



**GROWTH AND RESOURCE MANAGEMENT DEPARTMENT  
PLANNING AND DEVELOPMENT SERVICES DIVISION**  
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**PUBLIC HEARING:** October 17, 2019 – Planning and Land Development Regulation Commission (PLDRC)

**CASE NO:** CPA-19-002

**SUBJECT:** Large-Scale Comprehensive Plan Amendment – Coastal Management Element Update

**APPLICANT:** Growth and Resource Management Department  
Planning and Development Services Division

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## **I. SUMMARY OF REQUEST**

The purpose of this amendment is to update the Coastal Element of the Volusia County Comprehensive Plan. The update is intended to make the element consistent with changes to state law. The element has been streamlined and reorganized to improve functionality, reduce the narrative, address resiliency, and eliminate redundant and obsolete policies. Policies have been updated to be consistent with the county's adopted 2018 Floodplain Management Plan and the East Central Florida Regional Resiliency Action Plan.

### **Staff Recommendation:**

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA-19-002, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for expedited review and to the Volusia Growth Management Commission (VGMC) for certification.

## **II. OVERVIEW**

Chapter 163.3178, Florida Statutes, which governs the coastal management element of local government comprehensive plans, was amended by the Florida Legislature in 2015. The intent was for comprehensive plans to restrict development activities that damage or destroy coastal resources and to protect human life and limit public expenditures in areas that are subject to destruction by natural disaster. Plans are now required to address principles, strategies, and engineering solutions that reduce flood risk in coastal areas from high-tide events, hurricanes, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

Prior to this proposed comprehensive plan amendment, the county council took action on several related items. On September 18, 2018, the council approved the 2018 Floodplain Management Plan for Volusia County. The plan includes a comprehensive list of floodplain hazards as well as a unified approach for countywide mitigation and planning efforts. The plan includes targeted projects for each local jurisdiction within the county that will help mitigate flooding problems. Additionally, on July 16, 2019, the council voted to approve the East Central Florida Regional Resiliency Action Plan (Action Plan) with a resolution to advance the direct implementation of activities aimed at improving safety, long-term resilience, and sustainability in Volusia County. The Action Plan includes sea level rise projections as well as an action plan matrix to address implementation strategies for resiliency. At the same meeting, the council also approved a resolution to participate in the East Central Florida Regional Resilience Collaborative (ECFR2C), an eight-county, regional approach to implement the three pillars of resilience – people, places, and prosperity.

This comprehensive plan amendment, through Ordinance 2019-xx, includes an amended narrative, updated and reorganized goals, objectives, and policies, and a new goal to address resiliency. The update was a collaborative effort between the Planning and Development Services Division, the Environmental Management Division, the Coastal Management Department, and the Emergency Management Department. The revised element includes references to the council-adopted 2018 Floodplain Management Plan and the East Central Florida Regional Resiliency Action Plan. The statutory requirements and an underline/strikethrough version of the proposed changes are also included in this package.

### **III. STAFF RECOMMENDATION**

Find the amendment consistent with the comprehensive plan and forward the application, case number CPA 19-002, to county council with a recommendation of approval to transmit to the Department of Economic Opportunity for review and to the Volusia Growth Management Commission (VGMC) for certification.

### **IV. ATTACHMENTS**

- Draft Ordinance 2019-xx
- Strike-through/underline Ordinance with Comments
- Chapter 163.3178, Florida Statutes

# ORDINANCE 2019-xx

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED, BY AMENDING CHAPTER 11, COASTAL MANAGEMENT ELEMENT; BY AMENDING CHAPTER 20, DEFINITIONS; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, *et seq.*, Florida Statutes, creates the Community Planning Act (“Act”); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

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

**SECTION I.** Chapter 11, Coastal Management Element, Volusia County Comprehensive Plan is amended follows:

## I. INTRODUCTION

## A. Purpose

The purpose of the Coastal Management Element is to provide for the reasonable use and management of coastal resources related to development activities, protection of human life, the limitation of public expenditures in areas subject to natural disaster, and protection of wildlife and natural habitat. This element is required by Section 163.3177(6)(g), Florida Statutes.

1 Additionally, in 2015, the Florida Legislature passed legislation to address redevelopment  
2 components in coastal management elements that outline the principles that must be used to  
3 eliminate inappropriate and unsafe development in the coastal areas when opportunities arise  
4 relating to the effects of coastal flooding.

5

6 **B. Coastal Volusia**

7

8 Volusia County includes sixteen (16) municipalities, which makes the central concept of the  
9 Element the promotion of consensus among and between coastal communities so that common  
10 problems can be identified and common solutions proposed and implemented. The intent is to  
11 emphasize cooperation in implementing and achieving the goals, objectives and policies. It is not  
12 the intent of the County to mandate certain requirements through this Element beyond their  
13 statutory authority. Rather, the approach taken is to stress intergovernmental coordination and  
14 mutual cooperation, utilizing interlocal agreements and recognized scientific studies to meet  
15 common goals.

16 The coastal study area was established to include all areas of Volusia County that drain to the  
17 estuarine areas of the County seaward of the St. John's River Basin. Demarcating the coastal  
18 area along the westward extent of the East Volusia drainage basin area is intended to facilitate a  
19 comprehensive management of the County's coastal resources. The existing drainage basin  
20 defines the boundary for the coastal area of Volusia County. Approximately 450.5 square miles  
21 of the County are included within this study area. It ranges from between four and 16 miles wide  
22 to approximately 50 miles long, and is bounded to the east by the Atlantic Ocean, west by the  
23 watershed boundary as determined by the U.S.G.S. Hydrologic Unit Map of Florida, and to the  
24 north by Flagler County, and to the south by Brevard County (see Figure 11-1, Coastal Study  
25 Area Boundary, Appendix 1 Maps and Figures).

26

27 The six (6) watersheds within the study area boundary are:

28

29

30       Tomoka River North  
31       Tomoka River South  
32       Halifax River  
33       Mosquito Lagoon/Indian River North  
34       Indian River South  
35       Spruce Creek

36

37 The Tomoka River South primary basin is further divided into five sub-basins, the Spruce Creek  
38 Basin into eight sub-basins, and the Halifax Basin and Indian River North Basin into three sub-  
39 basins.

40

41 The Volusia County Coastal Area is a complex, dynamic natural system comprised of barrier  
42 islands, estuarine and river systems, and mainland watersheds. The coastal wetlands are  
43 dominated by salt marsh and mangrove outside of the urban centers on the estuary. Freshwater  
44 wetlands are dominated by forested habitats generally occurring within the interior of the coastal  
45 zone, west of the estuary. The coastal wetlands are currently afforded some degree of regulatory  
46 protection by the U.S. Army Corps of Engineers (aided by the U.S. Environmental Protection  
47 Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service), Florida  
48 Department of Environmental Protection (FDEP), St. John's River Water Management District  
49 (SJRWMD) and the County. The protective measures generally afforded by these agencies are  
50 limited only to wetlands. However, the County does regulate upland buffer areas adjacent to

1 wetlands. In addition to the wetlands, the coastal zone contains a variety of native upland habitats  
2 including,

3  
4 Pine Flatwood  
5 Pine-Mesic Oak  
6 Temperate Hardwoods  
7 Coastal Scrub  
8 Prairie  
9 Cabbage Palm  
10 Rangeland  
11 Sand Pine  
12 Sand Live Oak  
13 Long Leaf Pine  
14 Live Oak

15  
16 Volusia County and its municipalities are part of a coordinated effort to identify, evaluate, and  
17 manage these resources as interconnected systems, using watersheds as the basic management  
18 unit. The environmental impact of development can be mitigated if growth occurs within specific  
19 geographic areas, following design standards and principles that conserve vegetation and water  
20 quality and respect the natural features of the environment. By directing development away from  
21 areas most vulnerable to coastal storms, future losses of life and property can be minimized.

22  
23 **C. Resources**

24  
25 Volusia County has participated in a variety of local and regional efforts to support its coastal and  
26 floodplain initiatives. In 2012, the Volusia County Council approved the Sustainability Action Plan.  
27 In 2017, the county embarked upon an effort with the East Central Florida Regional Planning  
28 Council to develop a report called "Resilient Volusia County" to build resiliency against flooding  
29 and sea level rise. That effort was followed by the council's adoption of the Volusia County  
30 Integrated Floodplain Management Plan in 2018. The same year, the East Central Florida  
31 Regional Planning Council expanded on its "Resilient Volusia County" project by developing the  
32 "East Central Florida Regional Resiliency Action Plan," which was prepared for Volusia and  
33 Brevard Counties. Volusia staff from Emergency Management, Environmental Management,  
34 Planning and Development Services, and Traffic Engineering were all involved in these processes  
35 and worked to incorporate local strategies into the regional planning process. The East Central  
36 Florida Regional Resiliency Action Plan was adopted by the council in July 2019. In the same  
37 meeting, the council directed staff to participate in a larger Central Florida resiliency collaborative.  
38 All of these initiatives and the resulting datasets have formed the basis for updates to the county's  
39 comprehensive plan.

40  
41 **II. GOALS, OBJECTIVES, AND POLICIES**

42  
43 **GOAL:**

44  
45 11.1 Conserve, protect and manage the coastal resources of Volusia County including  
46 the wetland and upland ecosystem so as to maintain and enhance native habitats,  
47 floral and faunal species diversity, water quality, and natural surface water  
48 characteristics.

1      **OBJECTIVE:**

2  
3      11.1.1      Maintain management programs to ensure the long-term protection and  
4      enhancement of wetland habitats, water quality, and selected natural upland  
5      habitats. The primary means of accomplishing this objective will be through the  
6      retention of interconnected hydroecological systems where the wetlands and  
7      uplands function as a productive unit resembling the original landscape.

8  
9      **POLICIES:**

10  
11     11.1.1.1      The Volusia County Environmental Management Division will be responsible for  
12      developing management plans and standards that protect and conserve natural  
13      systems within the coastal area of unincorporated Volusia County and the county-  
14      managed beaches.

15  
16     11.1.1.2      The Volusia County Coastal Division is responsible for implementing and updating  
17      the Ponce de Leon Inlet Management Plan ("IMP"). The IMP is required by the  
18      State of Florida and is based on sediment budget engineering analysis that  
19      characterizes the impacts the stabilized inlet channel has on adjacent beaches.  
20      The plan sets forth action steps intended to maintain safe inlet channel navigation  
21      while minimizing and mitigating the impacts the inlet channel may have on adjacent  
22      beaches and dunes.

23  
24     11.1.1.3      Environmental system corridors will integrate critical native and upland\_habitats  
25      identified by the Environmental Management Division to the maximum extent  
26      possible as an interconnected system.

27  
28     11.1.1.4      Areas of critical wetland and native upland habitats not connected to corridors that  
29      exhibit resource values should be evaluated for inclusion as conservation or  
30      recreation areas within future development plans. Secondary linkage to nearby  
31      corridors, even if by artificial means, should be considered and encouraged.  
32      Construction of new corridors or linkages should be considered as a form of  
33      mitigation where appropriate.

34  
35     11.1.1.5      Volusia County shall continue to implement site-specific conservation,  
36      management, and development review standards during the development review  
37      process. Such reviews are intended to minimize long-term and cumulative impacts  
38      on coastal habitat by requiring site specific analysis during the review process.

39  
40     11.1.1.6      Volusia County will continue to require an Environmental Impact Assessment for  
41      development sites in the Natural Resource Management Area prior to  
42      development approval.

43  
44     11.1.1.7      Volusia County will continue to encourage coordination of significant corridors with  
45      the municipalities following annexation.

46  
47     11.1.1.8      Volusia County will manage\_spoil islands so that they may become an integral  
48      component of lagoon ecology.

49  
50     11.1.1.9      The Environmental Management Division will maintain standards for wetland  
51      habitat mitigation through the county's land development regulations.

1           11.1.1.10   For all habitat mitigation plans, programs or activities, the Environmental  
2           Management Division should identify quantifiable, realistic goals, maintain direct  
3           supervision through the construction and monitoring process, utilize a minimum of  
4           flexibility for minor or insignificant post-construction modifications and, if problems  
5           or failures result, be able to enforce permit conditions.  
6

7           11.1.1.11   The Environmental Management Division will continue to support and sponsor  
8           estuarine, oceanfront, and shoreline habitat restoration and protection projects.  
9           Projects will target identified shorelines where restoration is required to offset  
10           impacts from existing upland development including stormwater discharges, bulk  
11           heading, dumping and land clearing. Restoration will include but not be limited to:  
12

- 13           A.     Removing debris and toxic materials.
- 14           B.     Stabilizing shorelines.
- 15           C.     Creating wetland habitat such as mangrove and salt marsh.
- 16           D.     Dune restoration.
- 17           E.     Relocating or eliminating storm water/domestic waste and effluent.
- 18           F.     Maintenance of stormwater facilities and retrofitting where needed.
- 19           G.     Regulation of urban shoreline redevelopment.

