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**ORDINANCE NO. 2008-27**

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ORDINANCE NO. 90-10 AS PREVIOUSLY AMENDED; AMENDING CHAPTERS AND ELEMENTS OF SAID PLAN AS NECESSARY FOR CONSISTENCY WITH REGIONAL, STATE OR FEDERAL PROGRAMS; CHANGING DATES ASSOCIATED WITH CHAPTERS AND ELEMENTS OF SAID PLAN; PROVIDING CONFORMING LANGUAGE TO CREATE INTERNAL CONSISTENCY AMONG CHAPTERS AND ELEMENTS OF THE PLAN; AMENDING GOALS, OBJECTIVES AND POLICIES TO REFLECT ACCOMPLISHMENT OR IMPLEMENTATION; AMENDING CHAPTER 1, BY ADDING SECTION G, "SMART GROWTH INITIATIVE" BY ADDING GOALS, OBJECTIVES AND POLICIES; AMENDING CHAPTER 20, "DEFINITIONS;" AMENDING APPENDIX 1, "MAPS AND FIGURES" BY ADDING THE "ENVIRONMENTAL CORE OVERLAY MAP;" AMENDING APPENDIX 1, MAPS AND FIGURES, BY AMENDING FIGURE 2-8 TO INCLUDE ORMOND BEACH SCENIC LOOP AND TRAIL; AMENDING CHAPTER 2, "TRANSPORATION ELEMENT," GOAL 2.3 AS TO SCENIC CORRIDORS AND RELATED OBJECTIVES AND POLICIES; REVISING CHAPTER 1, POLICY WIL. 1.10.1.3 OF THE WILBUR BY THE SEA LOCAL AREA PLAN RELATING TO PUBLICLY OWNED PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

32           **WHEREAS**, Section 163.3161, et seq., Florida Statutes, creates the Local  
33 Government Comprehensive Planning and Land Development Regulation Act,  
34 hereinafter referred to as the "Act;" and

35           **WHEREAS**, Section 163.3167, Florida Statutes, requires each county in  
36 the State of Florida to prepare and adopt a Comprehensive Plan as scheduled by  
37 the Florida 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 163.3187, Florida Statutes, provides for amendments  
4 to the adopted Comprehensive Plan by the local government not more than twice  
5 during each calendar year; and

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

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

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

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

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

20           **SECTION I:** All Chapters and Elements of said Plan, including maps, map  
21 series, tables and figures, are hereby amended to make them internally  
22 consistent; to make them consistent with regional, state, or federal programs; to  
23 make them consistent with objections, recommendations, comments and

1 conditions imposed by the Department of Community Affairs and by the Volusia  
2 County Growth Management Commission; and to change dates as appropriate  
3 for consistency.

4 **SECTION II:** Chapter 1, "Future Land Use Element," is hereby amended  
5 by creating Section G, "Smart Growth Initiative," and related Goals, Objectives  
6 and Policies. Said amendment is appended hereto as Exhibit A, and by  
7 reference made a part hereof.

8 **SECTION III:** Chapter 20, "Definitions," is hereby amended by creating  
9 Definition # 45: "Environmental Core Overlay (ECO) Map" and renumbering  
10 subsequent definitions. Said amendment is appended hereto as Exhibit B, and  
11 by reference made a part hereof.

12 **SECTION IV:** Appendix 1: "Maps and Figures" is hereby amended by  
13 adding the "Environmental Core Overlay Map" as Figure 1-24 as a component of  
14 the "Future Land Use Map Series." Said amendment is appended hereto as  
15 Exhibit C, and by reference made a part hereof.

16 **SECTION V:** Chapter 2, "Transportation Element", is hereby amended by  
17 creating Objective 2.3.3 and related Goals, Objectives and Policies relating to  
18 scenic highways. Said amendment is appended hereto as Exhibit D and by  
19 reference made a part hereof.

20 **Section VI:** Transportation Map, Appendix 1, Figure 2-8 is hereby  
21 amended to include Ormond Beach Scenic Loop and Trail. The inclusion of this  
22 addition is depicted in Exhibit E, appended hereto and by reference made a part  
23 hereof.

1           **Section VII:** Chapter 2, “Transportation Element”, is hereby amended by  
2 amending Goal 2.3 and related Objectives and Policies governing scenic  
3 highways. Said amendment is appended hereto as Exhibit F and by reference  
4 made a part hereof.

