

**MEMORANDUM****TOWN OF PONCE INLET, PLANNING AND DEVELOPMENT DEPARTMENT***We strive to be professional, caring and fair*

To: Planning Board  
From: Michael E. Disher, AICP, Senior Planner MD  
Date: February 12, 2016  
Subject: CHHA Policy Discussion for 2016 Comprehensive Plan Update

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**MEETING DATE:** February 23, 2016

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**BACKGROUND**

On December 17, 2015, the Town Council and Planning Board held a joint workshop to discuss two significant policy topics related to the Town's upcoming comprehensive plan update. These topics were based on the Town's "Evaluation and Appraisal Notification Letter," in which the Town determined necessary amendments to reflect changes in state growth management statutes and existing conditions since the last update. Pursuant to State Law<sup>1</sup>, the Town now has until November 1, 2016 to amend its comprehensive plan to incorporate the updates listed in the letter. With the first topic, concurrency, the Council provided direction to the Planning Board to retain the adopted policies as they are. For the second topic, Coastal High Hazard Area (CHHA), the Council directed that the policy updates should: 1) not create unique construction standards; 2) allow development at current adopted densities; 3) allow consideration of proposed density increases case by case; and 4) provide the "path of least resistance" to property owners (see meeting minutes, **Attachment A**). Staff has now prepared draft policy amendments incorporating the latest revisions to state law and the Town Council's direction (**Attachment B**). The Planning Board is now asked to discuss the policy proposals and identify any concerns.

**DISCUSSION**

The CHHA encompasses the area most vulnerable to storm surge during a Category 1 hurricane. It is the intent of the State of Florida that, "local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster."<sup>2</sup> The purpose of the CHHA therefore, is to identify properties that are susceptible to repeated losses from storm surges in order to protect lives and property, minimize public infrastructure investments in those areas, and ensure that development and other human activities do not negatively impact hurricane evacuation times.

In Ponce Inlet, the CHHA covers approximately 70 acres closest to the Halifax River, including 135 separate properties (see CHHA Map, **Attachment C**). Less than 10 acres remain in the

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<sup>1</sup> F.S. 163.3191

<sup>2</sup> F.S. 163.3178(a)

CHHA that are vacant and developable, including portions of the Inlet Harbor residential development and the Pacetta property.

State regulations regarding comprehensive planning in coastal areas have changed over the past ten years. Before 2006, comprehensive plans were required by the Florida Administrative Code (FAC) Rule 9J-5.012 to “Direct population concentrations away from known or predicted coastal high-hazard areas.” The Town’s currently adopted policies prohibiting any increases in residential density (not just in the CHHA) are intended to comply with this rule. In 2011, the Community Planning Act repealed the restriction on additional population in the CHHA. Local governments must now ensure that new development either does not negatively impact hurricane evacuation times or mitigates impacts to evacuation times through new shelter space, donations of land or funds to build shelters, etc. As a whole, the CHHA statutes today are focused on protecting the natural coastal environment, maintaining evacuation times, and minimizing property risk and loss, while still allowing limited appropriate development. A copy of selected provisions F.S. 163.3178(f) is provided with this report on **Attachment D**. Additional background information is provided in the staff report presented at the December 2015 joint workshop.

**PROPOSED POLICY AMENDMENTS:**

The proposed policy updates are provided on **Attachment B** and are *described* below.

**Future Land Use Element**

*Policy 1.1.4:* This is the policy that currently states the Town will not allow any change to the future land use map or zoning map that increases residential density, based on its location at the end of the barrier island, limited capacity (and desire) for new development, and former state requirements to direct population concentrations away from the coastal high hazard area. The Town has approved two exceptions to this policy. The new proposed changes will:

- a) Shift focus to maintaining evacuation times; replace prohibition on density increases town-wide with requirement to approve future land use amendments and rezoning only if level-of-service for evacuation is maintained or appropriate mitigation is provided, per F.S. 163.3178(2)(d) and (8).
- b) Update text to refer to the adopted future land use designation of the Inlet Harbor residential property rather than the formerly proposed future land use amendment, since the amendment has now been adopted.
- c) Same as with b), and also leaves intact the statutory mitigation language proposed with the amendment pursuant to F.S. 163.3178(8).
- d) Add a cross-reference to proposed CHHA development policies in the Coastal Management Element.

*Policy 1.2.2:* A slight rewording of paragraph (g)(2) is proposed concerning allowable residential densities in the Riverfront Commercial future land use category, a portion of which lies in the CHHA. The policy currently allows a gross density of 2.9 units/acre, but requires all new units to be placed outside the CHHA. The units can be transferred outside the CHHA and aggregated up to a maximum net density of 6.7 units/acre. The wording is intended to clarify this mechanism.