20           11.1.1.12   Development adjacent to estuarine and riverine shoreline areas shall maintain a  
21           habitat buffer zone to protect or conserve the canopy, understory and ground cover  
22           of native upland vegetation and wetlands.  
23

24           11.1.1.13   Development in habitat areas that include species listed by the State of Florida or  
25           U.S. Fish and Wildlife Service as Endangered, Threatened, or Species of Special  
26           Concern shall not adversely impact that habitat or the listed species within it.  
27

28           11.1.1.14   Volusia County has incorporated the Manatee Protection Plan ("MPP") approved  
29           by the County Council into its Comprehensive Plan. The County shall continue to  
30           protect manatees and manatee habitat through: implementation of the MPP, the  
31           continued enforcement of the State's Intracoastal Waterway Speed Zone Program;  
32           and through the implementation of the applicable sections of the land development  
33           regulations  
34

35           GOAL:  
36

37           11.2       To conserve, protect, and restore coastal resources by managing growth and land  
38           use so as not to damage or destroy those resources.  
39

40           OBJECTIVE:  
41

42           11.2.1      Volusia County will continue to implement land use regulations that provide for the  
43           location, extent and distribution of land uses consistent with the protection of  
44           coastal resources.  
45

1      **POLICIES:**

2

3      11.2.1.1     Land uses, development, or other actions which have significant adverse impact  
4                    on coastal resources to the point where coastal resources would be degraded as  
5                    a result shall be required to provide appropriate mitigation to those impacts.

6

7      11.2.1.2     Designated natural resource areas, significant environmental or ecological  
8                    features, critical wildlife habitat, environmental system corridors or conservation  
9                    areas shall be protected through a variety of mechanisms including buffer zones,  
10                    restoration, limiting density and intensity, conservation easements, acquisition,  
11                    density transfers, transfer of development rights (TDRs), purchase of development  
12                    rights or land exchanges.

13

14     11.2.1.3     The priority for new development shall be in areas of urban infill in order to contain  
15                    sprawl, use existing developable lands, maximize the provision of urban services  
16                    and facilities and protect remaining coastal habitat.

17      **OBJECTIVE:**

18

19     11.2.2       Continue to maintain standards for appropriate densities, intensities, buffer zones,  
20                    resource protection and location for development adjacent to aquatic and natural  
21                    preserves, wildlife refuges, and environmental system corridors to protect the  
22                    natural character, scenic values and public benefit of these areas.

23      **POLICIES:**

24

25     11.2.2.1     Volusia County will continue to maintain or adopt zoning classifications in the  
26                    unincorporated Coastal area consistent with the protection or conservation of  
27                    coastal resources.

28

29     11.2.2.2     Utilize innovative or alternative zoning districts or techniques to protect coastal  
30                    resources. Such techniques could include overlay districts, floating zones, bonus  
31                    ordinances, performance standards, fast-tracking of development applications,  
32                    quality development programs, Transferable Development Rights, or other  
33                    incentive-based methods.

34

35     11.2.2.3     Cooperate and coordinate with local governments, state agencies, and special  
36                    districts in developing consistent standards, criteria and land development  
37                    regulations for protection of coastal resources.

38      **OBJECTIVE:**

39

40     11.2.3       Priorities for shoreline land use shall be given to water dependent uses over water  
41                    related land uses and shall be based on type of water-dependent use, adjacent  
42                    land use, water quality, impact on critical habitat, and impact on coastal resources.

43      **POLICIES:**

44

45     11.2.3.1     When reviewing applications for zoning, plan amendments or development orders,  
46                    shoreline land uses shall have the following priorities:

47

1                   A. Water-dependent uses such as aquaculture and wildlife production,  
2                   recreation, public access, marinas and navigation, and water-dependent  
3                   utilities and industry, which do not create a significant adverse impact upon  
4                   the waters or land use.

5                   B. Protection of coastal and natural resources.

6                   C. Water enhanced uses such as recreation, certain utilities, commerce and  
7                   industrial uses.

8                   D. Low density residential.

9                   E. Non-water dependent or related activities such as intensive urban  
10                  residential, non-water dependent industry and commerce.

11                  F. Of lowest priority are those uses which are non-water dependent, non-  
12                  water enhanced which result in a reduction of coastal resources.

13                  11.2.3.2 Land development reviews, for the purposes of siting, or expanding marinas or  
14                  boat facilities shall include the following criteria with priority given to expansion of  
15                  existing marinas:

16                  A. Consistency with provisions included in the Manatee Protection Plan for  
17                  Volusia County.

18                  B. Sufficient upland areas to accommodate needed support facilities such as  
19                  adequate parking, dry storage, work areas, stormwater management  
20                  facilities, and other non-water dependent uses.

21                  C. Preference will be given to locating marinas and boat facilities in areas  
22                  which require minimal dredging or no dredging or filling to provide access  
23                  by either canal, channel or road.

24                  **OBJECTIVE:**

25                  11.2.4 Consistent with the Historic Preservation Element, protect and preserve historic  
26                  and archaeological resources.

27                  **POLICIES:**

28                  11.2.4.1 Include coastal historic and archeological resources in land acquisition programs  
29                  for open space, recreation, preservation, or conservation.

30                  11.2.4.2 Volusia County shall maintain standards, regulations and guidelines for the  
31                  protection of historic and archeological resources in the coastal area through the  
32                  Volusia County Historic Preservation Ordinance.

33                  **GOAL:**

34                  11.3 To protect, enhance, and improve the quality of the estuarine environment  
35                  throughout Volusia County.

1  
2 **OBJECTIVE:**  
3

4 11.3.1 To monitor and improve estuarine water quality by maintaining an ongoing water  
5 quality sampling and monitoring program, establishing base line conditions, and  
6 identifying standards as parameters to measure changes in water quality.  
7

8 **POLICIES:**  
9

10 11.3.1.1 A comprehensive water quality sampling and monitoring network shall be  
11 maintained for the coastal area. The data shall be evaluated to detect possible  
12 problems and to determine where corrective action is needed.  
13

14 11.3.1.2 A water quality monitoring program shall be maintained so that point and non-point  
15 sources and facilities which are identified as potential water quality problems are  
16 regularly and periodically inspected.  
17

18 11.3.1.3 Volusia County shall identify areas that utilize individual septic systems in the  
19 coastal area. These areas will be prioritized for incorporation into public  
20 wastewater treatment systems. The following criteria will be utilized for prioritizing  
21 areas:  
22

- 23 A. Soil type
- 24 B. Water table level
- 25 C. Proximity to Aquatic Preserves and Outstanding Florida Waters
- 26 D. Proximity to open shellfish harvesting areas
- 27 E. Proximity to other water bodies
- 28 F. Density of septic tank systems
- 29 G. Areas known or suspected to be impacting surface or ground water quality
- 30 H. Proximity to existing or planned public wastewater treatment systems
- 31 I. Directives of the Indian River Lagoon Act
- 32 J. Directives of the Northern Coastal Basin SWIM

33 11.3.1.4 Future individual on-site disposal systems in the Mosquito/Indian River Lagoon  
34 area shall be managed under the Surface Water Improvement Management Area  
35 Overlay Zone requirements of the Volusia County Zoning Ordinance. If no central  
36 sewer is available, on-site sewage disposal systems within the subject overlay  
37 zone may be required to be advanced systems depending on soil type and water  
38 table parameters.  
39

40 11.3.1.5 Volusia County will continue to maintain and upgrade existing sewage treatment  
41 plants in the coastal area in accordance with the Sanitary Sewer Element of the  
42 comprehensive plan.  
43

44 11.3.1.6 Volusia County will continue to maintain erosion and sediment control provisions  
45 in the land development regulations.  
46

47 11.3.1.7 The construction of future storm water management systems and the redesign of  
48 existing systems shall consider the timing of discharge of fresh water to the estuary  
49 and ocean, the hydroperiod of the wetlands as well as the potential loadings.  
50

1 11.3.1.8 The use of pipes, ditches and canals which transport large volumes of fresh water  
2 rapidly to the estuaries and ocean shall be prohibited.  
3

4 11.3.1.9 Volusia County will continue to implement the Stormwater Management Master  
5 Plan which provides guidance for the reduction of flooding and increased water  
6 quality as a result of stormwater runoff.  
7

8 11.3.1.10 Volusia County will continue to implement its Water Quality Master Plan on an on-  
9 going basis.  
10

11 11.3.1.11 The preparation of management plans, water quality studies, and sampling  
12 programs will be coordinated with the coastal municipalities, the SJRWMD, and  
13 the FDEP.  
14

15 11.3.1.12 The findings and recommendations from the Surface Water Improvement  
16 Management (SWIM) programs will be incorporated into the county's plans and  
17 regulations.  
18

19 11.3.1.13 Volusia County will continue water quality sampling and reporting requirements for  
20 assessing and monitoring impacts of cumulative development on storm water  
21 runoff and water quality.  
22

23 11.3.1.14 Volusia County shall continue its commitment to improve and enhance water  
24 quality and estuarine conditions through intergovernmental cooperation with its  
25 municipalities and other affected agencies and groups.  
26

27 **GOAL:**  
28

29 11.4 Protect, enhance and restore the functioning of the beach and dune systems and  
30 prohibit development activities that would damage or destroy such systems.  
31

32 **OBJECTIVE:**  
33

34 11.4.1 Maintain standards to minimize the impacts of structures and development on  
35 beach and dune systems and where necessary initiate dune restoration programs.  
36

37 **POLICIES:**  
38

39 11.4.1.1 Continue to coordinate with the Bureau of Beaches and Coastal Systems  
40 concerning the Coastal Construction Control Line (CCCL).  
41

42 11.4.1.2 Permits for new seawalls shall only be allowed to protect health, safety, principal  
43 buildings, public infrastructure, or to fill in small between existing seawalls. All new  
44 permitting of seawalls must receive proper permits from applicable federal, state,  
45 regional, and local agencies.  
46

47 11.4.1.3 Seawall construction in the County shall be consistent with State requirements and  
48 should be of a low profile design that relates to local beach conditions. In addition,  
49 all new seawalls shall be designed and constructed to minimize adverse effects to  
50 adjacent properties.  
51

1 11.4.1.4 All new or reconstructed seawalls shall include a provision of a vegetated dune  
2 system.  
3  
4 11.4.1.5 Created dune systems shall be maintained to emulate natural dune systems. No  
5 dune reconstruction or maintenance shall be done during the marine sea turtle  
6 nesting season.  
7  
8 11.4.1.6 FDEP and the Volusia County Beaches and Dunes Ordinance maintain standards  
9 for the maintenance and restoration of dune areas.  
10  
11 11.4.1.7 Coastal construction shall be planned, designed, and constructed to avoid the man  
12 made destruction or removal of existing dunes and dune vegetation. Where such  
13 impacts cannot be avoided, such impacts shall be mitigated.  
14  
15 11.4.1.8 Structural development along beaches fronting the Atlantic Ocean shall enhance  
16 and not further degrade the coastal beach and dune system.  
17  
18 11.4.1.9 Shoreline buffer zones shall be established to protect and preserve the coastal  
19 beach and dune systems fronting the Atlantic Ocean. Buffer areas shall be  
20 measured seaward from the existing or historical vegetative line and re-established  
21 upon changes to the new Coastal Construction Control Line.  
22  
23 11.4.1.10 Structures shall be prohibited within the established shoreline buffer areas except  
24 where overriding public interest is apparent for public park and recreation facilities,  
25 or for structures that are necessary for reasonable access and are elevated above  
26 the dune vegetation.  
27  
28 11.4.1.11 As part of the coastal resource function, exchange information and monitor data  
29 collection of the FDEP, the US Army Corps of Engineers, Florida Sea Grant  
30 College, universities, and other appropriate agencies.  
31  
32 11.4.1.12 In cooperation with the FDEP, develop information and education programs to  
33 inform citizens on how the coastline works. Provide technical assistance to land  
34 owners, citizens, community interest groups and local governments.  
35  
36 11.4.1.13 Utilize State and Federal grants and community resources to implement beach and  
37 dune restoration projects such as civic associations, community groups, private  
38 donations, or other similar techniques.  
39  
40 11.4.1.14 Incorporate dune restoration projects and revegetation into public improvement  
41 projects such as park, recreation facilities, and off-beach parking areas, adjacent  
42 to the beach, and vacant county owned land east of Coastal Construction Coast  
43 Line.  
44  
45 11.4.1.15 Volusia County will explore interlocal agreements with coastal cities and the State  
46 of Florida for the funding and development of beach maintenance and restoration  
47 programs and projects.  
48  
49 11.4.1.16 The stabilization and depth maintenance of Ponce DeLeon Inlet and the longshore  
50 transport of sediment relations to the Inlet zone of influence shall continue to be  
51 managed under the FDEP certified Inlet Management Plan.

1           11.4.1.17   The Volusia County Coastal Division will serve as the local sponsor for the federal  
2           inlet channel at Ponce de Leon Inlet and will partner with the State of Florida and  
3           U.S. Army Corps of Engineers to develop and implement the inlet management  
4           plan.  
5

6           11.4.1.18   Redevelopment should be viewed as an opportunity to restore beach and dune  
7           systems, improve visual appearance, incorporate landscaping and buffer areas,  
8           improve traffic circulation, and upgrade stormwater management systems.  
9

10           **GOAL:**

11           11.5       Lessen the impact of a destructive storm on human life, property, public facilities  
12           and natural resources by discouraging the location of new development in the  
13           coastal high hazard area through limitations to new public expenditures in these  
14           areas.  
15

16           **OBJECTIVE:**

17           11.5.1      Volusia County will maintain the clearance time of the population in the Hurricane  
18           Vulnerability Zone at a level of service (LOS) standard "D."  
19

20           **POLICIES:**

21           11.5.1.1     Land use plan amendments in the Hurricane Vulnerability Zone shall strive to  
22           reduce and shall not increase the clearance time in the Hurricane Vulnerability  
23           Zone beyond the adopted LOS.  
24

25           11.5.1.2     Volusia County will continue to coordinate with the municipalities and the River to  
26           Sea Transportation Planning Organization to assess the impact of new  
27           development on the hurricane evacuation network.  
28

29           11.5.1.3     Future roadway improvements shall minimize the impact of flooding and storm  
30           damage on evacuation route facilities.  
31

32           11.5.1.4     Evacuation routes shall be designated in such a way as to distribute traffic demand  
33           to provide optimum utilization of available roadway facilities.  
34

35           11.5.1.5     Volusia County shall coordinate the Comprehensive Emergency Management  
36           Plan with the coastal cities to ensure the orderly evacuation of the population in  
37           the Hurricane Vulnerability Zone.  
38

39           **OBJECTIVE:**

40           11.5.2      Volusia County shall designate hurricane evacuation shelters to protect the  
41           population in the Hurricane Vulnerability Zone.  
42

1      **POLICIES:**

2  
3      11.5.2.1     Volusia County will continue to designate hurricane emergency shelter facilities to  
4      accommodate at least 10% of the population in the Hurricane Vulnerability Zone,  
5      based upon a standard of 20 square feet of shelter space per person.

