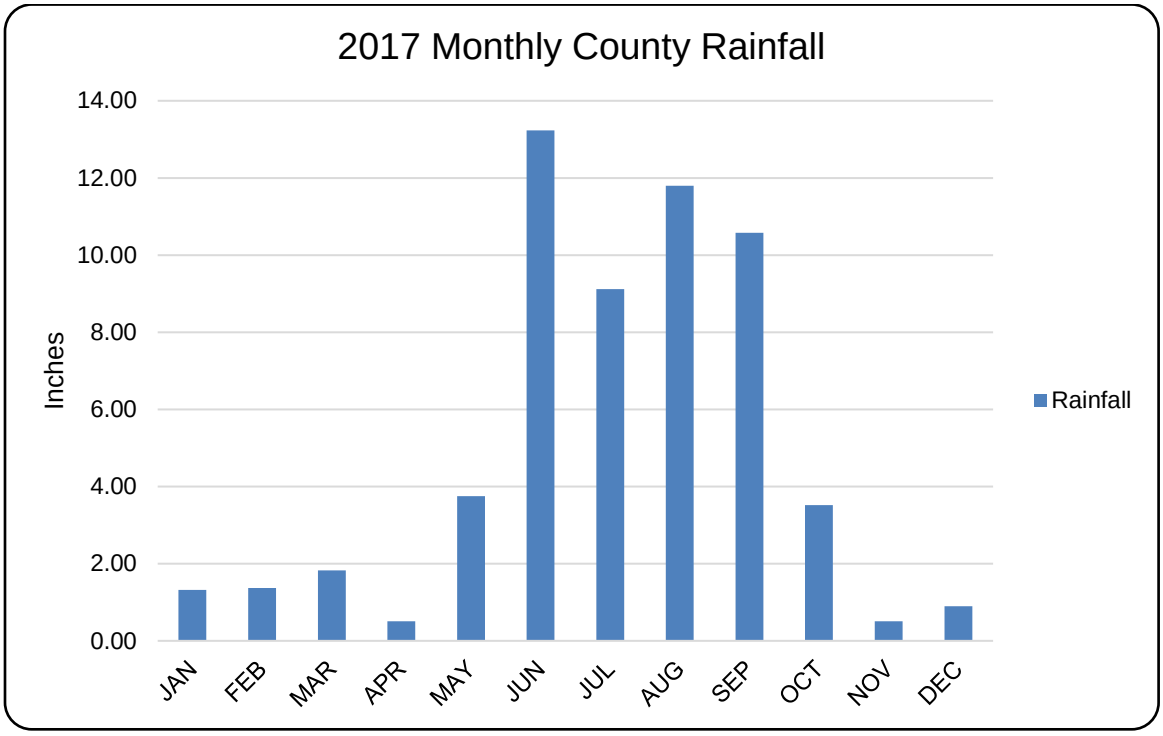
During the month of August, staff conducted 23 transect surveys throughout the county's bays searching for scallops. No adult scallops were found during the 2017 survey. In 2016, 4 scallops were found, and none were found in 2015. Staff noted increased levels of filamentous algae which was also noted during the annual seagrass survey.

C. CAGE PROGRAM

The county cage program relies on adult hatchery scallops provided by our partner organizations Mote Marine Laboratory & Sarasota Bay Watch. No adult scallops were available in 2017 to support the cage program.

