



Meeting Date: October 20, 2016

Agenda Item: 9-A

Report to Town Council

Topic: Ordinance 2017-01, amending the Town's comprehensive plan to incorporate the evaluation and appraisal report (EAR) amendments.

Recommended Motion: Approval of the first reading of Ordinance 2017-01.

Summary: Please see attached staff report.

Requested by: Mr. Joulani, Planning & Development Director

Approved by: Ms. Witt, Town Manager



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

The Town of Ponce Inlet staff shall be professional, caring, and fair in delivering community excellence while ensuring Ponce Inlet citizens obtain the greatest value for their tax dollar.

To: Jeaneen Witt, Town Manager
From: Aref Joulani, Planning and Development Director
Jake Baker, Senior Planner *JB*
Date: September 30, 2016
Subject: 2017 Updates to the Comprehensive Plan

PUBLIC HEARING MEETING DATE: October 20, 2016

INTRODUCTION

Local governments are required by State Law to review their comprehensive plans every seven years, a process known as the Comprehensive Plan Evaluation and Appraisal. The Town of Ponce Inlet is proposing to amend its Comprehensive Plan resulting from the Town's 2015 Evaluation and Appraisal Letter pursuant to F.S. §163.3191. This memo describes the plan amendments based on changes to state law and changes to local conditions since the last major plan update in 2008.

AUTHORITY AND PROCESS

Since 2011, with passage of the Community Planning Act, F.S. §163.3161 et. seq., much of the "top-down" state rules, mandates, and oversight of local planning decisions have been repealed, such as those in Rule 9J-5 of the Florida Administrative Code (FAC). Many planning mandates have been shifted to the local level, such as concurrency for transportation, schools, and recreation. The State's role has been reduced to focus on issues related to important state facilities and resources. It is now up to local governments to determine the changes necessary for its plan to comply with the latest state laws.

Following public workshops and hearings in February, March, April, and September of 2015, the Town sent its "Notification Letter" to the State land planning agency- the Department of Economic Opportunity- (DEO) listing its proposed changes and topics for further discussion. The Town's letter stated its intent to review its policies, particularly those for concurrency and development in the Coastal High Hazard Area (CHHA), and to update the plan reflecting any changes to local conditions such as population growth, development, and other factors that affect the long-term planning of the community. A copy of the Town's original Evaluation and Appraisal Notification letter is attached (see **Tab D**). The Town then held additional public workshops in December 2015 and February

2016 to review the more significant topics related to concurrency and development in the CHHA to reflect changes to state law since the last update.

After the required public hearings, the Town has until November 1, 2016 to transmit its proposed plan amendments to DEO and other departments and state agencies for review through the "State Coordinated Review Process" under §163.3184(4).¹ Afterward, the Town will make any changes to the amendments necessary to comply with State requirements, and then shall adopt the amendments by ordinance after a public hearing before Council. A copy of the adopted amendments is then sent back to the State for final compliance review. The amendments become effective following a 30-day appeal period once the State publishes its Notice of Intent to find the amendments in compliance².

At the local level, the amendments must first be reviewed by the Planning Board at a public hearing. The Board, serving as the local planning agency³, "...shall make recommendations to the governing body regarding the adoption or amendment of [the comprehensive] plan."⁴ Following the Board's recommendation, the amendment ordinance will be reviewed by the Town Council. Pursuant to Code of Ordinances Sec. 54-79(b), "A proposed comprehensive land use plan or comprehensive land use plan amendment shall only be adopted after an affirmative vote of at least four members of the town council." If approved on 1st reading, the amendments will then be transmitted to DEO as described above, as well as to the Volusia Growth Management Commission (VGMC) for review for consistency with the plans of other local government jurisdictions in the County⁵. Second reading of the ordinance will occur after receipt of certification from the VGMC and comments (if any) from the state review agencies.

TOWN RESPONSES TO EVALUATION AND APPRAISAL NOTIFICATION LETTER

Tab I lists the plan amendments made in response to the Evaluation and Appraisal Notification Letter. It serves as a "check list," a tool to ensure the Town has made the necessary updates set forth in the Letter. During the review process, staff found additional updates required by the Community Planning Act, which are noted in footnotes of **Tab I**.

SUPPORT DOCUMENTS

Each Element has a companion Support Document which contains background and required data and analysis pertaining to the plan amendments. The Support Documents will be transmitted to DEO and other reviewing agencies with the plan amendments.

¹ If the November deadline for transmittal is missed, the Town is prohibited from adopting other comprehensive plan amendments until the requirement is met. F.S. § 163.3191(4)

² F.S. §163.3187(5)(c)

³ LUDC Section 6.2.2.A and F.S. §163.3161 et. seq.

