



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 2/26/08

SUBJECT: ADOPTION OF THE FALL 2007 LARGE-SCALE COMPREHENSIVE PLAN AMENDMENT PACKAGE / CASE NO. 07-20000008

DEPARTMENT: COMMUNITY DEVELOPMENT

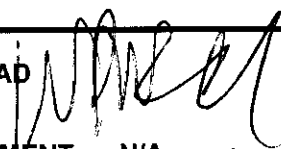
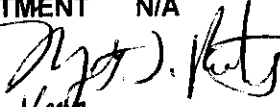

RECOMMENDED MOTION: To adopt Ordinance No. 2008- ~~8~~ , amending the City's Comprehensive Plan Update '98 for Case No. 07-20000008, as recommended by the Planning Commission, and authorize staff to transmit the adopted amendments to the Department of Community Affairs for final compliance review.

SUMMARY: On September 27, 2007, the Planning Commission recommended approval, 7-0, to transmit the Fall 2007 Comprehensive Plan Amendment Package to the Florida Department of Community Affairs (DCA) and other review agencies. On October 16, 2007, the City Council authorized the transmittal of the subject Comprehensive Plan amendments to the DCA, and other review agencies.

The package includes amendments to the Future Land Use Map of the Future Land Use Element and Coastal Zone Management Element of the City of Port Orange *Comprehensive Plan – Update '98*, to include the new definition of Coastal High Hazard Area (CHHA) and to depict the CHHA on the Future Land Use Map, pursuant to Section 163.3178, Florida Statutes (F.S.).

Upon review of the City's proposed amendments, DCA did not have any objections. There is one comment regarding the new definition of the CHHA; however, this comment is not consistent with F.S. and does not require any changes to the proposed amendments. The City has also received VGMC certification and is now prepared to adopt the Fall 2007 Comprehensive Plan Amendment Package. A copy of DCA's ORC Report, the VGMC Certification, and a copy of the original staff report on the subject amendments is attached.

ATTACHMENTS: Ordinance Resolution Budget Resolution
 Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD		Wayne Clark, AICP Community Development Director	Date	2/13/08
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date	
CITY ATTORNEY		Approved as to Form and Legality	Date	2.15.08
CITY MANAGER		Approved Agenda Item For:		2/26/08

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Continued to Date Certain Approved with Modification

ORDINANCE NO. 2008-8

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR ADOPTION OF AMENDMENTS TO COMPREHENSIVE PLAN; AMENDING FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP AND COASTAL ZONE MANAGEMENT ELEMENT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, after careful review and a public hearing, the Planning Commission, sitting as the Local Planning Agency, has forwarded a recommendation to the City Council regarding this proposed amendment to the Comprehensive Plan for the City of Port Orange; and

WHEREAS, the City Council of the City of Port Orange has received objections, recommendations, and comments from the East Central Florida Regional Planning Council, the State of Florida Department of Community Affairs, and various other State agencies; and

WHEREAS, the City Council has provided an opportunity to receive comments and proposals from the general public and held not less than two public hearings with regard to the proposed amendment to the Comprehensive Plan; and

WHEREAS, the City has received comments on the proposed amendment to the Comprehensive Plan, as well as the comments, recommendations, and objections of the East Central Florida Regional Planning Council, the State of Florida Department of Community Affairs, and various other State agencies; and

WHEREAS, the amendment to the Comprehensive Plan has been submitted to the Volusia Growth Management Commission and has been certified for consistency in accordance with Section 202.3 of the Charter of Volusia County, Florida; and