5           **SECTION VIII:** Chapter 1, “Future Land Use Element”, is hereby amended  
6 by revising Policy WIL 1.10.1.3 of the Wilbur-by-the-Sea Local Area Plan to read  
7 as follows:

8                   WIL 1.10.1.3 Applications to convert a residential single  
9 family land use to non-residential use or increase residential  
10 density within the Wilbur Community shall not be allowed, except  
11 for a valid public purpose pursuant to section 125.01, Florida  
12 Statutes on publicly owned property.  
13

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

19           **SECTION X: EFFECTIVE DATE.** A certified copy of this Ordinance shall  
20 be filed in the Office of the Secretary of State by the Clerk of the County Council  
21 within ten (10) days after enactment. This Ordinance shall take effect upon the  
22 later of the following dates: a) issuance of a certificate of consistency or  
23 conditional certificate of consistency by the Volusia Growth Management  
24 Commission, and issuance of a final order by the State of Florida Department of  
25 Community Affairs determining this Ordinance to be in compliance with Florida  
26 Statutes Section 163.3184(9), or b) issuance of a final order by the State of

1 Florida Administration Commission determining this Ordinance to be in  
2 compliance with Florida Statutes Section 163.3184(10).

3

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

9

10

11 ATTEST:  
12 FLORIDA

COUNTY COUNCIL  
COUNTY OF VOLUSIA,

13

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16 \_\_\_\_\_  
James T. Dinneen, County Manager

\_\_\_\_\_

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1 **Exhibit A**

2  
3 **Chapter 1: Future Land Use Element**  
4 **Section G: Smart Growth Initiative**

5  
6 **SG GOAL 1:** To ensure that Volusia County retains an interconnected core network of  
7 environmentally important lands to help preserve the County's ecosystems into the  
8 future.

9  
10 **SG OBJECTIVE 1.2:** To protect and enhance environmentally sensitive corridors,  
11 wildlife habitat, connected wetlands, and natural hydrologic functions throughout Volusia  
12 County, the County adopts the Environmental Core Overlay or "ECO" Map as a  
13 component of the Future Land Use Map series.

14  
15 **SG POLICY 1.2.1:** Lands within the ECO Map shall be managed based on the following  
16 criteria:

17  
18 (a) Public lands within ECO shall be managed to protect functioning ecological systems  
19 while respecting existing land management or use agreements.

20  
21 (b) Where a tract of land is partially or fully within ECO, proposed development activities  
22 shall be encouraged to utilize innovative and flexible land development and planning  
23 techniques such as conservation development and/or transfer of development rights to  
24 shift development from ECO to other more suitable areas. In such cases, lands within  
25 ECO shall be protected by an easement that permanently severs development rights.

26  
27 (c) Where a tract of land is partially or fully within ECO, the owner(s) shall be  
28 encouraged to utilize innovative land planning and development techniques such as  
29 conservation subdivisions, rural clusters, rural lands stewardship, Low Impact  
30 Development, Waterwise Development, Firewise Development, United States Green  
31 Building Council LEED Certified development, Florida Green Building Coalition  
32 designations, or other similar development certifications, which promote sustainability.

33  
34 (d) The County shall encourage landowners who own property within ECO to coordinate  
35 development activity and utilize innovative and flexible land development techniques to  
36 protect the integrity of the Environmental Core Overlay as an ecological unit.

37  
38 (e) By 2010, the County shall adopt regulations, standards, and procedures pursuant to  
39 Sec. 202.04 of the Volusia County Charter to apply specific minimum environmental  
40 standards to the Environmental Core Overlay to protect it as a functional ecological unit.  
41 Specific regulations shall be adopted within ECO for wetlands protection, watershed  
42 protection, aquifer protection, and for conservation of trees and native habitat.

43  
44  
45 (f) By 2009, the County shall adopt land development regulations which set forth  
46 procedures and standards for implementing this section, which shall respect underlying  
47 property rights while promoting protection of existing functioning ecological systems.  
48 The land development regulations shall provide procedures for subdivision of land that  
49 recognize the existing underlying zoning densities and intensities and provide incentives

1 for conservation development as set forth in Policy 1.2.2 and which includes the  
2 following:

3  
4 (1) Private land owners within ECO shall be encouraged to utilize Best  
5 Management Practices to conserve lands within the overlay so as to  
6 protect functioning ecological systems.