⁴ F.S. §163.3174(4)(a)

⁵ Volusia County Code of Ordinances, Ch. 90, Art. II, Div. 2, Sec. 90-34

RECOMMENDATION

At its September 27, 2016 meeting, the Planning Board recommended approval of the proposed changes to the Town of Ponce Inlet Comprehensive Plan and to forward to the Town Council for consideration. The Town Council is asked to approve the proposed Plan amendments and direct staff to transmit the amendments to the Department of Economic Opportunities and other state reviewing agencies.



Aref Joulani, Director
Planning & Development Department

September 30, 2016
Date

ORDINANCE 2017-01

AN ORDINANCE AMENDING ALL ELEMENTS OF THE COMPREHENSIVE PLAN OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT OR CHANGES IN LOCAL CONDITIONS, PURSUANT TO SECTION 163.3191, FLORIDA STATUTES, AND THE TOWN'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES CONSISTENT THERETO; PROVIDING FOR PLANNING PERIODS AND DEPICTING A 10-YEAR PLANNING PERIOD ON THE FUTURE LAND USE MAP AND MAP SERIES; PROVIDING A MAP DEPICTING THE TOWN'S HISTORIC AREA AND HISTORICALLY SIGNIFICANT PROPERTIES; PROVIDING A MAP SHOWING THE COASTAL HIGH HAZARD AREA; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEW AGENCIES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Ponce Inlet is committed to planning and managing the future growth and development of the Town; and

WHEREAS, pursuant to Section 163.3191, Florida Statutes, the Town timely prepared an evaluation and appraisal notification letter and transmitted the letter to the Department of Economic Opportunity; and

WHEREAS, consistent with the Community Planning Act and its evaluation and notification letter, the Town has prepared amendments to all elements of the Comprehensive Plan, which reflect changes in State law and/or changes in local conditions; and

WHEREAS, consistent with the Community Planning Act and its evaluation and notification letter, the Town has amended its future land use map and map series to reflect a ten-year planning period of 2017-2027, to depict the Coastal High Hazard Area, and to identify the "Ponce Park Historic Area" and other significant properties; and

WHEREAS, the Planning Board sitting as the Local Planning Agency of the Town of Ponce Inlet, held a public hearing on September 27, 2016 on this Ordinance which was advertised in accordance with State law; and

WHEREAS, the public hearings for this Ordinance have been advertised as required by State law; and

WHEREAS, the Town Council of the Town of Ponce Inlet hereby finds and determines that the plan amendments are internally consistent and are responsive to the updated data and analysis (Support Documents) and the Community Planning Act as amended; and

WHEREAS, it is in the best interests of the Town of Ponce Inlet to amend the Comprehensive Plan for the Town as set forth herein.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA:

Section 1: Legislative Findings.

The recitals set forth above are hereby adopted as legislative findings of the Town Council of the Town of Ponce Inlet.

Section 2: Comprehensive Plan Amendments. Attached hereto and incorporated herein by reference are amendments to all elements of the Town's Comprehensive Plan.

NOTE: Words ~~stricken~~ are deletions; words underlined are additions in the elements and maps of the Comprehensive Plan.

Section 3. Data and Analysis. The supporting and updated data and analysis ("Support Documents") shall be transmitted by the Town to the Department of Economic Opportunity and the review agencies with the Comprehensive Plan Amendments, but the data and analysis are not adopted by this Ordinance.

Section 4. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Directions to Town Clerk or designee. Within ten (10) days after the first public hearing, the Town Clerk or designee shall transmit one paper copy of this Ordinance, the Comprehensive Plan amendments and supporting data and analysis, and two electronic copies thereof on a CD ROM in PDF format to the Department of Economic Opportunity; and one paper copy shall be transmitted to the East Central Florida Regional Planning Council, the St. John's River Water Management District, the Department of Environmental Protection, the Department of State, the Department of Transportation District Five, Volusia Growth Management Commission and Volusia County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Town of Ponce Inlet.

Section 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the Town that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

It was moved by _____ and seconded by _____ that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1 _____
Councilmember Milano, Seat #2 _____
Vice-Mayor Hoss, Seat #3 _____
Councilmember Perrone, Seat #4 _____
Councilmember Paritsky, Seat #5 _____

Passed upon first reading this ___ day of _____, 2016.

It was moved by _____ and seconded by _____ that said Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1 _____
Councilmember Milano, Seat #2 _____
Vice-Mayor Hoss, Seat #3 _____
Councilmember Perrone, Seat #4 _____
Councilmember Paritsky, Seat #5 _____

Passed and adopted upon second reading this ___ day of _____, 20__.

Town of Ponce Inlet, Florida

Gary L. Smith, Mayor

ATTEST:

Jeaneen Witt, CMC
Town Manager/Town Clerk