



**Meeting Date:** January 19, 2017

**Agenda Item:** 9-A

## **Report to Town Council**

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

**Recommended Motion:** Approval of second reading / adoption of Ordinance 2017-01,

**Summary:** Please see attached memorandum.

**Requested by:** Mr. Joulani, Planning & Development Director

**Approved by:** Ms. Witt, Town Manager



## STAFF REPORT

### TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT

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

To: Jeaneen Witt, Town Manager  
Through: Aref Joulani, Planning & Development Director  
From: Jake Baker Senior Planner  
Date: January 11, 2017  
Subject: 2016 Updates to the Comprehensive Plan- Ordinance 2017-01

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**PUBLIC HEARING MEETING DATE:** January 19, 2017

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At the regularly scheduled Planning Board meeting, held September 27, 2016, Chairman Cannon moved that the Planning Board, sitting as the Local Planning Agency, recommend acceptance of the Comprehensive Plan Updates as presented and to forward to the Town Council for consideration at its October 20, 2016 meeting. The motion was approved with a 5-0 vote.

The Town Council, at the October 20, 2016, moved to approve the First Reading of Ordinance 2017-01, which will amend the Town's Comprehensive Plan resulting from the Town's 2016 Evaluation and Appraisal Letter, and to direct staff to transmit the amendments to the Department of Economic Opportunity (DEO) and other State reviewing agencies. The motion was approved with a 5-0 vote.

After the required public hearings, the Town had until November 1, 2016 to transmit its proposed plan amendments to the DEO and other departments and state agencies for review through the "State Coordinated Review Process" under § 163.3184(4).<sup>1</sup>

On December 30, 2016 the Town received an approval letter for the proposed updates to the Comprehensive Plan. In the report it states that "the Department has not identified any objections, or comments to the proposed amendment." In addition, none of the other reviewing agencies had any objections, recommendations, or comments. A copy of the letter received by the DEO is attached as **Exhibit A**.

The DEO requires local governments to hold a second public hearing within 180 days after receipt of the DEO's Objection, Recommendation and Comments Report. If the local government fails within 180 days after receipt of the Objection, Recommendation and Comments Report to hold a second public hearing, section 163.(4)(e), Florida Statutes, provides that the amendments shall be deemed withdrawn unless extended by agreement and notice to the State Land Planning Agency and any affected party that provided comments on the amendment. This meeting constitutes the second public hearing.

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<sup>1</sup> 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)

Within thirty days after the Town adopts the amendment, an affected person may file petition with the Department of Administrative Hearings challenging the amendment on the ground that it is not "in compliance" as defined in section 163.3184(1)(b), Florida Statutes. However, local governments are required to transmit three copies of the adopted amendment package within ten working days after the second public hearing to the State Land Planning Agency and one copy to any other agency or local government that provided timely comments.

The State Land Planning Agency shall determine the completeness of the package and notify the local government within five working days of receipt.

**RECOMMENDATION**

Staff recommends the adoption of the proposed Comprehensive Plan amendments to the Town Council and authorization to transmit three copies of the adopted amendment package on or before February 2, 2017 to the State Land Planning Agency and one copy to the other agencies that provided comments.

  
\_\_\_\_\_  
Aref Joulani, Director, Planning & Development

January 11, 2017  
Date

  
\_\_\_\_\_  
Jake Baker, Senior Planner

January 11, 2017  
Date

Attachments

- A. DEO Approval Letter

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

December 30, 2016

The Honorable Gary Smith  
Mayor, Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, Florida 32127

Dear Mayor Smith:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the Town of Ponce Inlet (Amendment No. 16-1ER), which was received on November 2, 2016 and determined complete on November 3, 2016. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S. This letter serves as the Department's Objections, Recommendations, and Comments Report. The Department has not identified any objections or comments to the proposed amendment. Review comments received by the Department of Economic Opportunity from the appropriate reviewing agencies are enclosed.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that section 163.3184(4)(e)1., F.S., provides that if the second public hearing is not held within 180 days of your receipt of the Department of Economic Opportunity's report, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment.

