



Meeting Date: June 23, 2016

Agenda Item: 13-A

Report to Town Council

Topic: State lease for Inlet Harbor off-beach parking lot and dune walkover.

Recommended Motion: Approval of authorizing the submittal of the management plan required pursuant to the State lease and approval to submit a six month notice of termination of the lease - notifying Volusia County of this as well so that they may enter into their own lease if they choose to continue the operation of this beach parking lot.

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 C. Witt, Town Manager
From: Aref Joulani, Director, Planning & Development Department
Date: June 8, 2016
Subject: TIIFT Lease/Management Plan for Inlet Harbor Off-Beach Parking lot and Dune Walkover

MEETING DATE: June 23, 2016

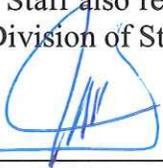
History:

In May, 1990, the Town Council adopted Resolution #90-06 expressing the need for another beach access within the Town and agreeing to fund improvements and provide day-to-day management of the property. In 1992, the Town entered into a 50-year lease agreement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the property at the Inlet Harbor Road east of Atlantic Avenue for purposes of creating public beach access. In 1993, the Town constructed the elevated dune walkover on the property. As a condition of the lease agreement, a Management Plan was created and approved by the Town Council and the Trustees.

In updating the current Management Plan, staff found that the Plan states, "Through an informal arrangement, Volusia County Beach Management Department shares maintenance responsibility with the Town of Ponce Inlet Public Works Department." No record of that arrangement has been found by either Town or Volusia County staff. The property is, however, being maintained by the County, as evidenced by the replacement of several boards on the walkover, the regular grading of the parking lot, and the Volusia County signs on the property. Jessica Winterwerp, Coastal Division Director for Volusia County, suggested that the question of maintenance responsibility and the "informal agreement" be discussed by the Town's and County's attorneys. Attorney Andrew Hand has been in contact with the County attorney, but at this time there is no resolution to this. Additionally, Paragraph 27 of the Lease contains a provision for surrender of premises, with a 6-month notice required.

Discussion:

Staff requests authorization to begin the process of cancellation of the lease or transferring it to Volusia County. Staff also requests approval of the attached Revised Management Plan, to be forwarded to the Florida Division of State Lands for review while discussions of cancellation/transfer are underway.



Aref Joulani, Director, Planning & Development



Date

Attachments:

1. Original Management Plan, including Lease
2. Revised Management Plan

LAND MANAGEMENT PLAN EXECUTIVE SUMMARY

Lead Agency: Town of Ponce Inlet

Common Name of Property: Town of Ponce Inlet Beach Access (Inlet Harbor Road)

Location: Ponce Inlet, Florida

Acreage: Total 1.13 acres (approx. 0.41 acre by deed)

Acreage Breakdown:

<u>Land Cover Classification</u>	<u>Acreage</u>
<u>Coastal Strand</u>	<u>0.41</u>
<u>Beach Dune</u>	<u>0.72</u>
<u>Total</u>	<u>1.13</u>

Lease/Management Agreement No.: 3943

Use: Single

Multiple

Management Responsibilities

<u>Agency</u>	<u>Responsibility</u>
<u>Town of Ponce Inlet</u>	<u>Law Enforcement</u>
<u>Town of Ponce Inlet</u>	<u>Maintenance</u>
<u>Volusia County</u>	<u>Law Enforcement</u>
<u>Volusia County</u>	<u>Maintenance</u>

Designated Land Use: Pedestrian beach access and vehicle parking.

Sublease(s): None.

Encumbrances: Access easement measuring 7.5 ft. along the northern property line as recorded in O.R. Book 3453, Page 1387.

Type Acquisition: Save Our Coast Program.

Unique Features: Natural – Dune System.

Archaeological/Historical – None.

Management Needs: Dune walkover; signage.

Acquisition Needs/Acreage: None.

Surplus Lands/Acreage: None.

Public Involvement: None, except for public input at Town Council meetings.

DO NOT WRITE BELOW THIS LINE (FOR DIVISION OF STATE LAND USE ONLY)

LMAC Approval Date: _____ BTIITF Approval Date: _____

Comments: _____

TOWN OF PONCE INLET
LAND MANAGEMENT PLAN - INLET HARBOR ROAD BEACH ACCESS

A. GENERAL INFORMATION.

1. Land management plan executive summary – See preceding page.
2. Common name of project: Inlet Harbor Road Pedestrian Beach Access.
3. How was the land acquired?
Property was purchased under the “Save Our Coast Program”.
4. Attach a map showing the location and boundaries of the property plus any structures or improvements to the property.

See Figure 1 (boundary map), Figure 2 (proximity to other significant federal, state or local land or water resources) and Figure 3 (site improvements).

Legal description of the property:

The southerly 98.00 feet of the northerly 1,398.00 feet, as measured along the easterly r/w line of South Atlantic Avenue, of Lot 2, Section 30, Township 16 South, Range 34 East, Volusia County, Florida, lying east of Ocean Shore Boulevard.

The property is shaped like a parallelogram measuring 98 feet wide by approximately 217 feet deep (measured from the easterly r/w line of South Atlantic Avenue to the approximate vegetation line at the seaward toe of the primary dune). The property size is approximately 18,000 sq. ft.

5. Are there any significant State, local or federal land or water resources within 10-miles of the property? YES NO

See Figure 2 - Map showing the proximity of the property to other significant federal, state or local land or water resources.

- Ponce Preserve (titled to and managed by the Town of Ponce Inlet; acquired under the Preservation 2000 program)
- Green Mound Archaeological Site (titled to the T.I.I.T.F. and managed by the Florida Department of Environmental Protection, Division of Parks and Recreation as an element of the Tomoka Basin GeoPark)
- Ponce de Leon Inlet Lighthouse (managed by the Ponce Inlet Lighthouse Association)
- Lighthouse Point Park (managed by Volusia County)

6. Are there any agency-specific statute requirements or legislative/executive directives that constrain the use of the property?

Chapter 161, Florida Statutes, Beach and Shore Preservation – establishes strict standards for coastal construction, including excavation, for purposes of minimizing damage to the natural environment, private property, and life.

Town of Ponce Inlet Comprehensive Plan - designates the property for “low-density single family residential development”. This designation permits a maximum residential density of 3.3 dwelling units per acre. See Figure 5 (map showing comprehensive plan land use designation).

Town of Ponce Inlet Zoning – Limits development to residence and accessory uses; requires a minimum lot area of 10,625 sq. ft. See Attachment G (zoning regulations).

7. The degree of title held by the Board of Trustees, including any reservations or encumbrances such as leases. Attach copies of leases, easements, subleases, and deeds. Ensure that a copy of the legal description of the property is included. (If this is plan update, then you need attach only subleases, lease amendments, or easements executed after the date that the previous plan was approved.)

The Board of Trustees has fee simple title to this property with management responsibility transferred to the Town of Ponce Inlet via Trustees Lease No. 3943 (Attachment B). There is currently an 8 foot private access easement on the northern boundary of the property. The walkover and parking lot are located to the south of this easement.

8. State the extent of public involvement and local government participation in developing the plan, including a summary of comments and concerns expressed.

The initial Management Plan was developed by Town staff and reviewed by Town Council in open public meetings. Additionally, meetings were held with local civic organizations and property owners of property nearby that use this access to the beach. All expressed support for the plan. This revised/updated Management Plan was prepared by Town staff and reviewed by Town Council in open public meetings. Efforts to involve the public in the plan revision/update were minimal because the intent is only to reflect property improvements – all made in accordance with the approved Management Plan – and to reinforce ongoing management practices and procedures.

B. NATURAL RESOURCES

9.

- a. A description of resources on the property that are listed in the Florida Natural Areas Inventory (FNAI) (see Attachment I (letter from FNAI)):

The property abuts the Atlantic Ocean beach. The frontal dune system extends across the property. The general area extending from Ponce de Leon Inlet northward approximately 5,000 ft. has experienced slight erosion in recent years. Sand fencing has been used on the property to promote dune renourishment. In addition, this general area has been renourished by application of dredge spoils.

There are no swamps, marshes or other wetlands on the property.

There are no known mineral resources of commercial value on the property.

There are no unique natural features on the property.

There are no outstanding native landscapes on the property.

The natural community types represented on this site include Coastal Strand and Beach Dune. Coastal Strand consists of stabilized coastal dune with sand substrate; xeric; subtropical or temperate; rare or occasional fire; dense saw palmetto and/or seagrass and /or mixed stunted shrubs, yucca, and cacti. Beach Dune consists of active coastal dune with sand substrate; xeric; temperate or subtropical; occasional or rare fire; sea oats and/or mixed salt-spray tolerant grasses and herbs.

The Florida Natural Areas Inventory (FNAI) lists both Beach Dune and Coastal Strand as “imperiled” in state. Globally, Beach Dune is listed as either “very rare” or “found locally in restricted range” or “vulnerable to extinction”. Coastal Strand is listed globally as “apparently secure”.

The following is a list of rare/endangered species in Volusia County that are dependent to some degree on Beach Dune and/or Coastal Strand natural communities:

Common Name	Scientific Name	Global Rank	State Rank	Federal Status	State Status
Balsam Torchwood	<i>Amyris balsamifera</i>	G4	SX	N	N
Sand-Dune Spurge	<i>Chamaesyce cumulicola</i>	G2	S2	N	N
Large-Flowered Rosemary	<i>Conradina grandiflora</i>	G3	S3	N	LE
Coastal Vervain	<i>Glandularia maritima</i>	G3	S3	N	LE
Florida Lantana	<i>Lantana depressa</i> var <i>floridana</i>	G2T2	S2	N	LE
Brown-Haired Snoutbeen	<i>Rhynchosia cinerea</i>	G3	S3	3C	N
Loggerhead	<i>Caretta caretta</i>	G3	S3	LT	LT
Green Turtle	<i>Chelonia mydas</i>	G3	S2	LE	LE
Leatherback Turtle	<i>Dermochelys coriacea</i>	G3	S2	LE	LE
Gopher Tortoise	<i>Gopherus polyphemus</i>	G3	S3	N	LS
Piping Plover	<i>Charadrius melodus</i>	G3	S2	LT	LT
American Oystercatcher	<i>Haematopus palliatus</i>	G5	S3	N	LS
Black Skimmer	<i>Rynchops niger</i>	G5	S3	N	LS
Least Tern	<i>Sterna antillarum</i>	G4	S3	N	LT
Caspian Tern	<i>Sterna caspia</i>	G5	S2?	N	N
Royal Tern	<i>Sterna maxima</i>	G5	S3	N	N
Sandwich Tern	<i>Sterna sandvicensis</i>	G5	S2	N	N
Southeastern Beach Mouse	<i>Peromyscus polionotus niveiventris</i>	G5T1	S1	LT	LT

Explanation of Abbreviations:

Global Element Ranking:

G1 = Critically imperiled globally because of extreme rarity (5 or fewer occurrences or less than 1000 individuals) or because of extreme vulnerability to extinction due to some natural or man-made factor.

G2 = Imperiled globally because of rarity (6 to 20 occurrences or less than 3000 individuals) or because of vulnerability to extinction due to some biological or man-made factor.

G3 = Either very rare and local throughout its range (21-100 occurrences or less than 10,000 individuals) or found locally in a restricted range or vulnerable to extinction because of other factors.

G4 = Apparently secure globally (may be rare in parts of range).

G5 = demonstrably secure globally.

GX = Believed to be extinct throughout range

GXC = Extirpated from the wild but still known from captivity or cultivation

G#? = Tentative rank (e.g., G2?)

G#G# = Range of rank; insufficient data to assign specific global rank (e.g., G2G3)

G#T# = Rank of a taxonomic subgroup such as a subspecies or variety; the G portion of the rank refers to the entire species and the T portion refers to the specific subgroup; numbers have same definition as above (e.g., G3T1)

State Element Ranking:

Definition parallels global element rank; substitute "S" for "G" in above global ranks, and "in state" for "globally" in above global rank definitions.

Federal Status:

LE = Listed as Endangered Species in the List of Endangered and Threatened Wildlife and Plants under the provisions of the Endangered Species Act. An "Endangered Species" is defined as any species which is in danger of extinction throughout all or a significant portion of its range.

LT = Listed as Threatened Species. A "Threatened Species" is defined as any species which is likely to become an endangered species within the foreseeable future throughout all or a portion of its range.

C2 = Candidate Species, Category 2. Taxa for which information now in possession of the U.S. Fish and Wildlife Service indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat(s) are not currently available to support proposed rules at this time.

3C = Category 3C. Taxa that have proven to be more abundant or widespread than was previously believed and/or those that are not subject to any identifiable threat.

N = Not currently listed, nor currently being considered for addition to the List of Endangered and Threatened Wildlife and Plants.

State Status:

Animals

LE = Listed as Endangered Species by the Florida Game and Freshwater Fish Commission. An Endangered Species is defined as a species, subspecies, or isolated population which is resident in Florida during a substantial portion of its life cycle and so few or depleted in number or so restricted in range of habitat due to any man-made or natural factors that it is in immediate danger of extinction or extirpation from the state, or which may attain such a status within the immediate future unless it or its habitat are fully protected and managed in such a way as to enhance its survival potential; or migratory or occasional in Florida and included as endangered on the United States Endangered and Threatened Species List. This definition does not include species occurring peripherally in Florida while common or under no threat outside the State.

LT = Listed as Threatened Species by the Florida Game and Freshwater Fish Commission. A Threatened Species is defined as a species, subspecies, or isolated population which is resident in Florida during a substantial portion of its life cycle and which is acutely vulnerable to environmental alteration declining in number at a rapid rate, or whose range or habitat is declining in area at a rapid rate due to any man-made or natural factors and as a consequence is destined or very likely to become an endangered species within the foreseeable and predictable future unless appropriate protective measures or management techniques are initiated or maintained; or migratory or occasional in Florida and included as threatened on the United States Endangered and Threatened Species List. This definition does not include species occurring peripherally in Florida while common or under not threat outside the State.

LS = Listed as Species of Special Concern by the Florida Game and Freshwater Fish Commission. A Species of Special Concern is defined as a species, subspecies, or isolated population which warrants special protection, recognition, or consideration because it occurs disjunctly or continuously in Florida and has a unique and significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable and predictable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; may already meet certain criteria for consideration as a threatened species but for which conclusive data are limited or lacking; may occupy such an unusually vital and essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; or has not sufficiently recovered from past population depletion.

N = Not currently listed, nor currently being considered for listing.

Plants

LE = Listed as Endangered Plants in the Preservation of Native Flora of Florida Act. "Endangered Plants" means species of plants native to the state that are in imminent danger of extinction within the state, the survival of which is unlikely if the causes of a decline in the number of plants continue, and includes all species determined to be endangered or threatened pursuant to the Federal Endangered Species Act of 1973, as amended.