6  
7      11.5.2.2     New hurricane emergency shelter space shall not be located in the Hurricane  
8      Vulnerability Zone.

9      **OBJECTIVE:**

10  
11     11.5.3       Volusia County will continue to ensure that development in the Hurricane  
12      Vulnerability Zone and Coastal High Hazard Area minimizes danger to life and  
13      property.

14      **POLICIES:**

15  
16     11.5.3.1     Public facilities shall be prohibited that will encourage new development inside the  
17      Coastal High Hazard Area. This prohibition does not include facilities associated  
18      with redevelopment or development of properties in accordance with previously  
19      approved subdivisions or site plans, public access and recreation facilities,  
20      facilities necessary for public health/safety/welfare, or resource restoration  
21      projects/facilities.

22  
23     11.5.3.2     Prior to the development of public facilities in the Coastal High Hazard Area, it shall  
24      be determined that there are no other feasible sites outside that area.

25  
26     11.5.3.3     If constructed, all public facilities in the Coastal High Hazard Area shall be flood  
27      proofed to ensure minimum damages from storms and hurricanes.

28  
29     11.5.3.4     Construction activities seaward of the Coastal Construction Control Line shall be  
30      consistent with the requirements of Chapter 161, Florida Statutes.

31  
32     11.5.3.5     All development in the coastal area shall be consistent with or more stringent than  
33      the federal flood hazard requirements and the flood resistant construction  
34      requirements in the Florida Building Code.

35  
36     11.5.3.6     The County shall continue to participate in the National Flood Insurance Program  
37      (NFIP).

38  
39     11.5.3.7     The County shall maintain, and pursue improvement of, its insurance rating under  
40      the NFIP Community Rating System (CRS).

41  
42     11.5.3.8     County-owned infrastructure presently within the Coastal High Hazard Area shall  
43      be relocated outside of said area when repairing/replacing the infrastructure. If  
44      relocation of the infrastructure is deemed by the County to not be feasible, any  
45      reconstruction or repair of the infrastructure shall be designed so as to minimize  
46      potential damage (i.e., wind and/or flooding) from hurricanes or other storms.

47  
48     11.5.3.9     Volusia County will continue to implement its FEMA-approved Local Mitigation  
49      Strategy to reduce damage in areas of repetitive loss due to flooding.

1           11.5.3.10   The County shall continue to direct growth away from the CHHA by utilizing land  
2           use controls, acquisition techniques, and other methods as deemed appropriate.  
3  
4           11.5.3.11   New or expanded manufactured or mobile home housing developments or  
5           recreational vehicle developments shall be required to include a hardened central  
6           clubhouse or similar structure to serve as a shelter for residents. The clubhouse  
7           or similar structure shall be hardened to withstand 150mph winds.  
8  
9           11.5.3.12   Volusia County shall locate future well fields in a manner as to protect against salt  
10           water intrusion.  
11  
12           11.5.3.13   The Level of Service for the provision of wastewater treatment in the  
13           unincorporated portions of the coastal area shall be consistent with the Sanitary  
14           Sewer Element of the Comprehensive Plan.  
15  
16           11.5.3.14   The level of service standard for roads in the Coastal Management Planning Area  
17           shall be consistent with the Transportation Element, except where expressly  
18           modified pursuant to Interlocal Agreement between Volusia County and the  
19           individual coastal cities.  
20  
21           11.5.3.15   The County shall continue to enforce rules/regulations governing the proper  
22           disposal of solid waste in the unincorporated portion of the Coastal Management  
23           Planning Area.  
24  
25           11.5.3.16   The Tomoka Farms Landfill shall continue to be monitored and the monitoring  
26           program evaluated to ensure ground water and surface water samples are  
27           collected. Water samples will meet federal and state water quality standards. This  
28           data shall be incorporated into the water quality sampling program.  
29  
30           11.5.3.17   The Level of Service standard for solid waste shall be as identified within the Solid  
31           Waste Element.  
32  
33           11.5.3.18   The County shall continue to investigate and review the available technology for  
34           resource recovery, recycling and other alternatives to solid waste management  
35           consistent with the protection and conservation of environmental resources and  
36           water quality.  
37  
38           11.5.3.19   Development or redevelopment activity shall not result in increasing hurricane  
39           evacuation times above the clearance time identified by the Emergency  
40           Management Division.  
41  
42           11.5.3.20   Volusia County and the coastal cities shall coordinate all hurricane evacuation  
43           activities through the Volusia County Emergency Management Division.  
44  
45

46           **OBJECTIVE:**

47  
48           11.5.4       Volusia County with the East Central Florida Regional Planning Council and the  
49           coastal cities, as appropriate, shall continue to develop plans and regulations to  
50           mitigate for the threat to human life and to control proposed development and  
51           redevelopment in the coastal environment.

1      POLICIES:

2

3      11.5.4.1     Volusia County will consider land areas that should not be reconstructed, limiting  
4                redevelopment in documented areas of repetitive loss, abandonment and/or  
5                relocation of buildings, rebuilding of public facilities, reconstruction with structural  
6                modification and distinguishing between immediate repair/cleanup actions and  
7                actions needed to protect public health and safety and long-term repair and  
8                redevelopment.

9

10     11.5.4.2     Volusia County and its partners will also identify structures in the Coastal High  
11               Hazard Area that might be of some utility for public access to coastal beaches and  
12               waterways, and make recommendations for acquisition when post-disaster  
13               opportunities arise. It shall establish guidelines for determining priorities for the  
14               acquisition of storm-damaged property in the Coastal High Hazard Area and  
15               Hurricane Vulnerability Zone.

16

17     11.5.4.3     Volusia County will establish principles for repairing, replacing, modifying, or  
18                relocating public facilities in the Coastal High Hazard Area and Hurricane  
19               Vulnerability Zone.

20

21     11.5.4.4     For hurricane damaged structures in the coastal high hazard area, structures  
22                damaged less than fifty (50%) percent of their replacement cost, at the time of  
23                damage, may be rebuilt to their original condition subject only to current building  
24                and life-safety code.

25

26                Structures damaged more than fifty (50%) percent of their replacement cost, at the  
27                time of damage, can be rebuilt to their original square footage and density,  
28                provided that they comply with:

29

30                A.     Federal requirements for elevation above the 100-year flood level.

31

32                B.     Building code requirements for flood proofing.

33

34                C.     Current building and life-safety codes.

35

36                D.     Regulations relating the Coastal Construction Control Line.

37

38                E.     Any required zoning or other land development regulations (other than  
39                density or intensity), unless compliance with such regulations would  
40                preclude reconstruction otherwise intended by the county's land  
41                development regulations.

42

43     11.5.4.5     The Volusia County Comprehensive Emergency Management Plan for post-  
44                disaster recovery provides for immediate repair and clean up actions in the form  
45                of disaster assessment, the provision of temporary housing, and individual  
46                assistance. These efforts shall be coordinated between Volusia County and the  
47                coastal cities. Reconstruction shall be consistent with the Recovery Annex of the  
48                Comprehensive Emergency Management Plan, as appropriate.

1     GOAL:

2

3     11.6       Maintain and improve public access to the sovereign lands of the Coastal

4       Management Planning Area through the provisions of coastal beach access

5       facilities, fishing piers, boat ramps and marinas.

6

7     OBJECTIVE:

8

9     11.6.1      In the areas of unincorporated Volusia County, except Ormond-by-the-Sea,

10       Coastal Beach Access Facilities (Vehicular Beach Ramps, Walkways, or

11       Walkovers) shall be provided at no greater than 2 mile intervals, except for the

12       area north of Bass Drive and the area in Canaveral National Seashore. In the area

13       of unincorporated Ormond-by-the-Sea, Coastal Beach Access Facilities shall be

14       provided every ¼ mile, on average. Volusia County shall be responsible for the

15       actual provision, maintenance, and operation of these facilities unless otherwise

16       indicated.

17

18     POLICIES:

19

20     11.6.1.1     Beach Access Facilities shall, to the greatest extent possible, be provided in

21       accordance with the County's Beach Management Plan and the County's Beach

22       and Dune Ordinance.

23

24     11.6.1.2     Volusia County, shall ensure that all Coastal Beach Access Facilities shall include

25       access to a public road.

26

27     11.6.1.3     The establishment and/or improvement of vehicular beach ramps, including ramp

28       expansion and improved handicapped access shall be consistent with the County's

29       Beach Management Plan and federal ADA requirements.

30

31     11.6.1.4     The priority for new pedestrian access shall be pedestrian walkovers or other

32       alternatives that do not harm the dune system.

33

34     11.6.1.5     The County will, in cooperation with the appropriate coastal cities, continue to

35       identify the need for any new parking areas to improve public beach access.

36

37     11.6.1.6     Volusia County shall prohibit the vacation of public right-of-way that provides or

38       could provide public access to the beach or off-beach parking without an

39       equivalent type of access.

40

41     11.6.1.7     Volusia County shall maintain a Beach Management Plan to maximize the

42       protection of natural resources as well as to serve the need for public beach

43       access.

44

45     OBJECTIVE:

46

47     11.6.2       In conjunction with the coastal cities and the Ponce DeLeon Port District, the

48       County will endeavor to expand and construct pier opportunities to the greatest

49       extent possible for the residents of the County.

1      **POLICIES:**

2  
3      11.6.2.1      Volusia County, in cooperation with the appropriate coastal cities and Ponce  
4      DeLeon Port District, shall determine the appropriate location at which fishing pier  
5      space can be utilized in conjunction with existing bridges.

6  
7      **GOAL:**

8  
9      11.7      Public services and facilities shall be adequate and available to serve both current  
10     and future residents.

11     **OBJECTIVE:**

12     11.7.1      The land development regulations shall ensure that the provision of roads, potable  
13     water, sanitary sewer, drainage, recreation, mass transit, and solid waste facilities  
14     and services required to maintain the adopted Level of Service standards shall be  
15     consistent and phased with the level of development proposed in the Future Land  
16     Use Element.

17     **POLICY:**

18     11.7.1.1      Development or redevelopment within the coastal areas shall have public services  
19     and facilities available concurrent with the impacts of development.

20     **GOAL:**

21     11.8      Foster and encourage intergovernmental coordination in the Coastal Management  
22     Planning Area between Volusia County, the coastal cities, adjacent local  
23     governments, regional, state, and federal government entities.

24     **OBJECTIVE:**

25     11.8.1      Continue to cooperate with Volusia County Public Schools in selecting future sites  
26     for school facilities within the coastal area.

27     **POLICIES:**

28     11.8.1.1      Encourage Volusia County Public Schools to locate future school facilities outside  
29     of areas susceptible to hurricane storm damage or areas prone to flooding, or as  
30     consistent with Chapter 235, Florida Statutes regarding flood plain and school  
31     building requirements.

32     11.8.1.2      Cooperate with Volusia County Public Schools in the identification and designation  
33     of school facilities as hurricane evacuation and emergency shelters.

34     **OBJECTIVE:**

35     11.8.2      The Coastal Management Element is a guide in deciding issues of land use and  
36     zoning, the extension and provision of urban services, annexation, and the general  
37     location of environmental systems corridors in the Coastal Management Planning  
38     Area.

1  
2     **POLICIES:**  
3

4     11.8.2.1     Applications for land use amendments, zoning, and development shall consider  
5         the impacts on adjacent local governments.  
6

7     11.8.2.2     The extension and provision of urban services and facilities shall be accomplished  
8         through the adoption of Interlocal Agreements.  
9

10    11.8.2.3     The County and coastal cities shall cooperate in maintaining and updating land  
11         use information by watershed.  
12

13    11.8.2.4     Volusia County will encourage consistency between the development standards  
14         of the coastal communities for issues/concerns which transcend jurisdictional  
15         boundaries.  
16

17    11.8.2.5     Volusia County will continue to promote the identification and protection of  
18         environmental systems corridors to ensure the viability and continuation of these  
19         cross-jurisdictional systems.  
20

21    11.8.2.6     Volusia County shall continue maintaining and updating the Florida Land Use  
22         Cover and Forms classification system, maps, and database.  
23

24     **OBJECTIVE:**  
25

26    11.8.3         Maintain an effective ongoing water sampling and monitoring system which shall  
27         be applied by Volusia County and the coastal cities on an area-wide basis.  
28

29     **POLICIES:**  
30

31    11.8.3.1         Volusia County will continue to work with the water management districts and local  
32         municipalities in implementing a long-term, inter-agency water and sediment  
33         quality monitoring strategy for Mosquito/Indian River Lagoon and the Halifax River.  
34

35    11.8.3.2         Volusia County shall continue to implement its water quality monitoring program.  
36

37    11.8.3.3         The County, in cooperation with the other appropriate jurisdictions, shall maintain  
38         and seek to expand the existing water quality monitoring program so that all point  
39         and non-point sources and facilities which are identified as potential water quality  
40         problems are regularly and periodically inspected.  
41

42    11.8.3.4         Support the implementation of the Indian River Lagoon Comprehensive  
43         Conservation and Management Plan.  
44

45    11.8.3.5         Volusia County and the coastal cities shall continue their commitment to enhance  
46         water quality and estuarine conditions through these additional intergovernmental  
47         coordination mechanisms:  
48

49         A.         Participation in ad-hoc or other special technical advisory committees, as  
50             well as Volusia Managers and Elected Officials roundtables.  
51

- B. Exchange of data and information among and between Volusia County and the coastal cities, as well as Brevard and Flagler Counties.
- C. Presentation and discussions with the Volusia Council of Governments.
- D. Updating data in cooperation with FDEP and SJRWMD.
- E. Participation in the SWIM programs.
- F. Implementing the policies or recommendations of the Aquatic Preserve Management Plans.