WHEREAS, the City Council hereby declares that the purpose and intent of the proposed amendment to the Comprehensive Plan is to guide future growth and development; encourage the

most appropriate use of land, water, and other resources, consistent with the public interest; promote and protect the public health, safety, comfort, good order, appearance, convenience, aesthetics, and general welfare; prevent the overcrowding of land and avoid undue concentration of population; provide adequate and efficient transportation, water, sewage, drainage, fire protection, parks, recreational facilities, housing, and other services, facilities and resources; and conserve and protect natural resources within the City, while protecting private property rights.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. For purposes herein, the term "Comprehensive Plan," shall mean the Comprehensive Plan for the City of Port Orange, consisting of the one (1) volume book entitled "City of Port Orange Comprehensive Plan Update '98," and containing nine (9) elements, including Future Land Use; Transportation; Housing; Public Facilities; Coastal Zone Management; Conservation; Recreation and Open Space; Intergovernmental Coordination; and Capital Improvements, all as adopted by Ordinance No. 1999-43, as subsequently amended by Ordinances No. 1999-46, 1999-56, 1999-57, 2000-1, 2000-8, 2000-13, 2000-25, 2000-29, 2000-41, 2001-2, 2001-21, 2001-26, 2001-28, 2001-75, 2001-76, 2001-89, 2002-7, 2002-20, 2003-3, 2003-1, 2003-22, 2003-39, 2004-34, 2004-39, 2005-1, 2005-3, 2005-13, 2005-15, 2005-25, 2005-27, 2005-30, 2005-31, 2005-49, 2006-9, 2006-16, 2006-24, 2006-41, 2006-51, 2006-53, 2007-4, 2007-14, 2007-30, 2007-48, 2007-55, 2007-57, 2007-60, 2007-61 and this ordinance.

Section 2. Attached hereto as Exhibit A 1 and A 2, and incorporated herein by this reference is the amendment to the Comprehensive Plan Update '98 for the City of Port Orange as referenced in Section 1 of this ordinance, and attached hereto as Exhibit A3 is the amendment to the Future Land Use Map, which are hereby adopted as an amendment to the official

Comprehensive Plan, Future Land Use Element, Future Land Use Map and Transportation Element for the City.

Section 3. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Section 5. This ordinance shall become effective as provided by general law, Department of Community Affairs rule, and Volusia County Charter.

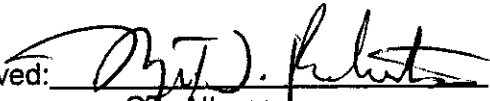
MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Passed on first reading on the day of

Passed and adopted on second and final reading on the day of

Reviewed and Approved: 
City Attorney

(Underline text indicates additions / strikethrough text indicates deletions)