*Policy 1.2.3:* No change proposed.

*Objective 1.4:* Rewording only.

*Policy 1.4.1:* Reworded similar to Policy 1.1.4 to include emphasis on evacuation level-of-service. Adds a cross-reference to new Policy 1.4.2 regarding mitigation pursuant to F.S. 163.3178(8).

*Policy 1.4.2:* *(New)* Includes language from F.S. 163.3178(8) regarding compliance of future land use amendments with coastal high-hazard policies if evacuation level-of-service is ensured and/or mitigation is provided. It states that proposed amendments will be found in compliance with the Town's CHHA policies if it evacuation can be maintained or appropriate mitigation is provided to improve capacities of shelters or evacuation routes. This does not preclude proposed amendments from being denied based on other considerations.

*Policy 1.4.2:* *(Former)* Moved to Coastal Management Element 1.5.2 with other policies pertaining to evacuation plans.

### **Coastal Management Element**

*Objective 1.4:* Replaces the words "destructive storm" with new language per statute: "natural disasters." [F.S. 163.3178(2)(d)]

*Policy 1.4.1:* Deletes requirement to direct population concentrations away from the CHHA, and adds the statutory definition of the CHHA per F.S. 163.3178(2)(h).

*Policy 1.4.2:* Revised to include latest statutory language and wording regarding limiting public expenditures that would subsidize development in the CHHA, per F.S. 163.3177(1) and (6)(g). Other similar policies concerning public facilities in the CHHA are now combined into this one policy.

*Policy 1.4.3:* *(New)* Adds statutory language concerning regulatory and management techniques for development in the CHHA to mitigate the threat to human life, including windload and finished floor elevation standards. Note: the Town already utilizes these techniques in its review of proposed development plans and permits. [F.S. 163.3178(2)(j)]

*Policy 1.4.3:* *(Former)* Combined with Policy 1.4.2.

*Policy 1.4.4:* *(New)* Includes statutory language per F.S. 163.3178(2)(f) regarding redevelopment guidelines to eliminate inappropriate and unsafe development in coastal areas.

*Policy 1.4.4:* *(Former)* Combined with Policy 1.4.2.

*Policy 1.4.5:* Deletes redundant wording about flood-proofing utilities that is already covered in Policy 1.4.2.

- Policy 1.4.6:* No change.
- Policy 1.4.7:* Now refers to the “Community Rating System” of the National Flood Insurance Program.
- Policy 1.4.8:* (New) Includes statutory language concerning provision of adequate public facilities to 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.
- Policy 1.4.8* (Former): Moved to Policy 1.4.2.
- Policy 1.4.9:* No change.
- Policy 1.4.10:* Now specifies “Volusia” County, rather than “the” County.
- Objective 1.5:* No change.
- Policy 1.5.1:* Removes the superfluous word “complete.” As a matter of practice, the Town does not accept applications or other documents that are incomplete.
- Policy 1.5.2:* Moved from Future Land Use Element Policy 1.4.2.

## CONCLUSION

This report is provided for informational purposes prior to the December 17, 2015 workshop. The Planning Board is requested to discuss these topics and provide direction to Staff to begin drafting policies for the 2016 comprehensive plan update. The update will then be brought back to the Board and Council for review.



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Michael E. Disher, AICP, Senior Planner

February 12, 2016

Date

## Attachments

- A. Minutes from joint Town Council/Planning Board workshop, 12-17-15
- B. Proposed CHHA policies in Comp. Plan
- C. CHHA map
- D. FDEO examples of CHHA mitigation options

ATTACHMENT A



**Town of Ponce Inlet**  
**Special Joint Meeting of**  
**Town Council and Planning Board**  
**December 17, 2015**

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**1. CALL TO ORDER:** Pursuant to proper notice, Mayor Smith called the meeting to order at 1:30 p.m. in the Council Chambers at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

**2. PLEDGE OF ALLEGIANCE:** Mayor Smith led the attendees in the Pledge of Allegiance.

**3. ROLL CALL OF TOWN COUNCIL AND PLANNING BOARD:**

**Town Council present:**

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

**Planning Board present:**

- Mr. Lampe, Seat #1
- Mr. DiCarlo, Seat #2
- Mr. Bestic, Seat #3
- Mr. Lowry, Seat #4
- Mr. Arnold, Seat #5 - Absent
- Mr. Cannon, Chairman, Seat #6
- Mr. Thompson, Seat #7

**Staff members present:**

- Ms. Cherbano, Human Resource Director/Deputy Clerk
- Mr. Disher, Senior Planner
- Ms. Hunt, Administrative Assistant
- Mr. Joulani, Planning & Development Director
- Attorney Shepard, Town Attorney
- Ms. Witt, Town Manager