7  
8 (2) The County may consider privately owned lands within ECO for fee and  
9 less than fee acquisition.

10  
11 (3) Lands identified as ECO shall also be encouraged for private  
12 conservation programs such as conservation easements, wetland  
13 mitigation banks, conservation banks, wetlands reserve program, and  
14 other recognized conservation programs.

15  
16 (4) Lands within ECO will be identified as sending areas in any transfer of  
17 development right program that may subsequently be developed.

18  
19 (g) The zoning densities, as a whole, for all land within the ECO boundaries shall  
20 remain density neutral. Incentives may be provided for innovative planning and/or  
21 preservation.

22  
23  
24 **SG POLICY 1. 2. 2:** The County shall develop procedures, standards, and incentives  
25 for Conservation Developments (CDs). CDs shall be the preferred method for  
26 subdivisions on all parcels or tracts that include or are directly adjacent to lands  
27 identified on the Environmental Core Overlay (ECO).

28  
29 (a) Conservation Developments are residential and open space developments where at  
30 least sixty percent of the gross land area is designated as permanently protected open  
31 space and managed for agricultural or conservation purposes. Open space shall be  
32 arranged to preserve the function, purpose and integrity of the on-site natural resources  
33 to the maximum extent practicable. The underlying development rights of the open  
34 space shall be severed through a permanent conservation easement. Development  
35 shall not exceed forty percent of the land area and shall be located on the area most  
36 suitable for development. Lots shall be arranged in a compact fashion and are  
37 authorized and encouraged to be smaller than typically allowed in the zoning  
38 classification. Conservation Developments shall be designed to protect the important  
39 characteristics and features of land through the following goals, as applicable:

40  
41 (1) Protect natural and historic resources.

42  
43 (2) Preserve the rural character of the county.

44  
45 (3) Retain functional open space for passive recreational purposes.

46  
47 (4) Maintain significant areas for silviculture and agriculture production.

48  
49 (5) Provide habitat corridors through linked open space networks.

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(6) Protect scenic vistas.

(7) Allow development on smaller lots and a compact footprint in order to protect more open space.

(b) The land development regulations shall set forth a flexible process for authorizing conservation developments with innovative designs and provide for standards and locational criteria to site lots in an area suitable for development. The regulations shall also establish procedures for permanent conservation management of the designated open space.

(c) Conservation Developments shall be encouraged by the following policies:

(1) Base Yield for a Conservation Development means the gross acreage of a tract divided by the minimum lot size. In cases where tracts contain multiple land use designations, the base yield will be calculated separately for each area and added together to determine the total site's base yield. The resultant number is the allowed number of residential dwelling units, prior to any potential bonuses.

(2) A CD which preserves substantially all wetlands and fifty percent of the uplands as open space or at least seventy-five percent of the gross acreage may receive up to twenty-five percent density bonus above the base yield.

(3) The following innovative design techniques shall be encouraged: Low Impact Development; Dark Skies; WaterStar; Firewise; US Green Building Council LEED Certified Development; Florida Green Building Coalition designation or other county approved certifications which promote sustainability; water neutrality; or environmental restoration of degraded wetlands or habitat. Provisions of the land development regulations may be waived for a CD to the extent they are in conflict with an approved certification. If allowed, the facilities based on these programs must be privately maintained.

(4) In no event shall the yield bonus exceed capacity for existing public infrastructure as measured by concurrency management systems in the land development regulations or § 206 School Planning, Volusia County Charter.

(5) A CD may include agri-tourism and eco-tourism activities such as: sales of agricultural products, equestrian boarding facilities, ecotourism facilities, agri-tourism facilities, environmental interpretive or learning centers, boardwalks and trails.

(6) A CD may incorporate limited neighborhood scale commercial development designed to serve area residents, so long as it is compatible with the overall CD and consistent with the rural character of the area.

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(7) The number of residential units in a conservation development shall not exceed 600 units.

(d) Open Space areas in Conservation Developments shall be designated, permanently protected, and maintained as undeveloped conservation, agriculture or passive recreational uses. Open Space shall be selected and designed according to the following principles:

(1) ECO Lands, Environmental System Corridors, substantially all wetlands, natural and historic resources shall receive top priority for inclusion as part of the designated open space area and shall be managed for conservation purposes. Agricultural areas may be set aside within areas designated as Open Space area so long as agricultural uses comply with Best Management Practices approved by the Florida Commissioner of Agriculture.