## OBJECTIVE:

11.8.4 Volusia County and the coastal cities shall ensure that beach and dune management is coordinated throughout the Coastal Management Planning Area.

## POLICIES:

- 11.8.4.1 Seawall construction in the County shall be consistent with the State requirement mandating design and construction to withstand a 100-year storm event.
- 11.8.4.2 Volusia County and the coastal cities shall maintain uniform standards for the maintenance and restoration of dune areas.
- 11.8.4.3 Volusia County, in cooperation with coastal cities, shall periodically review and determine the need for a beach and dune management plan.
- 11.8.4.4 The Port Authority, through its FDEP certified Inlet Management Plan, shall maintain a continuing scientific base and monitoring of Ponce DeLeon Inlet and the coastal beaches within the inlet's zone of influence, from FDEP monuments R-130 to R-165.
- 11.8.4.5 The Port Authority shall coordinate studies and monitoring efforts with the FDEP, and the U.S. Army Corps of Engineers (USCOE) for beach areas under the influence of the inlet as stated in the Inlet Management Plan (FDEP monuments R-130 to R-165).

## OBJECTIVE:

11.8.5 Coordinate with fire, law enforcement, and emergency staff on issues in the coastal zone planning area.

## POLICIES:

- 11.8.5.1 Provide for fire and law enforcement facilities commensurate with population growth and development in the coastal area.
- 11.8.5.2 Locate new fire and law enforcement facilities outside of the areas susceptible to hurricane storm damage or flooding where feasible.

1       11.8.5.3    Continue to update procedures as part of the Comprehensive Emergency  
2                   Management Plan for emergency fire and police protection and response.

3  
4       **GOAL:**  
5

6       11.9        Volusia County will foster resiliency by coordinating with its municipalities, and  
7                   state and federal partners, to exchange data and develop coordinated strategies  
8                   to address the impacts of sea-level rise.  
9

10      **OBJECTIVE:**  
11

12      11.9.1       Develop strategies to identify and address issues related to the impacts of sea-  
13                   level rise.  
14

15      **POLICIES:**  
16

17      11.9.1.1      Volusia County will continue to participate in and expand the Volusia County Local  
18                   Mitigation Strategy in an attempt to reduce the human and economic costs of  
19                   natural, technologic, and societal disasters.  
20

21      11.9.1.2      Volusia County accepts the sea level rise projections and supports the  
22                   recommendations of the East Central Florida Regional Resiliency Action Plan as a  
23                   means to foster resilience throughout Volusia County and will continue to build on  
24                   these efforts by participating in the Regional Resiliency Collaborative lead by the  
25                   East Central Florida Regional Planning Council.  
26

27      11.9.1.3      Volusia County will continue to implement the Volusia County Sustainability Action  
28                   Plan in order to contribute to local sustainability efforts across Florida.  
29

30      11.9.1.4      The Volusia County Integrated Floodplain Management Plan will continue to  
31                   consider the impacts of sea level rise as part of the risk assessment and in the  
32                   development of mitigation strategies.  
33

34      11.9.1.5      Volusia County shall consider impacts such as increased temperatures, sea level  
35                   rise, potentially shifting habitat, and ecosystem types, and the need to withstand  
36                   increased storm surge in evaluating public infrastructure decisions.  
37

38      11.9.1.6      Volusia County shall consider the potential impacts from climate change, including  
39                   rising sea levels and shoreline stabilization needs, in its planning for infrastructure  
40                   and public facilities.  
41

42      11.9.1.7      Volusia County shall protect natural systems and habitats by incorporating climate  
43                   change adaptation and mitigation strategies in its land acquisition policies.  
44

45      11.9.1.8      Volusia County shall exchange data regarding local areas vulnerable to extreme  
46                   high tides, storm surge, and coastal flooding with the FDOT, USDOT, FHWA relative  
47                   to airport, transit, bridges, roads, and other transportation systems.  
48

49      11.9.1.9      Volusia County will promote green infrastructure as a tool for resiliency and the  
50                   protection of water quality and coastal systems.  
51

1                   **SECTION II: SEVERABILITY** - Should any word, phrase, sentence, subsection or section  
2 be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,  
3 then that word, phrase, sentence, subsection or section so held shall be severed from this  
4 ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full  
5 force and effect.

6  
7                   **SECTION III: EFFECTIVE DATE** – Within ten (10) days after enactment, a certified copy  
8 of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County  
9 Council and transmitted to the state land planning agency and any other agency or local  
10 government that provided timely comments pursuant to the expedited state review process in  
11 Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the  
12 following dates: (a) thirty-one (31) days after the state land planning agency notifies the County  
13 that the plan amendment package is complete and the issuance of a certificate of consistency or  
14 conditional certificate of consistency by the Volusia County Growth Management Commission, or  
15 (b) issuance of a final order by the state land planning agency or the State of Florida  
16 Administration Commission determining the amendment adopted by this Ordinance to be in  
17 compliance.

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28                   [REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

1 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING  
2 DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY  
3 ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS \_\_\_\_  
4 DAY OF \_\_\_\_\_, 2019.

5

6

7

8 ATTEST:

9

10

11

12

13 George Recktenwald  
14 County Manager

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

Ed Kelley, County Chair

DRAFT

# ORDINANCE 2019-xx

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA AMENDING THE VOLUSIA COUNTY COMPREHENSIVE PLAN ADOPTED BY ORDINANCE 90-10, AS PREVIOUSLY AMENDED, BY AMENDING CHAPTER 11, COASTAL MANAGEMENT ELEMENT; BY AMENDING CHAPTER 20, DEFINITIONS; BY AUTHORIZING INCLUSION IN THE VOLUSIA COUNTY COMPREHENSIVE PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3161, *et seq.*, Florida Statutes, creates the Community Planning Act ("Act"); and

WHEREAS, Section 163.3167, Florida Statutes, requires each county in the State of Florida to prepare and adopt a Comprehensive Plan; and

WHEREAS, the council adopted the Volusia County Comprehensive Plan by Ordinance No. 90-10 pursuant to the Act; and

WHEREAS, Section 163.3184, Florida Statutes, provides for amendments to the adopted Comprehensive Plan by the local government; and

WHEREAS, the council desires to take advantage of this statute and amend the Volusia County Comprehensive Plan; and

WHEREAS, the council has provided for broad dissemination of the proposed amendment to the Comprehensive Plan in compliance with Sections 163.3181 and 163.3184(3) and (11), Florida Statutes; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, Volusia County Code of Ordinances, chapter 72, article II, division 11, section 72-413, has designated the Volusia County Planning and Land Development Regulation Commission as a local planning agency for the unincorporated area of the County of Volusia, Florida.

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

(Words in **strike through** are deletions; words in **underline** type are additions)

**SECTION I.** Chapter 11, Coastal Management Element, Volusia County Comprehensive Plan is amended follows:

## 1.01 INTRODUCTION

## A. Purpose

With its abundance of scenic resources, recreational opportunities and waterways and beaches, and natural habitat, coastal Volusia County and its 11 coastal cities will continue to experience rapid growth from migration and natural increases. The historical development pattern has

1 resulted in the destruction of critical wildlife habitat and native vegetation, the lowering of water  
2 quality, and the degradation or removal of beach and dune systems. If these resources are to be  
3 conserved in the future, development must be carefully and deliberately orchestrated.  
4

5 The Coastal Management Element is one of the critical parts of the overall Comprehensive Plan  
6 that each municipality and the County must prepare in accordance with State legislation. The  
7 purpose of the Element is to "plan for and where appropriate, restrict development activities where  
8 such activities would damage or destroy coastal resources, and protect human life and limit public  
9 expenditures in areas that are subject to destruction by natural disaster.  
10

11 Within the context of the Comprehensive Plan, the Coastal Management Element has a special  
12 status. Although it must be integrated into and consistent with all the other Elements of the Plan,  
13 the Coastal Management Element not only addresses the protection of coastal resources, it also  
14 addresses other related issues of land use, traffic circulation, public access, and public services,  
15 facilities and infrastructure.  
16

17 Volusia County and the coastal municipalities have cooperated in the preparation of this Element.  
18 Early on, the County and coastal communities recognized that coastal issues and resources  
19 should be coordinated with a systems approach. Environmental systems such as estuaries,  
20 watershed, or wildlife habitat, and man-made systems like traffic circulation or drainage  
21 structures, do not start or stop at political boundaries.  
22

23 Although the Coastal Management Element is included in the County's Comprehensive Plan, the  
24 inventory, analysis and the goals, objectives and policies (GOPs) have been structured to be  
25 broad-based so that each community can choose to adopt all or part of the Element into their  
26 individual Comprehensive Plans. Individual municipalities have rearranged the goals, objectives  
27 and policies to suit their particular need.  
28

29 The purpose of the Coastal Management Element is to provide for the reasonable use and  
30 management of coastal resources related to development activities, protection of human life, the  
31 limitation of public expenditures in areas subject to natural disaster, and protection of wildlife and  
32 natural habitat. This element is required by Section 163.3177(6)(g), Florida Statutes.  
33 Additionally, in 2015, the Florida Legislature passed legislation to address redevelopment  
34 components in coastal management elements that outline the principles that must be used to  
35 eliminate inappropriate and unsafe development in the coastal areas when opportunities arise  
36 relating to the effects of coastal flooding.  
37

## 38 B. Coastal Volusia 39

40 Volusia County includes sixteen (16) municipalities, which makes the ~~The~~  
41 Element is to promote the promotion of consensus among and between coastal communities so  
42 that common problems can be identified and common solutions proposed and implemented. The  
43 intent is to emphasize cooperation in implementing and achieving the goals, objectives and  
44 policies. It is not the intent of the County to mandate certain requirements through this Element  
45 beyond their statutory authority. Rather, the approach taken is to stress intergovernmental  
46 coordination and mutual cooperation, utilizing through the use of interlocal agreements and  
47 recognized scientific studies to meet common goals.  
48

49 The coastal study area was established to include all areas of Volusia County that drain to the  
50 estuarine areas of the County. ~~(seaward of the St. John's River Basin)~~. Demarcating the coastal  
51 area along the westward extent of the East Volusia drainage basin area is intended to facilitate a

1 comprehensive management of the County's coastal resources. ~~Instead of utilizing an arbitrary~~  
2 ~~boundary, the~~ The existing drainage basin ~~approach, which is based on actual field features,~~  
3 defines ~~an area that is an appropriate~~ the boundary for the coastal area of Volusia County  
4 (Figure 11-1). Approximately 450.5 square miles of the County are included within this study  
5 area. It ranges from between four and 16 miles wide to approximately 50 miles long, and is  
6 bounded to the east by the Atlantic Ocean, west by the watershed boundary as determined by  
7 the U.S.G.S. Hydrologic Unit Map of Florida, and to the north by Flagler County, and to the south  
8 by Brevard County (see Figure 11-1, Coastal Study Area Boundary, Appendix 1 Maps and  
9 Figures).

10 ~~Six distinct primary~~ The six (6) watersheds ~~were identified~~ within the study area boundary ~~are~~:

11 1 — Tomoka River North  
12 2 — Tomoka River South  
13 3 — Halifax River  
14 4 — Mosquito Lagoon/Indian River North  
15 5 — Indian River South  
16 6 — Spruce Creek

17 As ~~illustrated in Figure 11.2, Watershed and Sub-Basin Boundaries, Appendix 1 Maps and~~  
18 ~~Figures, the~~ The Tomoka River South primary basin ~~was is~~ further divided into five sub-basins,  
19 the Spruce Creek Basin into eight sub-basins, and the Halifax Basin and Indian River North Basin  
20 into barrier island, estuarine, and mainland sub-basins.