**4. ADDITIONS, CORRECTIONS OR DELETIONS TO THE AGENDA:** None

**5. REVIEW OF PLANNING PRIORITIES ESTABLISHED FOR 2013-2015:** Mayor Smith stated that the purpose of the meeting is to review planning priorities that were established in 2013-2015 and then discuss future planning needs. Chairman Cannon stated the Board requested this meeting to get policy direction for updating the Comprehensive Plan to reflect what the Town desires. He added that the Board is also seeking policy direction concerning the Coastal High Hazard Area (CHHA). He stated that the State had removed the prohibition of developing in the CHHA and changed to a policy of controlled development, and the Town's current policies are grounded in the pre-2011 State Law. They are asking for direction on which way the Town should proceed and how to control these areas concerning future development.

**6. DISCUSSION OF COMPREHENSIVE PLAN POLICY UPDATES TO BE COMPLETED BY NOVEMBER 1, 2016.**

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52 Mr. Disher referred to the December 9, 2015 staff report and reviewed the effects of the 2011  
53 Community Planning Act, concurrency and development restrictions in the Coastal High Hazard  
54 Areas (CHHA). He noted that with concurrency, each individual local government may now  
55 decide whether to maintain service standards for transportation, parks and schools. He stated  
56 concurrency is measured by each type of facility using a Level-of-Service (LOS) standard. In  
57 Ponce Inlet, the LOS for parks is based on acres per 1,000 residents, which the Town has  
58 exceeded. School concurrency is not an issue for the Town, since the town does not have any  
59 schools located in its boundaries. Mr. Disher spoke about the CHHA and how the State Law is  
60 now focused more on managing the risks for development in the area of CHHA rather than  
61 prohibiting development. He spoke about the Town's density increase prohibition within CHHA,  
62 which is also based on a hurricane evacuation concerns. The question is whether the prohibition  
63 is still appropriate or does the Town's policy need to be changed to be more in-line with State  
64 Law. He stated a Comprehensive Plan amendment is required to rescind any of the now-  
65 optional concurrency policies; and the Town can do this from a policy standpoint to keep or  
66 repeal the locally-mandated types of concurrency.

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68 Mr. Lowry questioned the transportation element, noting that the Comp Plan indicates bike  
69 paths, but the Capital Improvement Plan shows no bike paths. He asked if there was a plan to  
70 update that plan to implement the Capital Improvements. Mr. Disher stated yes, the  
71 bike/pedestrian pathway plan is in progress and about 99% complete at this time. At completion  
72 of the bike/pedestrian pathway plan it will then be placed in the Capital Improvement Plan.

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74 Mayor Smith suggested piggy-backing on what the State does with the CHHA, but asked to not  
75 make the rules any tougher than what the State requires; because whatever the rules are in  
76 place when a builder builds in the CHHA, is what should be enforced. Mr. Disher stated that the  
77 State rules apply to the entire State and we need to keep that in mind, so some of the new  
78 codes may or may not apply to the Town. There was a brief discussion on density and how the  
79 town would still be under the concurrency requirements, if it was built out. The two policies that  
80 the Town needs to review and update are the CHHA and density; these are two separate issues  
81 with one concerning CHHA and the other is density that is applied Town wide; reminding  
82 everyone that they are both linked together in the Comprehensive Plan. Mr. Joulani stated that  
83 staff reviews each development application (regarding CHHA) on a case-by-case basis with  
84 regards to the density on the property, making sure it is in compliance with the Comprehensive  
85 Plan and LUDC. He noted that the building codes, zoning regulations, and the CHHA must all  
86 work together – and finding that balance can be very difficult. Mr. Joulani suggested the Town  
87 survey what other coastal communities are doing; keeping in mind that the building code and  
88 planning policies must work together. There was a recommendation that when staff reviews the  
89 density policy it does not affect hurricane evacuation time.

90  
91 There was a discussion that focused on the mobility element concerning moving people with  
92 bike paths, travel routes, and cars ensuring they all work together. It was noted that the Town  
93 has 210 vacant and buildable lots at this time. Mr. Disher stated that the State requires periodic  
94 reviews of all local government Comprehensive Plans. The State has created a minimum  
95 standard that government entities must meet; adding that the Town can review and make  
96 changes to its Comprehensive Plan at any time, but must meet requirements set by the State.

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98 The overall view was to keep in-line with State and Federal rules within the CHHA; and to  
99 handle requests to increase density on a case-by-case basis, opposed to the Town rules as  
100 they exist. Staff was asked to provide analysis of implications and recommendations. Mr.  
101 Disher felt staff got the direction that was needed.

