



# CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE 08/17/10

**SUBJECT:** COMPREHENSIVE PLAN UPDATE (EAR-BASED AMENDMENTS)/  
10-2 COMPREHENSIVE PLAN AMENDMENT CYCLE ADOPTION

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**RECOMMENDED MOTION:** To adopt Ordinance No. 2010-<sup>Z</sup>, amending the City's Comprehensive Plan based on the 10-2 EAR-based Amendments, thereby creating the new 2010 – 2025 Comprehensive Plan, and authorizing staff to send the adopted amendments to the Department of Community Affairs (DCA) and other review agencies for final compliance review.

**SUMMARY:** The State Growth Management Act requires that local governments periodically review and update their Comprehensive Plans. The periodic amendment process is a two-phase process. It begins with the preparation of an Evaluation and Appraisal Report (EAR) and ends with the adoption of the EAR-based amendments to the Comprehensive Plan. The City Council adopted the EAR, per Resolution No. 09-8, at a public hearing held on January 20, 2009.

The recommendations contained in the EAR become the basis of proposed amendments to the Comprehensive Plan. These EAR-based amendments, once adopted by the City Council and found in compliance with Florida Statutes, then become the new Comprehensive Plan.

The evaluation of the Comprehensive Plan (the EAR), revealed that overall the Plan was substantially effective. Therefore, the EAR did not recommend any major changes to the Plan. The most significant amendments are to address recent changes to Florida Statutes (i.e. House Bill 697, 2008; Senate Bill 360, 2009).

The City Council approved the proposed EAR-based amendments, per Resolution 10-20, at a public hearing on April 20, 2010. Upon review of the City's proposed amendments, DCA had two objections. The City has prepared responses and revisions to the originally proposed amendments to address these objections and other comments received from the Florida Department of Transportation (FDOT), Volusia County, and the City of Daytona Beach, which were related to some of the details of the Transportation Concurrency Exception Area (TCEA) proposed to address Senate Bill 360. These revisions have been provided to DCA and FDOT for an informal review. The City has also received the Volusia Growth Management Commission (VGMC) Certification and is prepared to adopt the 10-2 CPAs.

A summary of the revisions made to the originally proposed amendments is provided in the City's Response to the Objections, Recommendations, and Comments (ORC) Report. A summary of the amendments proposed in each Element is attached as Exhibit A of the original Staff Report (EAR-based Amendments Summary Matrix). The EAR-based Amendments are available for public review on the City's website at: <http://www.port-orange.org/inside/inside23.php>

**ATTACHMENTS:**  Ordinance  Resolution  Budget Resolution

Other  Support Documents/Contracts Available for Review in Manager's Office

<b>DEPARTMENT HEAD</b> <i>Wayne Clark</i>	Wayne Clark, Community Development Director	Date <i>8-6-10</i>
<b>CITY ATTORNEY</b> <i>[Signature]</i>	Approved as to Form and Legality	Date <i>8-5-10</i>
<b>CITY MANAGER</b> <i>[Signature]</i>	Approved Agenda Item For:	<i>8/17/10</i>

**COUNCIL ACTION:**  Approved as Recommended  Disapproved  
 Tabled Indefinitely  Continued to Date Certain *9/28/10*  Approved with Modification