D. RAINFALL

Figure 4: Rainfall Data

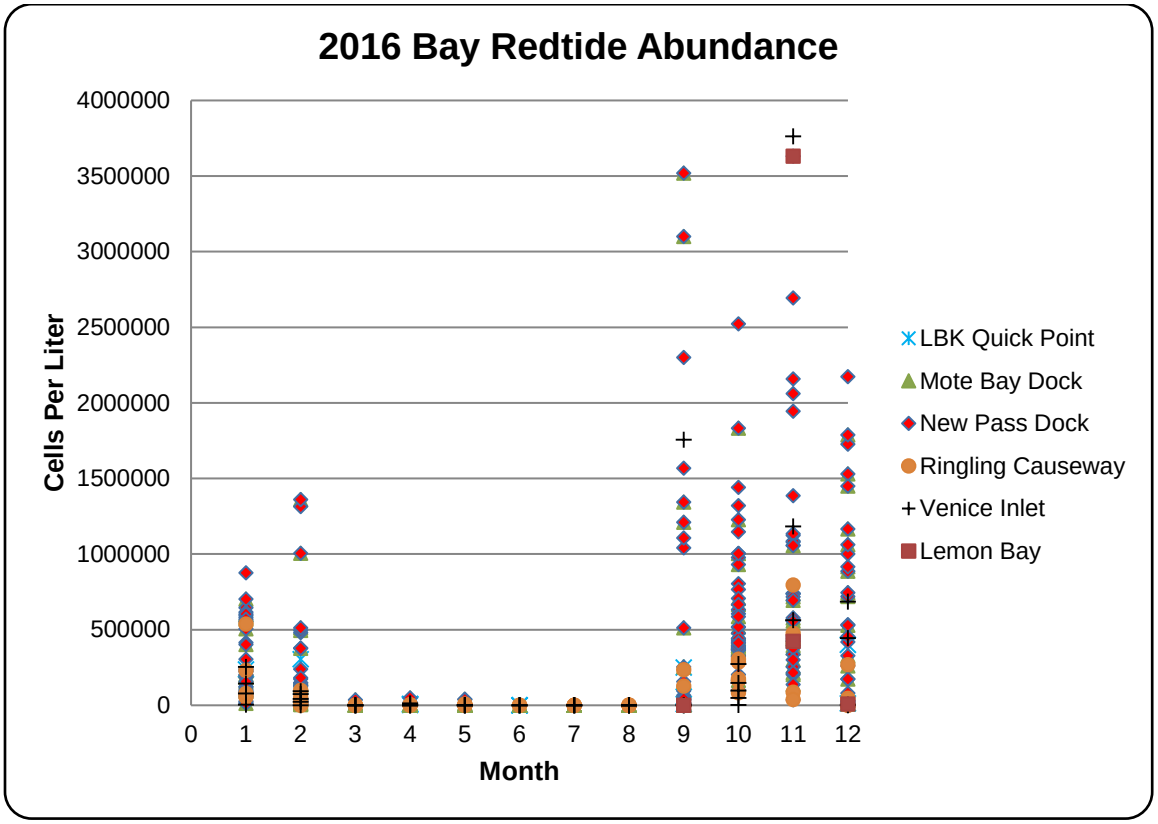


Data provided by the Southwest Florida Water Management District

Like previous years data, the graph shows correlation between the typical peak of spat landings (figure 2) and the decrease of rainfall leading into April. A similar correlation appears between the lack of adult scallops found during transect surveys and an increase in rainfall leading into a significant spike during the month of June. These spikes in rainfall, like the one in June, can have a negative impact on scallop populations due to the linear geography of our bays. Our most productive surveys occurred during those years that had significantly less rainfall during the summer months.

E. REDTIDE

Figure 5: Red tide Abundance



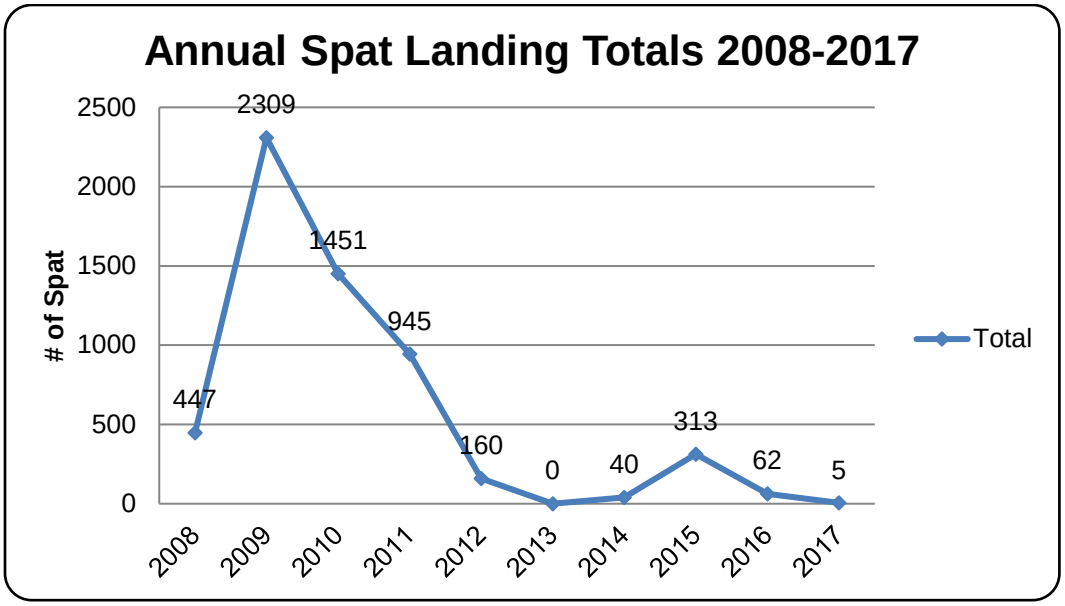
Data provided by FWRI

At the time of this report the 2017 red tide data for Sarasota County was not available from the Florida Fish & wildlife Commission (FWC). From the FWC 2016 data, high red tide cell counts persisted September through December. Monthly data from the National Oceanic and Atmospheric administration (NOAA) shows high cell counts persisted through January finally subsiding May of 2017. This data presents a strong correlation between poor scallop spat landing and adult transect counts with the presence of red tide.

Red tide cell counts more than 1 million cells per liter are in the high range according the FWRI concentration scale.