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**7. ADJOURNMENT:** Mayor Smith adjourned the meeting at 2:28 p.m.

Respectfully submitted by:

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Jeaneen Witt, CMC, Town Manager/Town Clerk  
Prepared by Kim Cherbano, Deputy Clerk  
/ph

## ATTACHMENT B

### Proposed Amendments to Coastal High Hazard Area Policies

#### Future Land Use Element

*Objective 1.1:* The town's zoning and subdivision regulations and other land use and development regulations shall be utilized as a means of ensuring conformance with the Comprehensive Plan and the town's charter.

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#### *Policy 1.1.4:*

- a) ~~The town acknowledges that it is partially located within the Coastal High Hazard Area (CHHA) at the end of a barrier island, and The Town recognizes the importance of considering in its future land use planning the capability to safely evacuate the coastal population proposed in the future land use element in the event of an impending natural disaster, pursuant to the requirement of F.S. Ch. 163.3178(2)(d) to "direct population concentrations away from known or predicted coastal high hazard areas."~~ The town also acknowledges that it is at the end of a barrier island, and has limited capacity and desire for additional density or population growth beyond what is possible under the adopted existing future land use designations. Accordingly, ~~except as specifically provided below, it shall be a policy of the town not to approve allow any reclassifications of lands from those identified on the increases to residential density on the Future Land Use Map and/or Zoning Map labeled Figure H-2 at the end of this chapter to any other classification that would allow any increase in residential density without first ensuring the adopted level-of-service for hurricane evacuation is maintained or that appropriate mitigation will be provided pursuant to Policy 1.4.2 of this element and F.S. Ch. 163.3178(8). Moreover, except for the areas affected by the exceptions provided below, no rezonings in the CHHA shall be allowed if such rezoning will result in an increase in density, including but not limited to rezoning to planned waterfront development. This policy shall not be interpreted as prohibiting otherwise allowable replattings within an adopted future existing land use category, even if a consequence of such actions is an increase in the projected build-out population of the Town of Ponce Inlet.~~
- b) ~~In furtherance of Notwithstanding the above, development on a portion of parcel 6430-00-01-0022 and all of parcels 6430-00-01-0060 and 6430-00-01-0080, comprising 3.05 acres more or less, and located on the west side of South Peninsula Drive between Calumet Avenue and Inlet Harbor Road, shall be re-and designated from a combination of conservation and low density single-family residential to low density single-family residential, as depicted on the Future Land Use Map; is allowed with the following stipulations:~~
- 1) ~~The Pproperty shall have a maximum allowable development potential of five single-family homes.~~
  - 2) ~~A 50-foot-wide shoreline and wetland buffer easement shall be provided to the town with any subdivision or development plan application for the northern portion of the property. Said buffer shall not impede reasonable access to a body of water. Limited activities or construction which do not have a significant adverse effect on the natural function of the buffer may be allowed within the buffer, such as pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species, and the creation and maintenance of walkways.~~
- c) ~~Also in furtherance of the above, Notwithstanding the existing provisions of the Comprehensive Plan relating to the Coastal High Hazard Area consistent with state law and administrative rule,~~

development on Parcel No. 6430-00-01-0022, comprising 3.69 acres more or less, and located on the north side of Inlet Harbor Road and west of south Peninsula Drive, ~~shall be re and designated from Conservation and Low Density Single Family Residential to Low Density Single Family Residential, as depicted on the Future Land Use Map, is allowed~~ with the stipulation to address or mitigate development of that portion of the property located in the Coastal High Hazard Area as set out below:

- 1) The ~~P~~property shall have a maximum allowable development potential of nine single-family lots.
- 2) A 50-foot-wide shoreline and wetland buffer easement shall be provided to the town with any subdivision or development plan application for the subject property. Said buffer shall not impede a lot owner's reasonable access to a body of water. Limited activities or construction which do not have a significant adverse effect on the natural function of the buffer may be allowed within the buffer, such as pruning, planting of suitable native vegetation, removal of exotic and nuisance pioneer plant species, and the creation and maintenance of docks and walkways to the docks.
- 3) Residential development of the property shall not have a negative impact on the adopted level of service for out-of-County evacuation for a category 5 storm event as measured in the Saffir-Simpson Scale, or
- 4) If residential development of the property will have a negative impact on the 12-hour evacuation time to shelter during a category 5 storm event as measured on the Saffir-Simpson Scale, hurricane shelter space reasonably expected to accommodate the residents of the development of the subject property shall be available.
- 5) In the event the standards of criteria 3) or 4) are not met, the developer shall provide appropriate mitigation that will satisfy criteria 3) or 4). Appropriate mitigation shall include, but not be limited to, one or more of the following:
  - Payment of money to create shelter space.
  - Construction of a hurricane shelter an evacuation facility to afford hurricane shelter space to the residents located in the Coastal High Hazard Area.
  - Covenants and restrictions conditions that mitigate the hazard by requiring building practices, flood plain protection, beach and dune alteration, and practices of stormwater management, sanitary sewer and land use to reduce the exposure of human life and public and private property to natural hazards. Septic tanks shall not be allowed.
  - With the agreement of the Town, provide or contribute to restoration, enhancement or dedication to the public of natural resources including beach and dunes, estuaries, wetland infrastructure including sidewalks and drainage systems and, if deemed necessary by local government, programs to mitigate future disruptions or degradations on the Property.

