

Plan Amendments in Response to Evaluation and Appraisal Notification Letter

(Note: Portions herein in red are responses to the Evaluation and Appraisal Notification Letter.)

I. General

- A. For consistency with F.S. § 163.3161(1), updated all references to comprehensive planning legislation to “Community Planning Act.”

Global changes have been made throughout the proposed amendments.

- B. Updated data and analysis with a focus on the data the Community Planning Act requires.

Data and analysis has been updated in each element’s support document in compliance with the Community Planning Act, and the proposed amendments to the elements are responsive to the data and analysis.

- C. Delete references to repealed Rule 9J-5, Florida Administrative Code. Revise citations to reference Chapter 163, Florida Statutes where appropriate.

Global deletions have been made throughout the proposed amendments. Where the Community Planning Act has adopted portions of the Rule, the Community Planning Act is cited in the amendments.

- D. Adopted levels of service and the concurrency management system appear in multiple elements. Determine if the Town wishes to continue concurrency programs for transportation and recreation through its comprehensive plan. Review all levels of service references to ensure consistency. Ensure the concurrency management system and proportionate share methodology is consistent within the Comprehensive Plan and between the Comprehensive Plan and the Land Development Code.

The Town will maintain its concurrency management programs and systems, as set forth in the various elements, including the transportation and recreation & open space elements. All levels of service will remain the same, as set forth in the capital improvements element, with the exception of sewer and water. All LOS in the Comprehensive Plan have been reviewed to ensure internal consistency. Capital Improvements Element Policy 1.2.3 addresses proportionate share methodology, and the Town will ensure that LUDC Article 5, “Consistency and Concurrency Standards,” are consistent with the Comprehensive Plan.

- E. To comply with F.S. § 163.3177(1)(f)3, amend the comprehensive plan to be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under F.S. 380.05 – Areas of Critical State Concern.

The Town bases its permanent and seasonal population estimates and projections on professionally acceptable methodology, as set forth in the Future Land Use Element Support Document, pages 2 – 6. Based on its projections, the Town has enough vacant land to support an additional 385 single-family and multi-family residential units.

Thirty-five (35) single-family permits are projected to be issued over the next five years. Build-out for single family properties is expected in approximately 39 years. Build-out of multi-family properties is likely to occur in the years before the last vacant single-family property is developed (see pages 4-5 of the Future Land Use Element Support Document). Given the trends as set forth in the Support Document, no Future Land Use Map amendment is needed or proposed to accommodate future development over the five- or ten-year planning horizon. The five-year planning period recognized in the Capital Improvements Element.

- F. To comply with F.S. § 163.3177(5)(a), revise plans to include five-year and 10-year planning periods.

Future Land Use Element Policies 1.1.4, 3.1.2, and 6.1.2, and Objective 6.1 recognize the 10-year Planning Period 2017-2027, as does the Transportation Element and Transportation Map. The Future Land Use Map and map series also designate the 2017-2027 Planning Period.

- G. For consistency with F.S. § 163.3204, change references to the “Department of Community Affairs” to “state land planning agency.”

Global changes have been made throughout the proposed amendments.

- H. Throughout the plan, update names of departments and key staff positions to reflect departmental reorganizations since the last plan update.

Global changes have been made throughout the proposed amendments.

- I. Update references to local and regional agencies throughout the plan.

Global changes have been made throughout the proposed amendments.

II. Administration

- A. Update Chapter I, Administration, to include new statutory references and changes to plan amendment procedures per the 2011 Community Planning Act.

Changes have been made to Chapter 1.

III. Future Land Use Element

- A. To comply with F.S. § 163.3177(6)(a), amend Policy 1.2.2 to clarify that density figures refer to the *gross* acreage of land.

Policy 1.2.2 has been amended.

- B. To comply with F.S. § 163.3177(6)(a)4, review and update the future land use map if necessary to ensure that it can accommodate at least the minimum amount of land required for the medium projections of the Office of Economic and Demographic Research for at least a 10-year planning period unless otherwise limited under F.S. 380.05 – Areas of Critical State Concern.

Based on population projections, no changes to the Future Land Use map or map series are required. Accordingly, the maps are based on a minimum ten-year planning period of 2017-2027, as indicated in Section I. E, above.

- C. To comply with F.S. § 163.3177(6)(a)9, amend the Future Land Use Element to discourage the proliferation of urban sprawl, as redefined in the Community Planning Act.

Objective 1.6 and Policies 1.6.1 and 1.6.2 have been added.

- D. To comply with F.S. § 163.3177(6)(a)10.b.(I), amend Future Land Use Map series to identify the designated “Ponce Park Historic Area.” Additionally identify any significant historic properties worthy of greater protection.

The Future Land Use Map series has been amended to include a map, “Historic Preservation Areas,” 2017-2027.