If you have any questions related to this review, please contact Barbara Lenczewski, at (850) 717-8502, or by email at [Barbara.Lenczewski@deo.myflorida.com](mailto:Barbara.Lenczewski@deo.myflorida.com).

Sincerely,

James D. Stansbury, Chief  
Bureau of Community Planning

JDS/bl

Enclosures: Procedures for Adoption  
Agency Comments

cc: Aref Joulani, Planning and Development Director, Town of Ponce Inlet  
Hugh Harling, Jr., P.E., Executive Director, East Central Florida Regional Planning Council

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](http://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](http://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Exhibit A

SUBMITTAL OF PROPOSED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

May 2011

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, (one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy each to the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the proposed amendment:

\_\_\_\_\_ A statement indicating the amendment is related to 1) an area of critical state concern designated pursuant to Section 380.05, F.S.; 2) a rural land stewardship area pursuant to Section 163.3248, F.S.; 3) a sector plan pursuant to Section 163.3245, F.S.; 4) an update a comprehensive plan based on an evaluation and appraisal report pursuant to Section 163.3191, F.S.; or 5) a new plan for a newly incorporated municipality adopted pursuant to Section 163.3167, F.S.;

\_\_\_\_\_ The date(s) the local planning agency and the commission held public hearings;

\_\_\_\_\_ A statement certifying that the proposed amendment(s) have been submitted to the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request. Certification means that the letter must state that a copy of a complete amendment package including supporting data and analysis has been mailed to these agencies and the date it was mailed;

\_\_\_\_\_ A summary of the plan amendment(s) including that the amendment is being submitted under the state coordinated review process;

\_\_\_\_\_ The month the local government anticipates the amendment will be adopted;

\_\_\_\_\_ The name, title, address, telephone, FAX number, and e-mail of the local contact person;

**PROPOSED AMENDMENT PACKAGE:** Please include the following information in the proposed amendment package:

\_\_\_\_\_ All proposed text, in a strike-through/underline format (or similar easily identifiable format);

\_\_\_\_\_ Staff, local planning agency and local governing body recommendations;

\_\_\_\_\_ Support documents or summaries of the support documents on which the recommendations regarding the proposed plan amendment(s) are based;

\_\_\_\_\_ For Future Land Use Map amendments please include all maps in color format depicting:

\_\_\_\_\_ The proposed future land use designation of the subject property;

\_\_\_\_\_ The boundary of the subject property and its location in relation to the surrounding street and thoroughfare network;

\_\_\_\_\_ The present future land use map designations of the subject properties and abutting properties.

\_\_\_\_\_ An Existing Land Use Map depicting:

\_\_\_\_\_ The existing land use(s) of the subject property and abutting properties and

\_\_\_\_\_ The size of the subject property in acres or fractions thereof.

\_\_\_\_\_ A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if local government has adopted school concurrency), and recreation, as appropriate;

\_\_\_\_\_ Information regarding the consistency of the proposed land use amendments with the Future Land Use Element goals, objectives and policies, and those of other affected elements.

\_\_\_\_\_ If a local government relies on original data, or data and analysis from a previous amendment, a reference to the specific portions of the previously submitted data and analysis on which the local government relies to support the amendment;

\_\_\_\_\_ If previous data and analysis is no longer the best available existing data or no longer supports the plan, then copies of updated and reanalyzed data and analysis to support the proposed amendment.



## Volusia Growth Management Commission

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December 1, 2016

Jake Baker, Senior Planner  
Town of Ponce Inlet  
4300 South Atlantic Avenue  
Ponce Inlet, FL 32127

**RE: VGMC Case #16-062, Town of Ponce Inlet  
Large Scale Application – EAR Based Amendments  
Certificate of Consistency**

Dear Mr. Baker,

VGMC Case #16-062 qualifies for certification in accordance with Chapter 90, Article II. of the Volusia County Code of Ordinances, Volusia Growth Management Commission Consistency Certification Rules and Organization. Based upon the review by Littlejohn and lack of objection filed by another unit of local government, VGMC Case #16-062 is hereby deemed certified as consistent without the need for a public hearing.