LT = Listed as Threatened Plants in the Preservation of Native Flora of Florida Act. "Threatened plants" means species native to the state that are in rapid decline in the number of plants within the state, but which have not decreased in such number as to cause them to be endangered.

N = Not currently listed, nor currently being considered for listing.

The property is not within or adjacent to an aquatic preserve or designated area of critical State concern or an area under study for such designation.

- b. A description of known cultural resources on the property.

The Department of Natural Resources (now the Department of Environmental Protection) indicated there are no significant archaeological or historical sites recorded or likely to be present within the project area. See Attachment F. The Town of Ponce Inlet will comply with all requirement presented by DEP.

10. Briefly describe the soil types, using USDA nomenclature when available.

Soils on the site consist primarily of Palm Beach sand. These are excessively drained soils on primary dunes that border or are parallel to the Atlantic coast. Slopes are typically 2 to 8 percent. Also included are a few places where the slope gradient is as steep as 15 percent. The water table is below 72 inches and is usually below 120 inches. The available water capacity, organic matter content, and natural fertility are very low. Permeability is very rapid. See Figure 4 (soils map).

C. USAGE OF THE PROPERTY.

11. Describe the history of the property, and any unauthorized uses, if known.

This property was undeveloped until 1993 when the Town improved it for beach access and parking in accordance with the approved management plan.

12. The purpose for which this property was acquired and the statutory authority for such use.

The property was acquired to provide public access to the beach. Pedestrian access to the beach is provided by an elevated wood walkway. Most users arrive on foot from nearby residential areas; however, 10 vehicle parking spaces are available for use by anyone, regardless of place of residence. Parking and pedestrian access are available to the public at no cost 24 hours per day.

The statutory authority for this single use type of management falls under Chapters 253 and 259, F.S.

13. Projected uses (Attach a map that depicts any planned development of the property, or additions to existing structures).

No additional uses are projected.

14. The designated single use or multiple use of the property as defined in Chapter 253.034, F.S.

Single (pedestrian access to the Atlantic Ocean beach) Multiple

15. Have alternative or multiple uses of this property been considered?

The Town considered no other uses for the property, primarily because of its small size and the strict limitations on coastal construction imposed by Chapter 161, F.S. Its small size presents obvious physical limits to use of the property. Small size also limits the value of the property as natural habitat. Although the Town manages the property with the intent of protecting and enhancing natural elements, we believe the benefit to plant and animal populations is minimal.

16. Are there any parcels of land within or adjacent to the property that should be purchased because they are essential to it's management?

YES NO Acquisition of adjoining or nearby parcels is not essential to the management of this property. No additional property should be sought for purchase.

17. Should the property, or any portion of it, be deemed surplus?

YES NO This property comprises the smallest area suitable for the intended use. No surplus property exists.

D. MANAGEMENT ACTIVITIES.

18. Describe any assistance in the management of the property that you receive from other state or local agencies.

a. Town of Ponce Inlet. The Town did construct the existing pedestrian dune walkover and vehicle parking area, and is responsible for maintenance and replacement.

Additionally, the Town is responsible for protection and enhancement of the environmental resources including the natural dune system and threatened and endangered plant and animal species. Finally, the Town is responsible for enforcement of the Town's laws. Town police regularly patrol the site.

- b. Volusia County. In accordance with the Volusia County Charter, Section 205.6, the County has exclusive jurisdiction over the coastal beaches and approaches as well as exclusive authority to regulate the beaches and public beach access and use. Further, the County assumed any governmental liability for claims for areas controlled by the County under Article II of the County Charter, including beach approaches.

Also through the County Charter, the County is responsible for establishing minimum standards, procedures, requirements and regulations for the protection of the environment, including such elements as the beach and dunes. Ponce Inlet has deferred to the County for enforcement of beach and dune protection regulations and sea turtle protection regulations.

County Beach Rangers patrol the beach adjacent to the site enforcing beach regulations and other regulations relating to the County's minimum standards for environmental protection (beach and dune protection and sea turtle protection).

Through an informal arrangement, Volusia County Beach Management Department shares maintenance responsibility with the Town of Ponce Inlet Public Works Department.

- c. The Department of State, Division of Historical Resources, is responsible for coordinating protection and interpretation of archaeological and historical resources which might be located on the property. The Town will supply the Division with any new information on historic sites and archaeological sites that we might locate at a later date.
19. List all important management needs and problems for the property. Explain how you plan to address these needs. For management problems, describe proposed solutions, including potential mitigation project sites.

No management needs or problems have been identified.

20. Are there any adjacent land uses that conflict with the planned use of the property?

YES _____ NO

A single family residence adjoins the project area on the south. A five-story multi-family (condominium) development adjoins on the north. These present no apparent conflicts with the use of this property for beach access.

21. Are there any fragile, non-renewable natural or cultural resources on the property?

There are no known non-renewable natural or cultural resources on the project site.

22. Are the planned uses of the property expected to impact the renewable and non-renewable resources of the property?

YES _____ NO Except for the area over which the parking was located, natural dune contours and vegetation will be preserved by restricting access. Only pedestrian access will be permitted across the project site, and all such access will be by way of the elevated wood walkway.

The site is too small and isolated to serve as significant habitat for most species. However, sea turtles are known to nest in this general area seaward of the primary dune. Ronald R.

Mesich, Environmental Specialist with the Office of Protected Species, Division of Marine Resources, asserted in his memorandum dated 8/28/92 that the Town's management plan needed to address potential impacts to threatened and endangered marine turtles. This revised plan does acknowledge that marine turtles do nest in this general area, and points out that Volusia County has jurisdiction over beach access and use. The County has addressed needed protection of marine sea turtles by adoption of a Sea Turtle Habitat Conservation Plan (HCP). This plan was approved by the U.S. Fish and Wildlife Service (USFWS) in November, 1996.

The HCP covers a wide range of sea turtle protection issues from the creation of no driving areas, conservation zones and light management plans. The area of beach adjacent to this site (Inlet Harbor Road pedestrian beach access) has been designated by the HCP as a Natural Beach Area in which vehicular traffic is prohibited. The other major aspect of the HCP concerns beachfront lighting. The County has enacted regulations intended to eliminate all lighting which may discourage nesting sea turtles or contribute to the disorientation and stranding of hatchlings.

In addition to the lighting activities above, the County, with the assistance of its Protected Species Specialist, developed a Beach Lighting Management Plan (BLMP). This plan characterized the lighting situation along Volusia County's beaches, and developed action items for addressing problem lights.

Volusia County has partnered with the two existing sea turtle organizations which have operated for many years in the county. These organizations, Volusia Turtle Patrol, Inc. and Volusia Sea Turtle Society, Inc., closely monitor and protect sea turtle nesting and hatching activities throughout the county. As sea turtle nests are discovered, they are staked off to prevent damage from trampling. If located where they cannot be easily avoided by pedestrians using the boardwalk, the boardwalk will be closed. No artificial lighting will be used on the property.

Non-native plants will be periodically eliminated by selective hand clearing and/or direct application of approved herbicides. Prescribed burning is not an appropriate management tool for this site due to its small size and close proximity to residential development.

23. How does your agency plan provide for the following (Note any drainage problems, development that might cause erosion, and sources of possible water pollution, including hazardous or petroleum products which are to be stored on site. Describe how these problems will be prevented. If no problems are anticipated, briefly explain why.)
 - a. Conservation of soil and water resources - The Town plans to continue use of the property as it is currently used for pedestrian beach access and limited vehicle parking. Pedestrian access over the dunes to the beach is permitted only by way of an elevated wood walkway in order to protect fragile, dune-stabilizing vegetation. The parking area is stabilized with crushed shell. It is periodically graded. The number of existing parking spaces is 10. Stormwater from the parking area is retained on-site in a dry basin near South Atlantic Avenue where it percolates rapidly. Run-off from undisturbed areas of the site is minimal due to the naturally rapid permeability of the predominant soil - Palm Beach sand.
 - b. Control and prevention of soil erosion - Protection of existing natural vegetation will promote stabilization of the dunes. Supplemental planting may be done if necessary. Sand fences have been used to promote dune renourishment, and may be used in the future as part of an area wide renourishment effort, if necessary.
24. Please note your agreement with the following statement:

THE MANAGING AGENCY OF THE PROPERTY DESIGNATED IN THIS MANAGEMENT PLAN WILL CONSULT WITH THE DIVISION OF HISTORICAL RESOURCES BEFORE TAKING ACTIONS THAT MAY ADVERSELY AFFECT ARCHAEOLOGICAL OR HISTORICAL RESOURCES. THIS MANAGEMENT PLAN COMPLIES WITH THE "STATE LANDS MANAGEMENT PLAN", ADOPTED BY THE BOARD OF TRUSTEES ON MARCH 17, 1981, AND THE PLAN REPRESENTS BALANCED PUBLIC UTILIZATION.

AGREE DISAGREE

25. Does the local government agree that this plan complies with their Local Government Comprehensive Plan? (Provides as a numbered attachment a letter from the local government, or at a minimum, a copy of the letter that your agency sent to them requesting this information.)

A letter from our Town Planner is submitted as Attachment H.

LIST OF FIGURES AND ATTACHMENTS

FIGURES

Figure 1 – Project Boundary

Figure 2 – Proximity To Other Significant Federal, State or Local Land or Water Resources

Figure 3 – Site Improvements

Figure 4 – Soil Types

Figure 5 – Comprehensive Plan Land Use Designation

ATTACHMENTS

A. Survey of Property

B. Trustees Lease No. 3943

C. Town of Ponce Inlet Resolution #90-06

D. Topographic Survey

E. Volusia County Turtle Protection Ordinance

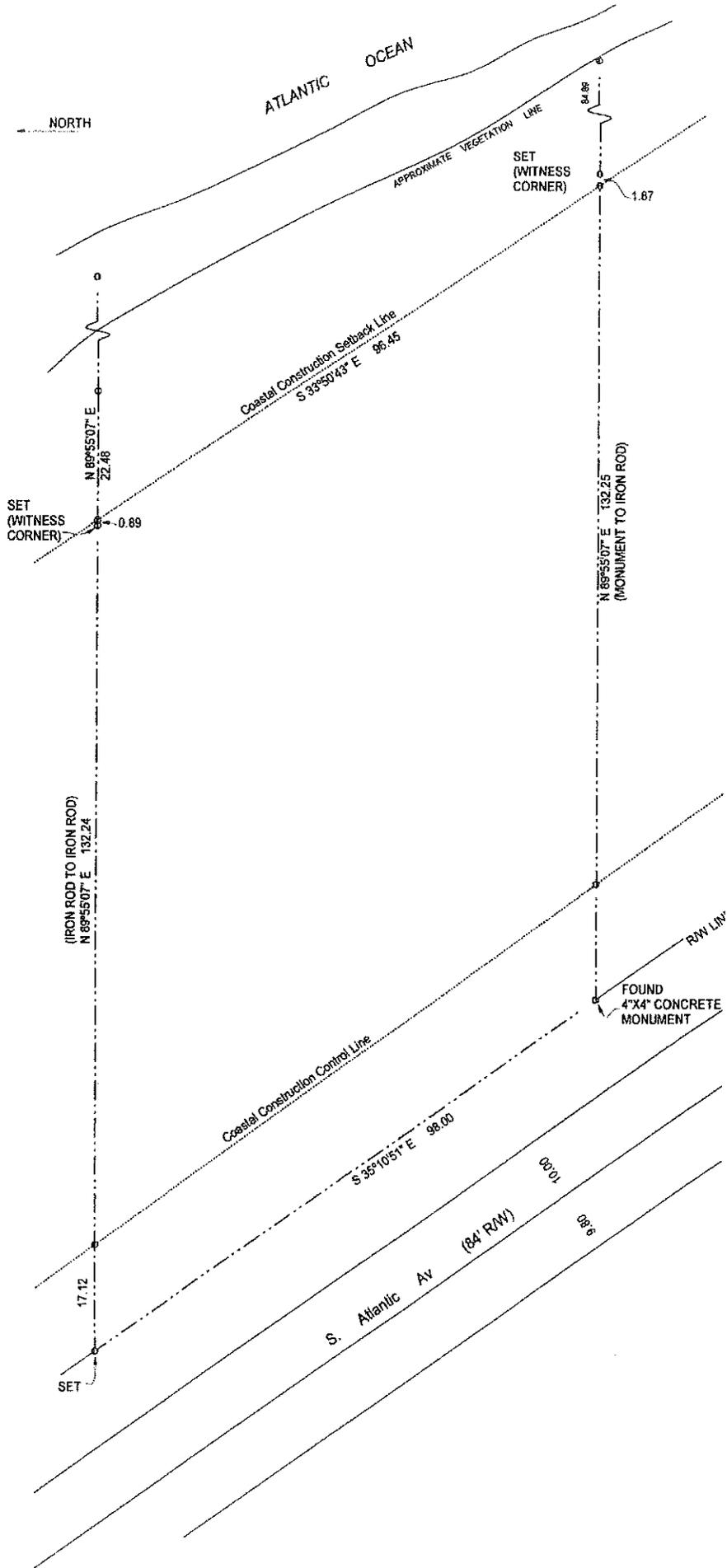
F. DNR Cultural Resources File (no cultural resources present)

G. R-1 Zoning Requirements

H. Letter from Planner Attesting to Conformance with Comprehensive Plan

I. Letter From Florida Natural Areas Inventory

FIGURE 1 - PROJECT BOUNDARY



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FIGURE 2 – PROXIMITY TO OTHER SIGNIFICANT FEDERAL, STATE OR LOCAL LAND OR WATER