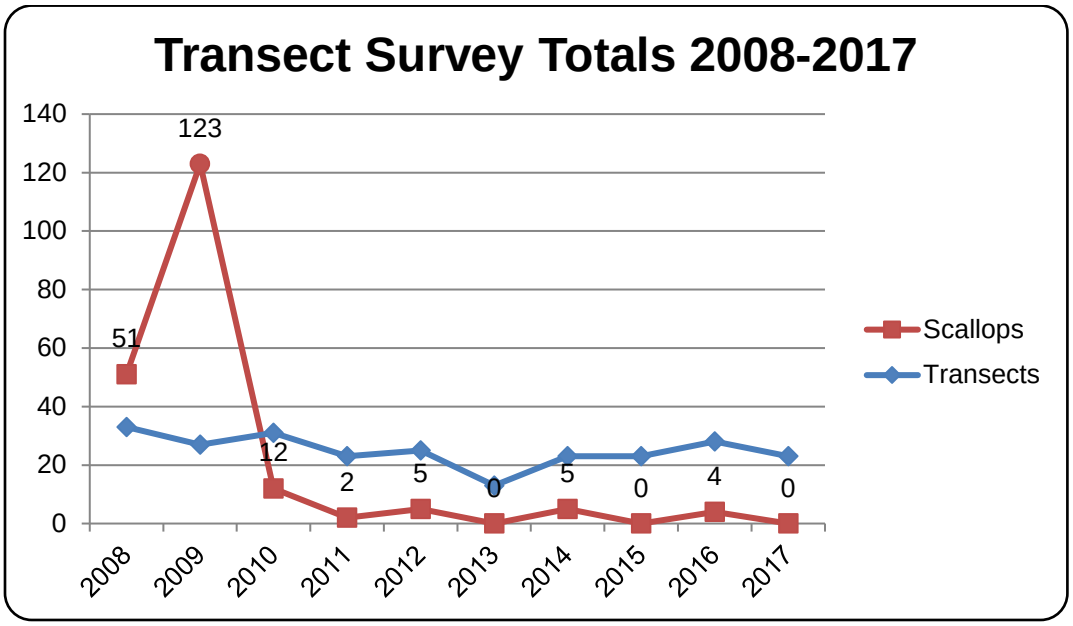
Long Term Assessment

Figure 6: Annual Scallop Spat Landings



The spat monitoring program started with (15) monitoring sites throughout the county bays. In 2012, Mote Marine Laboratory collaborated with county and the monitoring sites were reduced to (10) then further reduced to (6) in 2013. Figure 7 shows a decrease in 2017 spat landings of 92% from 2016.

Figure 7: Transect Survey Totals



After 2009, few adult scallops were found during the annual transect surveys. This trend in number of scallops found has continued from 2010 through 2017. This may indicate that a limited number of scallops remain in our natural background populations (see figure 8). Support for this conclusion is shown by relatively low spat landings on our collectors during the same years (see figure 7). It is important to note that environmental factors such as visibility, number of locations surveyed and diver experience can have a significant influence on the survey results. Over the past 10 years, 249 transects surveys have been conducted in county bays resulting in 202 scallops.

Relationship of Data to Stormwater Management Plan (SWMP)

The county continued to experience concentrated rainfall events and persistent red tide blooms in 2017. Each of these conditions can have a negative effect on scallop populations. Monitoring efforts continue to show the presence of a background scallop population. Normal variations in environmental conditions may facilitate a resurgence in scallop populations to sustainable levels.

Sarasota County continues to support watershed management projects that have a positive impact on the conditions of our bays. These structural controls remove pollutants before they reach the bay, thereby protecting water quality. County bays continue to experience increasing seagrass acreage throughout our bays. Increased habitat for scallops is one part of complex environmental factors needed to support sustainable scallop populations.

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6. Rainfall Monitoring

Rainfall Monitoring

Reporting and Assessment of Monitoring Results

Rainfall is the driving factor of stormwater. Clearly, when and where there is more rainfall there will be more stormwater, and most likely more stormwater pollution depending on the characterization of the landscape. Rainfall plays an important role in all types of stormwater pollution. Thus, it is important to observe, measure and monitor rainfall, and compare the patterns with trends in stormwater pollution. Over the past 10 years, rainfall has varied widely in Sarasota County.

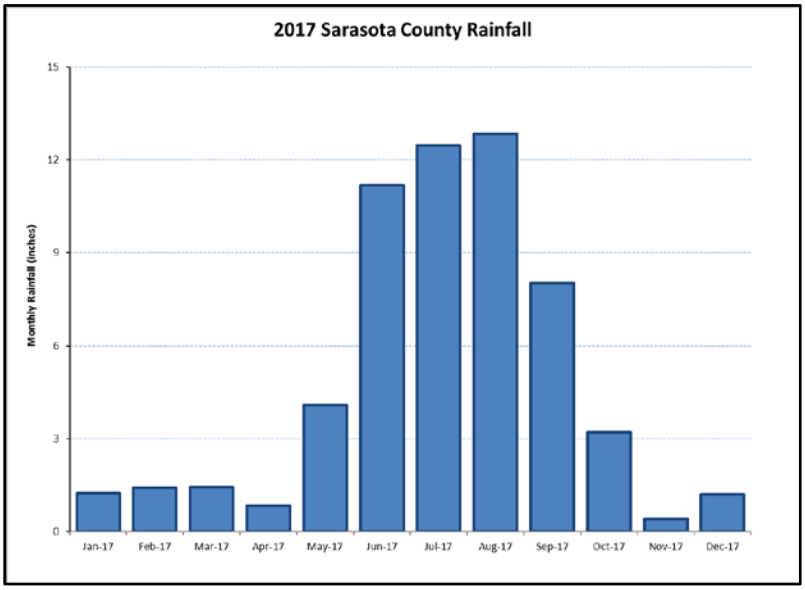
1. Summary of Monitoring Data from the 2017 Reporting Year