Mitigation required shall not exceed the amount or contribution reasonably needed to accommodate impacts reasonably attributable to the proposed development. If required, the developer and the Town shall enter into a binding agreement to memorialize the agreed-upon mitigation plan for the development, or portions thereof, located in the Coastal High Hazard Area.

- d) Development in the CHHA shall be guided by the policies under Coastal Management Element Objective 1.4.

*Policy 1.2.2:* All development in any zoning district is limited to a maximum building height of 35 feet. Additional land use density and intensity standards are provided below. Floor area ratio is determined by dividing the gross floor area of all buildings on a lot by the total area of that lot.

\* \* \*

- g) Riverfront commercial: Buildings not exceeding 35 feet in height and a floor area ratio (FAR) up to 0.35. The total floor area of any building shall not exceed 5,000 square feet, or otherwise as adopted in the lighthouse overlay district (whichever is most restrictive). Residential uses not to exceed 2.9 du/a for employee or business owner housing on sites which are outside of the coastal high hazard area.

As provided in Objective 4.2 of this Future Land Use Element, certain ~~limited~~ lands within the riverfront commercial category may be permitted to develop under a planned waterfront development district. In those limited circumstances, the following density and intensity standards shall apply:

- 1) Buildings larger than 5,000 square feet of floor area may be allowed for specific purposes, as provided for in policy 4.2.4 of this Future Land Use Element. In no event may a retail sales and/or service business exceed 5,000 square feet of floor area. "Retail sales and/or service business" for this purpose is defined as a separate structure or a building or tenant space sharing a common wall through which no access is allowed, but does not include boat construction and repair facilities.
- 2) Residential gross densities not exceeding 2.9 du/a. However, 6.7 du/a, calculated only on those lands located outside the coastal high hazard area. All units shall be placed outside the coastal high hazard area through a distribution of existing residential density rights in an aggregated development, not to exceed a net density of 6.7 du/a in the lands outside the coastal high hazard area. (Densities above 2.9 du/a may only be achieved through such a transfer of development rights within the planned waterfront development) and by implementing development agreements that incentivize the provision of recreational and working waterfronts (including water dependent uses along the shoreline), riverfront public walkways, open spaces to which the public is provided access, and other public benefits).
- 3) Floor area ratios for non-residential uses greater than 0.35, but not exceeding 0.48 may be achieved only through a planned waterfront development district and by implementing development agreements that incentivize the provision of recreational and working waterfronts.
- 4) Development within a planned waterfront development shall include the following standards for mix of uses. For lot area, the town shall calculate those upland land areas utilized for each use, excluding roadways, public and private streets, and dedicated utility easements. For mixed use structures and support areas (such as parking lots), the lot area shall be pro-rated on a reasonable basis. For example, shared mix use parking areas may be apportioned based on the parking generation of each use, and mixed use structures may be apportioned on the pro-rated floor area for each use.
  - Recreational and commercial working waterfronts: 20%—80% of the lot area.
  - Residential uses: 0%—60% of the lot area.
  - Water enhanced and general retail uses: 20%—60% of the lot area.

*Policy 1.2.3:* Redevelopment of parcels that were developed in accordance with the Ponce Marina/Harbour Village PWD Development Agreement must be governed by the development agreements.

- a) The following parcels listed by tax parcel identification numbers are limited to the densities and intensities provided for in the Ponce Marina/Harbour Village Development Agreements (not to exceed 988 dwelling units): 6419-01-00-0073, 6419-01-00-0074, 6419-30-00-0001, 6419-26-00-0001, 6419-32-00-0001, 6419-31-00-0001, 6419-21-00-0001, 6419-01-00-0079, 6419-01-00-0075, 6419-01-00-0076, 6419-01-00-0071, 6419-23-00-0020, 6419-01-00-0070, 6419-01-00-0077, 6419-45-04-5980, 6419-45-04-600A, 6419-45-04-600B, 6419-45-04-6160, 6419-45-04-6180, 6419-45-04-6040.