21 The Volusia County Coastal Area is a complex, dynamic natural system comprised of barrier  
22 islands, estuarine and river systems, and mainland watersheds. The coastal wetlands are  
23 dominated by salt marsh and mangrove outside of the urban centers on the estuary. Freshwater  
24 wetlands are dominated by forested habitats generally occurring within the interior of the coastal  
25 zone, west of the estuary. The coastal wetlands are currently afforded some degree of regulatory  
26 protection by the U.S. Army Corps of Engineers (aided by the U.S. Environmental Protection  
27 Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service), Florida  
28 Department of Environmental Protection (FDEP), St. John's River Water Management District  
29 (SJRWMD) and the County. The protective measures generally afforded by these agencies are  
30 limited only to wetlands. However, the County does regulate upland buffer areas adjacent to  
31 wetlands. In addition to the wetlands, the coastal zone contains a variety of native upland habitats  
32 including,

33 Pine Flatwood  
34 Pine-Mesic Oak  
35 Temperate Hardwoods  
36 Coastal Scrub  
37 Prairie  
38 Cabbage Palm  
39 Rangeland  
40 Sand Pine  
41 Sand Live Oak  
42 Long Leaf Pine  
43 Live Oak

44 Volusia County and its municipalities are part of a coordinated effort to identify, evaluate, and  
45 manage these resources as interconnected systems, using watersheds as the basic management

1       unit. The environmental impact of development can be mitigated if growth occurs within specific  
2       geographic areas, following design standards and principles that conserve vegetation and water  
3       quality and respect the natural features of the environment. By directing development away from  
4       areas most vulnerable to coastal storms, future losses of life and property can be minimized.  
5

6       **C. Resources**

7  
8       Volusia County has participated in a variety of local and regional efforts to support its coastal and  
9       floodplain initiatives. In 2012, the Volusia County Council approved the Sustainability Action Plan.  
10       In 2017, the county embarked upon an effort with the East Central Florida Regional Planning  
11       Council to develop a report called "Resilient Volusia County" to build resiliency against flooding  
12       and sea level rise. That effort was followed by the council's adoption of the Volusia County  
13       Integrated Floodplain Management Plan in 2018. The same year, the East Central Florida  
14       Regional Planning Council expanded on its "Resilient Volusia County" project by developing the  
15       "East Central Florida Regional Resiliency Action Plan," which was prepared for Volusia and  
16       Brevard Counties. Volusia staff from Emergency Management, Environmental Management,  
17       Planning and Development Services, and Traffic Engineering were all involved in these processes  
18       and worked to incorporate local strategies into the regional planning process. The East Central  
19       Florida Regional Resiliency Action Plan was adopted by the council in July 2019. In the same  
20       meeting, the council directed staff to participate in a larger Central Florida resiliency collaborative.  
21       All of these initiatives and the resulting datasets have formed the basis for updates to the county's  
22       comprehensive plan.  
23

24       The Coastal Management Element is separated into several sections or sub-elements. Technical  
25       background reports and analyses were prepared resulting in an extensive database. This  
26       database, along with a series of workshops and meetings with the public, the County Council and  
27       the Coastal Management Technical Steering Committee were used to formulate the goals,  
28       objectives and policies as well as the Coastal Area Plan. The major sections are:  
29

- 30           Section 2.0   Coastal Resources
- 31           Section 3.0   Land Use
- 32           Section 4.0   Water Quality
- 33           Section 5.0   Beach and Dune Systems
- 34           Section 6.0   Coastal Hazards
- 35           Section 7.0   Public Access
- 36           Section 8.0   Public Services
- 37           Section 9.0   Intergovernmental Coordination

38  
39       **2.0 COASTAL RESOURCES**

40  
41       **2.1 Introduction**

42  
43       The Volusia County Coastal Area is a complex, dynamic natural system comprised of barrier  
44       islands, estuarine and river systems, and mainland watersheds. The watershed is considered  
45       the basic ecosystem unit for evaluating the combination of natural and man-induced  
46       characteristics. Watershed energy flow is affected by biological and physical influences. The  
47       physical forces such as tidal fluctuations, rainfall, heat energy, winds, and sunlight form the basic  
48       energy sources that determine the composition of the biological community as well as soil and  
49       water characteristics.  
50

1 The hydrologic boundaries between watersheds serve as complex biophysical membranes. They  
2 naturally divide the landscape into a mosaic of distinct units, each possessing a physical/chemical  
3 integrity defined by topography and drainage. At the same time, these membranes are also  
4 permeable. Each watershed, upon closer examination, is itself partitioned into a mosaic of natural  
5 habitats and cultural land uses which often transcend hydrological boundaries. Through biological  
6 transport, cultural activities, and atmospheric processes, energy and matter are constantly  
7 exchanged across watershed boundaries. Within each watershed there is also a systematic  
8 partitioning of physical/ chemical resources by competing animals and plants.  
9

10 Although Volusia County has been fortunate in acquiring environmentally sensitive lands and  
11 waters for conservation, past practices of land use and development have degraded or destroyed  
12 critical natural resources. The Coastal Management Element is a coordinated effort to identify,  
13 evaluate and manage these resources as interconnected systems - utilizing watersheds as the  
14 basic management unit.

15 Each of the habitats represented within the natural systems are interdependent, and therefore,  
16 future management plans should consider the linkage of these systems. Plans must conserve  
17 the variety of interconnected habitats, not permitting their individual isolation and envelopment by  
18 urbanization or agriculture. Since organisms and materials move between different types of  
19 habitats (i.e., seagrasses and mangroves), terrestrial and marine communities cannot be defined  
20 simply by their physical boundaries. The effectiveness of efforts to protect one community type  
21 may be diminished by failing to protect neighboring communities or habitats as well as adjacent  
22 watersheds. When such efforts fail, the loss of native habitats causes a direct and proportional  
23 loss of fish and wildlife. This has already happened in parts of the coastal area.  
24

25 The coastal wetlands remain generally intact. However, the interface of remaining native uplands  
26 with these shoreline areas has all but disappeared throughout most of the coastal zone. Upland  
27 habitats, such as coastal scrub, may not have a high number of animal species present, but may  
28 have a high proportion of species not found elsewhere (i.e., high endemism). Such areas are  
29 considered valuable for maintaining biological diversity. Without immediate institution of a  
30 balanced resource management plan, the future Volusia County coastal zone will consist of  
31 completely urbanized lands with a fringe of saltmarsh and mangroves. Gone will be the  
32 functioning native lands, their floral and faunal constituents, and the contribution attributable to  
33 the natural systems.  
34

35 The coastal wetlands are dominated by 15,196 acres of salt marsh and 1,265 acres of mangrove  
36 remaining intact outside the urban centers on the estuary. Freshwater wetlands are dominated  
37 by 44,006 acres of forested habitats generally occurring within the interior of the coastal zone,  
38 west of the estuary. The coastal wetlands are currently afforded some degree of regulatory  
39 protection by the U.S. Army Corps of Engineers (aided by the U.S. Environmental Protection  
40 Agency, U.S. Fish and Wildlife Service, and National Marine Fisheries Service), Florida  
41 Department of Environmental Protection (FDEP), St. John's River Water Management District  
42 (SJRWMD) and the County. The protective measures generally afforded by these agencies are  
43 limited only to wetlands. However, the County does regulate upland buffer areas adjacent to  
44 wetlands.  
45

46 The coastal zone contains a variety of native upland habitats including:  
47

48                   pine flatwood (18,046 acres)  
49                   pine mesic oak (7,112 acres)  
50                   temperate hardwoods (5,517 acres)

1 coastal scrub (5,267 acres)  
2 palmetto prairie (5,159 acres)  
3 cabbage palm (4,112 acres)  
4 rangeland (2,736 acres)  
5 sand pine (2,493 acres)  
6 sand live oak (2,368 acres)  
7 long leaf pine - xeric oak (985 acres)  
8 live oak (602 acres)  
9

10 As with the wetland habitats, these upland communities provide habitat to a wide range of flora  
11 and wildlife species including many species listed as endangered, threatened, or endemic.

## 14 II. GOALS, OBJECTIVES, AND POLICIES

### 16 GOAL:

18 11.1 Conserve, protect and manage the coastal resources of Volusia County including  
19 the wetland and upland ecosystem so as to maintain and enhance native habitats,  
20 floral and faunal species diversity, water quality, and natural surface water  
21 characteristics.

### 23 OBJECTIVE:

25 11.1.1 Maintain management programs to ensure the long-term protection and  
26 enhancement of wetland habitats, water quality, and selected natural upland  
27 habitats. The primary means of accomplishing this objective will be through the  
28 retention of interconnected hydroecological systems where the wetlands and  
29 uplands function as a productive unit resembling the original landscape.

### 31 POLICIES:

33 11.1.1.1 The Volusia County Environmental Management Division ~~in connection with the~~  
34 ~~Environmental and Natural Resources Advisory Committee~~ will be responsible for  
35 developing management plans and standards that protect and conserve natural  
36 systems within the coastal area of unincorporated Volusia County and the county-  
37 managed beaches.

39 11.1.1.2 The ~~Ponce DeLeon Port Authority will continue to be responsible for implementing~~  
40 ~~and updating the FDEP certified Inlet Management Plan~~ Volusia County Coastal  
41 Division is responsible for implementing and updating the Ponce de Leon Inlet  
42 Management Plan ("IMP"). The IMP is required by the State of Florida and is  
43 based on sediment budget engineering analysis that characterizes the impacts the  
44 stabilized inlet channel has on adjacent beaches. The plan sets forth action steps  
45 intended to maintain safe inlet channel navigation while minimizing and mitigating  
46 the impacts the inlet channel may have on adjacent beaches and dunes.

48 11.1.1.3 The ~~Volusia County Growth Management has identified all hydroecological~~  
49 ~~corridors in each watershed using the Coastal Management Element Natural~~  
50 ~~Resource data base and other information.~~ Environmental system corridors will  
51 integrate ~~the critical native and upland~~ habitats ~~listed below~~ identified by the

Environmental Management Division to the maximum extent possible as an interconnected system.

Palmetto Prairie	Natural streams, ponds, sloughs, creeks, rivers, estuaries, and beach
Coastal Strand	shorelines
Maritime Hammock	Wetland Hardwoods
Pine Flatwood	Bay Swamps
Pine-Xeric Oak	Mangrove Swamps
Sand Pine	Mixed Wetland Hardwoods
Pine/Mesic Oak	Cypress-Pine Cabbage Palm
Live Oak	Wetlands-Forested
Cabbage Palm	Mixed Freshwater Marsh
Sand Live Oak	Wet Prairies
Laurel Oak Hammock	
Saltwater Marsh	

11.1.1.4 Areas of critical wetland and native upland habitats not connected to corridors that exhibit resource values should be evaluated for inclusion as conservation or recreation areas within future development plans. Secondary linkage to nearby corridors, even if by artificial means, should be considered and encouraged. Construction of new corridors or linkages should be considered as a form of mitigation where appropriate.

11.1.1.5 ~~The Volusia~~ County shall continue to implement site-specific conservation, management, and development review standards ~~of~~during the development review process. Such reviews are intended to minimize long-term and cumulative impacts on coastal habitat by requiring site specific analysis during the review process.

11.1.1.6 Land development regulations which Volusia County will continue to require an Environmental Impact Assessment, as outlined in the Conservation Element of this Comprehensive Plan, were adopted for development sites in the Natural Resource Management Area prior to development approval. The assessment shall be submitted, reviewed, and approved prior to the issuance of a development order to insure protection of the NRMA.

11.1.1.7 Volusia County will continue to encourage ~~Encourage~~ coordination of the significant corridors with the municipalities ~~to ensure the system remains intact even after following~~ annexation.

11.1.1.8 Volusia County will manage Manage spoil islands so that they may become an integral component of lagoon ecology.

11.1.1.9 The Environmental Management Division will maintain standards for wetland habitat mitigation through the county's land development regulations. These standards identify situations where mitigation may be acceptable (e.g., non-forested wetland or mangrove swamp creation), unacceptable (e.g., certain endangered species habitat such as an eagle nest), or problematic (e.g., experimental or unproven). In all cases the proposed mitigation plan should be

designed and the project monitored by a qualified professional. The mitigation plan should include the following:

- A. A statement of mitigation goals and objectives.
- B. Watershed and adjacent habitat evaluation.
- C. Geohydrological analysis.
- D. Detailed construction plans, planting and maintenance schedules.
- E. A long term management plan for the created wetland habitat in the watershed in which it is located (inappropriate future land uses surrounding the created or enhanced wetland habitat may alter the habitat's character or eliminate it completely).
- F. The removal or control of exotic or nuisance vegetation.
- G. Monitoring methodology to evaluate the degree of success obtained.
- H. Proper contracted supervision by a qualified expert.
- I. A detailed budget and cost estimates.
- J. The entity responsible for undertaking maintenance and a long term management plan with available funding required to ensure future success.

11.1.1.10 For all habitat mitigation plans, programs or activities, the Environmental Management Division should identify quantifiable, realistic goals, maintain direct supervision through the construction and monitoring process, utilize a minimum of flexibility for minor or insignificant post-construction modifications and, if problems or failures result, be able to enforce permit conditions.

11.1.1.11 Lands/areas proposed for acquisition under the Volusia Forever Program shall be processed and evaluated in the manner specified by the applicable County Resolution.

**11.1.1.12** The Environmental Management Division will continue to support and sponsor estuarine, oceanfront, and shoreline habitat restoration and protection projects. Projects will target identified shorelines where restoration is required to offset impacts from existing upland development including stormwater discharges, bulk heading, dumping and land clearing. Restoration will include but not be limited to:

- A. Removing debris and toxic materials.
- B. Stabilizing shorelines.
- C. Creating wetland habitat such as mangrove and salt marsh.
- D. Dune restoration.
- E. Relocating or eliminating storm water/domestic waste and effluent.
- F. Maintenance of stormwater facilities and retrofitting where needed.
- G. Regulation of urban shoreline redevelopment.

11.1.1.13 The County will maintain a central clearing house for environmental and natural resource studies and recommendations by both public and private organizations.