Rainfall is observed in Sarasota County through three scalable networks.

1) Sarasota County Automated Rainfall Monitoring System (ARMS) consists of remote monitoring stations located throughout the county. A link to more information about ARMS can be found here: http://www.sarasota.wateratlas.usf.edu/rainfall/latest. 2)Southwest Florida WMD (SWFWMD) NexRAD system provides high resolution estimates of rainfall distribution based on data from multiple weather radar towers located throughout the region. A link to more information about SWFWMD NexRAD products can be found here: http://www.sarasota.wateratlas.usf.edu/rainfall/. 3) PRISM Climate Data provides spatially coarse observations from a wide range of monitoring networks, including the National Weather Service. A link to more information about PRISM can be found here: http://prism.oregonstate.edu/

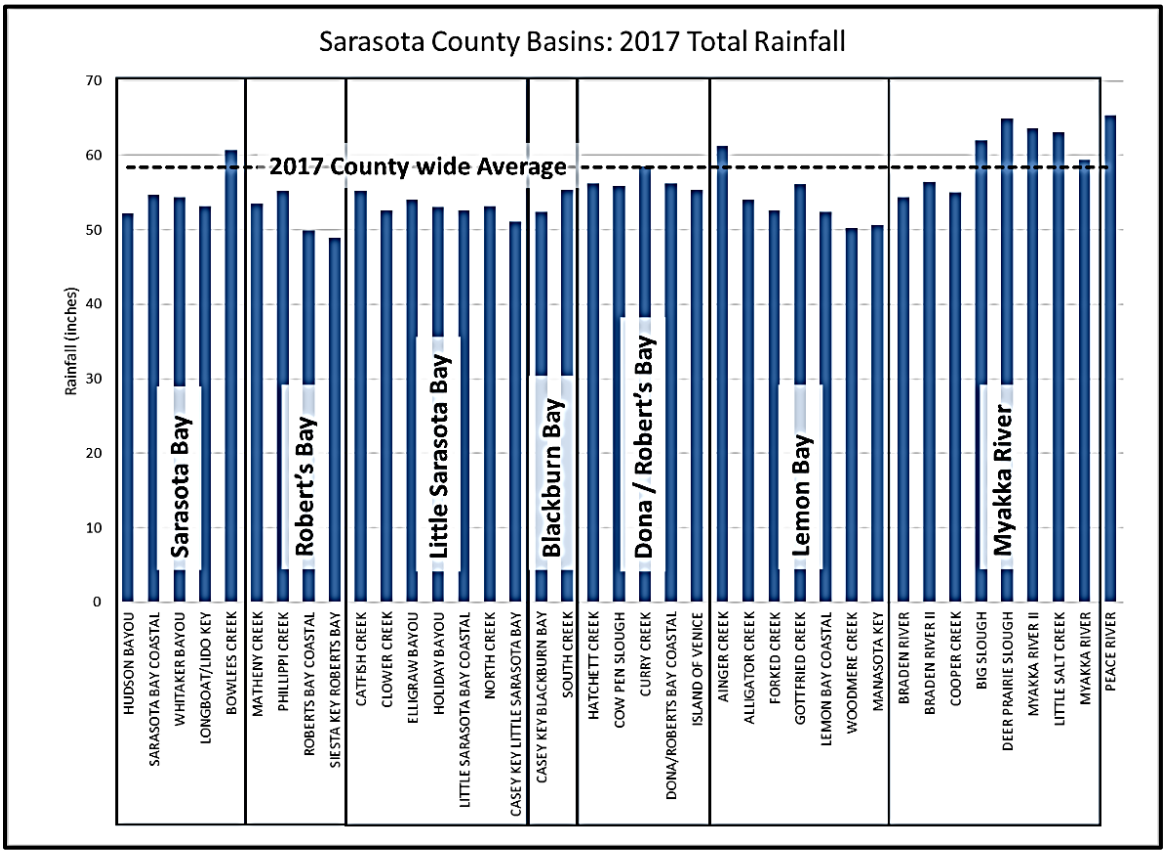
Annual Variability

In 2017, the lion's share of the rainfall occurred during the tropical season in June, July, August and September. Tropical systems such as Tropical Storm Emily (July), Hurricane Harvey (August) and Hurricane Irma (September) brought a large amount of rainfall to Sarasota County. Rainfall in these months averaged almost a half of an inch per day. We would expect low nutrient concentrations, and salinity. However, the increased stormwater runoff would increase pollutant loads during this wet weather season and the months following.