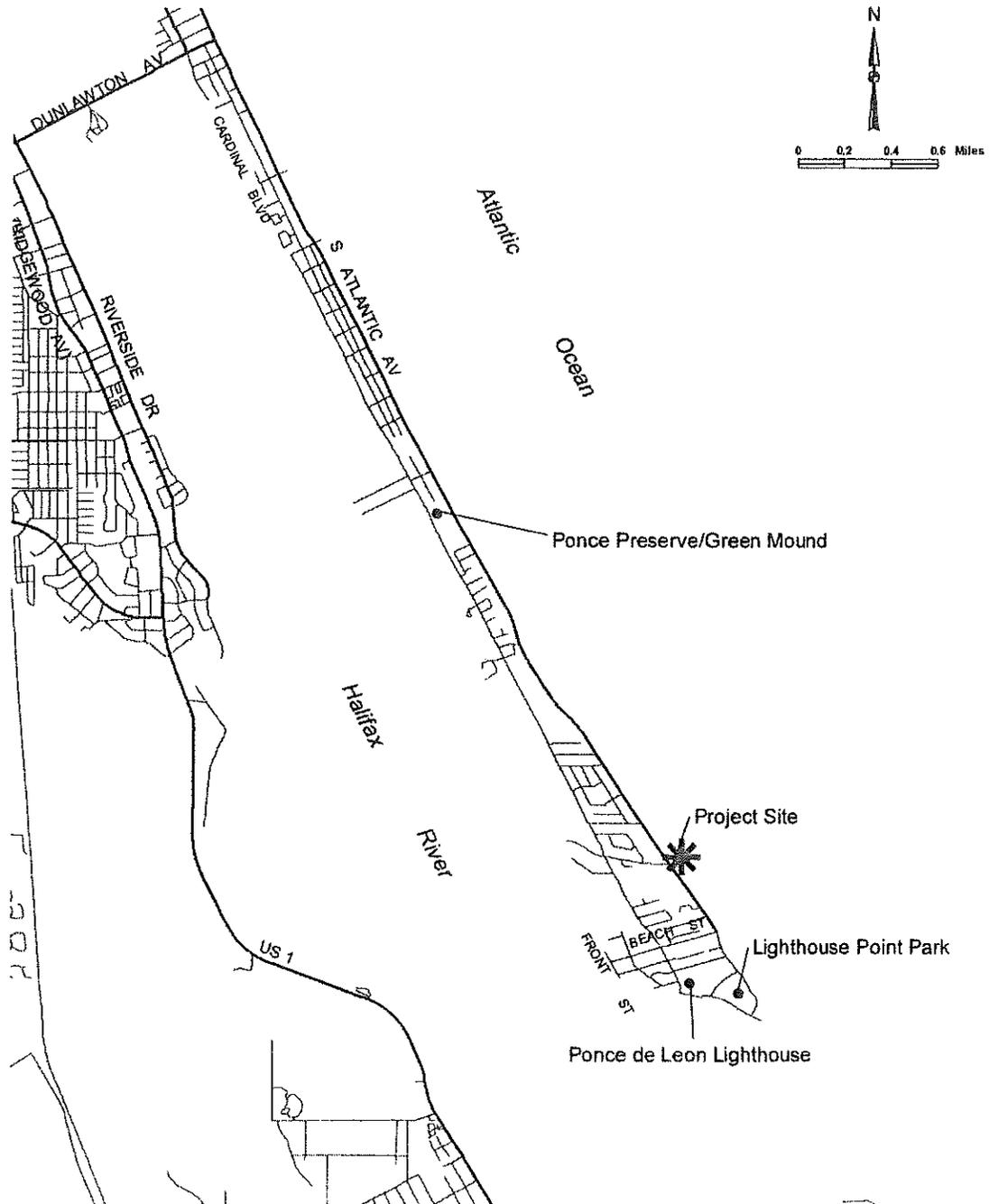


FIGURE 3 - SITE IMPROVEMENTS

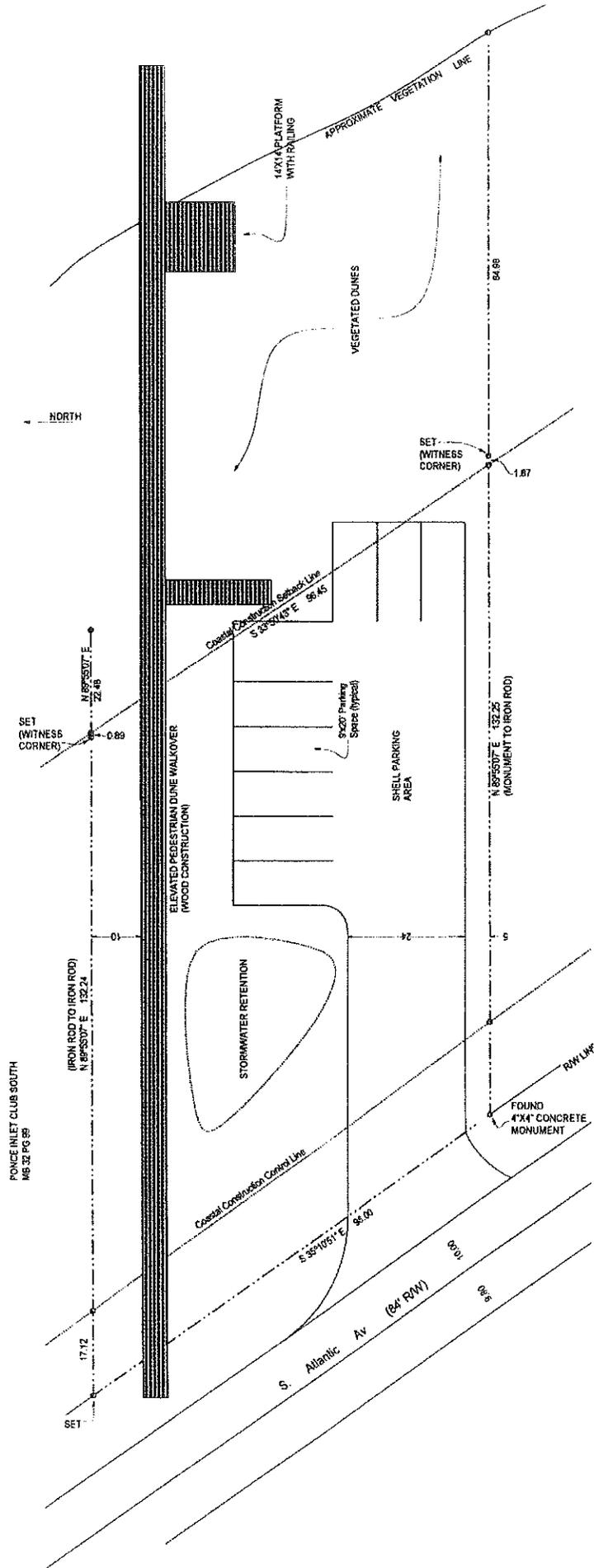
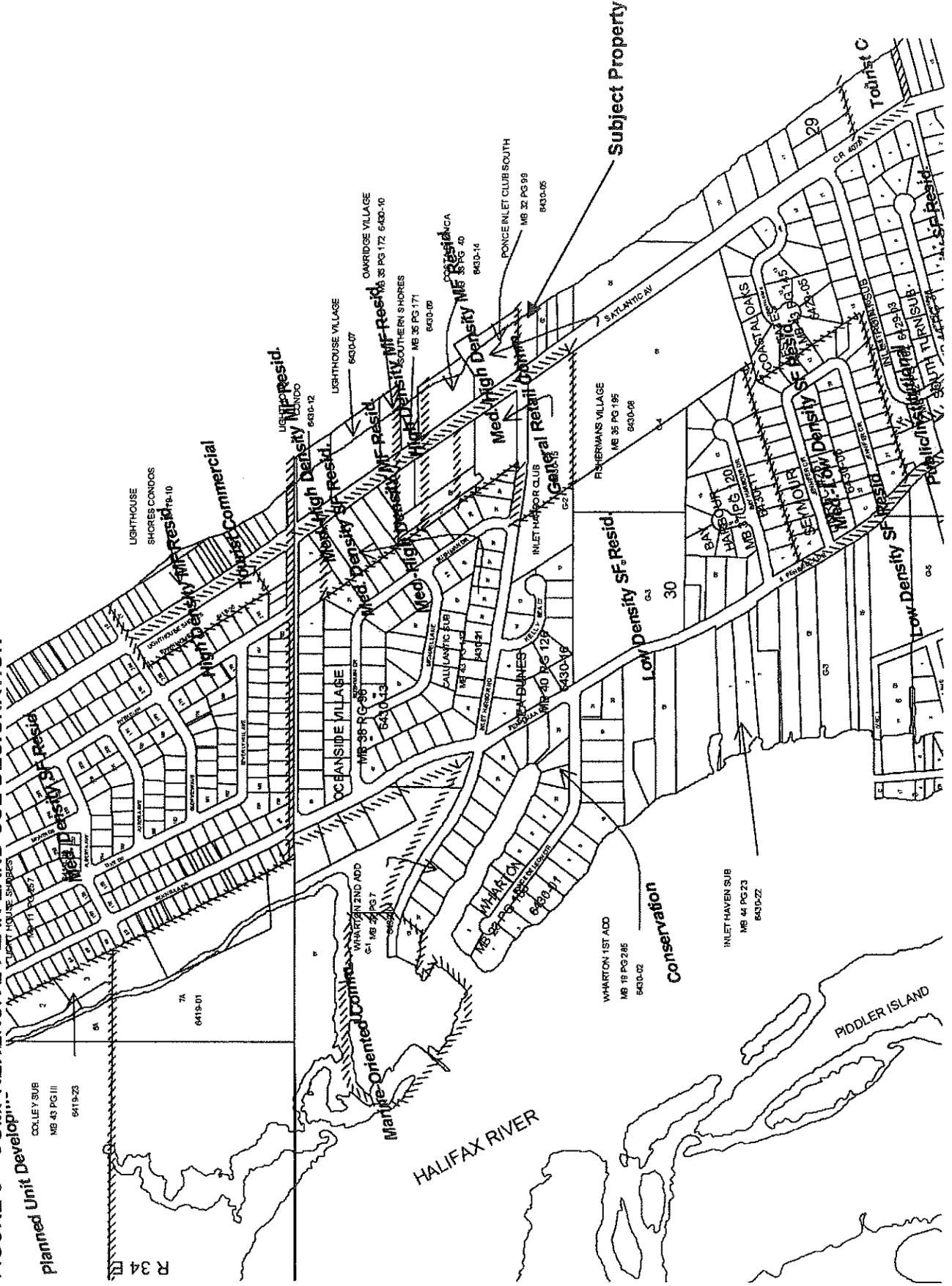


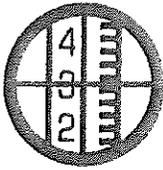
FIGURE 5 - COMPREHENSIVE PLAN LAND USE DESIGNATION

Planned Unit Development
 COLLEY SUB
 MB 43 PG III
 6419-23



ATTACHMENT A - SURVEY

[See also the Survey by Tomoka Engineering Assoc., Inc. for Town of Ponce Inlet, March 8, 1993, Reference No. 92436/BT-1, on file at Ponce Inlet Town Hall.]

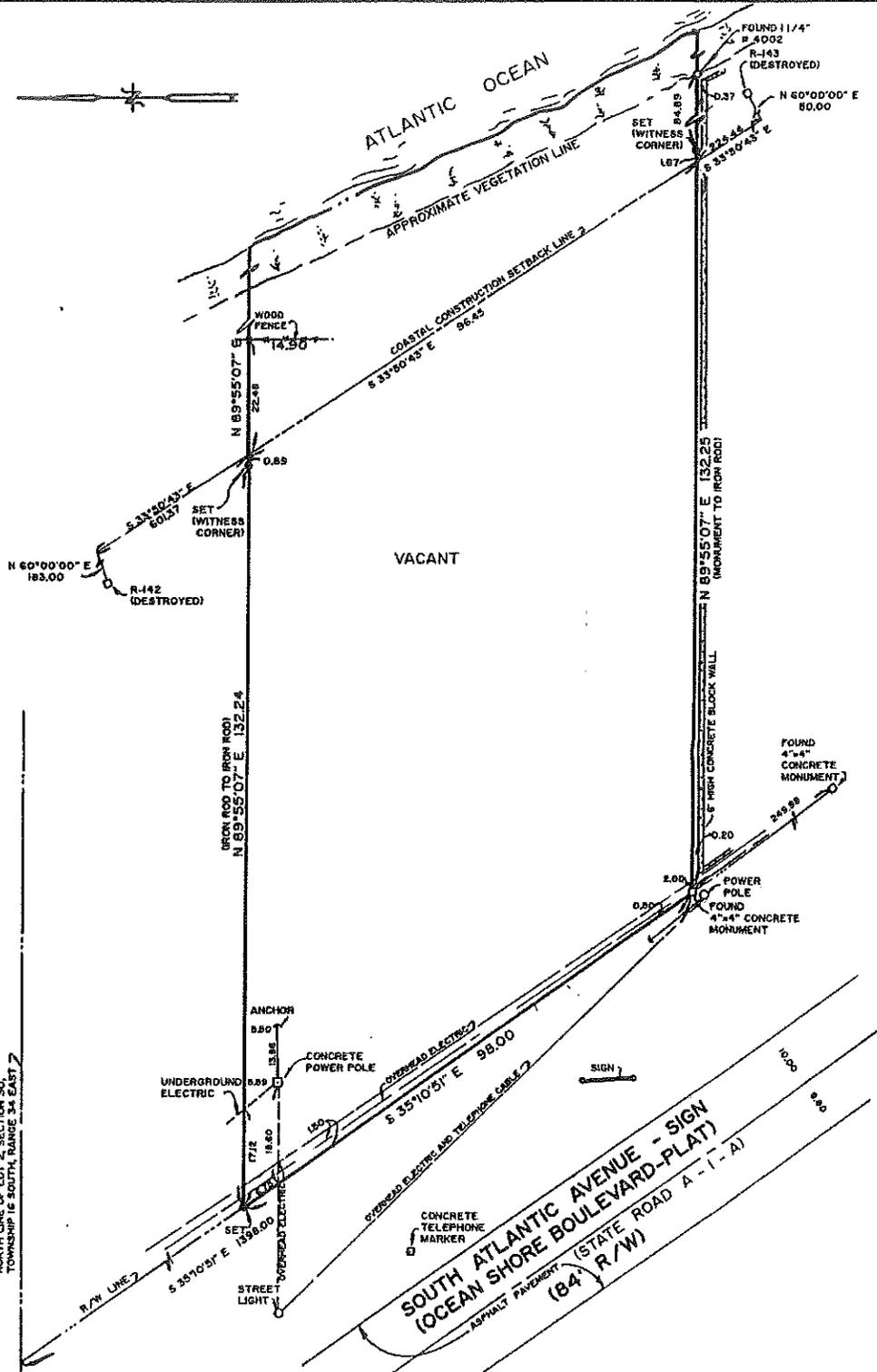


SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

MAIN OFFICE:
3921 SOUTH NOVA ROAD
PORT ORANGE, FL. 32127
(904) 761-5385

PALM COAST OFFICE:
1 FLORIDA PARK DR., SUITE 322
PALM COAST, FL. 32037
(904) 439-5603



FOR: FIRST AMERICAN BANK AND TRUST

DESCRIPTION: THE SOUTHERLY 98.00 FEET OF THE NORTHERLY 1398.00 FEET, AS MEASURED ALONG THE EASTERLY R/W LINE OF SOUTH ATLANTIC AVENUE, OF LOT 2, SECTION 30, TOWNSHIP 16 SOUTH, RANGE 34 EAST, VOLUSIA COUNTY, FLORIDA, LYING EAST OF OCEAN SHORE BOULEVARD.