The Volusia Growth Management Commission appreciates the efforts of the Town of Ponce Inlet to further intergovernmental cooperation and coordination in Volusia County. If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,

Gerald T. Brandon  
Chairman

cc: FDEO ✓

## Eubanks, Ray

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**From:** Steve Fitzgibbons <SFitzgibbons@sjrwmd.com>  
**Sent:** Monday, November 21, 2016 9:01 AM  
**To:** 'dcpexternalagencycomments@dca.state.fl.us'; Biblo, Adam A  
**Cc:** ajoulani@ponce-inlet.org; Baker, Jake; Ann Benedetti  
**Subject:** Town of Ponce Inlet proposed comprehensive plan amendment 16-1ER

Dear Mr. Eubanks,

St. Johns River Water Management District (District) staff have reviewed Town of Ponce Inlet proposed comprehensive plan amendment 16-1ER in accordance with the provisions of Chapter 163, Florida Statutes. Based on review of the submitted materials, District staff have no comments on the proposed amendment. If you have any questions or need additional information, please contact me.

Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)<<mailto:sfitzgibbons@sjrwmd.com>>.

Sincerely,  
Steve Fitzgibbons

Steven Fitzgibbons, AICP  
Intergovernmental Planner  
Governmental Affairs Program  
St. Johns River Water Management District  
7775 Baymeadows Way, Suite 102  
Jacksonville, FL 32256  
Office (386) 312-2369  
E-mail: [sfitzgibbons@sjrwmd.com](mailto:sfitzgibbons@sjrwmd.com)<<mailto:sfitzgibbons@sjrwmd.com>>  
Website: [www.sjrwmd.com](http://www.sjrwmd.com)  
Connect with us: Newsletter<<http://www.sjrwmd.com/news>>, Facebook<<https://www.facebook.com/sjrwmd>>, Twitter<<http://www.twitter.com/sjrwmd>>, Instagram<<https://www.instagram.com/sjrwmd/>>, YouTube<<http://www.youtube.com/floridaswater>>, Pinterest<<https://www.pinterest.com/SJRWMD/>>  
[email-footer]<<http://www.sjrwmd.com/>>

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this link<<https://www.surveymonkey.com/r/EREGCSR>>

### Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of confidentiality or privacy.
- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/> We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this link<<https://www.surveymonkey.com/r/EREGCSR>>

#### Notices

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- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

**Eubanks, Ray**

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**From:** Plan\_Review (Shared Mailbox) <Plan.Review@dep.state.fl.us>  
**Sent:** Thursday, November 17, 2016 3:33 PM  
**To:** Eubanks, Ray; DCPexternalagencycomments  
**Subject:** Ponce Inlet 16-1ER Proposed

To: Ray Eubanks, DEO Plan Review Administrator

Re: Ponce Inlet 16-1ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

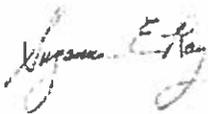
\*Please note the new contact information below.

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
2600 Blair Stone Rd. MS 47  
Tallahassee, Florida 32399-2400





*Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

719 S. Woodland Boulevard  
DeLand, Florida 32720-6834

JIM BOXOLD  
SECRETARY

November 16, 2016

Mr. D. Ray Eubanks  
Plan Review and DRI Processing Unit  
Florida Department of Economic Opportunity  
107 East Madison Street  
Tallahassee, FL 32399-4120

**Subject:** Proposed Comprehensive Plan Amendment  
**Local Government:** Town of Ponce Inlet  
**DEO #:** 16-1EAR

Dear Mr. Eubanks:

The Department of Transportation has completed our review of the above proposed Comprehensive Plan Amendment as requested in the Town's letter dated October 31, 2016, and received by the Department on October 31, 2016

We appreciate the opportunity to participate in the review process and offer our technical assistance with this letter. Since the amendment does not appear to have significant adverse impacts to the State Highway System or the Strategic Intermodal System, the Department does not have any comments.

If you have any questions, please contact Steve Shams at (386) 943-5421 or email at [steve.shams@dot.state.fl.us](mailto:steve.shams@dot.state.fl.us).