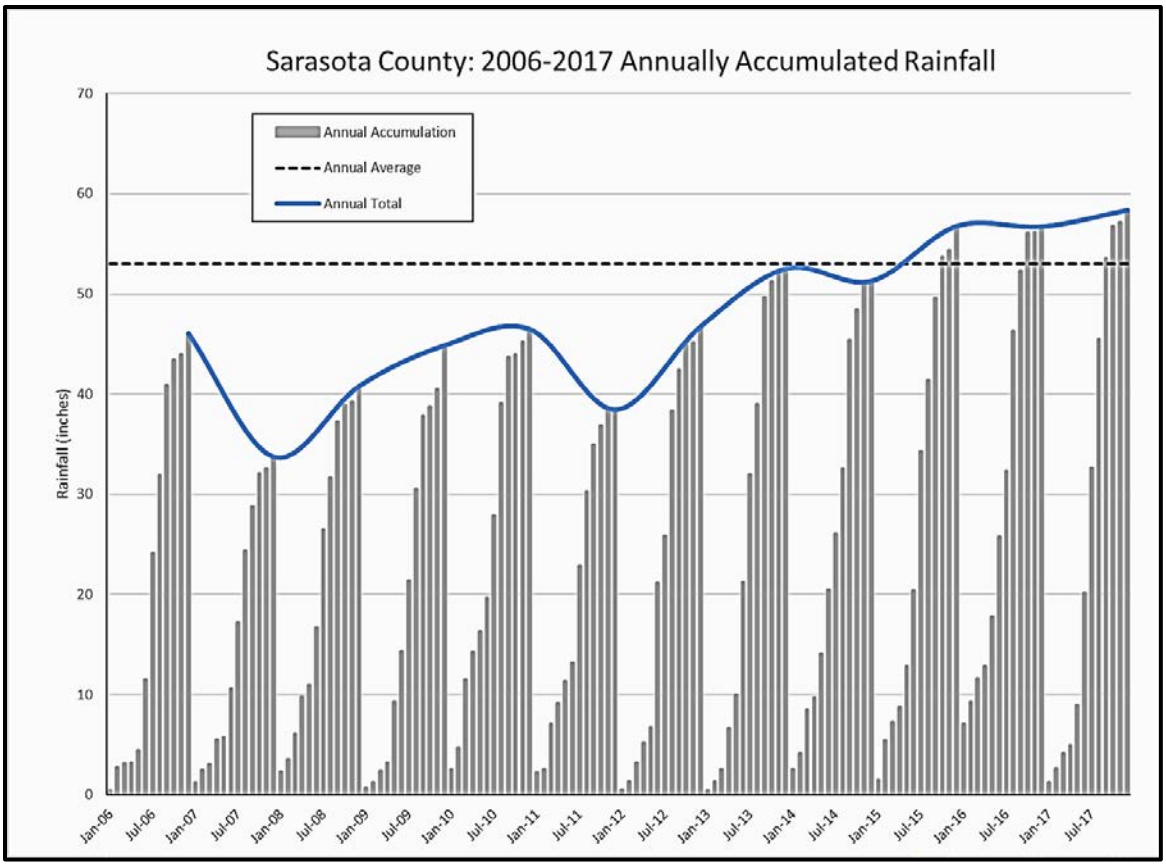
Spatial Variability

The figure below shows how rainfall is geographically distributed (by basin) around Sarasota County in 2017. The average is 58.4 inches (geographically weighted) with a normal variation of 7 inches. There is more rainfall occurring in basins with larger inland areas, which is expected considering most rainfall occurs during the summer months.