ABBREVIATIONS

A/C	AIR CONDITIONER
R/W	RIGHT OF WAY
Δ	CENTERLINE
∠	CENTRAL ANGLE
R	RADIUS
L	ARC LENGTH
CB	CHORD BEARING
FP&L CO.	FLORIDA POWER & LIGHT COMPANY
N.G.V.D.	NATIONAL GEODETIC VERTICAL DATUM
U.S.C. & G.S.	UNITED STATES COAST AND GEODETIC SURVEY

SHEET 1 OF 2

LEGEND

○	IRON ROD WITH CAP
○	IRON PIPE
□	CONCRETE MONUMENT
•	PERMANENT REFERENCE MONUMENT
Δ	PERMANENT CONTROL POINT
(R)	RADIAL LINE
(NR)	NON-RADIAL LINE
○	EXISTING ELEVATION
□	PROPOSED ELEVATION

ATTACHMENT B – TRUSTEES LEASE NO. 3943

DALB101

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
OF THE STATE OF FLORIDALEASE AGREEMENT

Lease No. 3943

THIS LEASE AGREEMENT, made and entered into this 28th day of May 1992, between the BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA hereinafter referred to as "LESSOR," and the TOWN OF PONCE INLET, hereinafter referred to as "LESSEE."

LESSOR, for and in consideration of mutual covenants and agreements hereinafter contained, does hereby lease to said LESSEE the lands described in paragraph 2 below, together with the improvements thereon, and subject to the following terms and conditions:

1. DELEGATIONS OF AUTHORITY: LESSOR'S responsibilities and obligations herein shall be exercised by the Division of State Lands, Department of Natural Resources.
2. DESCRIPTION OF PREMISES: The property subject to this lease, is situated in the County of Volusia, State of Florida and is more particularly described in Exhibit A attached hereto and hereinafter referred to as the "leased premises".
3. TERM: The term of this lease shall be for a period of fifty (50) years commencing on May 28, 1992, and ending on May 27, 2042, unless sooner terminated pursuant to the provisions of this lease.
4. PURPOSE: The LESSEE shall manage the leased premises only for beach access and recreation, along with other related uses necessary for the accomplishment of this purpose as designated in the Management Plan required by paragraph 6 of this lease.
5. QUIET ENJOYMENT AND RIGHT OF USE: LESSEE shall have the right of ingress and egress to, from and upon the leased premises for all purposes necessary to the full quiet enjoyment by said LESSEE of the rights conveyed herein.

Page 1 of 11
Lease No. 3943

6. UNAUTHORIZED USE: LESSEE shall, through its agents and employees, prevent the unauthorized use of the leased premises or any use thereof not in conformance with this lease.

7. ASSIGNMENT: This lease shall not be assigned in whole or in part without the prior written consent of LESSOR. Any assignment made either in whole or in part without the prior written consent of LESSOR shall be void and without legal effect.

8. MANAGEMENT PLAN: LESSEE shall prepare and submit a Management Plan for the leased premises, in accordance with Chapters 18-2 and 18-4, Florida Administrative Code, within 12 months of the effective date of this lease. The Management Plan shall be submitted to LESSOR for approval through the Division of State Lands. The leased premises shall not be developed or physically altered in any way other than what is necessary for security and maintenance of the leased premises without the prior written approval of LESSOR until the Management Plan is approved. LESSEE shall provide LESSOR with an opportunity to participate in all phases of preparing and developing the Management Plan for the leased premises. The Management Plan shall be submitted to LESSOR in draft form for review and comments within ten months of the effective date of this lease. LESSEE shall give LESSOR reasonable notice of the application for and receipt of any state, federal or local permits as well as any public hearings or meetings relating to the development or use of the leased premises. LESSEE shall not proceed with development of said leased premises including, but not limited to, funding, permit application, design or building contracts, until the Management Plan required herein has been submitted and approved. Any financial commitments made by LESSEE which are not in compliance with the terms of this lease shall be done at LESSEE's own risk. The Management Plan shall emphasize the original management concept as approved by LESSOR on the effective date of this lease which established the primary public purpose for which the leased premises are to be managed. The approved Management Plan shall provide the basic guidance for all management activities and

shall be reviewed jointly by LESSEE and LESSOR at least every five (5) years. LESSEE shall not use or alter the leased premises except as provided for in the approved Management Plan without the prior written approval of LESSOR. The Management Plan prepared under this lease shall identify management strategies for exotic species, if present. The introduction of exotic species is prohibited, except when specifically authorized by the approved Management Plan.

9. EASEMENTS: All easements including, but not limited to, utility easements are expressly prohibited without the prior written approval of LESSOR. Any easement not approved in writing by LESSOR shall be void and without legal effect.

10. SUBLEASES: This agreement is for the purposes specified herein and subleases of any nature are prohibited, without the prior written approval of LESSOR. Any sublease not approved in writing by LESSOR shall be void and without legal effect.

11. RIGHT OF INSPECTION: LESSOR or its duly authorized agents, representatives or employees shall have the right at any and all times to inspect the leased premises and the works and operations of LESSEE in any matter pertaining to this lease.

12. PLACEMENT AND REMOVAL OF IMPROVEMENTS: All buildings, structures, improvements, and signs shall be constructed at the expense of LESSEE in accordance with plans prepared by professional designers and shall require the prior written approval of LESSOR as to purpose, location and design. Further, no trees, other than non-native species, shall be removed or major land alterations done without the prior written approval of LESSOR. Removable equipment and removable improvements placed on the leased premises by LESSEE which do not become a permanent part of the leased premises will remain the property of LESSEE and may be removed by LESSEE upon termination of this lease.

13. INSURANCE REQUIREMENTS: During the term of this lease LESSEE shall procure and maintain policies of fire, extended risk, and liability insurance coverage. The extended risk and

fire insurance coverage shall be in an amount equal to the full insurable replacement value of any improvements or fixtures located on the leased premises. The liability insurance coverage shall be in amounts not less than \$100,000.00 per occurrence and \$200,000.00 per accident for personal injury, death, and property damage on the leased premises. Such policies of insurance shall name LESSOR, the State of Florida and LESSEE as co-insureds. LESSEE shall submit written evidence of having procured all insurance policies required herein prior to the effective date of this lease and shall submit annually thereafter, written evidence of maintaining such insurance policies to the Bureau of Land Management Services, Division of State Lands, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. LESSEE shall purchase all policies of insurance from a financially-responsible insurer duly authorized to do business in the State of Florida. Any certificate of self-insurance shall be issued or approved by the Insurance Commissioner, State of Florida. The certificate of self-insurance shall provide for casualty and liability coverage. LESSEE shall immediately notify LESSOR and the insurer of any erection or removal of any building or other improvement on the leased premises and any changes affecting the value of any improvements and shall request the insurer to make adequate changes in the coverage to reflect the changes in value. LESSEE shall be financially responsible for any loss due to failure to obtain adequate insurance coverage, and the failure to maintain such policies or certificate in the amounts set forth shall constitute a breach of this lease.

14. INDEMNITY: LESSEE hereby covenants and agrees to investigate all claims of every nature at its own expense, and to indemnify, protect, defend, save and hold harmless the State of Florida and LESSOR from any and all claims, actions, lawsuits and demands of any kind or nature arising out of this lease to the extent provided by law.

15. PAYMENT OF TAXES AND ASSESSMENTS: LESSEE shall assume full responsibility for and shall pay all liabilities that accrue to the leased premises or to the improvements thereon, including any and all ad valorem taxes and drainage and special assessments or taxes of every kind and all mechanic's or materialman's liens which may be hereafter lawfully assessed and levied against the leased premises.

16. NO WAIVER OF BREACH: The failure of LESSOR to insist in any one or more instances upon strict performance of any one or more of the covenants, terms and conditions of this lease shall not be construed as a waiver of such covenants, terms or conditions, but the same shall continue in full force and effect, and no waiver of LESSOR of any of the provisions hereof shall in any event be deemed to have been made unless the waiver is set forth in writing, signed by LESSOR.

17. TIME: Time is expressly declared to be of the essence of this lease.

18. NON DISCRIMINATION: LESSEE shall not discriminate against any individual because of that individual's race, color, religion, sex, national origin, age, handicap, or marital status with respect to any activity occurring within the leased premises or upon lands adjacent to and used as an adjunct of the leased premises.

19. UTILITY FEES: LESSEE shall be responsible for the payment of all charges for the furnishing of gas, electricity, water and other public utilities to the leased premises and for having all utilities turned off when the leased premises are surrendered.

20. MINERAL RIGHTS: This lease does not cover petroleum or petroleum products or minerals and does not give the right to LESSEE to drill for or develop the same, and LESSOR specifically reserves the right to lease the leased premises for purpose of exploring and recovering oil and minerals by whatever means appropriate; provided, however, that LESSEE named herein shall be fully compensated for any and all damages that might result to

25. BREACH OF COVENANTS, TERMS, OR CONDITIONS: Should LESSEE breach any of the covenants, terms, or conditions of this lease, LESSOR shall give written notice to LESSEE to remedy such breach within sixty (60) days of such notice. In the event LESSEE fails to remedy the breach to the satisfaction of LESSOR within sixty (60) days of receipt of written notice, LESSOR may either terminate this lease and recover from LESSEE all damages LESSOR may incur by reason of the breach including, but not limited to, the cost of recovering the leased premises and attorneys' fees or maintain this lease in full force and effect and exercise all rights and remedies herein conferred upon LESSOR.

26. DAMAGE TO THE PREMISES: LESSEE agrees that it will not do, or suffer to be done, in, on or upon the leased premises or as affecting said leased premises, any act which may result in damage or depreciation of value to the leased premises, or any part thereof. LESSEE shall not dispose of any contaminants including, but not limited to, hazardous or toxic substances, chemicals or other agents used or produced in LESSEE'S operations, on the leased premises or on any adjacent state land or in any manner not permitted by law.

27. SURRENDER OF PREMISES: Upon termination or expiration of this lease, LESSEE shall surrender the leased premises to LESSOR. In the event no further use of the leased premises or any part thereof is needed, LESSEE shall give written notification to LESSOR and the Bureau of Land Management Services, Division of State Lands, Department of Natural Resources, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399 at least six (6) months prior to the release of any or all of the leased premises. Notification shall include a legal description, this lease number, and an explanation of the release. The release shall only be valid if approved by LESSOR through the execution of a release of lease instrument with the same formality as this lease. Upon release of all or any part of the leased premises or upon termination or expiration of this

the leasehold interest of said LESSEE by reason of such exploration and recovery operations.

21. RIGHT OF AUDIT: LESSEE shall make available to LESSOR all financial and other records relating to this lease, and LESSOR shall have the right to either audit such records at any reasonable time or require the submittal of an annual independent audit by a Certified Public Accountant during the term of this lease. This right shall be continuous until this lease expires or is terminated. This lease may be terminated by LESSOR should LESSEE fail to allow public access to all documents, papers, letters or other materials made or received in conjunction with this lease, pursuant to the provisions of Chapter 119, Florida Statutes.

22. CONDITION OF PREMISES: LESSOR assumes no liability or obligation to LESSEE with reference to the condition of the leased premises. The leased premises herein are leased by LESSOR to LESSEE in an "as is" condition, with LESSOR assuming no responsibility for the care, repair, maintenance or improvement of the leased premises for the benefit of LESSEE.

23. COMPLIANCE WITH LAWS: LESSEE agrees that this lease is contingent upon and subject to LESSEE obtaining all applicable permits and complying with all applicable permits, regulations, ordinances, rules, and laws of the State of Florida or the United States or of any political subdivision or agency of either.

24. NOTICE: All notices given under this lease shall be in writing and shall be served by certified mail including, but not limited to, notice of any violation served pursuant to 253.04, Florida Statutes, to the last address of the party to whom notice is to be given, as designated by such party in writing. LESSOR and LESSEE hereby designate their address as follows:

LESSOR: Department of Natural Resources
Division of State Lands
Bureau of Land Management Services
3900 Commonwealth Boulevard
Tallahassee, Florida 32399

LESSEE: Town of Ponce Inlet
4680 South Peninsula Drive
Ponce Inlet, Florida 32127

lease, all improvements, including both physical structures and modifications to the leased premises shall become the property of LESSOR, unless LESSOR gives written notice to LESSEE to remove any or all such improvements at the expense of LESSEE. The decision to retain any improvements upon termination or expiration of this lease shall be at LESSOR'S sole discretion. Prior to surrender of all or any part of the leased premises a representative of the Division of State Lands shall perform an on-site inspection and the keys to any building on the leased premises shall be turned over to the Division. If the improvements, do not meet all conditions as set forth in paragraphs 19 and 35 herein, LESSEE shall pay all costs necessary to meet the prescribed conditions.

28. BEST MANAGEMENT PRACTICES: LESSEE shall implement applicable Best Management Practices for all activities conducted under this lease in compliance with paragraph 16-2.004(1)(d), Florida Administrative Code, which have been selected, developed, or approved by LESSOR or other land managing agencies for the protection and enhancement of the leased premises.

29. PROHIBITIONS AGAINST LIENS OR OTHER ENCUMBRANCES: Fee title to the leased premises is held by LESSOR. LESSEE shall not do or permit anything to be done which purports to create a lien or encumbrance of any nature against the real property contained in the leased premises including, but not limited to, mortgages or construction liens against the leased premises or against any interest of LESSOR therein.

30. PARTIAL INVALIDITY: If any term, covenant, condition or provision of this lease shall be ruled by a court of competent jurisdiction, to be invalid, void, or unenforceable, the remainder shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

31. ARCHAEOLOGICAL AND HISTORIC SITES: Execution of this lease in no way affects any of the parties' obligations pursuant to Chapter 267, Florida Statutes. The collection of artifacts or the disturbance of archaeological and historic sites on state-

owned lands is prohibited unless prior authorization has been obtained from the Department of State, Division of Historical Resources. The Management Plan prepared pursuant to Chapters 18-2 and 18-4, Florida Administrative Code, shall be reviewed by the Division of Historical Resources to insure that adequate measures have been planned to locate, identify, protect and preserve the archaeological and historic sites and properties on the leased premises.

32. SOVEREIGNTY SUBMERGED LANDS: This Lease does not authorize the use of any lands located waterward of the mean or ordinary high water line of any lake, river, stream, creek, bay, estuary, or other water body or the waters or the air space thereabove.

33. DUPLICATE ORIGINALS: This lease is executed in duplicate originals each of which shall be considered an original for all purposes.