\*\*\* Second Reading will be held on September 7, 2010

*Second Reading 9/7/10*

ORDINANCE NO. 2010- 21

AN ORDINANCE OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, RELATING TO COMPREHENSIVE PLANNING; PROVIDING FOR ADOPTION OF EVALUATION AND APPRAISAL REPORT-BASED COMPREHENSIVE PLAN AMENDMENTS PURSUANT TO FLORIDA LAW; AMENDING CHAPTER 1 FUTURE LAND USE ELEMENT AND THE FUTURE LAND USE MAP; CHAPTER 2 TRANSPORTATION MOBILITY ELEMENT; CHAPTER 3 HOUSING ELEMENT; CHAPTER 4 PUBLIC FACILITIES ELEMENT; CHAPTER 5 PUBLIC SCHOOL FACILITIES ELEMENT; CHAPTER 6 RECREATION & OPEN SPACE ELEMENT; CHAPTER 7 COASTAL ZONE MANAGEMENT ELEMENT; CHAPTER 8 CONSERVATION ELEMENT; CHAPTER 9 INTERGOVERNMENTAL COORDINATION ELEMENT; CHAPTER 10 CAPITAL IMPROVEMENTS ELEMENT; ESTABLISHING THE CITY OF PORT ORANGE COMPREHENSIVE PLAN 2010 – 2025; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AND OTHER AGENCIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3191, Florida Statutes, directs local governments to periodically assess the success or failure of the adopted plan to adequately address changing conditions and state policies and rules and submit an Evaluation and Appraisal Report (EAR); and

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City Council desires to adopt the proposed comprehensive plan EAR-based amendments and authorize their transmittal to the DCA and other agencies as required by State law; and

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

WHEREAS, the City Council has provided an opportunity to receive comments and proposals from the general public and held two public hearings with regard to the proposed amendment to the Comprehensive Plan; and

WHEREAS, the City Council has received comments on the proposed amendment to the Comprehensive Plan; and

WHEREAS, the City Council reviewed the proposed Comprehensive Plan Evaluation and Appraisal Report-based amendments, the Future Land Use Map Amendments and other amendments, held an advertised public hearing, and provided for comments and public participation in the process in accordance with the requirements of state law and the procedures adopted for public participation in the planning process, and authorized transmittal of the Comprehensive Plan Update '98 with EAR-based amendments to the Department of Community Affairs and review agencies for the purpose of review in accordance with Florida law. The referenced amendments are attached hereto as the Comprehensive Plan City of Port Orange 2010-2025 together with Composite Exhibit A, Binder No.1 and Supporting Data as Composite Exhibit B, Binder No. 2; 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, schools, parks, recreational facilities, housing, and other services, facilities and resources; and

conserve and protect natural resources within the City, while protecting private property rights.

WHEREAS, for purposes of this ordinance words with underlined (underlined) type shall constitute additions to the original text and words with strikethrough (~~strikethrough~~) type shall constitute deletions from the original text.

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 two (2) volumes entitled " Comprehensive Plan City of Port Orange 2010-2025," and containing in Exhibit A, Binder No. 1 ten (10) elements, including Future Land Use and Future Land Use Map; Transportation; Housing; Public Facilities; Public Schools 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, 2008-2, 2008-8, 2008-9, 2008-12, 2008-16, 2008-19, 2008-36, 2009-3, 2009-19, 2009-20, 2010-14, 2010-20 and this ordinance; and containing in Exhibit B, Binder No. 2, Supporting Data.

Section 2. The comprehensive Plan City of Port Orange 2010-2025 attached hereto as Exhibit A and Exhibit B, and incorporated herein by this reference is the amendment and supporting data, respectively, to the Comprehensive Plan City of Port Orange 2010-2025 referenced in Section 1 of this ordinance, which is hereby adopted as an amendment to the official Comprehensive Plan, amending the Future Land Use Element and the Future Land Use Map, Transportation Mobility Element, Housing Element, Public Facilities Element, Public School Facilities Element, Recreation and Open Space Element, Coastal Zone Management Element, Conservation Element, Intergovernmental Coordination Element, and Capital Improvements Element for the City.

Section 3. The Future Land Use Map, attached hereto as Exhibit C is hereby amended and adopted by City Council for the City of Port Orange for the parcels of land as described on Exhibit D.

Section 4. The Community Development Director or designee is hereby authorized to transmit copies of the proposed amendments, constituting the Comprehensive Plan City of Port Orange 2010-2025 to the appropriate agencies and to any other unit of local government who had filed a written request for a copy in accordance with the provisions of Section 163.3184(7), Florida Statutes.

Section 5. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 6. 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 7. This ordinance shall become effective as provided by general law, Department of Community Affairs rule, and Volusia County Charter; and the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), F.S., whichever is applicable. 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 Florida Department of Community Affairs, Division of Community Planning and Plan Processing Team.

\_\_\_\_\_  
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

(ORD NO. 2010- )

**EXHIBIT A**

**COMPREHENSIVE PLAN**  
**CITY OF PORT ORANGE**  
**2010-2025**

**BINDER NO. 1**

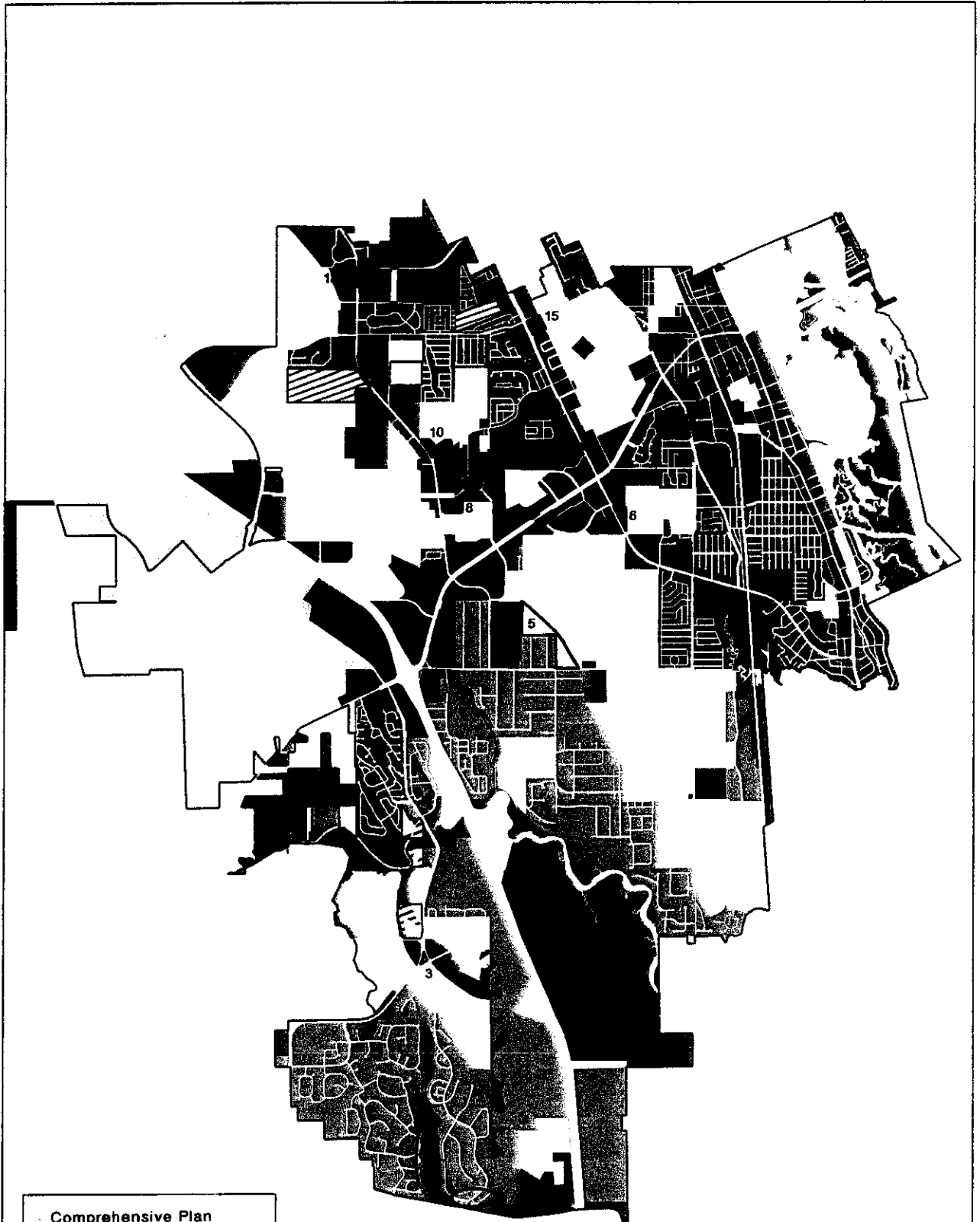
(ORD NO. 2010- )

