

ORDINANCE NO. 2008-28

1
2
3 AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA
4 COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY
5 COMPREHENSIVE PLAN ORDINANCE NO. 90-10, AS
6 PREVIOUSLY AMENDED; AMENDING CHAPTER 1, "FUTURE
7 LAND USE ELEMENT," SECTION F, SPECIFICALLY AMENDING
8 THE FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND
9 USE CATEGORIES OF APPROXIMATELY 1,643 ACRES
10 LOCATED ON THE NORTH SIDE OF PIONEER TRAIL,
11 ADJACENT TO THE WESTERN INTERSECTION WITH STATE
12 ROAD 44 FROM ENVIRONMENTAL SYSTEMS CORRIDOR,
13 FORESTRY RESOURCE AND AGRICULTURAL RESOURCE TO
14 CONSERVATION; AMENDING CHAPTER 1, "FUTURE LAND
15 USE ELEMENT," SECTION F, SPECIFICALLY AMENDING THE
16 FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE
17 CATEGORIES OF APPROXIMATELY 2,272 ACRES LOCATED
18 ON THE NORTH SIDE OF STATE ROAD 44, WEST OF THE
19 INTERSECTION WITH PIONEER TRAIL FROM
20 ENVIRONMENTAL SYSTEMS CORRIDOR AND FORESTRY
21 RESOURCE TO CONSERVATION; AMENDING CHAPTER 1,
22 "FUTURE LAND USE ELEMENT," SECTION F, AMENDING THE
23 FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE
24 CATEGORIES OF APPROXIMATELY 673 ACRES LOCATED ON
25 THE WEST SIDE OF TOMOKA FARMS ROAD, ADJACENT TO
26 THE INTERSECTION WITH H.L. AINSLEY DRIVE
27 APPROXIMATELY ONE AND ONE-HALF MILES TO THE WEST
28 OF THE CITY OF PORT ORANGE FROM ENVIRONMENTAL
29 SYSTEMS CORRIDOR, FORESTRY RESOURCE, RURAL AND
30 AGRICULTURAL RESOURCE TO CONSERVATION; AMENDING
31 CHAPTER 1, "FUTURE LAND USE ELEMENT," SECTION F,
32 AMENDING THE FUTURE LAND USE MAP TO CHANGE THE
33 FUTURE LAND USE CATEGORIES OF APPROXIMATELY 10
34 ACRES LOCATED SOUTH OF RUDMAN ROAD AND ADJACENT
35 TO THE EASTERN END OF PRIDEAUX ROAD, SOUTHEAST OF
36 LAKE ASHBY APPROXIMATELY SIX MILES TO THE WEST OF
37 THE CITY OF DELTONA FROM ENVIRONMENTAL SYSTEMS
38 CORRIDOR AND AGRICULTURAL RESOURCE TO
39 CONSERVATION; AMENDING CHAPTER 1, "FUTURE LAND
40 USE ELEMENT," SECTION F, SPECIFICALLY AMENDING THE
41 FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE
42 CATEGORIES OF APPROXIMATELY 20 ACRES LOCATED

1 NORTHWEST OF LONESOME DOVE TRAIL, BETWEEN
2 RUDMAN ROAD AND LOPEZ ROAD, SOUTHEAST OF LAKE
3 ASHBY APPROXIMATELY SIX MILES TO THE WEST OF THE
4 CITY OF DELTONA AMENDING THE FLUM FROM
5 ENVIRONMENTAL SYSTEMS CORRIDOR AND FORESTRY
6 RESOURCE TO CONSERVATION; AMENDING CHAPTER 1,
7 "FUTURE LAND USE ELEMENT," SECTION F, SPECIFICALLY
8 AMENDING THE FUTURE LAND USE MAP ON
9 APPROXIMATELY 226 ACRES WITHIN THE DAYTONA BEACH
10 INTERNATIONAL AIRPORT LOCATED TO THE SOUTH AND
11 EAST OF BELLEVUE AVENUE APPROXIMATELY 3,600 FEET
12 EAST OF WILLIAMSON BOULEVARD ON THE NORTH SIDE OF
13 BEVILLE ROAD WITHIN THE MUNICIPAL LIMITS OF THE CITY
14 OF DAYTONA BEACH FROM CITY OF DAYTONA BEACH
15 LEVEL TWO RESIDENTIAL, GENERAL INDUSTRY, RETAIL
16 COMMERCIAL, OFFICE TRANSITIONAL, AIRPORT, AND
17 EXISTING/POTENTIAL PARKS TO COUNTY PUBLIC/SEMI-
18 PUBLIC; AMENDING CHAPTER 14, "INTERGOVERNMENTAL
19 COORDINATION ELEMENT," SECTION B, RELATING TO
20 COORDINATION WITH CITY OF DAYTONA BEACH AS TO
21 DAYTONA BEACH INTERNATIONAL AIRPORT; BY
22 AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY
23 COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; BY
24 PROVIDING AN EFFECTIVE DATE.
25