Sincerely,

David J. Cooke  
Transportation Planning Manager

*Attachment*

C:	Jake Baker, Ponce Inlet	Dennis Smith, FDOT
	Melissa Winsett, Volusia County	Dana Reiding, FDOT
	Jon Cheney, Volusia County	Carmen Monroy, FDOT
	Palmer M. Pantan, Volusia County	Adam Biblo, DEO
	Sandra Jackson, Volusia County	Fred Milch, ECFRPC

**COMPREHENSIVE PLAN AMENDMENT STATE COORDINATED REVIEW COMMENTS**

Local Government: Town of Ponce Inlet  
DEO Amendment #: Ponce Inlet 16-1EAR  
Date FDOT Received: October 31, 2016  
Review Comments Deadline: November 30, 2016  
Today's Date: November 16, 2016

**GENERAL BACKGROUND INFORMATION**

The Town of Ponce Inlet has transmitted a proposed amendment to their Comprehensive Plan, specifically the amendment represents a complete update of the plan based on the Town's Evaluation and Appraisal Report. The amendment package also includes supporting data, inventory and analyses (DIA).

**AMENDMENT – Ponce Inlet 16-1EAR**

Elements: All Elements

Statutory Reference: Chapter 163.3177, F.S., Required and optional elements of comprehensive plan  
Chapter 163.3184, F.S., Process for adoption of plan amendment

**Background:**

The Town of Ponce Inlet has updated their comprehensive plan based on its Evaluation and Appraisal Report (EAR) and has transmitted the proposed amended plan for review. The Town anticipates adopting the amended plan by May 2017.

The Department of Transportation's review focused on two elements, the Capital Improvements Element (as it relates to transportation) and the Transportation Element. It should be noted no state roads are located within the Town's jurisdiction. While portions of the Town's boundary abut the east side of US 1, no development within the Town has access to US 1, and the future land use of this property is either water or conservation and does not appear developable.

**Capital Improvements Element (CIE)**

There is one transportation related item in the Capital Improvements Element requirements applicable to the Town's proposed amendment. The following *italics* text identifies the statutory reference. Notes are provided regarding the Department's assessment of the proposed element meeting these requirements (in regular text).

*F.S. 163.3177(3)(a)3. Standards to ensure the availability of public facilities and the adequacy of those facilities to meet established acceptable levels of service.*

**Note:** The CIE does not appear to identify level of service standards for transportation. The Transportation Element does include level of service standards; however, they should also be identified in the CIE. Consider adding the level of service standards to the Capital Improvements Element.

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FDOT Contact:	Steve Shams, MURP FDOT District 5 (In-House Consultant) Planning Project Manager 386-943-5421 <a href="mailto:steve.shams@dot.state.fl.us">steve.shams@dot.state.fl.us</a>	Reviewed by:	Cliff Tate, PE Kimley-Horn and Associates, Inc. 407-898-1511 <a href="mailto:cliff.tate@kimley-horn.com">cliff.tate@kimley-horn.com</a>
Telephone:			
E-mail:			
File:	H:\OOC\Planning\Growth Management\CPA Project Files\Ponce Inlet_Volusia\EAR\Ponce Inlet 16-1EAR\Ponce Inlet_Proposed_16- EAR_Review.doc		

**COMPREHENSIVE PLAN AMENDMENT STATE COORDINATED REVIEW COMMENTS**

Local Government: Town of Ponce Inlet  
DEO Amendment #: Ponce Inlet 16-1EAR  
Date FDOT Received: October 31, 2016  
Review Comments Deadline: November 30, 2016  
Today's Date: November 16, 2016

Transportation Element

The following *italics text* identifies the statutory requirements for the Transportation Element (all are from FS 163.3177(3)(b)). Notes are provided regarding the Department's assessment of the proposed element meeting these requirements (in regular text).

