



MEMORANDUM

TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

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To: Planning Board

Through: Aref Joulani, Planning & Development Director 
Jake Baker, Senior Planner 

Date: September 16, 2016

Subject: 2017 Updates to the Comprehensive Plan

PUBLIC HEARING MEETING DATE: September 27, 2016

INTRODUCTION

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

AUTHORITY AND PROCESS

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 seq., much of the "top-down" state rules, mandates, and oversight of local planning decisions have been repealed, such as those in Rule 9J-5 of the Florida Administrative Code (FAC).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

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

public workshops in December 2015 and February 2016 to review the more significant topics related to concurrency and development in the CHHA to reflect changes to state law since the last update.

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

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

TOWN RESPONSES TO EVALUATION AND APPRAISAL NOTIFICATION LETTER

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

SUPPORT DOCUMENTS

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

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

² F.S. §163.3187(5)(c)

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

⁴ F.S. §163.3174(4)(a)

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

RECOMMENDATION

As the local planning agency, the Planning Board is asked to review the proposed amendments for consistency with Ponce Inlet Comprehensive Plan. Based on the data and analysis in the Support Documents, and after hearing comments from the public, Staff recommends *approval* of the proposed amendments.



Aref Joulani, Planning & Development Director

September 16, 2016

Date



Jake Baker, Senior Planner

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