11.1.1.14 The County will archive and periodically update the Ground Cover Survey maps to reflect changing conditions.

11.1.1.15 The County will provide issue specific reports and updates periodically to the County on the status of natural resources. The reports will focus on the adequacy of land use and development regulations and management plans to protect and

1 enhance the natural systems. Adjustments shall be made in the regulatory  
2 process whenever deficiencies are noted.  
3

4 11.1.1.~~16~~12 Development adjacent to estuarine and riverine shoreline areas shall maintain a  
5 habitat buffer zone to protect or conserve the canopy, understory and ground cover  
6 of native upland vegetation and wetlands.  
7

8 11.1.1.~~17~~13 Development in habitat areas that include species listed by the State of Florida  
9 and/or U.S. Fish and Wildlife Service as Endangered, Threatened, or Species of  
10 Special Concern shall not adversely impact that habitat or the listed species within  
11 it.  
12

13 11.1.1.~~18~~14 Activities regulated or allowed by the County that could potentially adversely affect  
14 manatees shall be offset by conservation measures. Measures designed to  
15 protect manatees shall be consistent with the Manatee Protection Plan for Volusia  
16 County (MPP) as incorporated by reference (Phase I, dated February 19, 2001  
17 and Phase II dated October 19, 2005). Phase I of the MPP addresses  
18 manatee/human interaction, habitat inventory, habitat protection, education,  
19 research and governmental coordination. Phase II of the MPP includes, but is not  
20 limited to, a boat facility siting plan (wet and/or dry slips, and/or boat ramp parking  
21 spaces), as required by Section 379.2431(2)(t)2, Florida Statutes, the requirement  
22 of mitigation through contribution to the manatee conservation fund, and other  
23 conservation measures such as educational requirements relating to Manatee  
24 Protection Volusia County has incorporated the Manatee Protection Plan ("MPP")  
25 approved by the County Council into its Comprehensive Plan. The County shall  
26 continue to protect manatees and manatee habitat through: implementation of the  
27 MPP, the continued enforcement of the State's Intracoastal Waterway Speed Zone  
28 Program; and through the implementation of the applicable sections of the land  
29 development regulations.  
30

## 31 **3.0 LAND USE**

### 32 **3.1 Introduction**

33 The future of Volusia County's coastal resources depends largely on decisions regarding the use  
34 of land within the coastal area. During the past century, the coastal area ecosystem has been  
35 extensively altered by man's activities, including urbanization, silviculture (tree farming),  
36 agriculture, and mosquito control. Despite these activities, many coastal resources remain intact.  
37

38 Today, the coastal area provides habitat for many varieties of fish and wildlife, potable water for  
39 county residents, and outstanding scenic qualities and recreational opportunities. The natural  
40 resources documented in the last chapter coexist with an urban area that is home to about  
41 250,000 permanent and 50,000 seasonal residents. The balance between the natural and built  
42 environments is sometimes tenuous; careful management of both will be required in the future to  
43 protect the resource base -- and to protect residents from the hazards inherent in coastal areas.  
44

45 Although the Coastal Management Element is not intended to supersede the city and county land  
46 use plans, its findings and policies should be consistent with the Future Land Use Elements in  
47 the comprehensive plans of the county and each coastal city. Consistency is essential if the  
48 resource conservation goals set forth in this document are to be achieved.  
49  
50

1 Coastal Volusia County is expected to gain about 100,000 new residents throughout the  
2 unincorporated coastal areas by the year 2025. This chapter describes how resource losses can  
3 be minimized as growth occurs. The environmental impact of development can be greatly  
4 mitigated if growth occurs within specific geographic areas, following design standards and  
5 principles which conserve vegetation and water quality and respect the natural features of each  
6 site.

7  
8 A second and equally important objective of this section is to limit the extent to which growth  
9 increases exposure to coastal hazards. By directing development away from areas most  
10 vulnerable to coastal storms -- especially hurricanes -- future losses of life and property can be  
11 minimized.

12  
13 Volusia County has taken actions that are consistent with this overall objective of meeting Section  
14 163.3178, Florida Statutes by reducing the density for the multifamily residential development on  
15 the barrier islands. In some instances the permitted density was as high as 60 units per acre with  
16 the majority of areas at 30 units per acre. These densities have been reduced to 20 units per  
17 acre as the highest allowable density in any zoning classification. However, density reductions  
18 of multi-family residential development were not intended to place a non-conforming burden on  
19 existing legal multi-family projects. The County has also maintained the single family character  
20 of the unincorporated portions of the County by limiting the multifamily areas to those areas that  
21 are already developed in that manner, without any expansions into the single family areas.

## 22 23 **GOALS, OBJECTIVES, AND POLICIES**

### 24 25 **GOAL:**

26  
27 11.2 To conserve, protect, and restore coastal resources by managing growth and land  
28 use so as not to damage or destroy those resources.

### 30 31 **OBJECTIVE:**

32  
33 11.2.1 Volusia County will continue to implement Establish land use regulations that  
34 provide for the location, extent and distribution of land uses consistent with the  
35 protection of coastal resources.

### 37 38 **POLICIES:**

39  
40 11.2.1.1 Land uses, development, or other actions which have significant adverse impact  
41 on coastal resources to the point where coastal resources would be degraded as  
42 a result of the proposed land use shall be required to provide appropriate mitigation  
43 to those impacts.

44  
45 11.2.1.2 An environmental impact assessment provision has been developed for the  
protection of the NRMA.

46  
47 11.2.1.3 Designated natural resource areas, significant environmental or ecological  
48 features, critical wildlife habitat, environmental system corridors or conservation  
49 areas shall be protected through a variety of mechanisms including buffer zones,  
50 restoration, limiting density and intensity, conservation easements, acquisition,

1 density transfers, transfer of development rights (TDRs), purchase of development  
2 rights or land exchanges.  
3

4 11.2.1.43 The priority for new development shall be in areas of urban infill in order to contain  
5 sprawl, use existing developable lands, maximize the provision of urban services  
6 and facilities and protect remaining coastal habitat.  
7

8 **OBJECTIVE:**  
9

10 11.2.2 Continue to maintain standards for appropriate densities, intensities, buffer zones,  
11 resource protection and location for development adjacent to aquatic and natural  
12 preserves, wildlife refuges, and environmental system corridors to protect the  
13 natural character, scenic values and public benefit of these areas.  
14

15 **POLICIES:**  
16

17 11.2.2.1 Volusia County ~~has rezoned~~will continue to maintain or adopt zoning  
18 classifications in the unincorporated Coastal area consistent with the protection or  
19 conservation of coastal resources.  
20

21 11.2.2.2 Utilize innovative or alternative zoning districts or techniques to protect coastal  
22 resources. Such techniques could include overlay districts, floating zones, bonus  
23 ordinances, performance standards, fast-tracking of development applications,  
24 quality development programs, Transferable Development Rights, or other  
25 incentive-based methods.  
26

27 11.2.2.3 ~~Maintain a database and information system on land use and acreage by~~  
28 ~~watershed within the coastal area. The unincorporated county and coastal~~  
29 ~~municipalities should periodically update this data.~~  
30

31 11.2.2.4 Cooperate and coordinate with local governments, state agencies, and special  
32 districts in developing consistent standards, criteria and land development  
33 regulations for protection of coastal resources.  
34

35 **OBJECTIVE:**  
36

37 11.2.3 Priorities for shoreline land use shall be given to water dependent uses over water  
38 related land uses and shall be based on type of water-dependent use, adjacent  
39 land use, water quality, impact on critical habitat, and impact on coastal resources.  
40

41 **POLICIES:**  
42

43 11.2.3.1 When reviewing applications for zoning, plan amendments or development orders,  
44 shoreline land uses shall have the following priorities:  
45

46 A. Water-dependent uses such as aquaculture and wildlife production,  
47 recreation, public access, marinas and navigation, and water-dependent  
48 utilities and industry, which do not create a significant adverse impact upon  
49 the waters or land use.  
50

51 B. Protection of coastal and natural resources.  
52

- 1 C. Water enhanced uses such as recreation, certain utilities, commerce and
- 2 industrial uses.
- 3
- 4 D. Low density residential.
- 5
- 6 E. Non-water dependent or related activities such as intensive urban
- 7 residential, non-water dependent industry and commerce.
- 8
- 9 F. Of lowest priority are those uses which are non-water dependent, non-
- 10 water enhanced which result in a reduction of coastal resources.

11.2.3.2 Land development reviews, for the purposes of siting, or expanding marinas or  
14 boat facilities shall include the following criteria with priority given to expansion of  
15 existing marinas:

- 17 A. Consistency with provisions included in the Manatee Protection Plan for  
18 Volusia County.
- 19 B. Sufficient upland areas to accommodate needed support facilities such as  
20 adequate parking, dry storage, work areas, stormwater management  
21 facilities, and other non-water dependent uses.
- 22 C. Preference will be given to locating marinas and boat facilities in areas  
23 which require minimal dredging or no dredging or filling to provide access  
24 by either canal, channel or road.

28 **OBJECTIVE:**

30 11.2.4 Consistent with the Historic Preservation Element, protect and preserve historic  
31 and archaeological resources.

34 **POLICIES:**

36 11.2.4.1 Include coastal historic and archeological resources in land acquisition programs  
37 for open space, recreation, preservation, or conservation.

39 11.2.4.2 ~~The County has undertaken a comprehensive historic and archeological survey of  
40 the unincorporated coastal area. The survey has been added to the Florida Master  
41 Site File data base and is archived at the Leisure Services Division.~~

43 11.2.4.3 Volusia County shall maintain standards, regulations and guidelines for the  
44 protection of historic and archeological resources in the coastal area through the  
45 Volusia County Historic Preservation Ordinance.

47 11.2.4.4 ~~Maintain a common data base to include survey information, a complete set of  
48 Florida Master Site file forms for all recorded sites and archival materials.~~

50 11.2.4.5 ~~Nominate eligible historic and archeological resources to the National Register of  
51 Historic Places.~~

1                   11.2.4.6 Utilize as feasible incentive-based techniques for historic and archeological  
2                   preservation such as building code relief, TDRs, tax relief, or waiving of certain  
3                   zoning requirements (setbacks, lot coverage, parking, etc.).  
4  
5                   11.2.4.7 Volusia County shall cooperate with local governments in establishing historic  
6                   preservation commissions, conducting surveys and studies, developing standards,  
7                   regulations and guidelines, and adopting historic preservation ordinances or  
8                   developing historic and archeological preservation programs.  
9  
10                  11.2.4.8 Areas identified as having a high redevelopment probability shall be evaluated by  
11                  each jurisdiction for appropriate land uses, eliminating unsafe conditions, and  
12                  restoring coastal resources.  
13  
14                  11.2.4.9 Redevelopment activity shall not result in increasing hurricane evacuation times  
15                  above the clearance time identified in this Element.  
16  
17                  11.2.4.10 Redevelopment should be viewed as an opportunity to restore beach and dune  
18                  systems, improve visual appearance, incorporate landscaping and buffer areas,  
19                  improve traffic circulation, and upgrade stormwater management systems.  
20

21                  **4.0 WATER QUALITY**  
22

23                  **4.1 INTRODUCTION**  
24

25                  Section 163.3178, Florida Statutes, mandates that coastal counties conduct an inventory and  
26                  analysis of "...estuarine pollution conditions and actions needed to maintain estuaries...". This is  
27                  to be accomplished through the assessment of current estuarine conditions, the identification of  
28                  point and non-point pollution sources, the assessment of present and future land use plans as  
29                  they relate to water quality, and the identification of current and proposed state, regional, and  
30                  local programs which will maintain or improve current estuarine water quality conditions. The  
31                  support document presents the current understanding of water quality conditions in coastal  
32                  Volusia County, relates these conditions to present land use practices and provides suggestions  
33                  for future action by governmental agencies to maintain and/or improve estuarine water quality in  
34                  Volusia County. The expenditure of time and effort to complete such a study is justified by the  
35                  tremendous value of estuarine systems. Estuaries are economically important for shellfish and  
36                  finfish production as well as recreational boating. In addition, estuaries are ecologically important  
37                  habitats for numerous animal and plant species.  
38

39                  The entire study area was considered in the preparation of this report, not just the estuaries and  
40                  the immediately surrounding uplands. This allows the entire watershed of a particular waterbody  
41                  to be evaluated for potential pollution sources. The water quality within an estuary cannot be  
42                  expected to be of significantly higher quality than the water which enters it. The holistic approach  
43                  of considering individual watersheds as a fundamental unit will produce more realistic and  
44                  meaningful analysis and management of estuarine water quality conditions.  
45

46                  **GOALS, OBJECTIVES, AND POLICIES**  
47

48                  **GOAL:**  
49

1 11.3 To protect, enhance, and improve the quality of the estuarine environment  
2 throughout Volusia County.