COASTAL ZONE MANAGEMENT ELEMENT – pg. 298

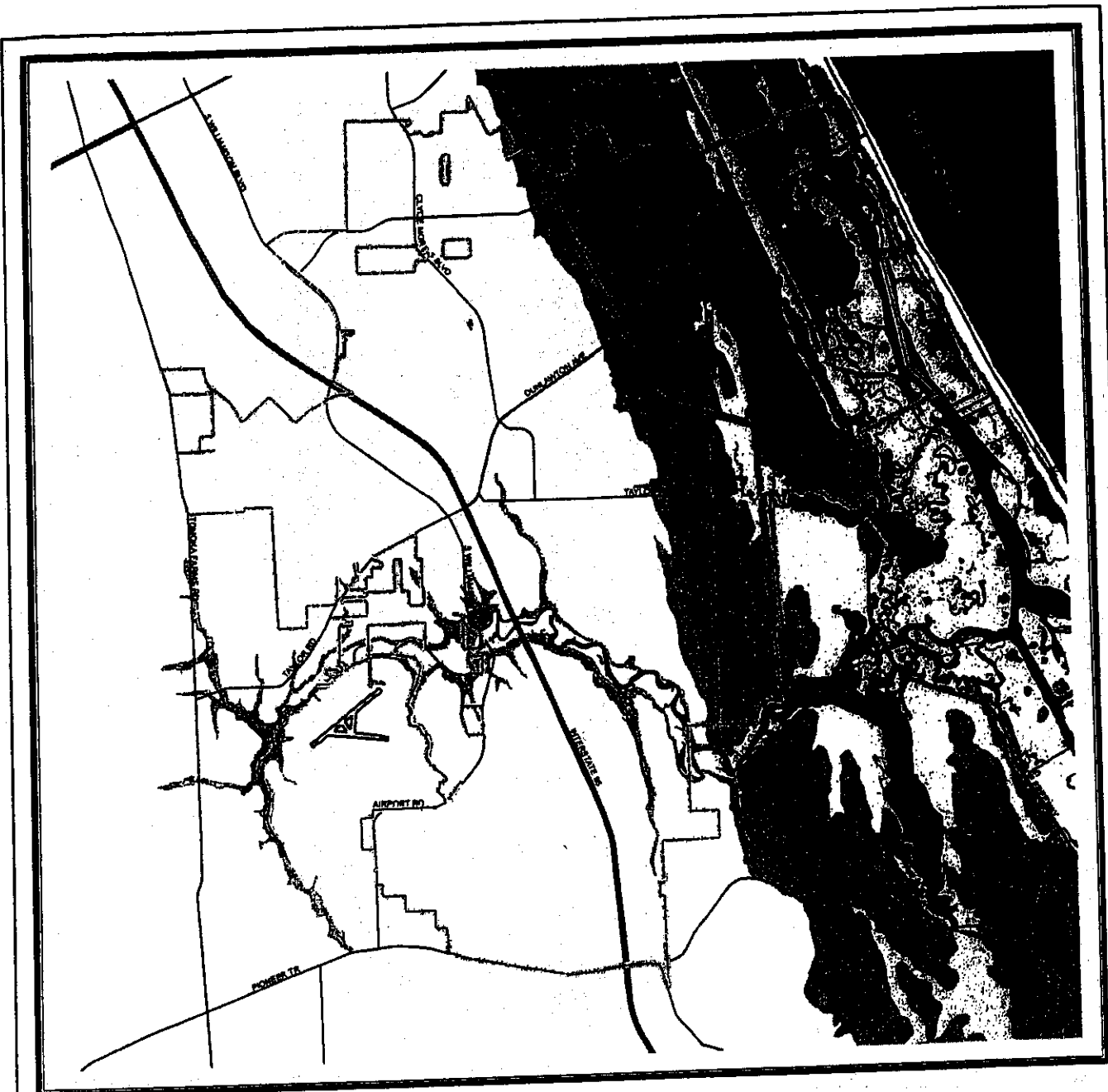
Coastal High Hazard Area

The Coastal High Hazard Area (CHHA) is 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. ~~The area of the City included within the Category 1 Hurricane Evacuation Zone, also known as the Coastal High Hazard Area (CHHA).~~ The CHHA is predominately residential, with some accompanying commercial and office uses along the U.S. 1/Ridgewood Avenue corridor as well as the Seven Seas Marina and the Downunder retail/service area of the peninsula. The area encompasses the older part of the City and is essentially built-out with a few remaining infill lots. Table 3 gives a breakdown of the land uses in the City within the Coastal High Hazard Area. Table 4 lists the public facilities located within the Coastal High Hazard Area.

(Please note: Tables 3 and 4 referenced in the above text will be updated during the Evaluation and Appraisal Report process, which is currently underway.)

GOALS, OBJECTIVES, AND POLICIES – pg. 317

Policy 4.5.1: 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. ~~Category 1 Hurricane Evacuation Zone as delineated on the Hurricane Storm Tide Atlas for Volusia County.~~ The City shall continue to update its maps of the Coastal High Hazard Area as new information becomes available, ~~such as the forthcoming ECFRPC's hurricane evacuation study, due for publication in 1999.~~



LEVEL OF THREAT "A" (Coastal High-Hazard Area) - subject to flooding during a Category 1 Storm.

LEVEL OF THREAT "B" - subject to flooding during a Category 3-5 storm.

**City of Port Orange
Comprehensive Plan Update '98**

Coastal Zone Management Element
Hurricane Vulnerability Zone
Figure 5



**City of Port Orange
Future Land Use**

- Public/Quasi-Public
- Conservation
- Planned Community
- Rural Residential 0-2 Units/Acre/Agriculture
- Residential 2-4 Units/Acre
- Residential 4-8 Units/Acre
- Residential 8-16 Units/Acre
- Residential 16+ Units/Acre
- City/Neighborhood Transition
- Commercial
- Wholesale/Industrial
- County Commercial
- County Urban Low Intensity
- County Urban Medium Intensity
- County Agricultural Reserve
- County Environmental System Corridor
- Coastal High Hazard Area (CHHA)*
- City Boundary

1 inch equals 4000 feet
 0 4000



* Source:
 Hurricane Storm Surge Lines,
 20 Feet Above Mean Low Water and Overland Ingress
 From Hurricane for Volusia County, Originally
 created by the EDC and Post, Buckley, Schuh
 & Jernigan in 1986, Maintained by Volusia
 County Public Safety.
 Map Date 08/16/07 City of Port Orange - GIS Division

EXHIBIT A3



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
 Governor

THOMAS G. PELHAM
 Secretary

January 18, 2008

RECEIVED

JAN 22 2008

**ALLEN GREEN
 MAYOR**

The Honorable Allen Green
 Mayor, City of Port Orange
 1000 City Center Circle
 Port Orange, Florida 32129

Dear Mayor Green:

The Department has completed its review of the proposed Comprehensive Plan Amendment for the City of Port Orange (DCA 08-1), which was received on November 20, 2007. Copies of the proposed amendment have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed. Within the next 60 days, the City should act by choosing to adopt, adopt with changes or not adopt the proposed amendment.

The City has proposed three text amendments to the Future Land Use Element and Coastal Zone Management Element of the City's Comprehensive Plan. The Department has reviewed the proposed amendment for consistency with Rule 9J-5, Florida Administrative Code (F.A.C.), Chapter 163, Part II, Florida Statutes (F.S.), and the City of Port Orange Comprehensive Plan. The Department raises no objections to the proposed amendment and this letter serves as the Department's Objections, Recommendations, and Comments Report.

The Department does have one comment regarding the proposed amendment. The proposed text changes should state that the Coastal High Hazard Area is defined by the Category 1 Storm Surge as identified in the East Central Florida 1999 Hurricane Evacuation Study.

For your assistance, we have attached procedures for final adoption and transmittal of the comprehensive plan amendment. If you, or your staff, have any questions, please call Anthony Rodriguez, Planner, at (850) 922-1760.

Sincerely,

Mike McDaniel, Chief
 Office of Comprehensive Planning

MM/arr

cc: Ms. Penelope Cruz, Senior Planner, City of Port Orange
 Mr. Phil Laurien, Executive Director, East Central Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
 Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
 Internet address: <http://www.dca.state.fl.us>

VOLUSIA GROWTH MANAGEMENT COMMISSION

Suite 305
140 S. Beach Street
Daytona Beach, FL 32114

Phone: (386) 947-1875

Fax (386) 947-1877

E-Mail: VGMC@co.volusia.fl.us

January 3, 2008

Ms. Penelope Cruz
Senior Planner
City of Port Orange
1000 City Center Circle
Port Orange, FL 32129

**RE: VGMC Case 07-073 – Port Orange
Large Scale Amendment – City Case No. 07-20000008**

Dear Ms. Cruz,

I am writing this letter to inform you the Volusia Growth Management Commission has not received any objection to the above-referenced application within the required time period after the date of publication of notice thereof. Since this application qualifies under the criteria of Ordinance 87-24, Section 6, as amended, of the Volusia Growth Management Comprehensive Plan Consistency Certification Rules, your application is hereby deemed certified without a need for a public hearing.

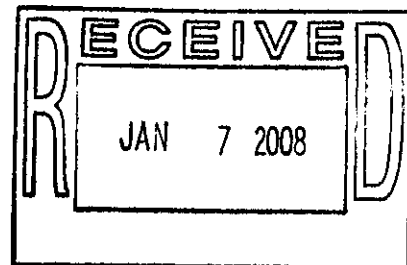
If you have any questions regarding this matter, please do not hesitate to call me.

Sincerely,



Gerald Brandon
VGMC Chairman

CC: VGMC Members
GrayRobinson, P.A.
MSCW Inc.
Volusia County & Municipalities
FDCA





STAFF REPORT

CASE NO. 07-20000008

FALL 2007 COMPREHENSIVE PLAN AMENDMENTS

Amending Coastal High Hazard Area definition and maps

City of Port Orange, applicant

September 19, 2007

INTRODUCTION

The City of Port Orange, applicant requests approval of the Fall 2007 Comprehensive Plan amendments, which include administrative amendments to the Future Land Use Map of the Future Land Use Element and Coastal Zone Management Element of the City of Port Orange *Comprehensive Plan – Update '98*, to include the new definition of Coastal High Hazard Area (CHHA) and to depict the CHHA on the Future Land Use Map, pursuant to Section 163.3178, Florida Statutes (F.S.).

BACKGROUND

On September 7, 2005, Executive Order 05-178 was issued, creating the Coastal High Hazard Study Committee. One of the recommendations made by this committee in its Final Report was the redefinition of the CHHA. This redefinition was agreed upon by the Florida Legislature, which passed HB 1359 in 2006 mandating that by no later than July 1, 2008, local governments must amend their coastal management element to include the new definition of CHHA and depict the CHHA on the future land use map. This change is now reflected in Section 163.3178(2)(h) and (9)(c), F.S.

DISCUSSION

The previous definition of the CHHA was the Category 1 evacuation zone. The new definition of the CHHA area is 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. This new definition establishes and identifies the CHHA using a scientific and defensible model as opposed to the old method, which delineated the CHHA by roadways and familiar landmarks for the purpose of evacuation.

In accordance with Florida Statutes, staff is proposing to amend explanatory text and Policy 4.5.1 in the Coastal Zone Management Element, which both include the definition of the CHHA. The proposed amendments also include an update to Figure 5 of the Coastal Zone Management Element to show the revised location of the CHHA. In addition, the Future Land Use Map is being amended to depict the CHHA. The proposed amendments are attached as Composite Exhibit A.

RECOMMENDATION

Staff recommends **approval** of the Fall 2007 Comprehensive Plan amendments to the Future Land Use Element, Future Land Use Map and the Coastal Zone Management Element, and transmittal to the Florida Department of Community Affairs and other review agencies for their review prior to adoption of the proposed amendments.

Prepared by Penelope Cruz, Senior Planner
City of Port Orange Department of Community Development

(386) 506-5671

PLANNING COMMISSION DATE:
CITY COUNCIL DATE:

September 27, 2007
October 16, 2007

COMPOSITE EXHIBIT A

Coastal Zone Management Element

Coastal High Hazard Area.....	A1
Policy 4.5.1.....	A1
Figure 5.....	A2

Future Land Use Map.....	A3
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(Underline text indicates additions / strikethrough text indicates deletions)

COASTAL ZONE MANAGEMENT ELEMENT – pg. 298

Coastal High Hazard Area

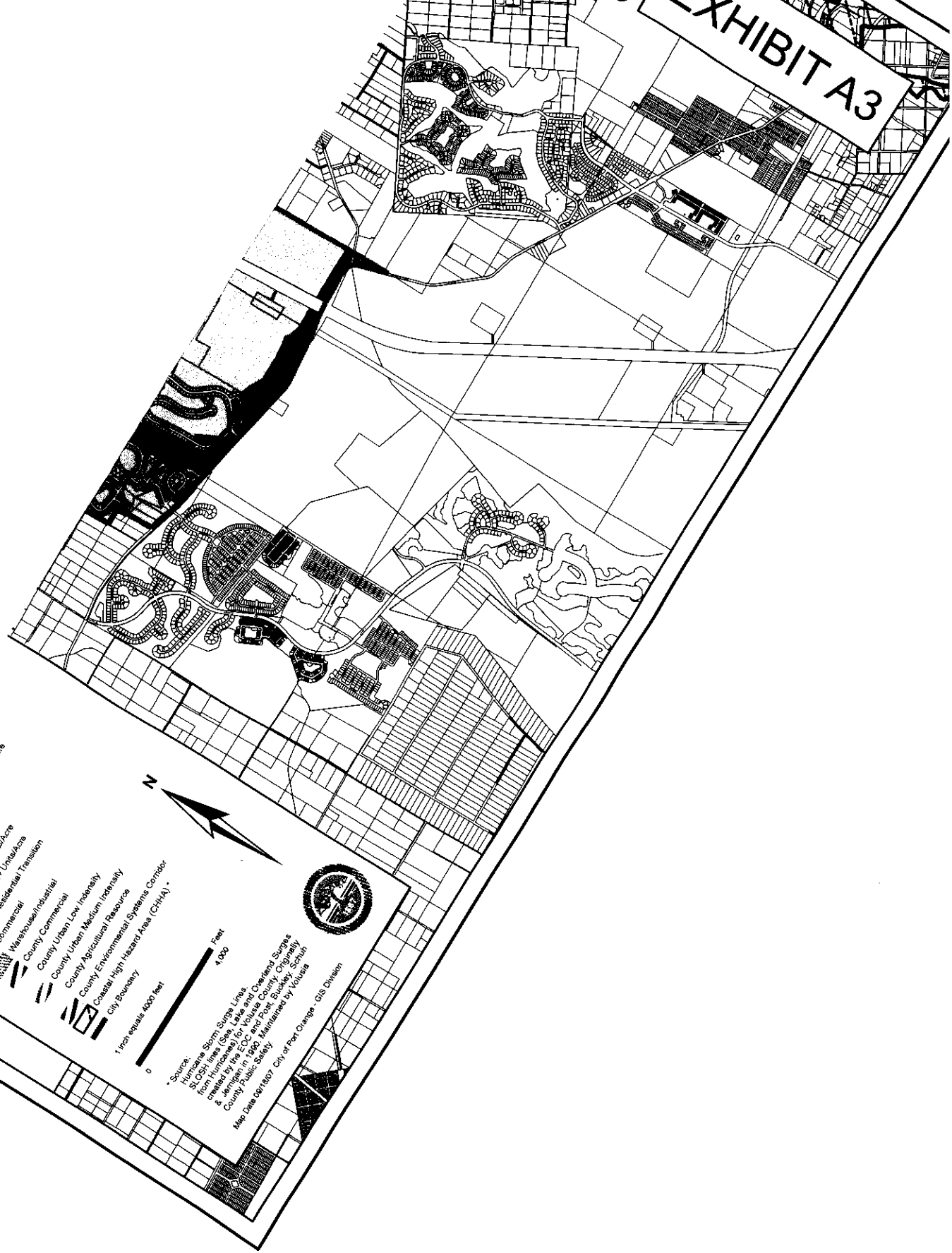
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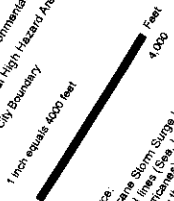
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EXHIBIT A3



- Public/Quasi-Public Conservation
- Planned Community
- Rural Residential 0.2 Units/Acre/Agriculture
- Residential 2-4 Units/Acre
- Residential 4-8 Units/Acre
- Residential 8-16 Units/Acre
- Residential 16+ Units/Acre
- Office/Residential Transition
- Commercial
- Warehouse/Industrial
- County Commercial
- County Urban Low Intensity
- County Urban Medium Intensity
- County Agricultural Resource
- Coastal High Hazard Area (CHHA)
- City Boundary



Source: Hurricane Storm Surge Lines
 SLOSH lines (Sea, Lake, and Overland Surges from Hurricanes) for Volusia County Originally created by the EOC and Post-Disaster Safety County Public Safety, Brevard, Seminole, and Volusia Counties
 Map Date 06/18/2017 City of Port Orange - GIS Division