26 **WHEREAS**, Section 163.3161, et seq., Florida Statutes, created the Local
27 Government Comprehensive Planning and Land Development Regulation Act, hereinafter
28 referred to as the "Act"; and

29 **WHEREAS**, Section 163.3167, Florida Statutes, requires each county in the State of
30 Florida to prepare and adopt a Comprehensive Plan as scheduled by the Florida
31 Department of Community Affairs; and

32 **WHEREAS**, the Volusia County Council has adopted the Volusia County
33 Comprehensive Plan Ordinance No. 90-10, pursuant to the Act; and

1 **WHEREAS**, Section 163.3187, Florida Statutes, provides for amendments to the
2 adopted Comprehensive Plan by the local government not more than twice during each
3 calendar year; and

4 **WHEREAS**, the County Council of Volusia County, Florida desires to take
5 advantage of this statute and amend the Volusia County Comprehensive Plan; and

6 **WHEREAS**, the County Council of Volusia County, Florida has provided for broad
7 dissemination of this proposed amendment to this Plan in compliance with Florida Statutes
8 Sections 163.3181 and 163.3184(15); and

9 **WHEREAS**, pursuant to Section 163.3174, Florida Statutes, Volusia County Zoning
10 Ordinance No. 80-8, as amended, has designated the Volusia County Planning and Land
11 Development Regulation Commission as the local planning agency for the unincorporated
12 area of Volusia County, Florida;

13 **WHEREAS**, said Planning and Land Development Regulation Commission has held
14 a public hearing on said Comprehensive Plan amendment; and

15 **WHEREAS**, the County Council of the County of Volusia has conducted an adoption
16 public hearing on said amendment to the Comprehensive Plan.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF**
18 **VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

19 The Volusia County Comprehensive Plan, Ordinance No. 90-10, as previously
20 amended, is further amended as follows:

21 **SECTION I:** All Chapters and Elements of said Plan, including maps, map series,
22 tables and figures, are hereby amended to make them internally consistent; to make them
23

1 consistent with objections, recommendations, comments and conditions imposed by state
2 agencies and by the Volusia County Growth Management Commission; and to change
3 dates as appropriate for consistency.

4 **SECTION II:** Chapter 1, The Future Land Use Element, Section F, specifically
5 amending the official Future Land Use Map of said ordinance is hereby amended to change
6 the Future Land Use categories from Environmental Systems Corridor, Forestry Resource
7 and Agricultural Resource to Conservation for approximately 1,643 acres located
8 approximately on the north side of Pioneer Trail, adjacent to the western intersection with
9 State Road 44 approximately three miles to the west of the City of New Smyrna Beach.
10 The subject property is identified as CPA-08-2-1 and depicted as shown on EXHIBIT A ,
11 attached hereto and made a part hereof.

12 **SECTION III:** Chapter 1, The Future Land Use Element, Section F, specifically
13 amending the official Future Land Use Map of said ordinance is hereby amended to change
14 the Future Land Use categories from Environmental Systems Corridor and Forestry
15 Resource to Conservation for approximately 2,272 acres located on the north side of State
16 Road 44, west of the intersection with Pioneer Trail approximately five miles to the west of
17 the City of New Smyrna Beach. The subject property is identified as CPA-08-2-2 and
18 depicted as shown on EXHIBIT A , attached hereto and made a part hereof.