3  
4 **OBJECTIVE:**  
5

6 11.3.1 To monitor and improve estuarine water quality by maintaining an ongoing water  
7 quality sampling and monitoring program, establishing base line conditions, and  
8 identifying standards as parameters to measure changes in water quality.  
9

10 **POLICIES:**  
11

12 11.3.1.1 A comprehensive water quality sampling and monitoring network shall be  
13 maintained for the coastal area. The data shall be evaluated to detect possible  
14 problems and to determine where corrective action is needed.  
15

16 11.3.1.2 A water quality monitoring program shall be maintained so that point and non-point  
17 sources and facilities which are identified as potential water quality problems are  
18 regularly and periodically inspected.  
19

20 11.3.1.3 ~~Permits issued by the Florida Department of Health for individual septic tank  
21 systems shall include a nomenclature system so that the information can be  
22 retrieved and evaluated by basin, sub-basin and jurisdiction.~~  
23

24 11.3.1.4 The [Volusia](#) County shall identify areas that utilize individual septic systems [in the  
25 coastal area](#). These areas will be prioritized for incorporation into public  
26 wastewater treatment systems. The following criteria will be utilized for prioritizing  
27 areas:  
28

- A. Soil type
- B. Water table level
- C. Proximity to Aquatic Preserves and Outstanding Florida Waters
- D. Proximity to open shellfish harvesting areas
- E. Proximity to other water bodies
- F. Density of septic tank systems
- G. Areas known or suspected to be impacting surface or ground water quality
- H. Proximity to existing or planned public wastewater treatment systems
- I. Directives of the Indian River Lagoon Act
- J. Directives of the Northern Coastal Basin SWIM

40 11.3.1.54 Future individual on-site disposal systems in the Mosquito/Indian River Lagoon  
41 area shall be managed under the Surface Water Improvement Management Area  
42 Overlay Zone requirements of the Volusia County Zoning Ordinance. If no central  
43 sewer is available, on-site sewage disposal systems within the subject overlay  
44 zone may be required to be [aerobic advanced](#) systems depending on soil type and  
45 water table parameters.  
46

47 11.3.1.65 [Volusia County will continue to maintain and Continue to](#) upgrade existing sewage  
48 treatment plants [in the coastal area in accordance with the Sanitary Sewer](#)  
49 [Element of the comprehensive plan](#). As additional sewage treatment plants are  
50 constructed and/or existing plants are expanded, a concerted effort and  
51 commitment shall be made to utilize the highest level of treatment possible, or

1 alternative methods of effluent disposal such as reuse and land spreading/spray  
2 irrigation should be used to reduce nutrient loadings to the rivers and estuaries.  
3

4 11.3.1.76 ~~Maintain development regulations that limit the amount of sediment reaching all~~  
5 ~~surface waters. Maintain Volusia County will continue to maintain~~ erosion and  
6 ~~sediment control provisions in the land development regulations as part of the~~  
7 ~~development review process. Soil conservation regarding agricultural uses will be~~  
8 ~~encouraged by the Natural Resource Conservation Service and the Agricultural~~  
9 ~~Cooperative Extension Service.~~

10 11.3.1.87 The construction of future storm water management systems and the redesign of  
11 existing systems shall consider the timing of discharge of fresh water to the estuary  
12 and ocean, the hydroperiod of the wetlands as well as the potential loadings.  
13 ~~Storm water systems should be designed to gradually release water via sheet flow~~  
14 ~~through natural or constructed wetlands.~~

15 11.3.1.98 The use of pipes, ditches and canals which transport large volumes of fresh water  
16 rapidly to the estuaries and ocean shall be prohibited.

17 11.3.1.109 ~~A Master Volusia County will continue to implement the~~ Stormwater Management  
18 ~~Master Plan that includes minimum standards by watershed shall be addressed in~~  
19 ~~cooperation with the cities and County. The plan shall address specific and~~  
20 ~~cumulative impacts to prevent estuarine pollution and control surface water runoff~~  
21 ~~which provides guidance for the reduction of flooding and increased water quality~~  
22 ~~as a result of stormwater runoff.~~

23 11.3.1.110 ~~Volusia County will continue Continue to incorporate pertinent recommendations~~  
24 ~~of the Volusia Council of Governments' Action Plan to implement the 2008~~  
25 ~~implement its Water Quality Master Plan on an on-going basis.~~

26 11.3.1.12 ~~The Master Stormwater Management Plan will provide recommendations for the~~  
27 ~~maintenance or restoration of the desired seasonal base flows and water quality.~~

28 11.3.1.13 ~~In 1991, a study, known as the Taylor Study, was completed to document the~~  
29 ~~flushing patterns in the Halifax River and Indian River North/Mosquito Lagoon. As~~  
30 ~~part of the study, the need to replace the existing causeways with bridges (with the~~  
31 ~~exception of the north causeway in New Smyrna Beach) in order to increase tidal~~  
32 ~~flushing of the Halifax River and Indian River North was evaluated. The potential~~  
33 ~~impact on tidal and gravitational flow of current and future construction projects~~  
34 ~~along these rivers was also evaluated. Residence times for pollutants (i.e., STP~~  
35 ~~effluent) were assessed.~~

36 11.3.1.1411 The preparation of management plans, water quality studies, and sampling  
37 programs will be coordinated with the coastal municipalities, the SJRWMD, and  
38 the FDEP.

39 11.3.1.1512 The findings and recommendations from the Surface Water Improvement  
40 Management (SWIM) programs will be incorporated into the county's plans and  
41 regulations ~~of the affected local governments.~~

1 11.3.1.~~16~~13 Volusia County will continue Continue water quality sampling and reporting  
2 requirements for assessing and monitoring impacts of cumulative development on  
3 storm water runoff and water quality.

4  
5 11.3.1.~~17~~14 Volusia County and the coastal cities shall continue their ~~its~~ commitment to  
6 improve and enhance water quality and estuarine conditions through  
7 intergovernmental cooperation by a variety of mechanisms such as: with its  
8 municipalities and other affected agencies and groups.

9  
10 A. Continuation of the Environmental Natural Resource Advisory Committee.  
11 B. Participation in amendment area-hoc or other special technical advisory  
12 committees.  
13 C. Exchange of data and information among and between the County and the  
14 municipalities as well as Flagler and Brevard Counties.  
15 D. Presentations and discussions with the Volusia Council of Governments.  
16 E. Updating data in cooperation with FDEP and SJRWMD.  
17 F. Notification of proposed programs, development regulations or activities  
18 that address water quality.  
19 G. Participation in the SWIM and NEP Programs.  
20 H. Implementing the policies or recommendations of the Aquatic Preserve  
21 Management Plans.  
22 I. Participation and assistance in establishing and maintaining the water  
23 quality sampling and monitoring program.  
24 J. Continued efforts to manage stormwater run-off.

25  
26 **5.0 BEACH AND DUNE SYSTEMS**

27  
28 **5.1 Summary of Existing Beach and Dune Conditions and Historical Erosion and**  
29 **Accretion Trends**

30  
31 The Volusia County coastline consists of a 49 mile long, continuous barrier island broken only by  
32 Ponce DeLeon Inlet. Prior to human habitation, this barrier island system was characterized by  
33 a relatively high (15-20 feet), well vegetated, foredune ridge system that prevented storm-surge  
34 overwash and tidal inlet formation. The large width and elevation of the Volusia coastal barrier,  
35 compared to many other barrier islands in Florida or elsewhere, resulted from the net onshore  
36 transport of sand in the recent geologic past.

37  
38 This barrier system continues to receive an onshore supply of sand as evidenced by the new,  
39 incipient dunes being established on the dry berm or up against seawalls. Additionally, historical  
40 shoreline data indicate that, over a 100 year time frame, the Volusia coast has remained stable.  
41 Considering the myriad of coastal erosion problems that plague other developed shorelines,  
42 Volusia County has relatively few problems. Undoubtedly, the lack of tidal inlets is a contributing  
43 factor.

44  
45 However, a few beach and dune problems exist. First, Ponce DeLeon Inlet has been responsible  
46 for shoreline changes extending approximately from DEP monuments 130 North to 165 South.  
47 Beaches in this area have undergone landward/seaward shifts nearly ten times greater than  
48 beaches outside the inlet's length of influence. Second, recession of the foredune ridge scarp in  
49 the Bethune Beach area, where homes are located too close to the beach in the first place, has  
50 created a zone of some concern to residents in the community. In addition, some topographically

1 low and narrow sections of the barrier island south of Ponce Inlet could overwash or break through  
2 by storm surge during a major storm event.

3  
4 The FDEP, Bureau of Beaches and Coastal Systems released preliminary data (May 1989)  
5 indicating historical shoreline changes. The following points are immediately obvious from this  
6 data set:

7  
8 A. Most of the County coastline has accreted during the past 115 years.  
9 B. The zone of greatest shoreline change including erosion is near Ponce DeLeon Inlet.  
10 C. Most of the County coast has undergone erosion during the 1970s.

11 A review of the 2006 updated beach profile data obtained by the Bureau of Beaches and Coastal  
12 Systems suggests that in 2006, four sections totaling 22.1 miles, of Volusia County beaches were  
13 listed as critically eroded. The current status may be due to the affects of an active hurricane  
14 season in 2004. Volusia County is still recovering from the 2004 erosion event and it may be  
15 years before a larger trend can be identified.

16  
17 **GOALS, OBJECTIVES, AND POLICIES**

18  
19 **GOAL:**

20 11.4 Protect, enhance and restore the functioning of the beach and dune systems and  
21 prohibit development activities that would damage or destroy such systems.

22  
23  
24 **OBJECTIVE:**

25  
26 11.4.1 Maintain standards to minimize the impacts of structures and development on  
27 beach and dune systems and where necessary initiate dune restoration programs.

28  
29  
30 **POLICIES:**

31 11.4.1.1 Continue to coordinate with the Bureau of Beaches and Coastal Systems  
32 concerning the Coastal Construction Control Line (CCCL) ~~to implement the~~  
33 following criteria.

34  
35 A. For non-seawalled open ocean coast, the CCCL should be located behind  
36 the landward base of the foredune ridge. The foredune ridge should be  
37 allowed to expand landward. A buffer between the landward base of the  
38 foredune ridge and building construction should be established.

39  
40 B. For seawalled coast, the CCCL should be drawn behind the bulkhead line  
41 in accordance with the 100-year storm surge.

42  
43 11.4.1.2 Volusia County has amended the Zoning maps to depict the reestablished CCCL.

44  
45 11.4.1.3~~2~~ New Permits for new seawalls shall only be allowed in an emergency situation to  
46 protect health, safety, principal buildings, public infrastructure, or to fill in small  
47 gaps (size of gaps will be consistent with FDEP definition of a gap) between  
48 existing seawalls. The construction of new seawalls shall be consistent with  
49 Policies 11.4.1.5, 11.4.1.6, and 11.4.1.7. Also, new seawalls must receive proper

permits from the County and the FDEP prior to construction. All new permitting of seawalls must receive proper permits from applicable federal, state, regional, and local agencies.

11.4.1.3 Reconstruction or replacement of existing hard erosion control structures along the oceanfront shall be consistent with Policies 11.4.1.5, 11.4.1.6, and 11.4.1.7; except for the maintenance and care of public navigational structures such as Ponce DeLeon Inlet, structures which are needed to protect evacuation routes, public facilities, and public utilities. Also, such seawalls must receive proper permits from the County and the FDEP prior to construction.

11.4.1.3 Seawall construction in the County shall be consistent with State requirements and should be of a low profile design that relates to local beach conditions. In addition, all new seawalls shall be designed and constructed to minimize adverse effects to adjacent properties.

11.4.1.64 A dune system shall be developed and vegetated with suitable materials to bury all new, and/or reconstruction or replacement seawalls within the County. All new or reconstructed seawalls shall include a provision of a vegetated dune system.

11.4.1.75 ~~Dune~~ Created dune systems ~~created to bury seawalls~~ shall be maintained to emulate natural dune systems ~~and to prevent seawalls from being exposed~~. If a ~~dune system created to bury a wall~~ is eroded resulting in a seawall being exposed, the ~~dune system~~ shall be reconstructed to bury the wall and repair dune damage. ~~All~~ No dune reconstruction or maintenance shall be done ~~following the end of, and prior to the beginning of~~ during the marine sea turtle nesting season.

11.4.1.86 The FDEP and the Volusia County Beaches and Dunes Ordinance maintains standards for the maintenance and restoration of dune areas.

11.4.1.97 Coastal construction shall be planned, designed, and constructed to avoid the man made destruction or removal of existing dunes and dune vegetation. Where such impacts cannot be avoided, such impacts shall be mitigated.

11.4.1.108 Structural development along beaches fronting the Atlantic Ocean shall enhance and not further degrade the coastal beach and dune system. The following criteria shall apply in the implementation of this policy:

11.4.1.9 A. Shoreline buffer zones shall be established to protect and preserve the coastal beach and dune systems fronting the Atlantic Ocean. Buffer areas shall be measured seaward from the existing or historical vegetative line and re-established upon changes to the new Coastal Construction Control Line.

**11.4.1.10** **B.** Structures shall be prohibited within the established *shoreline* buffer areas except where overriding public interest is apparent for public park and recreation facilities, or for structures that are necessary for reasonable access and are elevated above the dune vegetation.

C. Buffer areas shall be measured seaward from the existing or historical vegetative line and re-established upon changes to the new Coastal Construction Control Line.

1           11.4.1.11 Beach and dune management plans have been prepared that assess temporal  
2           and spatial long shore transport rates and direction, rates of on-shore sand  
3           movement, rates of dune build up, wave focusing and off shore topography  
4           refracting waves, the rate at which Ponce DeLeon Inlet is ingesting sand, and the  
5           effects of mechanical devices such as sand dredging machines. The subject plans  
6           will be utilized to manage applicable coastal management issues.

7

8           11.4.1.12 Maintain expertise in coastal geology/engineering to design research projects and  
9           to conduct field and lab work to complete these projects.

10

11           11.4.1.13~~11~~ As part of the coastal resource function, exchange information and monitor data  
12           collection of the FDEP, the US Army Corps of Engineers, Florida Sea Grant  
13           College, universities, and other appropriate agencies.

14

15           11.4.1.14~~12~~ In cooperation with the FDEP, develop information and education programs to  
16           inform citizens on how the coastline works. Provide technical assistance to land  
17           owners, citizens, community interest groups and local governments.

18

19           11.4.1.15~~13~~ Utilize State and Federal grants and community resources to implement beach and  
20           dune restoration projects such as civic associations, community groups, an  
21           "Adopt-A-Beach" program, private donations, or other similar techniques.

22

23           11.4.1.16~~14~~ The County has conducted successful dune restoration demonstration projects in  
24           several areas of the County. These dune restoration projects serve as examples  
25           of appropriate dune restoration.

26

27           11.4.1.17 Incorporate dune restoration projects and revegetation into public improvement  
28           projects such as park, recreation facilities, and off-beach parking areas, adjacent  
29           to the beach, and vacant county owned land east of Coastal Construction Coast  
30           Line.