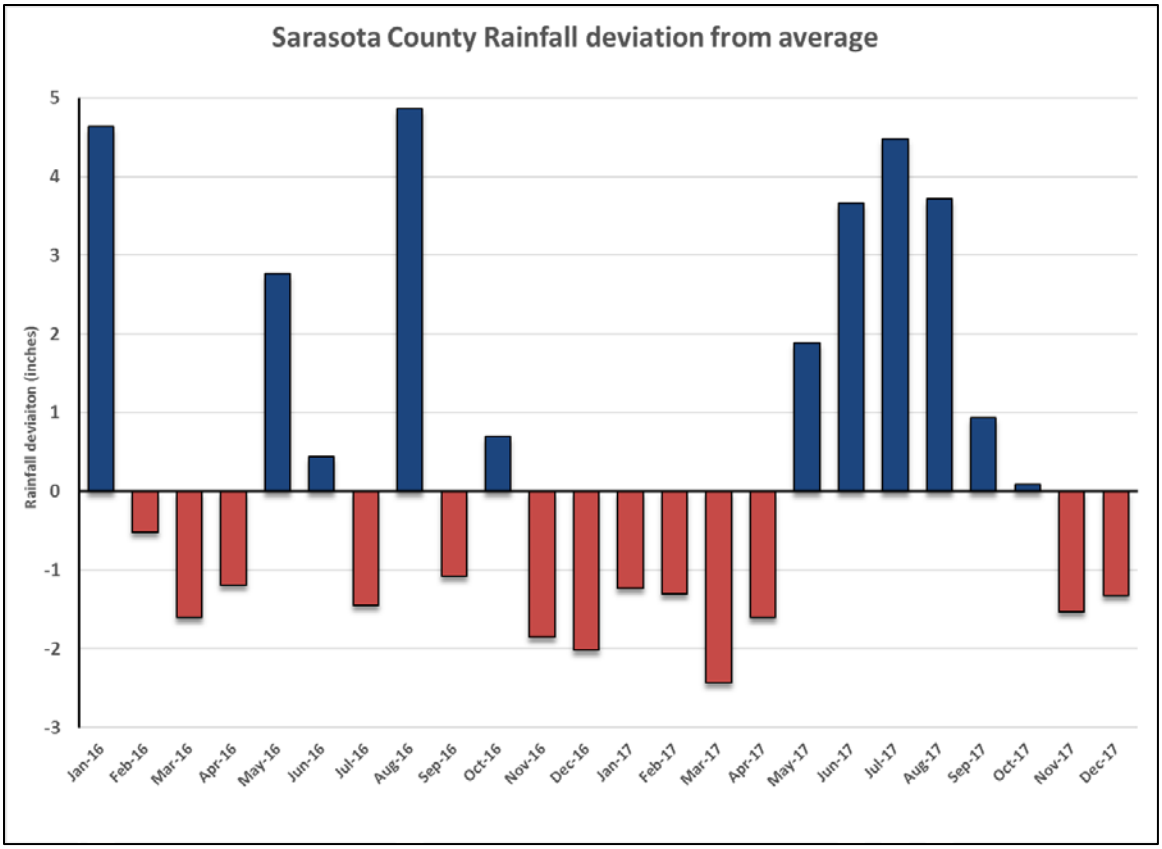
2. Long Term Assessment

SWFWMD and National Weather Service observations show that average rainfall in Sarasota is 52.9 inches per year. The following figure shows the accumulated measured rainfall (using the data sources above) for each year over the past 10 years. Total annual (water year) rainfall varies widely between 35 and almost 60 inches per year over the permit period. There was less rainfall and thus less stormwater runoff from 2007-2011.



Observable trends

The figure below shows the deviations of 2016 and 2017 monthly rainfall from historical monthly averages. The trend over the past two years are wetter wet seasons, primarily due to increased tropical activity, and drier dry seasons, due to drier winter storm fronts.



3. Relationship of Data to Stormwater Management Plan (SWMP)

Monthly rain data relates well to monthly monitoring of water quality. Area-specific rain data provides a relationship between creeks, basins, bays and projects. Rain is the dominant factor in stormwater pollution so having temporal and spatial rain data is valuable to identifying and managing pollution sources and crafting remedies.

Sarasota County

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APPENDIX C

Monitoring Plan

Monitoring Plan for the Sarasota County
National Pollutant Discharge Elimination System
Municipal Separate Storm Sewer System Permit
January 10, 2018

Monitoring plans are a requirement of National Pollutant Discharge Elimination System (NDPES) Municipal Separate Storm Sewer System (MS4) permits. The permits allow the discharge of urban stormwater to waters of the state in accordance with a Stormwater Management Program (SWMP) that must reduce pollutants to the Maximum Extent Practicable (MEP) by implementing Best Management Practices (BMPs).

The objectives of the monitoring plan are to determine the effectiveness of the SWMP, to identify pollution sources that are adversely affecting water resources, and to prioritize areas needing additional controls. The monitoring plan must include pollutant load modeling. Annual reports must include a monitoring summary, a trend evaluation, and an analysis of SWMP effectiveness. Waterbodies with Total Maximum Daily Loads (TMDLs) also have monitoring requirements to demonstrate progress toward achieving waste load allocations.

This monitoring plan is intended to fulfill Part V.B., Monitoring and Reporting Requirements and Monitoring Data Collection of permit FLS000004 for Sarasota County, the City of Sarasota, the City of Venice, the Town of Longboat Key and the Florida Department of Transportation (FDOT), but not including the City of North Port.

Background

There are two major drainage areas in Sarasota County - the Southern Coastal Basin and the Myakka River Basin. Within the coastal area there are about 21 basins named after creeks plus barrier island and coastal fringe drainage areas. Waterbodies include the Gulf of Mexico, 8 bays, several creeks, Myakka River, numerous wetlands, a handful of natural lakes, over 6,000 created ponds, hundreds of miles of canals and thousands of miles of ditches.

Several agencies are actively involved in watershed management in the area, including three National Estuary Programs (NEPs), the Southwest Florida Water Management District (SWFWMD), the Environmental Protection Agency (EPA), the Florida Department of Environmental Protection, the County, four municipalities, and the FDOT. Studies have highlighted the need to protect receiving waters from nutrients, sediments, toxins, and bacteria. Unnatural volumes and timing of stormwater are often cited as a problem. Implementation of the SWMP has been successful since 1995. Improved stormwater management is often cited as a reason for a countywide rebound of seagrass to the 1950s extent. Many projects have been implemented to reduce pollution from stormwater as well as wastewater and septic system pollution.