19 **SECTION IV:** Chapter 1, The Future Land Use Element, Section F, specifically
20 amending the official Future Land Use Map of said ordinance is hereby amended to change
21 the Future Land Use categories from Environmental Systems Corridor, Forestry Resource,
22 Rural and Agricultural Resource to Conservation for approximately 673 acres located on

1 the west side of Tomoka Farms Road, adjacent to the intersection with H.L. Ainsley Drive
2 approximately one and one-half miles to the west of the City of Port Orange. The subject
3 property is identified as CPA-08-2-3 and depicted as shown on EXHIBIT A , attached
4 hereto and made a part hereof.

5 **SECTION V:** Chapter 1, The Future Land Use Element, Section F, specifically
6 amending the official Future Land Use Map of said ordinance is hereby amended to change
7 the Future Land Use categories from Environmental Systems Corridor and Agricultural
8 Resource to Conservation for approximately 10 acres located south of Rudman Road and
9 adjacent to the eastern end of Prideaux Road, southeast of Lake Ashby approximately six
10 miles to the west of the City of Deltona. The subject property is identified as CPA-08-2-4
11 and depicted as shown on EXHIBIT B, attached hereto and made a part hereof.

12 **SECTION VI:** Chapter 1, The Future Land Use Element, Section F, specifically
13 amending the official Future Land Use Map of said ordinance is hereby amended to change
14 the Future Land Use categories amend the Future Land Use Map from Environmental
15 Systems Corridor and Forestry Resource to Conservation for approximately 20 acres
16 located northwest of Lonesome Dove Trail, between Rudman Road and Lopez Road,
17 southeast of Lake Ashby approximately six miles to the west of the City of Deltona. The
18 subject property is identified as CPA-08-2-5 and depicted as shown on EXHIBIT B,
19 attached hereto and made a part hereof.

20 **SECTION VII:** Chapter 1, The Future Land Use Element, Section F, specifically
21 amending the official Future Land Use Map of said ordinance is hereby amended to change
22 the Future Land Use categories from City of Daytona Beach Level Two Residential,

1 General Industry, Retail Commercial, Office Transitional, Airport and Existing/Potential
2 Parks to County Public/Semi-Public with a limitation for development to 118,583 Average
3 Daily Trips (ADT) on approximately 226 acres within the Daytona Beach International
4 Airport. The property is located to the south and east of Bellevue Avenue approximately
5 3,600 feet east of Williamson Boulevard on the north side of Beville Road within the
6 municipal limits of the City of Daytona Beach. The subject property is identified as CPA-08-
7 2-6 and depicted as shown on EXHIBIT C, attached hereto and made a part hereof.

8 **SECTION VIII:** Chapter 14 of the Plan, "Intergovernmental Coordination Element" at
9 Section B, "Goals, Objectives and Policies," adding Policy 14.1.2.10, providing that the
10 County will coordinate with the City of Daytona Beach on future development plans for the
11 Daytona Beach International Airport to promote a joint vision for the area and satisfy any
12 "gateway" standards established by the city. Said amendment is appended hereto as
13 EXHIBIT D, and by reference made a part hereof.

14 **SECTION IX: SEVERABILITY.** Should any section or provision of this Ordinance,
15 or application of any provision of this Ordinance, be declared to be unconstitutional, invalid,
16 or inconsistent with the Volusia County Comprehensive Plan, such declaration shall not
17 affect the validity of the remainder of this Ordinance.

18 **SECTION X: EFFECTIVE DATE .** A certified copy of this Ordinance shall be filed in
19 the Office of the Secretary of State by the Clerk of the County Council within ten (10) days
20 after enactment. This Ordinance shall take effect upon the later of the following dates: a)
21 issuance of a certificate of consistency or conditional certificate of consistency by the
22 Volusia Growth Management Commission, and issuance of a final order by the State of

1 Florida Department of Community Affairs determining this Ordinance to be in compliance
2 with Florida Statutes Section 163.3184(9), or b) issuance of a final order by the State of
3 Florida Administration Commission determining this Ordinance to be in compliance with
4 Florida Statutes Section 163.3184(10).