34. ENTIRE UNDERSTANDING: This lease sets forth the entire understanding between the parties and shall only be amended with the prior written approval of LESSOR.

35. MAINTENANCE OF IMPROVEMENTS: LESSEE shall maintain the real property contained within the leased premises and any improvements located thereon, in a state of good condition, working order and repair including, but not limited to, keeping the leased premises free of trash or litter, maintaining all planned improvements as set forth in the approved Management Plan, meeting all building and safety codes in the location situated and maintaining any and all existing roads, canals, ditches, culverts, risers and the like in as good condition as the same may be on the effective date of this lease.

36. GOVERNING LAW: This lease shall be governed by and interpreted according to the laws of the State of Florida.

37. SECTION CAPTIONS: Articles, subsections and other captions contained in this lease are for reference purposes only and are in no way intended to describe, interpret, define or

limit the scope, extent or intent of this lease or any provisions thereof.

38. SPECIAL CONDITIONS: The following special conditions shall apply to this lease.

IN WITNESS WHEREOF, the parties have caused this lease to be executed on the day and year first above written.

Cathy Watkins
Witness
Judith P. Booth
Witness

STATE OF FLORIDA
COUNTY OF LEON

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND OF THE
STATE OF FLORIDA

By: Percy W. Mallison (SEAL)
DIRECTOR, DIVISION OF STATE
LANDS, DEPARTMENT OF NATURAL
RESOURCES

"LESSOR"

The foregoing instrument was acknowledged before me this
28th day of May, 1992, by Percy W. Mallison, Jr.,
as Director, Division of State Lands, Department of Natural
Resources.

Cathy Lynn Watkins (SEAL)
NOTARY PUBLIC

My Commission



CATHY LYNN WATKINS
MY COMMISSION # CC 187422 EXPIRES
MARCH 22, 1996
BORDER TOWN TRUST FARM INSURANCE, INC

Approved as to Form and Legality

By: William C. Robinson
DNR Attorney

Mary E. Sowers
Witness
Kathy G. Morgan
Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

TOWN OF PONCE INLET

By: John T. Leddy (SEAL)
MAYOR

"LESSEE"

The foregoing instrument was acknowledged before me this
21 day of May, 1992, by John T. Leddy, as
Mayor

Mary E. Sowers (SEAL)
NOTARY PUBLIC

My Commission Expires: ?

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Lease No. 3943

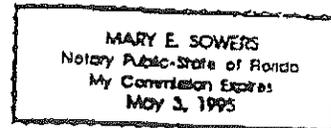


EXHIBIT A

LEGAL DESCRIPTION OF THE LEASED PREMISES

That part of the Southerly 98 feet of the Northerly 1,398 feet of Lot 2, lying East of Ocean Shore Boulevard in Section 30, Township 16 South, Range 34 East, Public Records of Volusia County, Florida.

ATTACHMENT C - TOWN OF PONCE INLET RESOLUTION #90-06

RESOLUTION NO. 90-06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, EXPRESSING THE NEED FOR ANOTHER BEACH ACCESS IN THE TOWN OF PONCE INLET; REQUESTING FUNDING FROM THE STATE OF FLORIDA; AGREEING TO FUND IMPROVEMENTS; AGREEING TO PROVIDE DAY-TO-DAY MANAGEMENT AND DEVELOPMENT COSTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the area is growing rapidly; and

WHEREAS, an additional beach access is needed to provide for local citizen expansion and tourists; and

WHEREAS, there has been strong support among the citizens for this beach access; and

WHEREAS, the Town Council agrees to fund any improvements, provide day-to-day management and development costs, and fund surveys, title search, and appraisal costs.

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

SECTION 1. The Town Council of the Town of Ponce Inlet does hereby express the need of the citizens of Ponce Inlet and surrounding areas and its many tourists for acquiring and providing an additional beach access in Ponce Inlet.

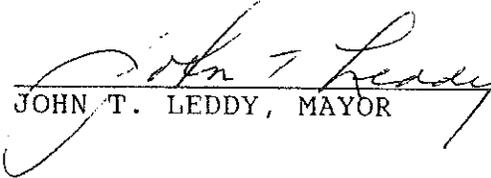
SECTION 2. The Town Council of the Town of Ponce does hereby request the approval and funding from the State of Florida for the purchase of this property for beach access.

SECTION 3. The Town Council of the Town of Ponce Inlet agrees to provide the funding for improvements, surveys, title search, appraisal costs and other development costs.

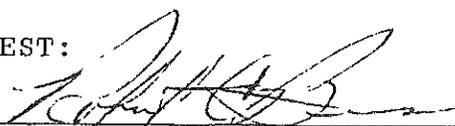
SECTION 4. The Town Council of the Town of Ponce Inlet agrees to provide day-to-day management of the property.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

Adopted this 30th day of May, 1990.


JOHN T. LEDDY, MAYOR

ATTEST:


ROBERT C. BURNS, TOWN CLERK/TREASURER



ATTACHMENT D – TOPOGRAPHIC SURVEY

ATTACHMENT E – VOLUSIA COUNTY TURTLE PROTECTION ORDINANCE

Appendix A Volusia County Land Development Code

ARTICLE XII

*SEA TURTLE PROTECTION**

**Code reference--Environmental protection standards relating to protection of sea turtles, § 50-241 et seq.*

Sec. 1201. Purpose and intent.

The purpose of this article is to protect the threatened and endangered sea turtles which nest along the beaches of Volusia County, Florida, and to encourage sea turtle nesting on Volusia County beaches by minimizing the artificial light on the beaches.

(Ord. No. 90-22, § III, 5-17-90)

Sec. 1202. Sea turtle nesting areas.

Sea turtles nest or are likely to nest in an area of the beach from the Volusia/Flagler County line south to the Volusia/Brevard County line.

The above-described nesting areas are regulated as provided in this article. Provided, however, that this article shall not apply to any nesting areas of any incorporated areas of Volusia County which have adopted the standards contained in article VI, Minimum Environmental Standards for Sea Turtle Protection in Volusia County Ordinance No. 88-15, as amended [chapter 50, article III, division 6, Code of Ordinances].

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 98-24, § I, 12-3-98; Ord. No. 99-13, § I, 6-17-99)

Sec. 1203. Lighting standards for new development.

(a) It is the policy of the county to minimize artificial light illuminating the entire coastal beach of the county, and said lighting for new development shall be regulated as provided in this section. To meet this intent, building and electrical plans and the construction of single-story or multi-story buildings or structures, signs, commercial or other structures, including electrical plans associated with parking lots, dune walkovers or other artificial lighting for real property within the incorporated and unincorporated regulated boundaries shall be in compliance with the following:

(1) Light fixtures shall be designed, positioned, shielded, or otherwise modified such that the source of light and any reflective surfaces of the fixture shall not be directly visible by a person who is in a standing position on the beach.

(2) Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season.

(3) Tinted glass, or any window film applied to window glass which meet the shading criteria for tinted glass, shall be installed on all windows of single- or multi-story buildings or structures within line of sight of the beach in the regulated boundaries.

(4) Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.

(b) The provisions of this section, as amended, shall not apply to any structures for which a building permit has been issued prior to adoption of this ordinance. Otherwise, existing development shall comply with section 1204.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § I, 8-24-95; Ord. No. 98-24, § II, 12-3-98; Ord. No. 99-13, § II, 6-17-99)

Sec. 1204. Lighting standards for existing development.

(a) It is the policy of the county council to minimize artificial light illuminating the entire coastal beach of the county. To meet this intent, artificial lighting within the regulated boundaries where there are existing buildings, structures or signs within the line of sight of the beach, shall be in compliance with the following by July 1, 1999:

(1) Light fixtures shall be designed, positioned, shielded, or otherwise modified such that the source of light and any reflective surfaces of the fixture shall not be visible by a person who is in a standing position on the beach.

(2) Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season.

(3) Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.

(4) Lights illuminating dune crosswalks of any area oceanward of the dune line shall comply with (1) or (2) above during the sea turtle nesting season.

(5) Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.

(6) The following measures shall be taken to reduce or eliminate the negative effect of interior lights illuminating from doors and windows within the line of sight of the beach in the regulated boundaries:

a. Apply window tint or film that meets the standard for tinted glass;

b. Rearrange lamps and other moveable fixtures away from windows;

c. Use window treatments (e.g., blinds, curtains) to shield interior lights from the beach; and

d. Turn off unnecessary lights.

(7) Local governments shall develop and implement a public education program, primarily directed towards encouraging the management of interior lighting for single- and multi-story buildings or structures.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § II, 8-24-95; Ord. No. 98-24, § III, 12-3-98; Ord. No. 99-13, § III, 6-17-99)

Sec. 1205. Publicly owned lighting.

(a) Streetlights and lighting at parks and other publicly owned beach access areas located within the incorporated or unincorporated regulated boundaries shall be in compliance with the following by July 1, 1999:

(1) Streetlights, and lighting at parks or other publicly owned beach access points shall be designed, positioned, shielded, or otherwise modified such that they shall not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach.

(b) Specifically exempted from the terms of this article are lights which are aids to navigation, motion sensors and traffic control devices.

(Ord. No. 90-22, § III, 5-17-90; Ord. No. 95-30, § II, 8-24-95; Ord. No. 98-24, § IV, 12-3-98; Ord. No. 99-13, § IV, 6-17-99)

Sec. 1206. Application review.

(a) Any permit applied for under this article may be processed concurrently with development order review under article II or III of this appendix as the case may be, [and] then it shall be filed as part of the development order review application.

(b) Except as provided above, an application for a permit may be filed without development order review. It shall be processed in the manner required by the appropriate [regulations], including but not limited to, building or electrical code in conformity with this article.

(Ord. No. 90-22, § III, 5-17-90)

Sec. 1207. Reserved.

Editor's note--Section I of Ord. No. 99-17, adopted June 17, 1999, repealed § 1207 in its entirety. Formerly, § 1207 pertained to the method of determining compliance with the sea turtle protection ordinance and derived from § IV of Ord. No. 95-30, adopted Aug. 24, 1995 and § V of Ord. No. 98-24, adopted Dec. 3, 1998.

Sec. 1208. Standards for community redevelopment areas.

Notwithstanding any other provisions of sections 1203 through 1205 of the Volusia County Land Development Code Ordinance No. 88-3, as amended, the provisions of this section 1208 shall apply to lighting in the core area of the community redevelopment area, whether such lighting is in new or existing developments. The term "core area of the community redevelopment area" means that area within the regulated boundaries in the City of Daytona Beach bounded by fifty (50) feet north of the centerline of Butler Street on the north and two hundred (200) feet south of the centerline of Main Street on the south.

(1) It is the policy of the county to minimize artificial lighting illuminating the entire coastal beach of the county. To meet this intent, artificial lighting within the core area of the community redevelopment area shall be in compliance with the following provisions:

a. Light fixtures shall be designed, positioned, shielded, or otherwise modified such that the source of light shall not be visible by a person who is in a standing position on the beach.

b. Lights shall not directly or indirectly illuminate the beach during the sea turtle nesting season except, in order to insure public safety, spill-over and reflective lighting onto the beach will be permitted to the extent necessary to meet the minimum safe lighting standards for particular property uses as published in the IES Lighting Handbook by the Illuminating Engineering Society of North America.

c. Lights illuminating buildings or associated grounds for decorative or recreational purposes shall be shielded or screened such that they do not illuminate the beach except, in order to insure public safety, spill-over and reflective lighting onto the beach will be permitted to the extent necessary to meet the minimum safe lighting standards for particular property uses as published in the IES Lighting Handbook by the Illuminating Engineering Society of North America and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.

d. Lights illuminating signs shall be shielded or screened such that they do not illuminate the beach and the source of the light shall not be visible by a person who is in a standing position on the beach, or said lights shall be turned off during the sea turtle nesting season.

e. Interior lights that are shielded by tinted glass or by window tint that meets the standards for tinted glass shall be permitted, whether or not the source of such light or its reflective surface is visible from the beach.

f. True red neon light (tubular lamps containing neon gas) or fiber optic light may be used for signage or decorative purposes, whether or not the source of such light is visible by a person standing on the beach.

(Ord. No. 99-13, § V, 6-17-99)

Sec. 1209. Relation to Endangered Species Act.

(a) This article is adopted for the purpose of implementing the provisions of section 202.4 of the Charter to provide protection for sea turtles as a matter of local policy. It is the intent of the county that this division be consistent with, and in furtherance of, the provisions of the Endangered Species Act, 16 U.S.C. §§ 1531 through 1544, and that it satisfy any obligation the county may have under the act to prevent harm to sea turtles by its election to adopt this regulation. There are no definitive federal standards regarding artificial lighting. The county has used as a guide the state's model lighting ordinance; followed the nesting season dates established by the state; and sought the advice of appropriate federal officials and subject matter experts.

(b) As an alternative to compliance with the terms of this article, a local government or person may adhere to: (a) a lighting plan approved in writing by the United States Fish and Wildlife Service as likely to prevent harm to sea turtles; or (b) the conditions of a permit issued under federal law authorizing the taking of sea turtles for an otherwise lawful activity.

(c) Nothing in this article shall be construed to authorize or license any act prohibited by the Endangered Species Act. Artificial lighting not otherwise regulated by this article which may be in violation of the Endangered Species Act may be reported to the United States Department of Interior, Fish and Wildlife Service, for resolution and enforcement under federal law.

(Ord. No. 99-13, § VI, 6-17-99)

ARTICLE I. DEVELOPMENT PROCEDURES AND REQUIREMENTS

Sec. 100. General provisions.

100.01. Short Title. This ordinance shall be known as the "Land Development Code of Volusia County, Florida."

100.02. Purpose. The purpose of this ordinance is to establish standards, procedures and minimum requirements for the issuance of all development orders and development permits as required by this ordinance and to regulate and control the platting and development of land within the unincorporated area of Volusia County, Florida, except as otherwise specifically set forth herein. Provided, however, it is not the purpose of this ordinance to regulate any bona fide agricultural production, including, but not limited to, horticulture, citrus, dairy, livestock, poultry, forestry or vegetables.

100.03. Enactment and Authority. The County Council of the County of Volusia, Florida, pursuant to authority conferred in it by article VIII, section 1(G) of the Constitution of the State of Florida; article II, sections 201 and 202.2(3), and article III, section 307(2) of the Charter of the County of Volusia, Florida; and F.S. § 125.01, F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.), and F.S. § 177.01, hereby adopts the following articles and sections.