- E. To comply with F.S. § 163.3178(2)(h) and (8)(a), amend Policy 1.2.2(g), Policy 1.1.4, Objective 1.4 and Policy 1.4.1 to establish appropriate densities and mitigation for development in the Coastal High Hazard Area, rather than outright prohibition.

Policy 1.2.2(g), Policy 1.1.4, Objective 1.4, Policy 1.4.1, and Policy 1.4.2 have been amended to include appropriate densities and mitigation pursuant to § 163.3178. Policy 1.4.1 is amended to adopt the statutory definition of CHHA, and the requirement to direct population concentrations away from the CHHA, previously required by Rule 9j-5-.012, has been deleted.

- F. To comply with F.S. § 163.3178(8)(c), amend the Future Land Use Map to show the Coastal High Hazard Area.

The 2017-2027 Future Land Use Map shows the CHHA.

IV. Transportation Element

- A. Because the Town of Ponce Inlet is within the metropolitan planning area of the River-to-Sea (Volusia-Flagler) Transportation Planning Organization (TPO), amend the Transportation Element to be consistent with the requirements of F.S. § 163.3177(6)(b) including adding policies if necessary to address the requirements of F.S. § 163.3177(6)(b)1-2.

Objective 1.7 and Policies 1.4.7 and 1.7.5 have been amended; Policy 1.7.10 has been added in further compliance with § 163.3177(6)(b).

- B. If the Town chooses to maintain a transportation concurrency program, amend Transportation Element and other applicable elements to maintain compliance with F.S. § 163.3180(5)(h).

Policy 1.7.3 and Capital Improvements Element Policies 1.2.1 and 1.2.3 address proportionate fair-share and impact fees. Policy 1.1.7 has been added exempting public transit.

- C. To establish compliance with F.S. § 163.3177(6)(b), update the plan to add policies regarding mobility, walkability, public transportation, and multi-modal systems. Update maps to incorporate recommended improvements from the Ponce Inlet Bicycle-Pedestrian Master Plan.

Objective 1.7 and Policies 1.4.7 and 1.7.5 have been amended; Policy 1.7.10 has been added in further compliance with § 163.3177(6)(b).

- D. References to the “Volusia County Metropolitan Planning Organization (MPO)” need to be revised to the “River-to-Sea Transportation Planning Organization (TPO).”

Objective 1.1 has been amended.

- E. Pursuant to F.S. § 163.3180(5)(g), provide for use of common LOS and concurrency methodologies, such as the uniform traffic impact analysis methodology adopted by the River-to-Sea Transportation Planning Organization.

Policy 1.1.6 as amended requires that all new development be subject to concurrency review consistent with the Town's Land Use and Development Code (LUDC) and consistent with the traffic impact analysis guidelines adopted by the TPO.

- F. If the Town maintains transportation concurrency, add a policy under Objective 1.1 exempting public transit from concurrency, pursuant to F.S. § 163.3180(5)(h).

Policy 1.1.7 has been added.

- G. To comply with F.S. § 163.3180(5)(h)2.a, update policy 1.7.3 to reference proportionate fair-share and methodology and credits due for any additional impact fees paid per F.S. § 163.3180(5)(h)2.e.

Policy 1.7.3 has been amended.

- H. Update cross-references to the concurrency chapter in the LUDC in all policies as applicable.

Global references to the LUDC concurrency chapter have been made.

V. Housing Element

- A. To comply with F.S. § 163.3177(6)(f) revised policies as applicable to ensure the provision of adequate site for affordable workforce housing.

Goal 5 and Objective 5.1, and policies thereunder have been amended.

VI. Public Facilities Element

- A. To comply with F.S. § 163.3177(6)(c)1, update relevant data and analyses regarding facilities providing service within the Town's jurisdiction, along with planned capital projects.

The Support Document reflects updated data and analysis. Policy 1.2.4 has been added and Policy 1.4.3 has been deleted in response to the updated analysis.

- B. To comply with F.S. § 163.3177(6)(c)3, update to include latest regional water supply plan data, and both traditional and alternative supply projects if applicable.

Regional water supply plan data has been provided by the City of Port Orange and considered when reviewing the data and analysis. No updates to the Comprehensive Plan are needed.

- C. To comply with F.S. § 163.3180(2-3) Potable water and sewer – change LOS to refer to standards set by Port Orange, since the Town cannot set LOS standards for services provided by another jurisdiction.

Sanitary Sewer Objective 1.1 and Policy 1.1.1 and Potable Water Objective 1.1 and Policy 1.1.1 have been amended. Capital Improvements Element 1.4.1 has also been amended to be consistent.

VII. Coastal Management Element and Conservation Element

- A. To comply with F.S. § 163.3177(6)(d), update Conservation Element policies regarding factors that affect energy conservation.

Objective 1.9 and the six accompanying policies thereunder have been added to the Conservation Element to promote energy efficiency and use of nonrenewable resources and natural systems.