(2) When a parcel contains lands designated as ECO and other lands, the CD should as much as possible protect the ECO lands and shift development to lands outside of ECO.

(3) Taken as a whole, Open Space should contain as much of the lands designated as ECO as possible and shall generally be contiguous to minimize fragmentation and promote the creation of an interconnected, environmentally significant corridor.

(4) Open Space shall be permanently protected by a recorded conservation easement and held by one or more of the following: Volusia County, other public agency, or a land trust or conservation organization approved by the County.

(5) Open Space shall be subject to an appropriate management plan. The management plan shall establish management objectives, outline procedures, and define the roles and responsibilities for managing the open space. The plan shall also provide for the protection of species listed by FWC and USFWS.

1     **EXHIBIT B**

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3     **CHAPTER 20: DEFINITIONS**

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*Editor's Note: The following definitions will be included in "Chapter 20: Definitions" of the Volusia County Comprehensive Plan. They will be inserted and each subsequent definition will be renumbered to reflect these additional definitions.*

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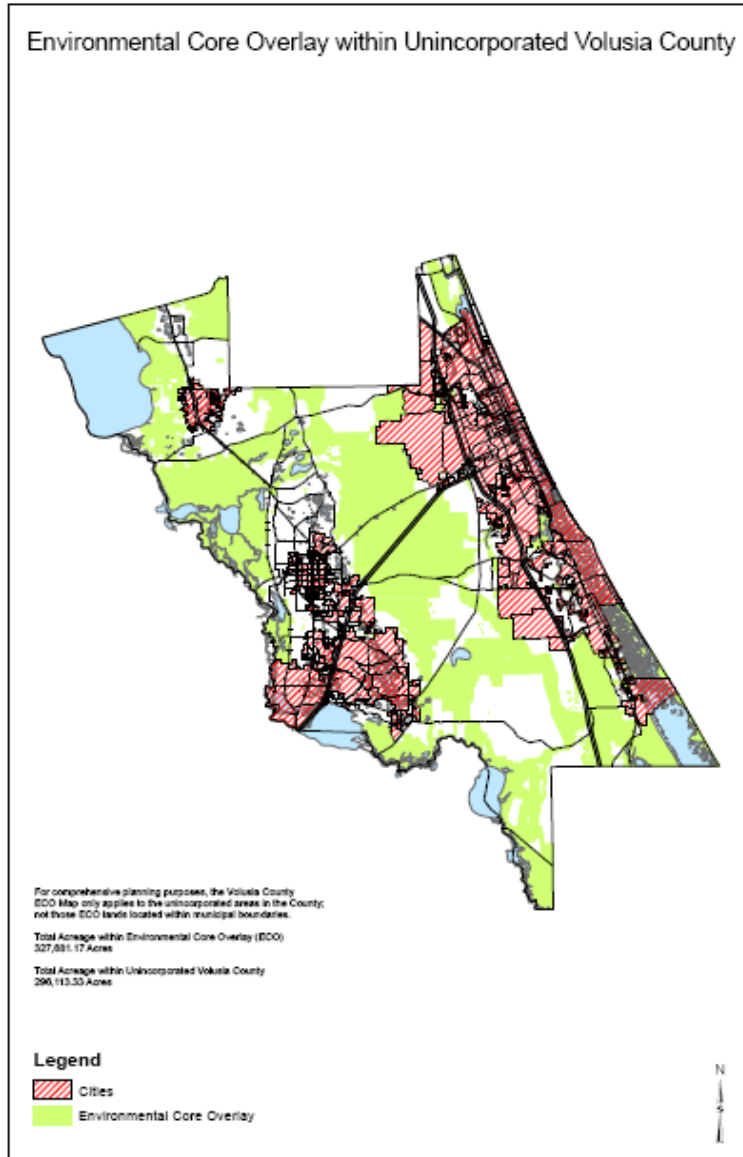
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**45. Environmental Core Overlay (ECO) Map:** (formally known as Map "A") The County Council has approved Map "A" as recommended by the Volusia Smart Growth Implementation Committee Final Report (August 2005) and as modified by the Volusia Council of Governments Smart Growth Committee on October 19, 2007. "Map A" was formally changed to the "Environmental Core Overlay Map" by the County Council on April 24, 2008. This map depicts an area of interconnected natural systems of environmentally sensitive lands, including public and private conservation areas and lands linking these areas (including but not limited to agricultural/rural lands, scenic vistas, habitat buffers, and other open space connections) where possible to achieve wildlife and habitat connectivity. These lands include the Conservation Corridor, Florida Forever Priority "A" lands, portions of the Environmental Systems Corridor, additional lands needed to ensure connectivity between large natural areas, and lands already in public ownership or under conservation easement. This map represents land areas that should receive the greatest degree of protection, and suffer the least impacts from development.