100.04. Violations and Penalties. If it is determined by the enforcement official that any person is violating any provisions of this ordinance, the enforcement official shall notify that person, in writing, indicating the nature of the violation and ordering any action necessary to correct it. The order may include, but not be limited to, a stop work order. Any violation of this ordinance may be referred to the Volusia County Code Enforcement Board. Any person found guilty of a violation of any of the provisions of this ordinance, or any lawful order of the county council, development review committee or enforcement official, shall be punished in accordance with F.S. § 125.69, or any amendments thereto, with a fine of up to \$1,000 per day per violation for initial violations and \$5,000 per day per violation for repeat violations against you for every day the violation continues to exist beyond the date set for compliance by order of the Board. The Code Enforcement Board may impose a fine of up to \$15,000 per violation if the Board finds the violation to be irreparable or irreversible in nature. Upon the imposition of said fine, a lien will be recorded for the amount of said fine against your real or personal property. Notwithstanding any other provisions of this ordinance, a violation of this ordinance, may be abated by any manner as provided by law. Each day the violation continues shall be deemed a separate offense.

Code reference--Code enforcement, § 2-341 et seq.

100.05. Injunctive Relief. In addition to any penalty provided by law for the violation of any of the provisions of this ordinance, the county council may bring suit in the appropriate circuit court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this ordinance, in any manner as provided by law.

100.06. Fee Requirements. Reasonable fees to offset the costs of administration of this ordinance shall be set by resolution of the county council. All fees must be paid at the time set out in said resolution.

(Ord. No. 90-33, § I, 9-27-90)

GLOSSARY (only the definitions pertinent to this article appear here)

Artificial lighting: means any source of temporary, fixed or movable light emanating from a manmade device, including, but not limited to, incandescent mercury vapor, metal halide, or sodium lamps, spotlights, streetlights, construction security lights or lights which illuminate signs. This definition shall not include handheld or vehicular lighting.

Beach: means lands and waters lying seaward of the seawall or line of permanent vegetation and within three miles seaward of the mean low-water mark.

Directly Illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is visible to a person who is in a standing position on the beach

Existing development: means a building or structure for which a building permit has been issued prior to the adoption of this ordinance.

Fixture: The device that holds, protects, and provides the optical system and power connections for a lamp.

Indirectly Illuminating: Illuminated as a result of the glowing element(s), lamp(s), globe(s), or reflector(s) of an artificial light source which is not visible to a person who is in a standing position on the beach.

Lamp: The source of light within a luminaire.

Low-Profile Luminaire: Light fixture set on a base which raises the source of the light no higher than forty-eight (48) inches off the ground, and designed in such a way that light is directed downward from a hooded light source

Luminaire: A complete unit that artificially produces and distributes light. An artificial light source, including fixture, ballast, mounting, and lamp(s).

Nest: An area where sea turtle eggs have been naturally deposited or subsequently relocated.

Nesting Season: The period from May 1 through October 31 of each year.

Pole Lighting: Light fixture set on a base or pole which raises the source of the light higher than forty-eight (48) inches off the ground.

Regulated boundaries: means the area between the Atlantic Ocean and the westerly boundary of any lots or parcels that abut the westerly right-of-way line of State Road A1A from the Flagler/Volusia County line south to Dunlawton Avenue in Daytona Beach Shores; from Atlantic Avenue south to Ponce DeLeon Inlet; from the northern limits of Peninsula Avenue south to Riverview Place; and from Atlantic Avenue south to Canaveral National Seashore. Said boundaries shall also include any docks, piers or other structures projecting into the Atlantic Ocean.

*Sea Turtles: Any specimen belonging to the species *Caretta caretta* (loggerhead turtle), *Chelonia mydas* (green turtle), *Dermochelys coriacea* (leatherback turtle), or any other marine turtle using Volusia County beaches as a nesting habitat.*

Sign: means any surface, fabric, device or display that is designated to advertise, inform, identify or to attract the attention of persons. For the purpose of this article, the term "sign" shall include all structural parts.

Tinted Glass: means any glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, JUNE 17, 1999.

*COUNTY COUNCIL
ATTEST: COUNTY OF VOLUSIA, FLORIDA*

*Lawrence W. Arrington, County Manager
Patricia Northey, Chair*

ATTACHMENT F – DNR CULTURAL RESOURCE FILE

ATTACHMENT G – ZONING REQUIREMENTS (LOW DENSITY SINGLE FAMILY RESIDENTIAL)

5.5.3 R-1, Low Density Single Family Residential Classification

A. Purpose and Intent:

The purpose and intent of the Low Density Single Family Residential classification is to provide low density residential developments, preserving the character of existing or proposed residential neighborhoods. *[Amended by Ordinance 96-07, May 15, 1996]*

B. Permitted Principal Uses and Structures:

On all lands within any Low Density Single Family Residential land use district, no premises shall be used except for the following uses and their customary accessory uses or structures:

1. Single family dwellings and customary accessory uses and structures incidental thereto.
2. Parks and recreation areas and facilities accessory to residential developments.
3. Essential utility services.

[Amended by Ordinance 96-07, May 15, 1996]

C. Permitted Special Exceptions:

1. Public Uses.
2. Public Utility Uses and Structures (refer to Section 5.6.9, D).
3. Recreation Areas, e.g., golf courses, country clubs, swim clubs, tennis clubs, etc. (refer to Section 5.6.9, E).
4. Residential Cluster Subdivisions (refer to Section 5.6.9, I).

D. Dimensional Requirements:

1. Minimum Lot Size:
 - a. Area - 10,625 sq. ft.
 - b. Width - 85 ft.
 - c. Depth - 100 ft.
2. Minimum Yard Size:
 - a. Front - 30 ft.
 - b. Rear - 30 ft.
 - c. Side - 10 ft.
 - d. Waterfront - 25 ft.
3. Maximum Building Height - 35 ft.
4. Maximum Lot Coverage: The total lot area covered with principal and accessory buildings shall not exceed 35%.
5. Minimum Floor Area - 1800 sq. ft.

6. **Off-Street Parking and Loading Requirements:** Off-street parking and loading space meeting the requirements of Section 6.5.10 shall be constructed.

**ATTACHMENT H – LETTER FROM TOWN PLANNER ATTESTING TO CONFORMANCE
WITH COMPREHENSIVE PLAN**

July 6, 2000



1190 Pelican Bay Drive
Daytona Beach, FL 32119-1381

Phone: 904-322-5160
SunCom: 380-5160
Fax: 904-322-5164

Email: vcmpo@worldnet.att.net

Mayor Baron "Bud" Asher,
Chairman

Karl D. Wetzenbach,
Executive Director

Daytona Beach

Daytona Beach Shores

DeBary

DeLand

Deltona

Edgewater

Holly Hill

Lake Helen

New Smyrna Beach

Oak Hill

Orange City

Ormond Beach

Pierson

Ponce Inlet

Port Orange

South Daytona

Volusia County

Mr. Robert Norris, Town Manager
Town of Ponce Inlet
4680 South Peninsula Drive
Ponce Inlet, Florida 32127

RE: Land Management Plan for the Town of Ponce Inlet Beach Access at Inlet Harbor Road

Dear Mr. Norris:

In my capacity as the Town's planner, I have reviewed the Land Management Plan for the Town of Ponce Inlet Beach Access at Inlet Harbor Road and find that it is consistent with and does further the goals, objectives and policies of the adopted Town of Ponce Inlet Comprehensive Plan. The following are particularly relevant:

Coastal Management/Conservation Element

Objective 1.2 - Preserve intact a minimum of fifteen percent of the existing acreage of Coastal Strand vegetative community within the Town limits.

Policy 2.1.3 - Where beach access is appropriate, the Town shall encourage the construction or placement of boardwalks or other access structures that are elevated above the dunes in order to preserve the dunes and any stabilizing vegetation.

Policy 3.1.1 - Expenditures of public funds may be made by the Town of Ponce Inlet for construction or placement of facilities, or maintenance of facilities, in coastal high hazard areas, where such expenditures will be necessary to preserve human life or health or enhance recreational opportunities.

Open Space and Recreation Element

Goal 1 - Provide a high level of active and passive recreational opportunities for the permanent and seasonal residents of Ponce Inlet; maintain a high level of accessibility to the unique natural resource-based recreational areas of Ponce Inlet.

Please call me if you have any questions or comments.

Sincerely,

Robert A. Keeth, AICP, Senior Planner

ATTACHMENT I – LETTER FROM FLORIDA NATURAL AREAS INVENTORY

FLORIDA NATURAL AREAS INVENTORY

1018 Thomasville Road, Suite 200-C • Tallahassee, Florida 32303 • (904) 224-8207

December 8, 1992

Mr. Robert C. Burns
Town of Ponce Inlet
4680 South Peninsula Drive
Ponce Inlet, Florida 32127

Subject: Requested Endangered/Threatened Species Information for Dune Walkover and Associated Parking Area, DNR Land Management Plan, Ponce Inlet, Volusia County

Dear Mr. Burns:

I apologize for the delay in responding to your request. I have examined the FNAI data base with respect to known and potential occurrences of natural communities or rare and endangered species of plants and animals in the vicinity of the above-referenced site in Section 30, Township 16 South, Range 31 East, Volusia County. A search of our maps and computerized data base indicates that we currently have one "Element Occurrence Record" mapped within the specified study area. It is a general record of occurrence of the leatherback turtle, *Dermochelys coriacea*, along a stretch of coast between Daytona Beach and Cape Canaveral. A printout of the record is enclosed. The leatherback turtle is listed as endangered under both federal and state laws. It nests on beaches in moist sand from March through August. The hatchlings are particularly sensitive to the presence of artificial lighting in the vicinity of the beach, which causes disorientation and results in drastically increased mortality, and female turtles are known to avoid lighted beaches when selecting a site for nesting. The presence of dogs, cats and other predators, such as raccoons also poses a significant threat to hatchling survival.

A listing of Element Occurrence Records for Volusia County is enclosed. This list includes those records that we currently have in our computerized data base for the county. Also enclosed is our Volusia County Matrix of plants and vertebrates with habitat and season of occurrence. These lists may help you arrive at a listing of potential species and natural community occurrences for the site. Please note that these lists will change as we update old records and add new records to the data base. Also enclosed are lists of plants, animals and natural communities which are tracked by our data base.

The quantity and quality of data collected by the Florida Natural Areas Inventory are dependent on the research and observations of many individuals and organizations. In most cases, this information is not the result of comprehensive or site-specific field surveys; many

Attachment I, page a.

Robert C. Burns
December 8, 1992
Page 2

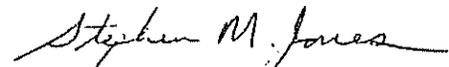
natural areas in Florida have never been thoroughly surveyed. The FNAI data base represents a compilation of information extracted from published and unpublished literature, museums and herbaria, field surveys, personal communications, and other sources. Records for new occurrences of plants and animals are continuously being added to the database and older occurrence records may change as new information is gathered.

For these reasons, the FNAI cannot provide a definitive statement on the presence, absence, or condition of biological elements in any part of Florida. Florida Natural Areas Inventory reports summarize the existing information known to FNAI at the time of the request regarding the biological elements or locations in question. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Information provided by this data base may not be published without prior written notification to the Florida Natural Areas Inventory, and FNAI must be credited as an information source in these publications. We also request that the above underlined sentence be included in acknowledgements of the data. FNAI data may not be sold for profit.

Thank you for your interest in the Florida Natural Areas Inventory. Please let me know if you have any additional questions. I hope this information proves helpful.

Sincerely,



Stephen M. Jones
Environmental Reviewer

enclosure

SMJ/volupon1.loc

FLORIDA NATURAL AREAS INVENTORY - ELEMENT OCCURRENCE RECORD
12/09/92

scientific name: DERMOCHELYS CORIACEA
common name: LEATHERBACK TURTLE

date last observed: 1988-02-27
county name: Brevard , Volusia

quad name: PARDON ISLAND, WILSON, NEW SMYRNA BEACH, PORT
ORANGE, ARIEL, OAK HILL , FALSE CAPE

township and range: 020S036E section: 04 precision: M
town/range comments: SEE ALSO T23S-15S; R38E-33E.

directions: ATLANTIC COASTLINE STRETCH FROM DAYTONA BEACH TO CAPE
CANAVERAL, APPROX. 50 MILES.

general desc.: 50 MILE STRETCH OF ATLANTIC COASTLINE, 1/4 - 1 1/2 MI.
OFFSHORE.

EO data: 58 TURTLES OBSERVED BETWEEN 1/4 AND 1 1/2 MILES OFFSHORE,
WITH 54 BEING AT THE 1/4 TRACK LINE.

managed area name: LIGHTHOUSE POINT STATE RECREATION AREA

owner:
owner comments:

best source: KNOWLTON, AMY ET AL. 1989. A NOTE ON THE DISTRIBUTION OF
LEATHERBACK TURTLES ALONG THE FL. COAST IN FEB. 1988. IN
PROCEEDINGS OF 9TH ANN. WKSHP. ON SEA TURTLE CONSERVATION &
BIOLOGY.

eonum.: 010

data sens.:

Florida Natural Areas Inventory

December 8, 1992

Element Occurrence Records for Volusia County currently in the inventory database

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FED STATUS	STATE STATUS	count
<u>FISHES</u>						
ACIPENSER BREVIROSTRUM	SHORTNOSE STURGEON	G3	SA	LE	LE	1
AGONOSTOMUS MONTICOLA	MOUNTAIN MULLET	G5	S3		N	2
<u>REPTILES</u>						
ALLIGATOR MISSISSIPPIENSIS	AMERICAN ALLIGATOR	G5	S4	LT/SA	LS	4
CARETTA CARETTA	LOGGERHEAD ⁴²	G3	S2	LT	LT	1
CHELONIA MYDAS	GREEN TURTLE	G3	S2	LE	LE	1
DRYARCHON CORAIS COUPERI	EASTERN INDIGO SNAKE	G4T3	S3	LT	LT	2
GOPHERUS POLYPHEMUS	GOPHER TORTOISE ⁴³	G3	S3	C2	LS	11
NERODIA CLARKII TAERIATA	ATLANTIC SALT MARSH SNAKE	G4T1	S1	LT	LT	4
PITUOPHIS MELANOLEUCUS MUGITUS	FLORIDA PINE SNAKE	G5T3?	S?	C2	LS	2
<u>BIRDS</u>						
APHELOCOMA COERULESCENS COERULESCENS	FLORIDA SCRUB JAY	G5T3	S3	LT	LT	18
ARAMUS GUARAUNA	LIMPKIN	G5	S3		LS	1
CASMERODIUS ALBUS	GREAT EGRET	G5	S4		N	5
CHARADRIUS MELODIUS	PIPING PLOVER	G3	S2	LT	LT	1
EGRETTA CAERULEA	LITTLE BLUE HERON	G5	S4		LS	2
EGRETTA THULA	SNOWY EGRET	G5	S4		LS	3
EGRETTA TRICOLOR	TRICOLORED HERON	G5	S4		LS	3
EUDOCIMUS ALBUS	WHITE IBIS	G5	S4		N	2
FALCO SPARVERIUS PAULUS	SOUTHEASTERN AMERICAN KESTREL	G5T3T4	S3?	C2	LT	1
GRUS CANADENSIS PRATENSIS	FLORIDA SANDHILL CRANE	G5T2T3	S2S3		LT	1
HALIAEETUS LEUCOCEPHALUS	BALD EAGLE	G3	S2S3	LE	LT	35
LATERALLUS JAMAICENSIS	BLACK RAIL	G4?	S3?		N	1
NYCTERIA AMERICANA	WOOD STORK	G5	S2	LE	LE	3
NYCTICORAX NYCTICORAX	BLACK-CROWNED NIGHT-HERON	G5	S3?		N	3
PANDION HALIAETUS	OSPREY	G5	S3S4		LS*	1
PELECANUS OCCIDENTALIS	BROWN PELICAN	G5	S3	AC	LS	3
PICOIDES BOREALIS	RED-COCKADED WOODPECKER	G2	S2	LE	LT	3
STERNA ANTILLARUM	LEAST TERN	G4	S3		LT	1