Joint Monitoring Plan

1. Ambient Water Quality of Bays

   Healthy estuaries are among the foremost economic values to our community. Excessive stormwater pollution of the bays can have negative impacts on fish and wildlife, businesses, and the health of our citizens. Monitoring bays provides an integrated assessment of the cumulative impacts of stormwater.

   Monthly water samples will be analyzed for specific conductance, salinity, temperature, pH, dissolved oxygen, dissolved oxygen saturation, light attenuation, secchi depth, total nitrate and nitrite, total kjeldahl nitrogen, ammonia nitrogen, orthophosphate, total phosphorus, turbidity, color, 5-day biochemical oxygen demand, and chlorophyll-a (corrected for pheophytin).

   Sampling locations (See Appendix A) will be distributed among all bays, including Sarasota Bay, Roberts Bay (Sarasota), Little Sarasota Bay, Dryman Bay, Blackburn Bay, Lyons Bay, Dona Bay, Roberts Bay (Venice), the Intracoastal Waterway (Venice) and Lemon Bay.

2. Ambient Water Quality of Watersheds

   Monitoring water quality in the watersheds is a direct assessment of management success. This program is valuable in measuring compliance with surface water quality standards, and identification of impaired waters.

   Monthly water samples will be taken from creeks and rivers throughout Sarasota County (See Appendix B). Special attention will be paid to those water bodies designated as not meeting regulatory criteria.

   Samples will be analyzed for specific conductance, salinity, temperature, pH, dissolved oxygen, dissolved oxygen saturation, secchi depth, nitrate and nitrite, ammonia, kjeldahl nitrogen, orthophosphate, total phosphorus, 5-day biochemical oxygen demand, total suspended solids, turbidity, color and chlorophyll-a (corrected for pheophytin), as appropriate.

3. Biological Monitoring

A. *Oyster Monitoring*: Oysters are naturally abundant in coastal creeks and vulnerable to excessive freshwater or sediment coming from stormwater runoff. Healthy oysters provide water quality benefits by functioning as a keystone organism, by providing habitat by building reefs, by filter feeding and thereby improving water quality, and by preventing erosion by stabilizing shorelines. Oysters will be monitored annually in select creeks as a direct indicator of stormwater management.

B. *Seagrass Monitoring*: Seagrass is rebounding to historic levels in the bays of Southwest Florida because of successful wastewater and stormwater management. Seagrass meadows are critical habitat for the fishing economy and have inherent ecological value. Seagrass was the response variable used in the development of Numeric Nutrient Criteria. In cooperation with the SWFWMD and the NEPs, the health of seagrass will be

monitored annually to determine status and trends and also to enhance the accuracy of the SWFWMD aerial surveys.

C. *Scallop Monitoring*: Bay scallops are sensitive indicators of excessive freshwater inflows to bays. In cooperation with the Florida Fish and Wildlife Conservation Commission (FWC) and others, scallop monitoring may include larval surveys, adult surveys, and growth and survival rates of caged sentinel animals.

4. Pollutant Load Modeling
   Modeling of pollutant loading identifies priority areas for pollution reduction and also estimates trends in loading of nutrients and other pollutants. The Spatially Integrated Model for Pollutant Loading Estimates (SIMPLE-Monthly) was developed in cooperation with the
   SWFWMD and was used for the development of loading targets for Numeric Nutrient Criteria and County watershed plans. The model will be used to comply with the Annual Pollutant Loading and Event Mean Concentration requirement of the NPDES MS4 permit.

5. Rainfall
   Rainfall data will be used to explain the ambient monitoring results, the pollutant loading, and the effectiveness of the SWMP. Rainfall is the principal driving force in understanding stormwater and stormwater pollution. Data sources may include the National Weather Service, the Southwest Florida Water Management District, or the County's Automated Rainfall Monitoring System (ARMS).

Evaluation of the Effectiveness of SWMP

The monitoring program is intended to assess the SWMP, to identify problem areas, to evaluate progress, and to assess pollutant loading. Ambient monitoring in bays is an effective method to evaluate progress and identify problem areas on a broad scale. Declining trends or noncompliance with bay standards would indicate a renewed focus is needed in those bays and associated watersheds. Creek and river ambient monitoring provides a similar but more basin-specific focus. GIS-based pollutant load modeling identifies where on the landscape the pollutants are originating. Based on previous studies, it is expected that the volume of runoff is more influential than the concentration of the runoff. This comprehensive monitoring approach is expected to prioritize activities in the SWMP and also to identify where water quality improvement projects should be located.

Quality Assurance

All monitoring shall be conducted in accordance with Chapter 62-160, Florida Administrative Code and all National Environmental Laboratory Accreditation Conference (NELAC) standards. Participation in the Southwest Florida Regional Ambient Monitoring Program ("RAMP") will continue. RAMP fosters scrutiny of data outliers and improvement of sampling and analysis techniques to maintain a central tendency among results from various monitoring agencies.

Data Analysis and Reporting

Basic analysis of the data will be submitted in the annual reports to the FDEP and will include narrative, tabular, graphical depictions and trend analysis, as appropriate. Monitoring data and reports shall be regularly posted on the Sarasota Water Atlas website at www.sarasota.wateratlas.org. Metadata will be provided on request. Ambient water quality data will be posted to the FDEP WIN database.

Sarasota County

2017 NPDES MS4 Annual Report

APPENDIX G

Pollutant Loading Trend Analysis

Pollutant Loading Trends Report

The NPDES MS4 Permit requires reporting on pollutant loading in the Year 3 Annual Report. The Year 4 Annual Report requires the following:

> *[Part V.A.3.] If the total annual pollutant loadings have not decreased over the past two permit cycles, revise the SWMP, as appropriate.*

Pollutant loading was modeled for the time period from 2006 to 2016 for the Year 3 NPDES MS4 Annual Report. An updated report is available here: http://www.sarasota.wateratlas.usf.edu/upload/documents/PLM-2016-Report-REVISED-4-25-18.pdf. Sixteen parameters were modeled with the most important being nitrogen, phosphorus, bacteria and oxygen demand. These are the same parameters most commonly causing impaired waterbodies in Sarasota County and Florida. This report addresses major areas and does not include small slivers of land or tiny parts of basins predominantly outside Sarasota County. Loading decreased in many watersheds and basins.

BAY WATERSHEDS

Estimated loading from basins and land areas contributing pollutants to bay.

- Nitrogen load modeling showed pollutant decreases in all bay watersheds from 1 to 14% with the largest reduction in the Roberts Bay Watershed.
- Phosphorus modeling showed increases in Blackburn Bay, Lemon Bay, and Myakka River.
- Bacteria modeling showed no increases in major bay watersheds.
- BOD modeling showed increases in Blackburn Bay and Myakka River.

BASINS AND LAND AREAS

Estimated loading from drainage basins, barrier islands and coastal drainage areas.

- Nitrogen increased in the part of Siesta Key that drains to Roberts Bay, South Creek, Forked Creek, and Myakka River.
- Phosphorus increased in South Creek, Forked Creek, and Myakka River.
- Bacteria increased in South Creek, Forked Creek, Gottfried Creek, and Myakka River.
- BOD increased in the portion of Siesta Key that drains to Roberts Bay, South Creek, Alligator Creek, Forked Creek, Gottfried Creek and Myakka River.

Basins and areas with increased pollutant loading are suitable locations for additional BMPs in the SWMP. Additional modeling will identify the sources of pollution in these areas such as stormwater runoff, baseflow, septic systems, point-source discharges, wastewater spills or atmospheric deposition. More site-specific modeling can be done to identify pollutant hot spots.

Sarasota County

2017 NPDES MS4 Annual Report

APPENDIX H

NPDES MS4 Permit Reapplication

SARASOTA COUNTY & COPERMITTEES

NPDES MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT REAPPLICATION

(1). Fundamental information is required for all re-applications as follows:

(a) Name and mailing address of the permittee that operates the MS4, and if applicable, the names and addresses of the co-permittees that operate an MS4;

Sarasota County 1001 Sarasota Center Boulevard Sarasota, FL 34240	**Florida Department of Transportation (FDOT)** District One 801 N. Broadway Avenue Bartow, FL 33830
City of Sarasota 1565 First Street Sarasota, FL 34230	**City of North Port** 1930 West Prince Boulevard North Port, FL 34286
Town of Longboat Key 600 General Harris Street Longboat Key, FL 34228	**City of Venice** 401 West Venice Avenue Venice, FL 34285

(b) Names and titles of the primary administrative and technical contacts for the municipal permittee and all co-permittee(s);

Sarasota County Rene A. Janneman Environmental Specialist III rjannema@scgov.net Phone: (941) 218-0098	**Florida Department of Transportation (FDOT)** Steven Kelly Maintenance Environmental Specialist Steven.Kelly@dot.state.fl.us Phone: (863) 519-2762
City of Sarasota Georges Nicolas, E.I. Environmental Services Engineer Georges.Nicolas@sarasotafl.gov Phone: (941) 365-2200 ext. 6367	**City of North Port** Elizabeth Wong Stormwater Manager ewong@cityofnorthport.com Phone: (941) 429-7090
Town of Longboat Key James Linkogle Public Works Project Manager jlinkogle@longboatkey.org Phone: (941) 316-1958 ext. 227	**City of Venice** James Clinch Stormwater Engineering Manager jclinch@venicegov.com Phone: (941) 486-2626 ext. 25002

(c) Identification number of the existing MS4 permit;

PERMIT NUMBER: FLS000004-004

(d) A listing of changes in co-applicants since issuance of initial MS4 permit;

None