1 EXHIBIT C  
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APPENDIX 1: MAPS AND FIGURES  
Figure 1-24  
ECO Map



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1 **EXHIBIT D**  
2 **CHAPTER 2: TRANSPORTATION ELEMENT**

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4 POLICIES:

5  
6 2.3.1.8 A scenic corridor may be designated and under the jurisdiction of multiple  
7 agencies, in which case, the policies which administer the County  
8 designated Scenic Corridors should be consistent with the policies which  
9 administer State and Federal Scenic Corridors.

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12 OBJECTIVE:

13  
14 2.3.3 Volusia County will cooperate with Corridor Management Entities,  
15 Corridor Advocacy Groups, participating municipalities, and the FDOT in  
16 the management of Florida State designated scenic highways (under  
17 Section 1S-1.001(9)(a), F.A.C., Rule 14-15.016, the Florida Scenic  
18 Highway Program). The following policies apply only to Florida State  
19 designated Scenic Corridors:

20  
21 POLICIES:

22  
23 2.3.3.1 Volusia County recognizes the boundaries of the Florida State designated  
24 scenic highways in Figure 2-8 of the transportation map series.

25  
26 2.3.3.2 Volusia County will assist Corridor Management Entities to implement the  
27 vision statements of Florida State designated scenic highways

28  
29 2.3.3.3 Volusia County will adopt by reference the Corridor Vision of the following  
30 Florida State designated scenic highways (as found in the corresponding  
31 Corridor Management Plans):

32  
33 The Ormond Scenic Loop and Trail

34  
35 2.3.3.4 Infrastructure and utility structures, such as cellular communications,  
36 water, sewer, and energy transmission should be designed and located to  
37 minimize adverse visual impacts upon the scenic qualities of Florida State  
38 designated scenic highways. Utilities should be located underground to  
39 the maximum extent possible in an effort to minimize visual impacts along  
40 the corridors.

41  
42 2.3.3.5 The County shall coordinate with the FDOT and any relevant  
43 municipalities in the preparation of Master Plans for Florida State  
44 designated scenic highways to provide for safe bicycle and pedestrian  
45 circulation, traffic calming and aesthetic improvements.

46  
47 2.3.3.6 Volusia County shall cooperate with the Corridor Management Entity and  
48 any relevant municipalities in the development of an  
49 interpretive/educational signage along Florida State designated scenic