December 8, 1992

Florida Natural Areas Inventory
Element Occurrence Records for Volusia County currently in the inventory database

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FED STATUS	STATE STATUS	COUNT
<u>MAMMALS</u>						
MUSTELA FRENATA PENINSULAE	FLORIDA LONG-TAILED WEASEL	G5T3	S3?	C2	N	1
TRICHECHUS MANATUS	WEST INDIAN MANATEE	G2?	S2?	LE	LE	3
URSUS AMERICANUS FLORIDANUS	FLORIDA BLACK BEAR	G5T2	S2	C2	LT*	1
<u>INVERTEBRATES</u>						
APHAOSTRACON ASTHENES	BLUE SPRING APHAOSTRACON	G1	S1	C2	N	1
CINCLINNATIA MONROENSIS	ENTERPRISE SPRING SNAIL	G1	S1	C2	N	1
CINCLINNATIA PARVA	BLUE SPRING SNAIL	G1	S1	C2	N	1
<u>PLANTS</u>						
AMYRIS BALSAMIFERA	BALSAM TORCHWOOD	G3G4	S2		N	1
ASCLEPIAS CURTISSII	CURTISS' MILKWEED	G3	S3		LE	2
CALAMOVILFA CURTISSII	CURTISS' SANDGRASS	G2	S2	C2	LE	1
CEREUS GRACILIS	PRICKLY-APPLE	G2G3	S2S3		LE	1
CHAMAESYCE CUMULICOLA	SAND-DUNE SPURGE	G2	S2	C2	N	1
CONRADINA GRANDIFLORA	LARGE-FLOWERED ROSEMARY	G3	S3	C2	LE	2
DEERINGOTHAMNUS RUGELII	RUGEL'S PAMPAS	G1	S1	LE	LE	6
GLANDULARIA MARITIMA	COASTAL VERVAIN	G2	S2	C2	LE	4
GLANDULARIA TAMPENSIS	TAMPA VERVAIN	G1	S1	C1	LE	2
ILEX OPACA VAR ARENICOLA	SCRUB HOLLY	G5T3	S3	3C	(LT)	3
ILLICIAM PARVIFLORUM	STAR ANISE	G1G2	S1	C2	LT	1
LECHEA CERNUA	NODDING PINWEED	G3	S3	3C	LE	1
NEMASTYLIS FLORIDANA	FALL-FLOWERING IXIA	G2	S2	C2	LE	2
NOLINA ATOPOCARPA	FLORIDA BEAR-GRASS	G2	S3	C2	LE	1
OPHIOGLOSSUM PALMATUM	HAND FERN	G2	S2	3C	LE	1
PAVONIA SPINIFEX	YELLOW HIBISCUS	G4G5	S2S3		N	2
PERSEA HUMILIS	SCRUB BAY	G4	S3	3C	N	12
<u>NATURAL COMMUNITIES</u>						
ESTUARINE TIDAL MARSH		G4	S4			2
SANDHILL UPLAND LAKE BASIN MARSH		G3	S2			1
		G?	S4?			1

Element Occurrence Records for Volusia County currently in the inventory database

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FED STATUS	STATE STATUS	COUNT
<u>NATURAL COMMUNITIES (cont.)</u>						
BASIN SWAMP		G4?	S3			2
FLOODPLAIN MARSH		G3?	S2			2
FLOODPLAIN SWAMP		G?	S4?			1
WET FLATWOODS		G?	S4?			4
BLACKWATER STREAM		G4	S2			2
SPRING-RUN STREAM		G2	S2			1
COASTAL STRAND		G3?	S2			2
MARITIME HAMMOCK		G4	S3			4
MESIC FLATWOODS		G?	S4			1
SANDHILL		G?	S2			6
SCRUB		G2	S2			33
SCRUBBY FLATWOODS		G3	S3			5
SHELL MOUND		G3	S2			3
SLOPE FOREST		G3	S2			1
UPLAND MIXED FOREST		G?	S4			2
XERIC HAMMOCK		G?	S3			1
<u>OTHER</u>						
BIRD ROOKERY						2
MANATEE AGGREGATION SITE						1
GEOLOGICAL FEATURE						1

Total items tallied: 72
 Total records tallied: 244



Conservation Management Plan

This management plan form is intended for Board of Trustees leases and subleases of conservation properties that are 160 acres or less. It is intended to address the requirements of Chapter 253.034, 259.032 and rule 18-2.021. Attachments to, or expansion of this form are welcome, if the space provided below is not sufficient. Please answer all of the items below and number all attachments and reference them in the appropriate location below. You are under no obligation to use this form. Any plan format is acceptable, provided it includes all of the appropriate items from the above mentioned statutes and rule. This form is available in electronic format upon request. For additional information pertaining to management plans, please visit the Division of State Lands Stewardship page on the web at <http://www.dep.state.fl.us/lands/stewardship.htm>.

A. General Information

1. Common Name of the Property: Inlet Harbor Road Pedestrian Beach Access and Parking
2. Lease Number: 3943
3. Acres: 1.13
4. Managing Agency: Town of Ponce Inlet

5. Provide an executive summary/description of this property that includes a brief description of the resources, uses and proposed uses, outstanding features etc.

This property is used as a beach access for pedestrians via an elevated boardwalk across a 7.5' access easement on the northern boundary line. The remainder of the property is used as an off-beach parking lot. There is a natural dune system at the eastern portion of the property. There are no archaeological or historic resources on the property.

6. Attach a map showing the location and boundaries of the property including:
 - a) The location and type of structures or improvements currently on the property.
 - b) The location and type of proposed improvements. Appendix A
7. Attach a map showing the proximity of this managed area to other conservation areas within 10 miles. Appendix B
8. Please attach a legal description of the property. Appendix C
9. Provide a physical description of the land including a quantitative data description of the land which includes an inventory of forest and other natural resource, exotic and invasive plants, hydrologic features, infrastructure including recreational facilities, and other significant land, cultural or historical features.

This 1.13 acre parcel consists of beach dune and coastal strand with a shell parking area large enough for ten cars and a dune walkover providing pedestrian access to the beach. There are invasive Brazilian pepper trees in three small areas near the parking lot. No other invasive species were noted during a site visit in April 2016. There are no significant cultural or historical features on the property.

10. A brief description of soil types, attaching USDA maps when available.

Soils on the site consist primarily of Palm Beach sand. These are excessively drained soils on primary dunes that border or are parallel to the Atlantic coast. Slopes are typically 2 to 8 percent. Also included are a few places where the slope gradient is as steep as 15%. The water table is below 72 inches and is usually below 120 inches, per the original management plan. The available water capacity, organic matter content and natural fertility are very low. Permeability is very rapid. See attached soils map (Appendix D)

11. Is the property adjacent to an aquatic preserve or designated area of critical state concern? YES ___ NO xx

If YES, please identify:

12. Was the property acquired by a conservation land acquisition program? If YES, please identify.

The property was purchased under the "Save Our Coast Program."

13. Do any agency-specific statute requirements or legislative/executive directives constrain the use of the property? (These restrictions can frequently be found in the lease) YES NO

If YES, please identify

Chapter 161, Florida Statutes, Beach and Shore Preservation, establishes strict standards for coastal construction, including excavation, for purposes of minimizing damage to the natural environment, private property, and life.

14. Are there any reservations or encumbrances on the property?
YES NO

If YES, please identify:

B. Natural and Cultural Resources

15. Are there any archeological or historical sites on this property? YES NO
If YES,

A) How do you plan to locate, protect and preserve these resources?

B) Please describe the actions the agency plans to take to locate and identify unknown Resources such as surveys of unknown archeological or historical sites.

Per the originally adopted Management Plan, the Florida Department of Natural Resources (now FDEP) indicated that there are no significant archaeological or historical sites recorded or likely to be present on the project site.

16. Are there any buildings on the property that are fifty or more years old?

YES _____ NO xx If YES,

A) Please Identify:

B) Have these buildings been evaluated by a historian or historic architect to determine their historical and/or architectural significance. If YES, please identify both the building(s) and the evaluator(s):

C) Please state whether any such buildings are listed in the Florida Master Site File, National Register of Historic Places or a local register of historic places and identify such buildings.

By law, the managing agency must consult with the Division of Historical Resources with regard to any proposed land clearing or ground disturbing activities or with regard to any proposed rehabilitation, restoration or demolition of structures 50 or more years old. Please contact the Division of Historic Resources if you would like to obtain information on archeological/historical sites.

Division of Historical Resources
Florida Department of State
R.A. Gray Building, MS-8
Tallahassee, Florida 32399
(850) 245-6312

17. Please identify natural resources on the property that are listed in the Florida Natural Areas Inventory.

The natural community types represented on this site include Coastal Strand and Beach Dune. The Florida Natural Areas Inventory (FNAI) lists both Beach Dune and Coastal Strand as G3/S2 (Globally rare, restricted, or otherwise vulnerable to extinction and imperiled in Florida).

Coastal Strand consists of stabilized coastal dune with sand substrate; xeric; subtropical or temperate; rare or occasional fire; dense saw palmetto and/or seagrape and/or mixed stunted shrubs, yucca and cacti.

Beach Dune consists of active coastal dune with sand substrate; xeric; temperate or subtropical; occasional or rare fire; sea oats and/or mixed salt-spray tolerant grasses or herbs.

18. Are any imperiled natural communities, unique natural features, or any State and federally listed endangered or threatened plant or animal species, on site?

YES xx NO _____

If YES, please provide a specific description of how you plan to identify, locate, protect and preserve these species.

Both the Beach Dune and Coastal Strand are imperiled natural communities. Pedestrian and vehicular access is prohibited in the Beach Dune, and protection is provided by directing pedestrians to the dune walkover. The limited area of Coastal Strand remaining after construction of the parking area is not accessible to pedestrians, and is therefore protected. There are no known endangered plant or animal species on the site.

If you would like further information regarding natural resources or endangered species please contact the Florida Natural Areas Inventory (FNAI).

Florida Natural Areas Inventory
1018 Thomasville Road, Suite 200-C
Tallahassee, Florida 32303
(850) 224-8207

19. Please identify the water resources including swamps, marshes or other wetlands, on the property including the water quality classification for each water body and if the water body has been designated "Outstanding Florida Waters".

There are no swamps, marshes or other wetlands on the property.

20. Are any known mineral resources, such as oil, gas and phosphates, or any unique natural features, such as coral reefs, beaches, dunes, natural springs, caverns, large sinkholes, virgin timber stands, scenic vistas, and natural rivers and streams, and outstanding native landscapes containing relatively unaltered flora, fauna, and geological features on site? YES _____ NO xx

If YES, Please identify and provide locations of these resources on a map.
Appendix

21. Are there fish or wildlife resources (both game and non-game) on the property?
YES _____ NO If YES, please describe:

C. Use of the Property

22. Please provide a statement of the purpose for which the lands were acquired, the projected use or uses as defined in Chapter 253.034, Florida Statutes, and the statutory authority you have for such uses.

The property was acquired to provide public access to the Atlantic Ocean beach. Pedestrians access the beach via an elevated dune walkover. Ten vehicle parking spaces are available to the public at no cost, 24 hours per day. The statutory authority for this single use management falls under Chapter 253.034, F.S.

23. Please state the desired outcome for this property, and key management activities necessary to achieve the desired outcome, including public access.

The property is currently serving as public access to the beach, which is the desired outcome for its use.

24. Please state the single or multiple uses currently made of the property and if the property is single use, please provide an analysis of its potential for multiple-use.

Single Multiple _____ use/s is/are:

Beach access

25. Were multiple uses considered but not adopted? YES _____ NO

If YES, please describe why:

26. Please provide an analysis of the potential use of private land managers to facilitate the restoration or management of these lands.

The County of Volusia is currently providing maintenance and management of this land. Given the small size of this site and location adjacent to the County-controlled beach, there is no potential for the use of private land managers.

27. Please provide an analysis of the potential of the property to generate revenues to enhance the management of the property.

Pedestrian beach access is currently free to visitors to this property as well as all public off-beach parking areas in Volusia County. There is little potential for this property to generate revenues to enhance its management given its small size and the current County policy to provide off-beach parking free of charge.

28. Describe the projected, current and recent past uses of the property, and any unauthorized uses, if known.

The property has been used for public beach access since the lease was signed in 1992, and will remain as such for the length of the lease. There have been no unauthorized uses under the lease.

29. Do the planned uses impact renewable and non-renewable resources on the property?
YES _____ NO xx

If YES, please describe what specific activities will be taken to protect or enhance and conserve those resources and to compensate/mitigate the damage that is caused by the impacting use.

30. Should any parcels of land within or adjacent to the property be purchased because they are essential to management of the property? YES _____ NO xx

If YES, please attach a map of this area. Appendix

31. Are there any portions of this property no longer needed for your use?

YES _____ NO xx

If YES, please attach a map of this area.

32. Please describe what public uses and public access that would be consistent with the purpose for which this property was acquired.

The parking area allows visitors from other areas of the County and State to access the beach and the elevated dune walkover provides pedestrian access to those visitors as well as local residents who walk to the beach, which is all consistent with the purpose for which the property was acquired.

D. Management Activities

33. If more than one agency manages this property, describe the management responsibilities of each agency and how such responsibilities will be coordinated.

The County of Volusia manages this property pursuant to an informal, unwritten agreement with the Town of Ponce Inlet. Representatives of each body are currently working to formalize that agreement.