**EXHIBIT B**

**COMPREHENSIVE PLAN  
CITY OF PORT ORANGE  
2010-2025  
SUPPORTING DATA**

**BINDER NO. 2**





**Comprehensive Plan**  
**City of Port Orange 2010-2025**  
**Future Land Use Map Amendments**

	Public/Guest-Public
	Conservation
	Planned Community
	Agriculture/Residential 0-2 Units/Acre
	Suburban Residential 2-4 Units/Acre
	Urban Low Density Residential 4-8 Units/Acre
	Urban High Density Residential 8-16 Units/Acre
	Office/Residential Transition
	Commercial
	Warehouse/Industrial
	Volusia County Commercial
	Volusia County Urban Low Intensity
	Volusia County Urban Medium Intensity
	Volusia County Agricultural Resource
	Volusia County Environmental Systems Corridor
	City Boundary

**EXHIBIT D**  
**Comprehensive Plan**  
**City of Port Orange 2010-2025**  
**Future Land Use Map Amendments**

Map Amend. #	Parcel ID #s	Total Acreage (±)	Comments
1	multiple	17.12	Clean-up of lots platted in <i>Conservation</i> in: CYPRESSHEAD PHASE II-D MB 49 PGS 25-27; WATERS EDGE PHASE XI MB 53 PGS 9-10; WATERS EDGE PHASE X MB 50 PGS 123-125
2	632900000056 633200000020 633300000110	225	Eastside of Woodhaven Property; City Purchase
3	633103000003	1.12	Based on new road alignment
4	632000000364	2.98	
5	multiple	33.15	Clean-up of existing lots previously designated <i>Rural Residential/Agriculture</i> in: COUNTRYSIDE WEST PUD PHASE II MB 45 PGS 164 & 165; COUNTRYSIDE WEST PUD PHASE I MB 44 PGS 198 & 199; COUNTRYSIDE PUD PH IV-C MB 43 PG 88
6	630900060021 630900060025 630900060022 630900060020 630900060023	5.02	
7	630825000010 630825000020 630810000020 630814000020	6.08	Create a community commercial node on Dunlawton b/w Nova and Clyde Morris sub-regional nodes
8	630800050030	6.97	Allen Green Center parking lot
9	621200000022 621200000021 621200000031	10.4	Nautica Lakes property; swap land use per proposed plans
10	630827000010 630827000020 630830000001	9.1	Ritter's, etc.
11	630800010080 630900040030	40.75	FPL property
12	630901010010 630901010030 630901010040	22.65	
13	634104010272 634104010271 634104010273 634104010270 634104010320 634104010310	1.92	Recommended amendment in recent Eastport Plan Update

**EXHIBIT D**  
**Comprehensive Plan**  
**City of Port Orange 2010-2025**  
**Future Land Use Map Amendments**

Map Amend. #	Parcel ID #s	Total Acreage (±)	Comments
14	633701110044	2.01	
15	633701160020	7.9	At an existing commercial node location
16	630600000130 630600000112	8.91	
17	620100000050	8.19	Abandoned property (Madeline/Williamson Intersection )
18	630600000160 630600000162 630600000170 630600000161	9.64	Expanding an existing commercial node
19	533113000020 533113000010 533115001301 533115001302 533115001303 533115001304 533115001305 533115001306 533115001307 533115001308 533115001309 533115001310 533115001311	3.84	Expanding an existing commercial node (old carpet store that is for sale)