

ORDINANCE 2008-23

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4 AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY,
5 FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE
6 PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED, BY
7 AMENDING CERTAIN CHAPTERS AND ELEMENTS OF SAID PLAN
8 AS NECESSARY FOR CONSISTENCY WITH REGIONAL, STATE OR
9 FEDERAL PROGRAMS AND TO IMPLEMENT THE EVALUATION &
10 APPRAISAL REPORT AS REQUIRED BY SECTION 163.3191(10),
11 FLORIDA STATUTES; BY CHANGING DATES ASSOCIATED WITH
12 CHAPTERS AND ELEMENTS OF SAID PLAN; BY PROVIDING
13 CONFORMING LANGUAGE TO CREATE INTERNAL CONSISTENCY
14 AMONG THE CHAPTERS AND ELEMENTS OF THE PLAN; BY
15 AMENDING GOALS, OBJECTIVES AND POLICIES TO REFLECT
16 ACCOMPLISHMENT OR IMPLEMENTATION; BY UPDATING AND
17 AMENDING ASSOCIATED MAPS AND FIGURES AND
18 INCORPORATING SAID MAPS AND FIGURES INTO AN APPENDIX
19 TO THE COMPREHENSIVE PLAN; BY AMENDING GOALS,
20 OBJECTIVES AND POLICIES OF THE FOLLOWING CHAPTERS AND
21 ELEMENTS OF THE COMPREHENSIVE PLAN: INTRODUCTION,
22 CHAPTER 1, FUTURE LAND USE ELEMENT; CHAPTER 2,
23 TRANSPORTATION ELEMENT; CHAPTER 5, HOUSING ELEMENT;
24 CHAPTER 6, SANITARY SEWER SUB-ELEMENT; CHAPTER 7,
25 POTABLE WATER SUB-ELEMENT; CHAPTER 8, SOLID WATER
26 SUB-ELEMENT; CHAPTER 9, DRAINAGE SUB-ELEMENT; CHAPTER
27 10, NATURAL GROUNDWATER AND AQUIFER RECHARGE
28 ELEMENT; CHAPTER 11, COASTAL MANAGEMENT ELEMENT;
29 CHAPTER 12, CONSERVATION ELEMENT; CHAPTER 13,
30 RECREATION AND OPEN SPACE ELEMENT; CHAPTER 14,
31 INTERGOVERNMENTAL COORDINATION ELEMENT; CHAPTER 15,
32 CAPITAL IMPROVEMENTS ELEMENT; CHAPTER 17, HISTORIC
33 PRESERVATION ELEMENT; CHAPTER 18, CULTURAL FACILITIES
34 ELEMENT; CHAPTER 20, DEFINITIONS; CHAPTER 21,
35 ADMINISTRATION AND INTERPRETATION; PROVIDING FOR
36 SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
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39 WHEREAS, Section 163.3161, et seq., Florida Statutes, creates the Local
40 Government Comprehensive Planning and Land Development Regulation Act,
41 hereinafter referred to as the "Act"; and

42 WHEREAS, Section 163.3167, Florida Statutes, requires each county in the
43 State of Florida to prepare and adopt a Comprehensive Plan as scheduled by the Florida
44 Department of Community Affairs; and

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

3 **WHEREAS**, Section 163.3191, Florida Statutes, requires the periodic evaluation
4 and update of the Comprehensive Plan through an Evaluation and Appraisal Report
5 (EAR), and the implementation of this EAR by subsequent amendments to the
6 Comprehensive Plan; and

7 **WHEREAS**, the County Council adopted the EAR on August 17, 2006, and
8 transmitted the EAR to the DCA for review; and

9 **WHEREAS**, Section 163.3191(7), Florida Statutes requires the EAR to undergo
10 a sufficiency review by the Department of Community Affairs (DCA), and the EAR was
11 determined sufficient by the DCA on October 30, 2006; and

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

15 **WHEREAS**, the County Council of Volusia County, Florida desires to take
16 advantage of this statute and amend the Volusia County Comprehensive Plan in order to
17 implement the EAR as required by Section 163.3191(10), Florida Statutes; and

18 **WHEREAS**, the County Council of Volusia County, Florida has provided for
19 broad dissemination of these proposed amendments to this Plan in compliance with
20 Florida Statutes Sections 163.3181 and 163.3184(15); and

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

25 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF**

1 **VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:**

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

4 **SECTION I: Amendment of the Comprehensive Plan.** All Chapters and
5 Elements of the Volusia County Comprehensive Plan (“Comprehensive Plan”), including
6 maps, map series, tables and figures, are hereby amended to implement the Evaluation
7 & Appraisal Report as required by section 163.3191(10), Florida Statutes; to make them
8 internally consistent; to make them consistent with regional, state, or federal programs;
9 to make them consistent with objections, recommendations, comments and conditions
10 imposed by state agencies and by the Volusia County Growth Management
11 Commission; to change dates as appropriate for consistency; and to renumber and
12 reletter as necessary. Said amendments to the Comprehensive Plan are attached
13 hereto as Exhibit “A” and by reference made a part hereof. Within Exhibit A, additional
14 language is underlined and deleted language is stricken.