Some of these sites that are located west of South Peninsula Drive are completely or partially within the coastal high hazard area. The maximum residential cap west of South Peninsula Drive is 334 dwelling units.

*Objective 1.4:* ~~Prior to the consideration of any proposals to amend a future land use designation that has the effect of increasing residential density in the community, in conjunction with Port Orange, Volusia County and Daytona Beach Shores, the town shall ensure that it maintains out-of-county hurricane evacuation times for a Category 5 storm event as measured on the Saffir-Simpson scale for the total population of the town at no more than 16 hours from the time of first official evacuation order, to evacuate prior to the consideration of any proposals to amend a future land use designation that has the effect of increasing residential density in the community.~~

*Policy 1.4.1:* ~~As provided in Policy 1.1.4 of this element, the town shall maintain its land development regulations and prohibit not approve any future land use amendment change or rezoning that would increase currently allowable residential population density, without first ensuring the adopted level-of-service for hurricane evacuation is maintained or appropriate mitigation will be provided pursuant to Policy 1.4.2 of this element and F.S. Ch. 163.3178(8). This policy shall not be interpreted to prohibit otherwise allowable replattings within an adopted future existing land use category, even if a consequence of such replatting is an increase in the projected build-out population of the town. If, in the opinion of the director of the planning and development department, any proposed replatting or group of replattings could compromise the adopted evacuation level of service, raises a question as to the ability to evacuate the residents of the town within 16 hours from the initial order to evacuate, the town shall require the applicant to submit a complete, comprehensive hurricane evacuation analysis be conducted and evaluated prior to approving the any requested replatting.~~

*Policy 1.4.2:* ~~A proposed comprehensive plan amendment shall be found consistent with the town's coastal high-hazard policies if:~~

- ~~1) The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or~~
- ~~2) A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or~~
- ~~3) Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities necessary to address the impacts the proposed development will have on evacuation. Application of mitigation shall be at the discretion of the town, however, required mitigation may not exceed the amount required for a developer to address the impacts reasonably attributable to the development. The mitigation plan shall be memorialized between the town and a developer through a binding agreement.~~

~~Policy 1.4.2<sup>3</sup>—In conjunction with Port Orange, Daytona Beach Shores and Volusia County, the town shall establish and promulgate emergency evacuation plans and shall provide copies of these plans to all residents so that they will be informed as to traffic reroutings, directional flow restrictions and intersection controls that will be employed to minimize evacuation times.~~

## COASTAL MANAGEMENT ELEMENT

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<sup>3</sup> Moved to CME Policy 1.5.2.

*Objective 1.4:* The town shall develop strategies to lessen the impact of natural disasters a destructive storm on human life, property, public facilities and natural resources.

*Policy 1.4.1:* ~~Population concentrations shall be directed away from the Coastal High Hazard Area (CHHA). The Coastal High Hazard Area is defined as the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. -Since a substantial portion of the town is located within the Coastal High Hazard Area, the town has adopted Policy 1.1.4 in its Future Land Use Element-GOP, restricting reclassifications of land use that allow any increase in residential density.~~

*Policy 1.4.2:* The town shall limit public expenditures and facilities to subsidize existing and future development and redevelopment in the CHHA that would increase exposure to coastal hazards for human life, property, public facilities and natural resources shall be prohibited that will encourage new development inside the CHHA, unless the facilities are consistent with policies specifically identified in this Comprehensive Plan. This limitation prohibition does not include: facilities associated with redevelopment or development of properties in accordance with previously approved subdivisions or site plans; public access and recreation facilities; facilities necessary for public health, safety and welfare or resource restoration projects and/or facilities. Public facility expenditures that encourage new high density development inside the CHHA shall be discouraged. Public facilities shall not be constructed in the CHHA unless it has first been determined that there are no other feasible sites outside the CHHA. If constructed, all public facilities in the CHHA shall be flood-proofed to ensure minimum damage from storms and hurricanes. Any reconstruction or repair of public infrastructure necessitating state funds shall be designed to minimize potential damage (i.e., wind and/or flooding) from hurricanes or other storms.

*Policy 1.4.3:* ~~<sup>4</sup>Prior to the development of public facilities in the CHHA, it shall be determined that there are no other feasible sites outside said area. The Town shall employ regulatory and management techniques with proposed development in the CHHA to mitigate the threat to human life and property. Such techniques may include, but not be limited to:~~

- 1) Requirements to reinforce buildings to withstand impacts of wind loads that meet or exceed requirements of the Florida Building Code;
- 2) Requirements to set the minimum finished floor elevation equal to the maximum design flood elevation per the Residential Building Code and the National Flood Insurance Program;

*Policy 1.4.4:* ~~<sup>5</sup>If constructed, all public facilities in the CHHA shall be flood proofed to ensure minimum damages from storms and hurricanes. The Town shall guide redevelopment in a manner that eliminates inappropriate and unsafe development in the coastal areas as opportunities arise. Specifically, the Town will:~~

- 1) Continue to utilize the Land Use and Development Code and Code of Ordinances to implement principles, strategies, and engineering solutions that reduce the flood risk in coastal areas resulting from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise;
- 2) Encourage the use of best practices, principles, strategies and engineering solutions that will result in the removal of coastal property from FEMA flood zone designations;
- 3) Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in the state of Florida.