5 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**
6 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE**
7 **THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE,**
8 **DELAND, FLORIDA, THIS 4TH DAY OF DECEMBER A.D., 2008.**

10
11 ATTEST:
12 FLORIDA
13

COUNTY COUNCIL
COUNTY OF VOLUSIA,

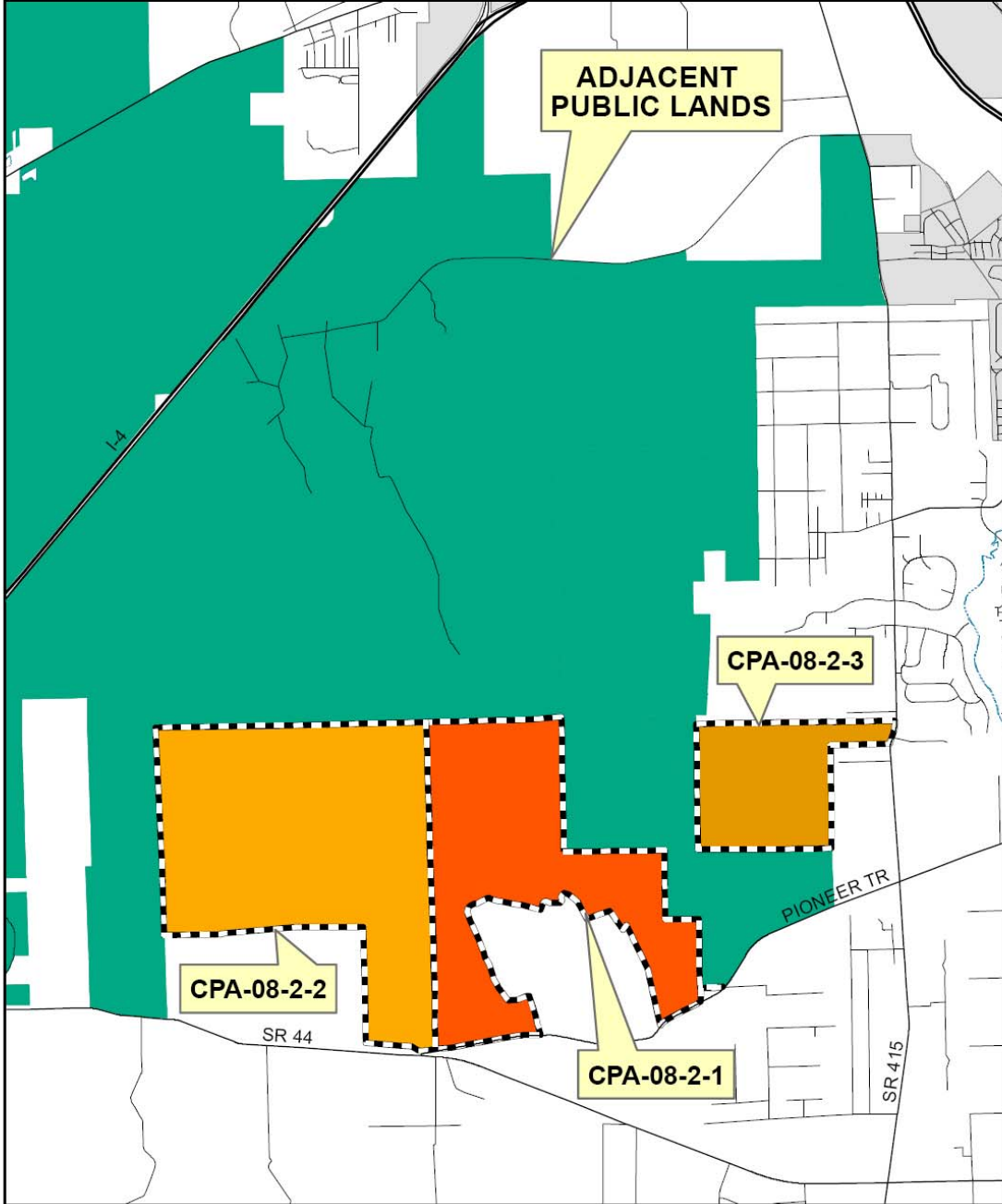
14

15 _____
16 James T. Dinneen, County Manager

Frank T. Bruno Jr., County Chair

1 **Exhibit A**
2

**Amendment Location
CPA-08-2-1 / 2 / 3**



3

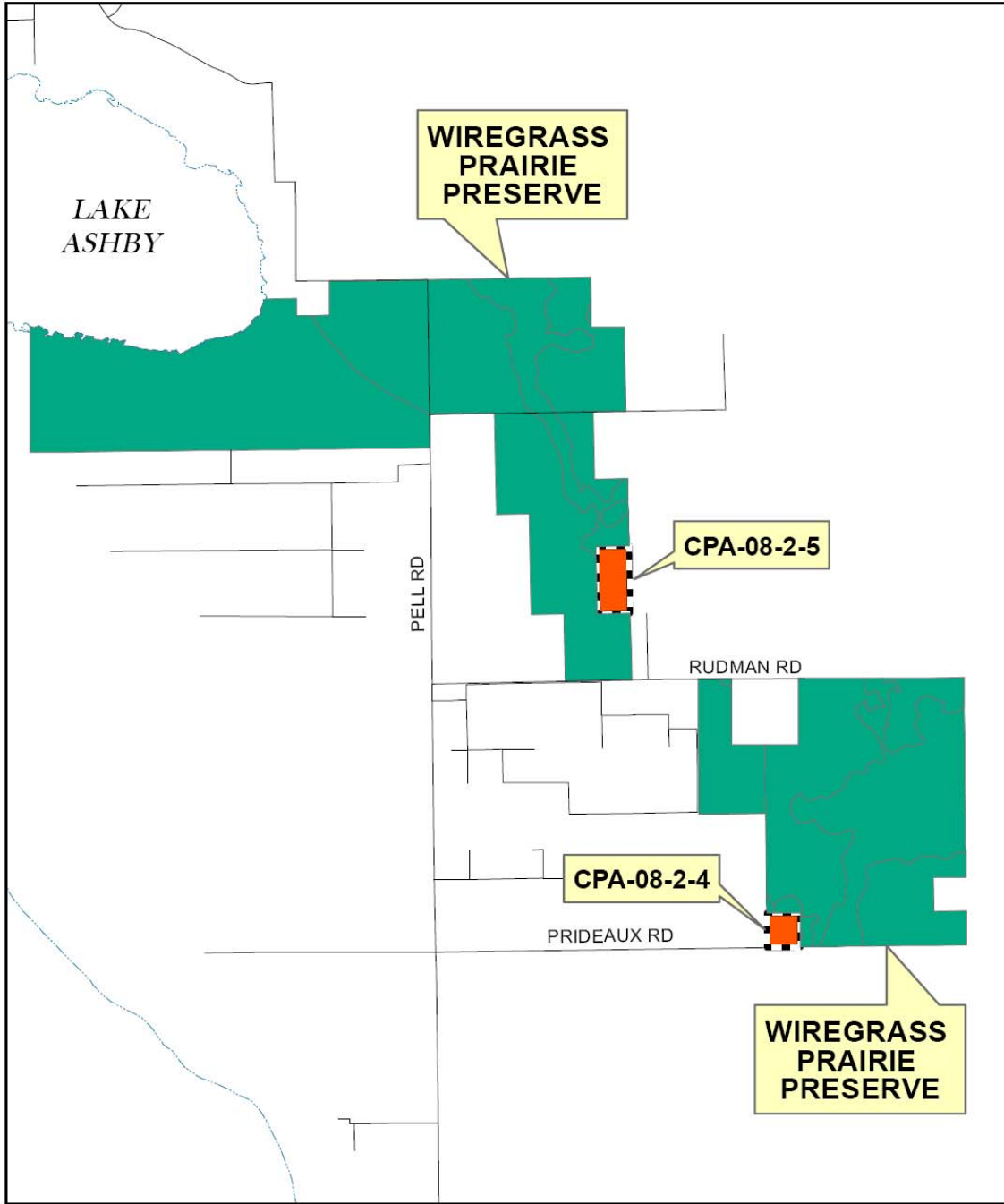
Prepared by: Volusia County Growth & Resource Management Department