15 **SECTION II. Introduction.** The Introduction chapter of the Comprehensive Plan
16 is hereby amended to read as depicted in Exhibit A, Tab 1.

17 **SECTION III. Future Land Use Element.** Chapter 1, Future Land Use Element
18 of the Comprehensive Plan is hereby amended to read as depicted in Exhibit A, Tab 2.

19 **SECTION IV. Transportation Element.** Chapter 2, Transportation Element of
20 the Comprehensive Plan is hereby amended to read as depicted in Exhibit A, Tab 3.

21 **SECTION V. Housing Element.** Chapter 5, Housing Element of the
22 Comprehensive Plan is hereby amended as to read as depicted in Exhibit A, Tab 6.

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1 **SECTION VI. Sanitary Sewer Sub-Element.** Chapter 6, Sanitary Sewer Sub-
2 Element of the Comprehensive Plan is hereby amended to read as depicted in Exhibit A,
3 Tab 7.

4 **SECTION VII. Potable Water Sub-Element.** Chapter 7, Potable Water Sub-
5 Element of the Comprehensive Plan is hereby amended to read as depicted in Exhibit A,
6 Tab 8.

7 **SECTION VIII. Solid Waste Sub-Element.** Chapter 8, Solid Waste Sub-
8 Element of the Comprehensive Plan is hereby amended to read as depicted in Exhibit A,
9 Tab 9.

10 **SECTION IX. Drainage Sub-Element.** Chapter 9, Drainage Sub-Element of
11 the Comprehensive Plan is hereby amended to read as depicted in Exhibit A, Tab 10.

12 **SECTION X. Natural Groundwater and Aquifer Recharge Element.** Chapter
13 10, Natural Groundwater and Aquifer Recharge Element of the Comprehensive Plan is
14 hereby amended to read as depicted in Exhibit A, Tab 11.

15 **SECTION XI. Coastal Management Element.** Chapter 11, Coastal
16 Management Element of the Comprehensive Plan is hereby amended to read as
17 depicted in Exhibit A, Tab 12.

18 **SECTION XII. Conservation Element.** Chapter 12, Conservation Element of
19 the Comprehensive Plan is hereby amended to read as depicted in Exhibit A, Tab 13.

20 **SECTION XIII. Recreation and Open Space Element.** Chapter 13, Recreation
21 and Open Space Element of the Comprehensive Plan is hereby amended to read as
22 depicted in Exhibit A, Tab 14.

23 **SECTION XIV. Intergovernmental Coordination Element.** Chapter 14,
24 Intergovernmental Coordination Element of the Comprehensive Plan is hereby amended
25 to read as depicted in Exhibit A, Tab 15.

1 **SECTION XV. Capital Improvements Element.** Chapter 15, Capital
2 Improvements Element of the Comprehensive Plan is hereby amended to read as
3 depicted in Exhibit A, Tab 16.

4 **SECTION XVI. Historic Preservation Element.** Chapter 17, Historic
5 Preservation Element of the Comprehensive Plan is hereby amended to read as
6 depicted in Exhibit A, Tab 18.

7 **SECTION XVII. Cultural Facilities Element.** Chapter 18, Cultural Facilities
8 Element of the Comprehensive Plan is hereby amended to read as depicted in Exhibit A,
9 Tab 19.

10 **SECTION XVIII. Definitions.** Chapter 20, Definitions of the Comprehensive
11 Plan is hereby amended to read as depicted in Exhibit A, Tab 21.

12 **SECTION XIX. Administration and Interpretation.** Chapter 21, Administration
13 and Interpretation of the Comprehensive Plan is hereby amended to read as depicted in
14 Exhibit A, Tab 22.

15 **SECTION XX. Maps and Figures.** Appendix 1, Maps and Figures of the
16 Comprehensive Plan is hereby amended to read as depicted in Exhibit A, Tab 23.

17 **SECTION XXI. Severability.** Should any section or provision of this
18 Ordinance, or application of any provision of this Ordinance, be declared to be
19 unconstitutional, invalid, or inconsistent with the Volusia County Comprehensive Plan,
20 such declaration shall not affect the validity of the remainder of this Ordinance.

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

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

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6 **ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN**
7 **OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT**
8 **THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA**
9 **AVENUE, DELAND, FLORIDA, THIS 13TH DAY OF NOVEMBER A.D., 2008.**

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12 ATTEST:
13 FLORIDA

COUNTY COUNCIL
COUNTY OF VOLUSIA,

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17 _____
James T. Dinneen, County Manager

Frank T. Bruno Jr., County Chair