<sup>4</sup> Combined with CME Policy 1.4.2.

<sup>5</sup> Combined with CME Policy 1.4.2.

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- 4) Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 Code of Federal Regulation part 60 (Flood Plain Management).
- 5) Require that any construction activities seaward of the FDEP coastal construction control lines be consistent with F.S. 161 (Beach and Shore Preservation).

*Policy 1.4.5:* The town shall regulate development that could impact natural dune systems by requiring development applications to provide a plan that addresses that avoids disturbance to dunes if possible, and provides dune protection and stabilization measures, ~~flood-proofing of utilities and requirements for structural wind resistance and floodplain management.~~

*Policy 1.4.6:* All development in the Hurricane Vulnerability Zone (HVZ) shall be consistent with the federal flood hazard requirements.

*Policy 1.4.7:* The town shall continue to participate in the Community Rating System of the National Flood Insurance Program (NFIP).

*Policy 1.4.8:* ~~<sup>6</sup>Any reconstruction or repair of the infrastructure necessitating state funds shall be designed to minimize potential damage (i.e., wind and/or flooding) from hurricanes or other storms. The Town shall ensure that required public facilities will be in place to meet the demand imposed by completed development or redevelopment, consistent with the adopted LOS standards in Capital Improvement Element Policy 1.4.1. Such facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.~~

*Policy 1.4.9:* The town, in accordance with Federal Emergency Management Agency requirements, shall adopt and implement a mitigation plan to reduce damage in areas of repetitive loss due to flooding.

*Policy 1.4.10:* The town shall continue to participation in the Volusia eCounty's Emergency Management Service's "Local Mitigation Strategy" (LMS), as necessary and appropriate, through capital improvements programming and land development regulations in order to establish a continuing program of hurricane mitigation. The LMS is a result of a county-wide multi-jurisdictional program called Volusia 2020.

*Objective 1.5:* In conjunction with Port Orange, Volusia County and Daytona Beach Shores, the town shall ensure that it maintains hurricane evacuation times at no more than 16 hours from the time of the first official order to evacuate during a Category 5 storm event as measured on the Saffir-Simpson scale prior to the consideration of any proposals to amend a Future Land Use designation that has the effect of increasing residential density in the community.

*Policy 1.5.1:* The Town of Ponce Inlet may require a ~~complete,~~ comprehensive hurricane evacuation analysis prior to approving any development that would potentially affect the hurricane evacuation level of service.

*Policy 1.5.2:*<sup>7</sup> In conjunction with Port Orange, Daytona Beach Shores and Volusia County, the town shall establish and promulgate emergency evacuation plans and shall provide copies of these plans to all residents so that they will be informed as to traffic reroutings, directional flow restrictions and intersection controls that will be employed to minimize evacuation times.

<sup>6</sup> Combined with CME Policy 1.4.2.

<sup>7</sup> Moved from FLUE Policy 1.4.2.