- B. To comply with F.S. § 163.3177(6)(d)2.f., update the Conservation Element to include long-term objectives for the protection of natural reservations identified in the recreation and open space element.¹

Objective 1.1 has been amended accordingly.

- C. To comply with F.S. § 163.3177(6)(g), update the coastal zone management data, principles, guidelines, standards, and strategies to include policies that limit public expenditures that subsidize development in coastal high-hazard areas and protect human life against the effects of natural disasters.

Data and analysis has been updated. Policy 1.4.2 of the Coastal Management Element has been amended.

- D. To comply with F.S. § 163.3178(2)(d), update plan to include latest Division of Emergency Mgmt. regional hurricane evacuation study data.

Objective 1.4 replaces the phrase “destructive storm” with the term “natural disasters” per statute. Objective 1.5 has been amended. Policy 1.5.2 has been added. Policy 1.5.3 has been moved from current Future Land Use Element Policy 1.4.2.

- E. Pursuant to F.S. § 163.3178(2)(f), address redevelopment in coastal areas, outlining the principles and strategies to eliminate inappropriate and unsafe development when opportunities arise.

Policies 1.4.2 through 1.4.4 have been substantially amended. Policy 1.4.11 has been added.

- F. To comply with F.S. § 163.3178(2)(j), update policies to identify regulatory and management techniques to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

Policy 1.4.3 has been substantially amended and Policy 1.4.11 has been added.

- G. Update Policy 1.4.1 to reflect F.S. § 163.3178(8)(a), regarding review of comprehensive plan amendments in the CHHA and appropriate mitigation for impacts to hurricane evacuation.

¹ Since sending the notification letter to DEO, the Town has found it necessary to add this update in compliance with the Community Planning Act.

Policies 1.1.4 and 1.4.1 of the Future Land Use Element have been amended accordingly.

- H. Update Policy 1.4.8 to include statutory language concerning provision of adequate public facilities to meet demand of development and redevelopment, as required in F.S. § 163.3178(2)(i). Such facilities will be phased to coincide with the demand created by the development.²

This Policy has been amended.

VIII. Recreation and Open Space Element

- A. Given that the amount of open space and parkland in Town far exceeds the level-of-service standard, evaluate whether the LOS standard is still needed, or should be modified to reflect updated recreation needs and preferences, per F.S. § 163.3180(1)(a).

Evaluation has been accomplished, as reflected in the Support Document, and the LOS of 3.5 acres per 1,000 residents will remain unchanged. Policies have been added reflecting goals of Council regarding partnership with private recreation facility providers and evaluating staffing levels.

- B. To comply with F.S. § 163.3177(6)(d)2.f., identify natural resources.³

Policy 1.1.3 has been added to ensure continued protection of identified natural resources of the Town's passive parks.

IX. Intergovernmental Coordination Element

- A. To comply with F.S. § 163.3177(6)(h)1.b. include a dispute resolution process as prescribed in section F.S. § 186.509.

Policy 1.1.7 adds that the Town shall attempt to resolve intergovernmental disputes through mandatory as well as informal mediation pursuant to F.S. § 186.509. Policy 2.2.2 has also been amended.

- B. To comply with F.S. § 163.3180(5)(g), address coordination with Transportation Planning Organization (TPO) policies and agreements, such as the uniform traffic impact analysis methodology.

Policy 1.1.6 has been amended.

- C. To comply with F.S. § 163.3177(4), assess the extent to which Ponce Inlet continues to meet the criteria for exemption of a school interlocal agreement under subsection F.S. § 163.3177(1) and (2).

The Support Document for this Element assesses whether the Town continues to be eligible for exemption from the requirement of a school interlocal agreement and concludes that the Town continues to meet all the criteria for exemption. Policy 2.1.4 has been added to the Element stating that the Town will coordinate review of

² Since sending the notification letter to DEO, the Town has found it necessary to add this update in compliance with the Community Planning Act.

³ Since sending the notification letter to DEO, the Town has found it necessary to add this update in compliance with the Community Planning Act.

development proposals which could increase the student population, pursuant to the VGMC review process and in compliance with Section 206 of the Volusia County Charter.

X. Capital Improvements Element

- A. To comply with F.S. § 163.3177(3)(a), update capital improvements schedule for the next 5-year planning period, including transportation improvements in the Transportation Planning Organization (TPO) improvement program and long-range transportation plan.

Text for the Five-Year Capital Improvement Program and Table IX-1 have been updated. The Transportation Improvement Program of the River-to-Sea TPO and the Volusia County School District, from whose concurrency standards the Town remains exempt, are taken into consideration.

- B. Review Objective 1.5 and Policies 1.5.1-1.5.3 for consistency with F.S. § 163.3178 regarding public expenditures in the CHHA.

Policy 1.5.3 has been amended and Policies 1.5.4 and 1.5.5 have been added to protect human life and limit public expenditures in the CHHA, consistent with § 163.3178.