34. Please discuss management needs and problems on the property including conservation of soil and water resources and control and prevention of soil erosion and water and soil contamination.

Erosion is prevented by allowing pedestrian access over the dunes only by use of the elevated dune walkover in order to protect fragile dune-stabilizing vegetation. The parking area is stabilized with crushed shell and is periodically graded. Storm water from the parking area is retained on site in a small swale running parallel to the walkover where it percolates rapidly. Run-off from undisturbed areas of the site is minimal due to the natural rapid permeability of the predominant soil, Palm Beach Sand.

35. Identify adjacent land uses that will conflict with the planned use of this property, if any.

There are no adjacent land uses that conflict with the use of the property.

36. Please describe measures used to prevent/control invasive, non-native plants.

Non-native plants are periodically eliminated by selective hand clearing and/or direct application of approved herbicides. Prescribed burning is not an appropriate management tool for this site due to its small size and close proximity to residential development.

37. Was there any public or local government involvement / participation in the development of this plan? YES xx NO If YES, please describe:

The initial Management Plan was developed by Town staff and reviewed by Town Council in open public meetings. Meetings were also held with local civic organizations and nearby property owners who use this access to the beach. Previously updates to the Management Plan were also reviewed by Town Council.

38. If an arthropod control plan has been established for this property, please include it as an attachment. (Attachment _____) If one does not exist, provide a statement as to what arrangement exists between the local mosquito control district and the managing agency.

There is no arthropod control plan for this property. The managing agency, the County of Volusia, also manages the local mosquito control district.

39. Management Goals – **The following 8 goals may not all be applicable to your site. Write N/A where appropriate. Also, please add as many goals, objectives, and measures as you wish.**

Core Objectives	Measure	Timeframe 2 yrs = Short Term 10 yrs = Long Term	Expenses and Manpower Budget
1	<u>Habitat restoration and improvement (Description):</u>		
	N/A		
Prescribe burn _____ acres per year	_____ acres burned per year	Within 2 yrs ____ Within 10 yrs ____	Expense \$ _____ N/A Personnel \$ _____
Maintain _____ acres per year within target fire return interval.	_____ acres within fire return interval target	Within 2 yrs ____ Within 10 yrs ____	Expense \$ _____ N/A Personnel \$ _____
Conduct habitat/natural community improvement on _____ acres	_____ acres with restoration underway	Within 2 yrs ____ Within 10 yrs ____	Expense \$ _____ N/A Personnel \$ _____
Conduct habitat/natural community restoration activities on _____ acres.	_____ acres restored	Within 2 yrs ____ Within 10 yrs ____	Expense \$ _____ N/A Personnel \$ _____
Conduct timber harvest for the purposes of habitat restoration on _____ acres	_____ acres harvested	Within 2 yrs ____ Within 10 yrs ____	Expense \$ _____ N/A Personnel \$ _____

2	Public Access and recreational opportunities (Description):		
	Public access is provided for vehicles in the parking area and for pedestrians via the elevated dune walkover. The parking area is periodically re-graded to provide a smooth parking surface. The elevated dune walkover is maintained for safety purposes and requires occasional replacement of the surface boards. There are no recreational opportunities or opportunities for interpretive/educational programs on this site.		
	Maintain public access and recreational opportunities to allow for a recreational carrying capacity of _____ visitors per day	_____ visitor opportunities/day	Within 2 yrs <u>xx</u> Within 10 yrs _____ Expense \$ <u>1,000.00</u> Personnel \$ <u>0</u>
	Develop additional public access and recreational opportunities to allow for a carrying capacity of _____ visitors/day	_____ visitor opportunities/day	Within 2 yrs _____ Within 10 yrs _____ Expense \$ _____ Personnel \$ _____ N/A
	Continue to provide _____ interpretive/education programs	_____ interpretive/education programs	Within 2 yrs _____ Within 10 yrs _____ Expense \$ _____ Personnel \$ _____ N/A
	Develop _____ new interpretive/education programs	_____ interpretive/education programs	Within 2 yrs _____ Within 10 yrs _____ Expense \$ _____ Personnel \$ _____
3	Hydrological preservation and restoration (Description):		
	N/A		
	Conduct or obtain a site assessment/study to identify potential hydrology restoration needs	Assessment conducted? Y__ N__	Within 2 yrs _____ Within 10 yrs _____ Expense \$ _____ Personnel \$ _____
	Restore natural hydrologic condition and functions to _____ acres on site	_____ acres for which hydrologic restoration is underway (planning, grant writing, earth moving, etc.)	Within 2 yrs _____ Within 10 yrs _____ Expense \$ _____ Personnel \$ _____

		_____ acres for which natural hydrologic conditions and function are restored	Within 2 yrs _____ Within 10 yrs _____	Expense \$ _____ Personnel \$ _____
4	<u>Sustainable forest management (Description):</u>			
	N/A			
	Prepare & implement a silviculture management plan including reforestation, harvesting, prescribed burning, restoration, and timber stand improvement activities and goals.	Silviculture management plan complete? Y ___ N ___ _____ acres treated	Within 2 yrs _____ Within 10 yrs _____	Expense \$ _____ Personnel \$ _____
	Develop and implement a process for conducting stand descriptions and forest inventory including a GIS database containing forest stands, roads & other attributes (including but not limited to: threatened & endangered species, archeological resources, exotic species locations, historical areas)	Complete GIS database and re-inventory all attributes every 3-5 years or as needed.	Within 2 yrs _____ Within 10 yrs _____	Expense \$ _____ Personnel \$ _____
		_____ acres of forest inventoried annually	Within 2 yrs _____ Within 10 yrs _____	Expense \$ _____ Personnel \$ _____
5	<u>Exotic and invasive species maintenance and control (Description):</u>			
	Currently, invasive species on this site are removed by selective hand clearing and/or direct application of approved herbicides.			

Annually treat <u>.05</u> acres of EPPC Category I and Category II invasive exotic plant species.	<u>.05</u> acres treated	Within 2 yrs <u>xx</u> Within 10 yrs <u> </u>	Expense \$ <u>600.00</u> Personnel \$ <u>0</u>
Implement control measures on <u>0</u> exotic and nuisance animal species	<u>0</u> nuisance and exotic species for which control measures are implemented	Within 2 yrs <u> </u> Within 10 yrs <u> </u>	Expense \$ <u> </u> Personnel \$ <u> </u>
6 Capital facilities and infrastructure			
Description-			
The only capital facilities on this site are the shell parking area and the elevated dune walkover, which require periodic maintenance. The maintenance is currently being done by Volusia County.			
To maintain <u>2</u> facilities, <u>0</u> miles of roads, and <u>0</u> miles of trails existing on site (as applicable)	<u>2</u> facilities, <u>0</u> miles roads, <u>0</u> miles trails maintained	Within 2 yrs <u>x</u> Within 10 yrs <u> </u>	Expense \$ <u>1,000</u> Personnel \$ <u> </u> N/A
To construct <u> </u> facilities, <u> </u> miles of roads, and <u> </u> miles of trails (as applicable)	<u> </u> facilities, <u> </u> miles roads, <u> </u> miles trails constructed	Within 2 yrs <u> </u> Within 10 yrs <u> </u>	Expense \$ <u> </u> Personnel \$ <u> </u> N/A
To improve or repair <u>2</u> facilities, <u>0</u> miles of roads, and <u>0</u> miles of trails existing on site (as applicable)	<u>2</u> facilities, <u>0</u> miles roads, <u>0</u> miles trails improved or repaired	Within 2 yrs <u> </u> Within 10 yrs <u>xx</u>	Expense \$ <u>100,000</u> Personnel \$ <u> </u>
7 Cultural and historical resources			
Description-			
N/A			
Ensure all known sites are recorded in the FL Division of Historical Resources Master Site file	<u> </u> of recorded sites	Within 2 yrs <u> </u> Within 10 yrs <u> </u>	Expense \$ <u> </u> Personnel \$ <u> </u>
Monitor <u> </u> recorded sites and send updates to DHR Master Site file as needed	<u> </u> of sites monitored	Within 2 yrs <u> </u> Within 10 yrs <u> </u>	Expense \$ <u> </u> Personnel \$ <u> </u>

	Bring ___ of ___ recorded sites/cultural resources into good condition	___ of sites in good condition	Within 2 yrs ___ Within 10 yrs ___	Expense \$ _____ Personnel \$ _____
8	Imperiled species habitat maintenance, enhancement, restoration, or population restoration.			
	Description-			
	N/A			
	Develop baseline imperiled species occurrence inventory list	Baseline imperiled species occurrence inventory list complete Y___ N___	Within 2 yrs ___ Within 10 yrs ___	Expense \$ _____ Personnel \$ _____
	Develop monitoring protocols for ___ selected imperiled species	___ imperiled species for which monitoring protocols are developed	Within 2 yrs ___ Within 10 yrs ___	Expense \$ _____ Personnel \$ _____
	Implement monitoring protocols for ___ imperiled species	___ species for which monitoring is ongoing	Within 2 yrs ___ Within 10 yrs ___	Expense \$ _____ Personnel \$ _____
	[If applicable, provide additional measurable objective(s) for new or ongoing species-specific management activities for each of the priority species such as population augmentation, translocations, nest box projects, etc.]	Examples: Project-specific quantity, ___ of nest boxes, # of individuals introduced or trans-located, etc.	Within 2 yrs ___ Within 10 yrs ___	Expense \$ _____ Personnel \$ _____

40. Costs

Activity	Yearly Estimated Cost		
	Priority Cost	Other Management Cost	Cost Effective Methods
<u>Resource Management</u>	N/A		Volusia County manages resources in-house as part of employees' regular duties rather than out-sourcing to
<u>Administration</u>	N/A		
<u>Support</u>	N/A		

<u>Capital Improvements</u>	Less than \$1,000 annually		County staff makes repairs to the boardwalk as necessary.
<u>Recreation Visitor Services</u>	N/A		There are no visitor services offered on-site. Services are offered on-line only.
<u>Law Enforcement Activities</u>	N/A		The Town's Police Department and County's Beach Patrol visit the site as part of their daily 

41. A finding regarding whether each planned use conforms to the appropriate policies and guidelines of the State Lands Management Plan is required. The Plan can be found at <http://www.dep.state.fl.us/lands/oes/slmp.pdf>, by writing to the State of Florida Department of Environmental Protection, Division of State Lands, Office of Environmental Services, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, or by calling (850) 245-2784. Does this plan conform to the State Lands Management Plan?

YES X NO

42. Please provide the following contact information below:

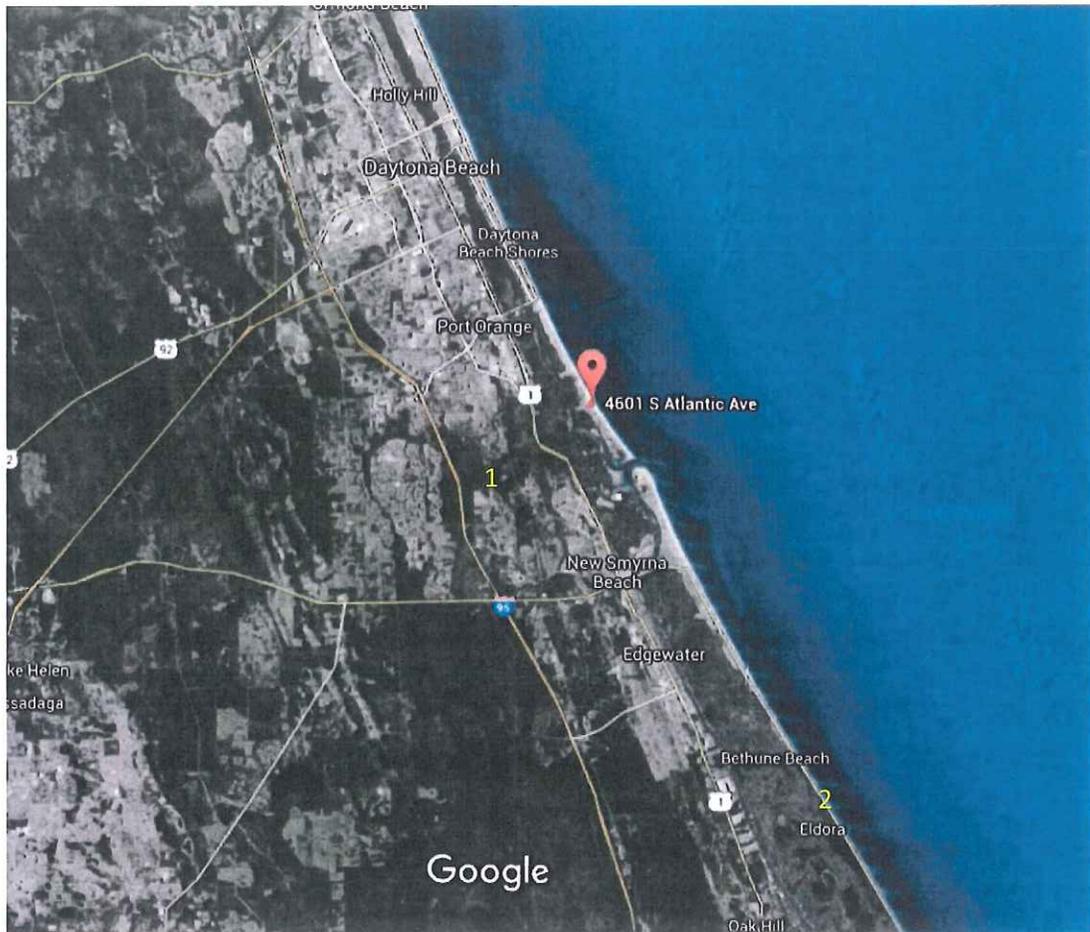
Name:	Jeaneen Witt, Town Manager
Managing Agency:	Town of Ponce Inlet
Address:	4300 South Atlantic Avenue Ponce Inlet, FL 32127
Phone:	386-236-2150
Email Address:	jwitt@ponce-inlet.org

Date Management Plan Prepared: 6/15/2016

Please send this completed form to:

avis.lockett@dep.state.fl.us, Or to:
 Division of State Lands
 D.E.P. M.S. 140
 3900 Commonwealth Blvd.
 Tallahassee Fl. 32399-3000
 850-245-4562

Appendix B Conservation Areas within 10 miles



1. Doris Leeper Spruce Creek Preserve
2. Canaveral National Seashore

Appendix C

Legal Description of the Subject Property

That part of the Southerly 98 feet of the Northerly 1,098 feet of Lot 2, lying East of Ocean Shore Boulevard in Section 30, Township 16 South, Range 34 East, Public Records of Volusia County, Florida