22-Jul-08
1" = 1 MILE

1 **Exhibit B**
2

**Amendment Location
CPA-08-2-4 / 5**



3 Prepared by: Volusia County Growth & Resource Management Department

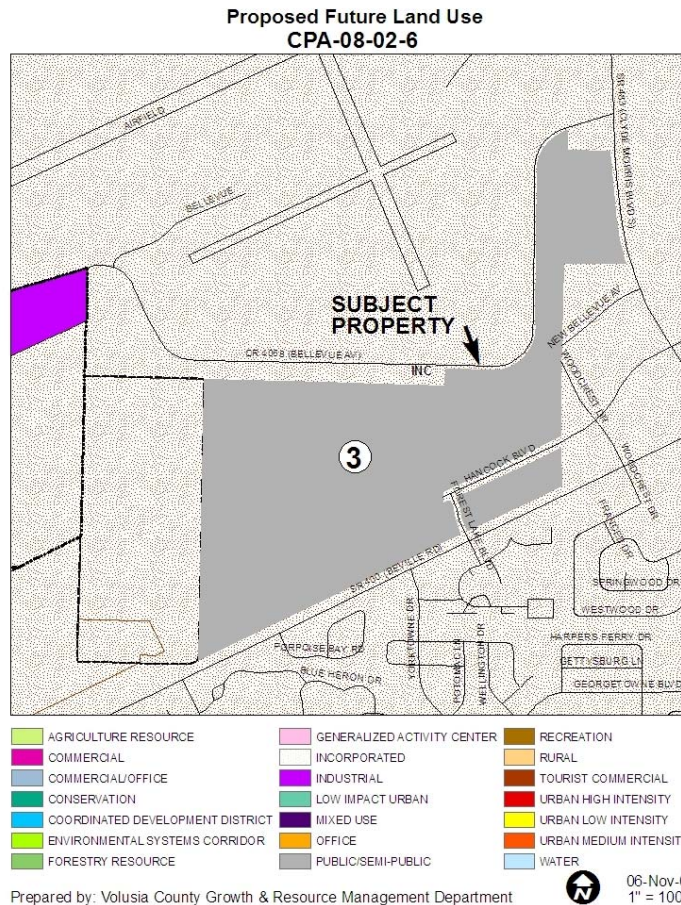


22-Jul-08
1' = 2640'

Exhibit C

A. Future Land Use Map Amendment - CPA-08-2-6

30-15-33-11-00-0010,
 25-15-32-11-00-0010,
 25-15-32-11-00-0020,
 25-15-32-07-00-0021,
 25-15-32-07-00-0020,
 25-15-32-07-00-0010,
 25-15-32-00-00-0049,
 25-15-32-00-00-0048,
 25-15-32-00-00-0040,
 36-15-32-00-00-0039, and that part of 39-15-32-53-01-0010 to the east and south of Bellevue Ave. approximately 460 feet to the west of the west ROW line of Clyde Morris Blvd.



19
20

Exhibit C

B. Future Land Use Map Notation - CPA-08-2-6

1-11. Future Land Use Map/Plan Notations

Note: The following Future Land Use Map Notations have been adopted as a component of the Future Land Use Map under 9J-5.005(1)5., Florida Administrative Code.

Map Notation	Parcel Numbers or Legal Description	Acres	Adopted FLU Designation	Restriction	Ordinance
1	01-16-31-00-00-0010	20.92	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2007-46
2	01-16-31-00-00-0010	5.14	Industrial	Development of the parcel shall be limited to a Floor Area Ratio of 0.6.	2008-19
3	<u>30-15-33-11-00-0010, 25-15-32-11-00-0010, 25-15-32-11-00-0020, 25-15-32-07-00-0021, 25-15-32-07-00-0020, 25-15-32-07-00-0010, 25-15-32-00-00-0049, 25-15-32-00-00-0048, 25-15-32-00-00-0040, 36-15-32-00-00-0039, and that part of 39-15-32-53-01-0010 to the east and south of Bellevue Ave. approximately 460 feet to the west of the west ROW line of Clyde Morris Blvd.</u>	<u>226.00</u>	<u>Public/Semi-Public</u>	<u>Development of the parcels taken together shall be limited to a maximum of 118,583 Average Daily Trips.</u> <u>This property will not be zoned residential or non-airside related industrial.</u>	<u>2008-28</u>