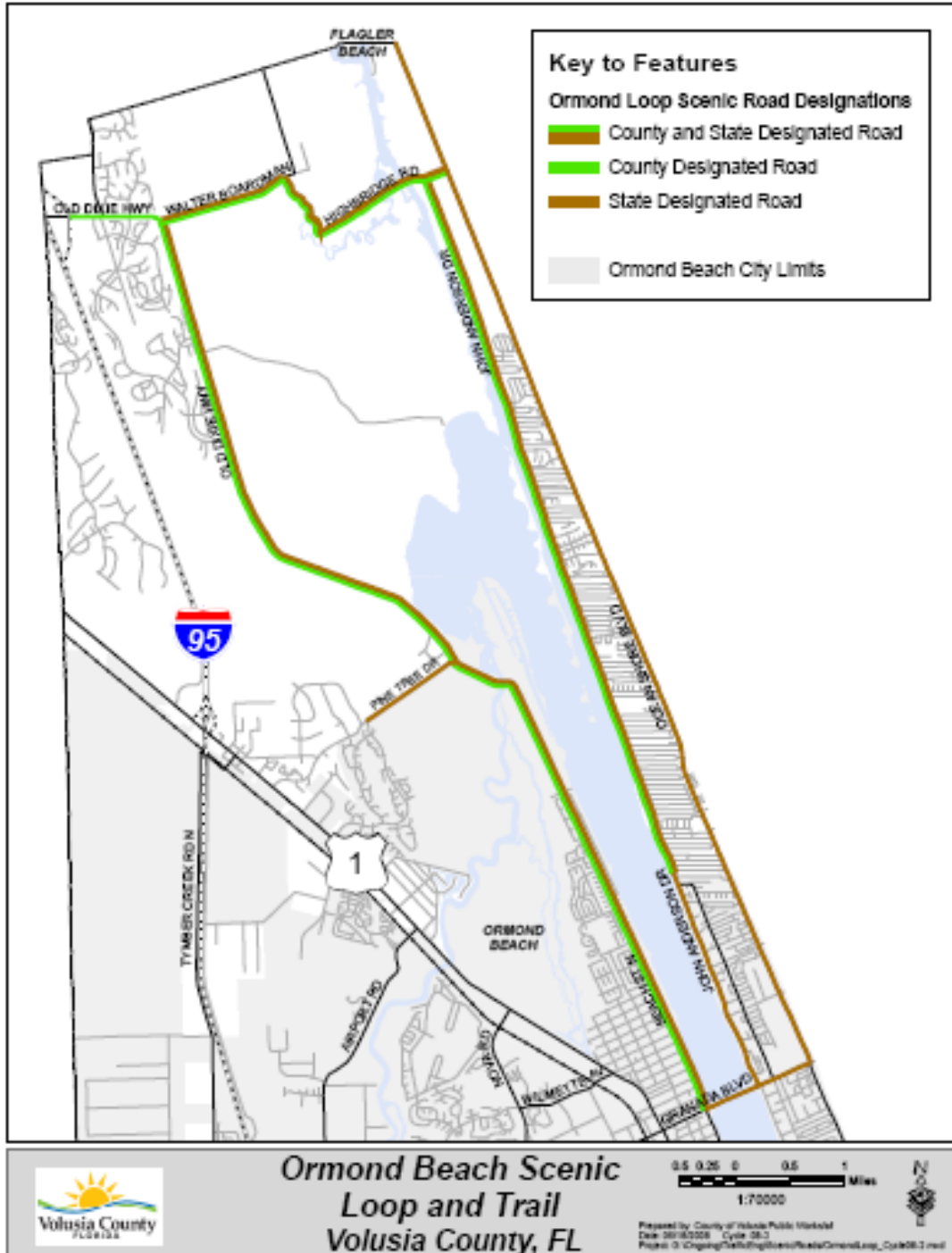
1 highways. The display kiosks will highlight the flora, fauna, land forms,  
2 water bodies and historical/archeological resources along the scenic  
3 corridors.

4  
5 2.3.3.7 Volusia County shall cooperate with and assist local Corridor  
6 Management Entities in their application to the Federal Highway  
7 Administration's National Scenic Byways Program.

1 EXHIBIT E

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APPENDIX 1: MAPS AND FIGURES  
Figure 2-8



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1 **EXHIBIT F**

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3 **CHAPTER 2: TRANSPORTATION ELEMENT**

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6 GOAL:

7  
8 2.3 Volusia County shall provide for the designation and management of a  
9 system of Scenic Corridors which reflect the varying aesthetic qualities of  
10 the County. There are three types of scenic corridors as listed below:

- 11  
12 1. County designated Scenic Corridors  
13 2. Florida State designated Scenic Highways  
14 3. National Scenic Byways

15  
16 OBJECTIVE:

17  
18 2.3.1 Volusia County has established and will maintain a program for the  
19 designation of aesthetically significant corridors. The following policies  
20 apply to all designated Scenic Corridors unless otherwise noted:

21  
22 POLICIES:

23  
24 2.3.1.1 Volusia County has established procedures and the evaluative criteria to  
25 be used in designating County designated Scenic Corridors.

26  
27 2.3.1.2 Volusia County may not designate a new County designated Scenic  
28 Corridor which traverses an incorporated area unless the governing body  
29 of the appropriate municipality has entered into an interlocal agreement  
30 with the County to preserve the scenic value of the roadway corridor.

31  
32 OBJECTIVE:

33  
34 2.3.2 Volusia County has established and will maintain a program for the  
35 management of County designated Scenic Corridors. The following  
36 policies apply to County designated Scenic Corridors as shown in Figure  
37 2-8 of the transportation map series: