

**ORDINANCE 2008-01**  
**(formerly 2007-15)**

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4 AN ORDINANCE OF THE TOWN OF PONCE INLET, VOLUSIA  
5 COUNTY, FLORIDA; PROVIDING FOR LARGE-SCALE  
6 AMENDMENT TO THE COMPREHENSIVE PLAN OF THE TOWN OF  
7 PONCE INLET; AMENDING FUTURE LAND USE ELEMENT,  
8 HOUSING ELEMENT, RECREATION AND OPEN SPACE ELEMENT,  
9 INTERGOVERNMENTAL COORDINATION ELEMENT, AND  
10 CAPITAL IMPROVEMENTS ELEMENT; AMENDING TRAFFIC  
11 CIRCULATION ELEMENT AND RENAMING: "TRANSPORTATION  
12 ELEMENT;" AMENDING UTILITIES ELEMENT AND RENAMING:  
13 "SANITARY SEWER, SOLID WASTE, STORMWATER  
14 MANAGEMENT, POTABLE WATER, AND NATURAL  
15 GROUNDWATER AQUIFER RECHARGE ELEMENT;" AMENDING  
16 COASTAL MANAGEMENT/CONSERVATION ELEMENT AND  
17 RENAMING: "COASTAL ELEMENT" AND "CONSERVATION  
18 ELEMENT;" DELETING CHAPTER X, "MONITORING AND  
19 EVALUATION PROCEDURES;" DELETING CHAPTER I,  
20 "INTRODUCTION AND OVERVIEW," AND REPLACING WITH NEW  
21 CHAPTER I, "ADMINISTRATION AND INTERPRETATION;"  
22 REDESIGNATING PROPERTY KNOWN AS TOWN HALL,  
23 APPROXIMATELY 4.7 ACRES LOCATED AT THE NORTHERN  
24 TOWN LIMITS BETWEEN ATLANTIC AVENUE AND PENINSULA  
25 DRIVE, FROM LOW-DENSITY RESIDENTIAL TO  
26 PUBLIC/INSTITUTIONAL; REDESIGNATING PROPERTY KNOWN  
27 AS WILBUR BAY WETLANDS, APPROXIMATELY 26.4 ACRES  
28 LOCATED WEST OF PENINSULA DRIVE AT THE NORTH TOWN  
29 LIMITS SOUTH TO THE CANAL NORTH OF OLD CARRIAGE  
30 ROAD, FROM LOW DENSITY RESIDENTIAL TO CONSERVATION;  
31 REDESIGNATING APPROXIMATELY 16.3 ACRES OF THE  
32 PROPERTY KNOWN AS PONCE PRESERVE, LOCATED IN THE  
33 4400 BLOCK BETWEEN PENINSULA DRIVE AND THE ATLANTIC  
34 OCEAN, FROM VARIOUS RESIDENTIAL DESIGNATIONS TO  
35 PARKS AND OPEN SPACE; REDESIGNATING PROPERTY KNOWN  
36 AS RACING'S NORTH TURN RESTAURANT, LOCATED AT 4511  
37 SOUTH ATLANTIC AVENUE, FROM HIGH DENSITY MULTI-  
38 FAMILY RESIDENTIAL TO GENERAL COMMERCIAL;  
39 REDESIGNATING APPROXIMATELY 8 ACRES KNOWN AS  
40 TIMUCUAN OAKS BOTANICAL GARDENS, LOCATED IN THE 4500  
41 BLOCK OF PENINSULA DRIVE, FROM VARIOUS RESIDENTIAL  
42 DESIGNATIONS AND CONSERVATION TO PARKS AND OPEN  
43 SPACE; REDESIGNATING APPROXIMATELY .9 ACRES KNOWN  
44 AS WINTERHAVEN PARK, LOCATED IN THE 4500 BLOCK OF  
45 ATLANTIC AVENUE, FROM HIGH-DENSITY MULTI-FAMILY TO  
46 PARKS AND OPEN SPACE; ELIMINATING THE HARBOUR

47 VILLAGE PUD DESIGNATION AND REDESIGNATING THE AREA  
48 WITHIN THAT PUD, WITH THE EXCEPTION OF THE AREA  
49 COMMONLY KNOWN AS FISHERMAN'S HARBOUR VILLAGE,  
50 LOCATED EAST OF ATLANTIC AVENUE BETWEEN 4525 AND  
51 4679 ATLANTIC, BETWEEN ATLANTIC AVENUE AND PENINSULA  
52 DRIVE IN THE 4600 BLOCK, AND WEST OF PENINSULA DRIVE  
53 FROM THE HARBOUR VILLAGE GOLF & YACHT CLUB SOUTH  
54 TO THE 4700 BLOCK OF PENINSULA DRIVE AND INCLUDING  
55 THE COLLEY SUBDIVISION, CONSISTING OF APPROXIMATELY  
56 200 ACRES, TO LOW-DENSITY SINGLE FAMILY RESIDENTIAL,  
57 MEDIUM-HIGH DENSITY AND HIGH DENSITY MULTI-FAMILY  
58 RESIDENTIAL, GENERAL COMMERCIAL,  
59 PUBLIC/INSTITUTIONAL, PARKS AND OPEN SPACE, AND  
60 CONSERVATION IN ACCORDANCE WITH THE LAND USES THAT  
61 EXIST WITHIN THE PUD BOUNDARIES; REDESIGNATING THE  
62 APPROXIMATELY 5.57 ACRE COMMERCIAL AREA IN THE  
63 HARBOUR VILLAGE PUD KNOWN AS FISHERMAN'S HARBOUR  
64 VILLAGE, FROM PUD, APPROXIMATELY 2.82 ACRES ON THE  
65 EASTERN PORTION TO GENERAL COMMERCIAL, AND  
66 APPROXIMATELY 2.75 ACRES ON THE WESTERN PORTION TO  
67 MEDIUM-HIGH DENSITY MULTI-FAMILY RESIDENTIAL;  
68 PROVIDING FOR CONFLICTING ORDINANCES, PROVIDING FOR  
69 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

70 **WHEREAS**, the Town of Ponce Inlet is committed to a policy of managed growth  
71 which recognizes the rights of residential and commercial interests and preservation of  
72 natural resources; and

73 **WHEREAS**, the Town of Ponce Inlet has the authority to amend its Comprehensive  
74 Plan pursuant to Chapter 163, Part II, Florida Statutes; and

75 **WHEREAS**, the Town of Ponce Inlet's Town Council, authorized by ordinance to  
76 act as the Town's Local Planning Agency, held numerous public hearings to consider  
77 amending the Town of Ponce Inlet's Comprehensive Plan and received extensive input  
78 from citizens and property owners of the Town; and

79 **WHEREAS**, the Local Planning Agency received recommendations and expert  
80 input from the Town's Planners and other Staff; and

81 **WHEREAS**, the Town Council of the Town of Ponce Inlet finds that this Ordinance  
82 and the amendments to the Town's Comprehensive Plan serve the best interests of the Town of  
83 Ponce Inlet; and

84 **WHEREAS**, this amendment serves as the first amendment to the Comprehensive  
85 Plan of the Town of Ponce Inlet since 2003; and

86 **WHEREAS**, the Town Council as the Town's governing body held a transmittal

87 hearing on March 12, 2008, to consider the same amendments to the Town of Ponce Inlet's  
88 Comprehensive Plan; and

89 **WHEREAS**, the Town of Ponce Inlet has complied with all requirements and procedures  
90 of Florida law in noticing and processing the amendments to the Town of Ponce Inlet's  
91 Comprehensive Plan; and

92 **WHEREAS**, the Town Council of the Town of Ponce Inlet hereby finds and determines  
93 that this Ordinance is internally consistent and is consistent with other controlling law to include,  
94 but not limited to, Chapter 163, Florida Statutes, and the provisions of the State Comprehensive  
95 Plan as codified at Chapter 187, Florida Statutes; and

96 **WHEREAS**, deletions are indicated by ~~striketroughs~~, and additions are indicated by  
97 underline.