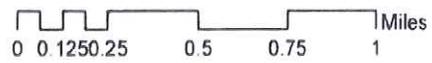
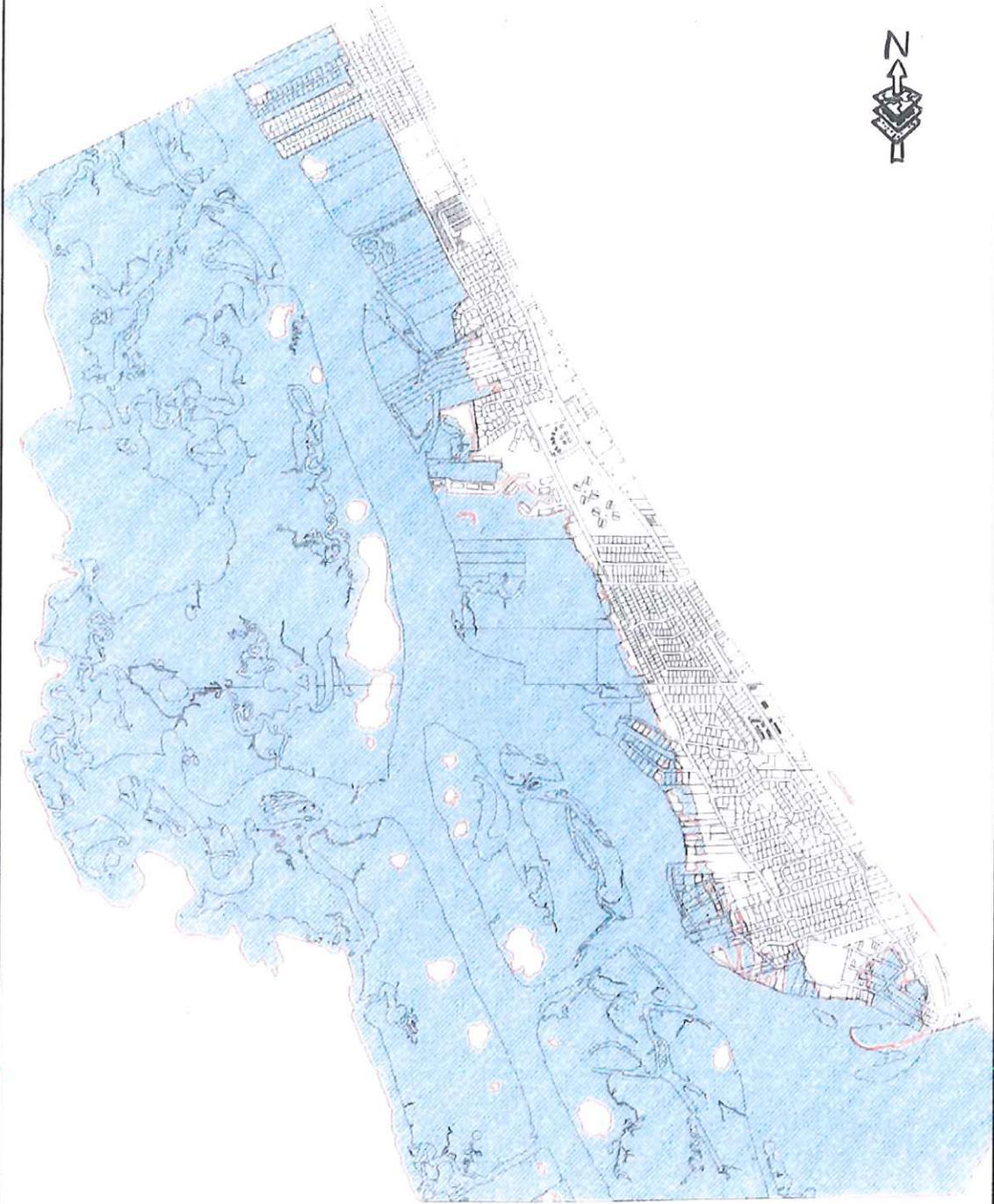
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ATTACHMENT C

COASTAL HIGH HAZARD AREA (CHHA) MAP



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## ATTACHMENT D

### Potential Mitigation Options for Amendments in the CHHA

From DEO website, Coastal High Hazard Areas

Local Governments should work closely with their emergency management officials and developers to reach a binding agreement on what constitutes “appropriate mitigation.” However, the statute offers some guidance on what this might include. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributed to development. The Hurricane Preparedness Policy Rule (9J-2.0256, Florida Administrative Code), associated with Developments of Regional Impact offers some additional suggestions about mitigation options including improvements to both shelter capacity and hurricane clearance times. The mitigation technique selected should be related to the impacts the proposed development will have on evacuation. Some ideas for mitigation options may include:

- Donation of land for public facilities
- Donation of the use of private structures to be used as primary public shelters (generally applies to areas outside the Category 1-3 storm surge impact zone as defined by the SLOSH model)
- Payments in lieu of donation of land for the upgrading of existing shelters
- An on-site shelter (generally applies to areas outside the Category 1-3 storm surge impact zone)
- Provision of funds to be used for the purpose of training public hurricane shelter managers
- Provision for the limitation of development to a density that doesn't cause substantial impacts on regional hurricane preparedness
- Provision to limit the number of units that can be located in the Coastal High-Hazard Area
- Establishment and maintenance for a public information program within an existing homeowners association
- Provision for the elevation of all roads within the proposed development above the anticipated Category Three Hurricane Flood levels
- Roadway capacity improvements
- Funds to be used for the purpose of procuring communications equipment;
- Requirement of deed disclosure statements to explain flood hazard potential;
- Donation of conservation easements
- Provision for all buildings/structures to be built to a higher base floor elevation or finished floor elevation than required by the National Flood Insurance Program
- Re-enforce buildings to withstand impacts of wind loads higher than Florida Building Code Requirements, especially those to be used as on-site shelters
- Imposing a local all-hazards mitigation tax.