*F.S. 163.3177(3)(b) A transportation element addressing mobility issues in relationship to the size and character of the local government. The purpose of the transportation element shall be to plan for a multimodal transportation system that places emphasis on public transportation systems, where feasible. The element shall provide for a safe, convenient multimodal transportation system, coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan. A local government that has all or part of its jurisdiction included within the metropolitan planning area of a metropolitan planning organization (M.P.O.) pursuant to s. 339.175 shall prepare and adopt a transportation element consistent with this subsection. Local governments that are not located within the metropolitan planning area of an M.P.O. shall address traffic circulation, mass transit, and ports, and aviation and related facilities consistent with this subsection, except that local governments with a population of 50,000 or less shall only be required to address transportation circulation. The element shall be coordinated with the plans and programs of any applicable metropolitan planning organization, transportation authority, Florida Transportation Plan, and Department of Transportation adopted work program.*

**Note:** The Town of Ponce Inlet 2016 population is estimated to be 3,062 by the Bureau of Economic and Business Research. The Town's transportation element appears address mobility issues in relationship to the Town's size. In an effort to future assist the Town, FDOT has identified some suggested improvements for the Town's consideration. FDOT will be glad to provide further assistance to the Town if desired.

*1. Each local government's transportation element shall address traffic circulation, including the types, locations, and extent of existing and proposed major thoroughfares and transportation routes, including bicycle and pedestrian ways. Transportation corridors, as defined in s. 334.03, may be designated in the transportation element pursuant to s. 337.273. If the transportation corridors are designated, the local government may adopt a transportation corridor management ordinance. The element shall include a map or map series showing the general location of the existing and proposed transportation system features and shall be coordinated with the future land use map or map series. The element shall reflect the data, analysis, and associated principles and strategies relating to:*

**Note:** The Transportation Element addresses traffic circulation, however multimodal transportation elements do not appear to be mapped. Consider adding levels of service

FDOT Contact:	Steve Shams, MURP FDOT District 5 (In-House Consultant) Planning Project Manager 388-943-5421 <a href="mailto:steve.shams@dot.state.fl.us">steve.shams@dot.state.fl.us</a>	Reviewed by:	Clif Tate, PE Kimley-Horn and Associates, Inc. 407-898-1511 <a href="mailto:clif.tate@kimley-horn.com">clif.tate@kimley-horn.com</a>
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**COMPREHENSIVE PLAN AMENDMENT STATE COORDINATED REVIEW COMMENTS**

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for multimodal transportation including bicycles, pedestrians, and transit, and mapping the relevant facilities. The Department is available to assist the Town in establishing these levels of service.

*c. Existing and projected intermodal deficiencies and needs.*

Note: The DIA does not appear to identify projected deficiencies and needs for the near-term (5-year period) or long-term (ten or more years). Consider adding and/or expanding the future analysis.

*d. The projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system.*

Note: The DIA does not appear to identify projected levels of service and system needs for the near-term (5-year period) or long-term (ten or more years). Consider adding and/or expanding the future analysis.

**Technical Assistance:**

Pursuant to F.S. 163.3184(4)(c), the Florida Department of Transportation (FDOT) does not have concerns at this time regarding the Town's proposed amendment. The proposed change does not appear to adversely impact designated transportation resources and facilities of state importance; therefore, FDOT has does not have concerns or recommendations at this time regarding the proposed amendment.

The FDOT respectfully requests a copy of the adopted plan. Please provide within two weeks of adoption in order to assist in facilitating review within the required 30-day time frame from adoption, as required by Statute (State Coordinated Review Process, Section 163.3184(4) and (5), Florida Statutes).

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FDOT Contact:	Steve Shams, MURP FDOT District 5 (In-House Consultant) Planning Project Manager 386-943-5421 <a href="mailto:steve.shams@dol.state.fl.us">steve.shams@dol.state.fl.us</a>	Reviewed by:	Clif Tate, PE Kimley-Horn and Associates, Inc. 407-898-1511 <a href="mailto:clif.tate@kimley-horn.com">clif.tate@kimley-horn.com</a>
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**ORDINANCE 2017-01**

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

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

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

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

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

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

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

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

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

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

Section 1: Legislative Findings.

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

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

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

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

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

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

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

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

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

Passed upon first reading this 20<sup>th</sup> day of October, 2016.

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

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

Passed and adopted upon second reading this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Town of Ponce Inlet, Florida

\_\_\_\_\_  
Gary L. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Jeaneen Witt, CMC  
Town Manager/Town Clerk