98 **NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF**  
99 **THE TOWN OF PONCE INLET, FLORIDA AS FOLLOWS:**

100 **SECTION 1. LEGISLATIVE FINDINGS.** The Recitals set forth above are  
101 hereby adopted as legislative findings of the Town Council of the Town of Ponce Inlet.

102 **SECTION 2. COMPREHENSIVE PLAN AMENDMENT TEXT.** Exhibit  
103 "A" attached to this Ordinance is hereby incorporated into the text of this Ordinance as  
104 though fully set forth herein verbatim as the Comprehensive Plan Amendments.

105 **SECTION 3. DIRECTIONS TO CITY CLERK.** The Town Clerk is hereby  
106 directed to transmit three (3) copies of the adopted amendments to the Florida Department  
107 of Community Affairs within ten (10) working days after adoption. One copy to the  
108 Department of Community Affairs shall be paper, and the other two copies may be on CD  
109 ROM in Portable Document Format (PDF). One (1) copy each shall also be sent to the  
110 Florida Department of Environmental Protection (DEP), the appropriate Florida  
111 Department of Transportation (DOT) District Office, Department of State (DOS), East  
112 Central Florida Regional Planning Council, the St. John's River Water Management  
113 District, (SJRWMD), and Volusia County.

114 **SECTION 4. CONFLICTING ORDINANCES.** All ordinances, or parts  
115 thereof, in conflict herewith are, to the extent of such conflict, hereby repealed.

116 **SECTION 5. SEVERABILITY.** If any section, sentence, clause or phrase of  
117 this Ordinance and Exhibit is held to be invalid or unconstitutional by any court or  
118 competent jurisdiction, that holding shall in no way affect the validity of the remaining  
119 portions of this Ordinance and Exhibit.

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121 **SECTION 6. EFFECTIVE DATE.** The effective date of the Comprehensive Plan  
122 Amendments shall be the date the final order is issued by the Department of Community  
123 Affairs or Administration Commission finding the amendments in compliance in

124 accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. If a final  
125 order of noncompliance is issued by the Administration Commission, these amendments  
126 may nevertheless be made effective by adoption of a resolution affirming its effective  
127 status, a copy of which resolution shall be sent to the Department of Community Affairs,  
128 Bureau of Local Planning.

129 It was moved by Vice-Mayor McCormick and seconded by Councilmember Sturno that  
130 said Ordinance be passed on first reading for transmittal. A roll call vote of the Town Council  
131 on said motion resulted as follows:

132	Mayor Epps, Seat #1	Yes
133	Councilmember Goudie, Seat #2	No
134	Vice-Mayor McCormick, Seat #3	Yes
135	Councilmember Hinson, Seat #4	Yes
136	Councilmember Sturno Seat #5	Yes

137 Passed upon first reading for transmittal this 19<sup>th</sup> day of March, 2008.

138 It was moved by Vice-Mayor McCormick seconded by Councilmember Hinson that said  
139 Ordinance as amended be passed on second reading for adoption. A roll call vote of the Town  
140 Council on said motion resulted as follows:

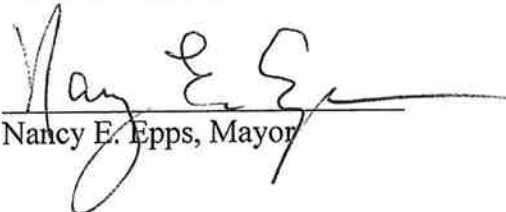
141	Mayor Epps, Seat #1	Yes
142	Councilmember Goudie, Seat #2	Yes
143	Vice-Mayor McCormick, Seat #3	Yes
144	Councilmember Hinson, Seat #4	Yes
145	Councilmember Sturno, Seat #5	Yes

146 Passed and Adopted upon second reading this 18th day of November, 2008.

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Town of Ponce Inlet, Florida

  
Nancy E. Epps, Mayor


155 ATTEST:

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Kassandra Esposito Blissett  
Town Manager/Town Clerk