31

32           11.4.1.18~~15~~ Volusia County will explore Prepare interlocal agreements with coastal cities and  
33           the State of Florida for the funding and development of beach maintenance and  
34           restoration programs and projects.

35

36           11.4.1.19~~16~~ The stabilization and depth maintenance of Ponce DeLeon Inlet and the longshore  
37           transport of sediment relations to the Inlet zone of influence shall continue to be  
38           managed under the FDEP certified Inlet Management Plan.

39

40           11.4.1.20~~17~~ The Volusia County Coastal Division will serve as the local sponsor for the federal  
41           inlet channel at Ponce de Leon Inlet and will partner with the State of Florida and  
42           U.S. Army Corps of Engineers to develop and implement the inlet management  
43           plan. Sands dredged from the Ponce DeLeon Inlet should be used to stem beach  
44           erosion within the zone of influence. All sand dredged from Ponce DeLeon Inlet  
45           shall be managed in accordance with the FDEP certified Ponce DeLeon Inlet  
46           Management Plan.

47

48           11.4.1.21~~18~~ Redevelopment should be viewed as an opportunity to restore beach and dune  
49           systems, improve visual appearance, incorporate landscaping and buffer areas,  
50           improve traffic circulation, and upgrade stormwater management systems Volusia

51

1 County should continue to monitor sea level rise science to determine how sea  
2 level rise will affect the County. Based on pertinent data, the County will act  
3 accordingly.

4

## 5 6.0 COASTAL HIGH HAZARD AREA AND HURRICANE VULNERABILITY ZONE

6

7 The Coastal High Hazard Area (CHHA) for the Comprehensive Plan is depicted by Figure 1-10  
8 of the Future Land Use Element (See Appendix 1, Maps and Figures). The "East Central Florida  
9 Hurricane Evacuation Study, Update 1999" prepared by the East Central Florida Regional  
10 Planning Council (ECFRPC) served as the basis for identification of the CHHA. The CHHA is  
11 defined as the area below the elevation of the category 1 storm surge line as established by a  
12 Sea, Lake and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

13

14 The CHHA is a component of the broader Hurricane Vulnerability Zone (HVZ). The HVZ consists  
15 of that portion of the unincorporated region to be evacuated in Category 3 or greater intensity  
16 storm as identified in the County's Comprehensive Emergency Management Plan.

17

18

19 1 The Saffir/Simpson Hurricane Scale categorizes hurricanes into 5 different types of storms. A  
20 Category 1 storm has winds of 74-95 mph, with storm surges of 4-5 feet above normal. A  
21 Category 2 storm has winds of 96-110 mph, with storm surges of 6-8 feet above normal. A  
22 Category 3 storm has winds of 111-130 mph, with storm surges of 9-12 feet above normal. A  
23 Category 4 storm has winds of 131-155 mph, with storm surges of 13-18 feet above normal. A  
24 Category 5 storm has winds greater than 155 mph, with storm surges greater than 18 feet above  
25 normal.

26

## 27 GOALS, OBJECTIVES, AND POLICIES

28

29 GOAL:

30

31 11.5 Lessen the impact of a destructive storm on human life, property, public facilities  
32 and natural resources by discouraging the location of new development in the  
33 coastal high hazard area through limitations to new public expenditures in these  
34 areas.

35

36 OBJECTIVE:

37

38 11.5.1 Evacuation of Population. Maintain Volusia County will maintain the clearance time  
39 of the population in the Hurricane Vulnerability Zone at nineteen (19) hours based  
40 on-at a level of service (LOS) standard "D."

41

42 POLICIES:

43

44 11.5.1.1 Land use plan amendments in the Hurricane Vulnerability Zone shall strive to  
45 reduce and shall not increase the clearance time in the Hurricane Vulnerability  
46 Zone above 19 hours beyond the adopted LOS.

47

48 11.5.1.2 Volusia County will continue to coordinate with the municipalities and the River to  
49 Sea Transportation Planning Organization to assess Assess the impact of new  
50 development on the hurricane evacuation network to ensure it will not increase

1 clearance time of the population in the Hurricane Vulnerability Zone above 19  
2 hours.  
3

4 11.5.1.3 ~~Ensure adequate roadway capacity to facilitate the evacuation of residents in the Hurricane Vulnerability Zone. The County, in conjunction with the coastal cities, the Metropolitan Planning Organization, and/or Florida Department of Transportation (as appropriate), shall seek to mitigate issues associated with the critical roadway segments for evacuation routes, as identified in the "East Central Florida Hurricane Study, update 1999" so as to maintain an acceptable clearance time.~~  
5  
6  
7  
8  
9  
10

11 11.5.1.4 Future roadway improvements shall minimize the impact of flooding and storm  
12 damage on evacuation route facilities.  
13

14 11.5.1.54 Evacuation routes shall be designated in such a way as to distribute traffic demand  
15 to provide optimum utilization of available roadway facilities.  
16

17 11.5.1.65 Volusia County shall coordinate the Comprehensive Emergency Management  
18 Plan with the coastal cities to ensure the orderly evacuation of the population in  
19 the Hurricane Vulnerability Zone.  
20

21 **OBJECTIVE:**  
22

23 11.5.2 ~~Shelter for Population. In cooperation with the American Red Cross, Volusia~~  
24 County shall designate hurricane evacuation shelters to protect the population in  
25 the Hurricane Vulnerability Zone.  
26

27 **POLICIES:**  
28

29 11.5.2.1 Volusia County ~~in cooperation with the American Red Cross~~will continue  
30 ~~continues~~ to designate hurricane emergency shelter facilities to accommodate at  
31 least 10% of the population in the Hurricane Vulnerability Zone, based upon a  
32 standard of 20 square feet of shelter space per person.  
33

34 11.5.2.2 New hurricane emergency shelter space shall not be located in the Hurricane  
35 Vulnerability Zone.  
36

37 **OBJECTIVE:**  
38

39 11.5.3 ~~Mitigation of Property Damage. Ensure Volusia County will continue to ensure~~ that  
40 development in the Hurricane Vulnerability Zone and Coastal High Hazard Area  
41 minimizes danger to life and property.  
42

43 **POLICIES:**  
44

45 11.5.3.1 Public facilities shall be prohibited that will encourage new development inside the  
46 Coastal High Hazard Area, ~~unless the facilities are consistent with policies~~  
47 ~~specifically identified in the Coastal Management Element or cross-referenced to~~  
48 ~~another appropriate element and included in the Capital Improvements Element.~~  
49 This prohibition does not include facilities associated with redevelopment or  
50

51

1 development of properties in accordance with previously approved subdivisions or  
2 site plans, public access and recreation facilities, facilities necessary for public  
3 health/safety/welfare, or resource restoration projects/facilities.

4  
5 11.5.3.2 Prior to the development of public facilities in the Coastal High Hazard Area, it shall  
6 be determined that there are no other feasible sites outside that area.

7  
8 11.5.3.3 If constructed, all public facilities in the Coastal High Hazard Area shall be flood  
9 proofed to ensure minimum damages from storms and hurricanes.

10  
11 11.5.3.4 ~~The County shall enforce, where necessary and appropriate, regulations that~~  
12 ~~provide for: dune protection and stabilization, flood proofing of utilities, and~~  
13 ~~requirements for structural wind resistance and flood plain management~~  
14 ~~Construction activities seaward of the Coastal Construction Control Line shall be~~  
15 ~~consistent with the requirements of Chapter 161, Florida Statutes.~~

16  
17 11.5.3.5 All development in the ~~Hurricane Vulnerability Zone~~coastal area shall be  
18 consistent with or more stringent than the federal flood hazard requirements and  
19 the flood resistant construction requirements in the Florida Building Code.

20  
21 11.5.3.6 The County shall continue to participate in the National Flood Insurance Program  
22 (NFIP).

23  
24 11.5.3.7 The County shall maintain, and pursue improvement of, its insurance rating under  
25 the NFIP Community Rating System (CRS).

26  
27 11.5.3.8 ~~If feasible, and where State funds are anticipated to be needed,~~ County-owned  
28 infrastructure presently within the Coastal High Hazard Area shall be relocated  
29 outside of said area when repairing/replacing the infrastructure. If relocation of the  
30 infrastructure is deemed by the County to not be feasible, any reconstruction or  
31 repair of the infrastructure ~~necessitating State funds~~ shall be designed so as to  
32 minimize potential damage (i.e., wind and/or flooding) from hurricanes or other  
33 storms.

34  
35 11.5.3.9 ~~The Volusia County, in accordance with Federal Emergency Management Agency~~  
36 ~~requirements, has adopted and is implementing a~~will continue to implement its  
37 FEMA-approved Local Mitigation Strategy mitigation plan through the task force  
38 "Volusia Prepares" to reduce damage in areas of repetitive loss due to flooding.

39  
40 11.5.3.10 A "Local Mitigation Strategy" (LMS) has been prepared by the County's Emergency  
41 Management Services. The LMS is resultant of a county-wide multi-jurisdictional  
42 program (Volusia 2020). The County shall, as practical, continue participation in  
43 this program and implement the LMS, as necessary and appropriate, through  
44 capital improvements programming and land development regulations to establish  
45 a continuing program of hurricane mitigation.

46  
47 11.5.3.11 The County shall continue to direct growth away from the CHHA by utilizing land  
48 use controls, acquisition techniques, and other methods as deemed appropriate.

49  
50 11.5.3.1211 New or expanded manufactured or mobile home housing developments or  
51 recreational vehicle developments shall be required to include a hardened central

clubhouse or similar structure to serve as a shelter for residents. The clubhouse or similar structure shall be hardened to withstand 150mph winds.

11.5.3.12 Volusia County shall locate future well fields in a manner as to protect against salt water intrusion.

11.5.3.13 The Level of Service for the provision of wastewater treatment in the unincorporated portions of the coastal area shall be consistent with the Sanitary Sewer Element of the Comprehensive Plan.

11.5.3.14 The level of service standard for roads in the Coastal Management Planning Area shall be consistent with the Transportation Element, except where expressly modified pursuant to Interlocal Agreement between Volusia County and the individual coastal cities.

11.5.3.15 The County shall continue to enforce rules/regulations governing the proper disposal of solid waste in the unincorporated portion of the Coastal Management Planning Area.

11.5.3.16 The Tomoka Farms Landfill shall continue to be monitored and the monitoring program evaluated to ensure ground water and surface water samples are collected. Water samples will meet federal and state water quality standards. This data shall be incorporated into the water quality sampling program.

**11.5.3.17** The Level of Service standard for solid waste shall be as identified within the Solid Waste Element.

11.5.3.18 The County shall continue to investigate and review the available technology for resource recovery, recycling and other alternatives to solid waste management consistent with the protection and conservation of environmental resources and water quality.

11.5.3.19 Development or redevelopment activity shall not result in increasing hurricane evacuation times above the clearance time identified by the Emergency Management Division.

11.5.3.20 Volusia County and the coastal cities shall coordinate all hurricane evacuation activities through the Volusia County Emergency Management Division.

## OBJECTIVE:

11.5.4 **P**ost **D**isaster **R**edevelopment. Prior to 2010, Volusia County with the East Central Florida Regional Planning Council and the coastal cities, as appropriate, shall undertake an evaluation of the long-term problems related to post-disaster redevelopment and based upon those findings prepare a Post-Disaster Redevelopment Plan. If necessary, amendments shall be made to the Comprehensive Plan based upon the Post-Disaster Redevelopment Plan continue to develop plans and regulations to mitigate for the threat to human life and to control proposed development and redevelopment in the coastal environment.

1  
2 POLICIES:  
3

4 11.5.4.1 ~~The Post-Disaster Redevelopment Plan shall include, but is not limited to: the~~  
5 ~~identification of Volusia County will consider~~ land areas that should not be  
6 reconstructed, limiting redevelopment in documented areas of repetitive loss,  
7 abandonment and/or relocation of buildings, rebuilding of public facilities,  
8 reconstruction with structural modification and distinguishing between immediate  
9 repair/cleanup actions and actions needed to protect public health and safety and  
10 long-term repair and redevelopment.

11 11.5.4.2 ~~The Post-Disaster Redevelopment Plan shall~~ Volusia County and its partners will  
12 also identify structures in the Coastal High Hazard Area that might be of some  
13 utility for public access to coastal beaches and waterways, and make  
14 recommendations for acquisition when post-disaster opportunities arise. It shall  
15 establish guidelines for determining priorities for the acquisition of storm-damaged  
16 property in the Coastal High Hazard Area and Hurricane Vulnerability Zone.

17 11.5.4.3 ~~The Post-Disaster Redevelopment Plan shall~~ Volusia County will establish  
18 principles for repairing, replacing, modifying, or relocating public facilities in the  
19 Coastal High Hazard Area and Hurricane Vulnerability Zone.

20 11.5.4.4 ~~As provided for by the land development regulations, the following post-disaster~~  
21 ~~reconstruction policy is to be applied after a hurricane. For other disasters, refer~~  
22 ~~to Policy 1.1.2.2 (Future Land Use Element). For hurricane damaged structures in~~  
23 ~~the coastal high hazard area, structures damaged less than fifty (50%) percent of~~  
24 ~~their replacement cost, at the time of damage, may be rebuilt to their original~~  
25 ~~condition subject only to current building and life-safety codes.~~

26 Structures damaged more than fifty (50%) percent of their replacement cost, at the  
27 time of damage, can be rebuilt to their original square footage and density,  
28 provided that they comply with:

- 29 A. Federal requirements for elevation above the 100-year flood level.
- 30 B. Building code requirements for flood proofing.
- 31 C. Current building and life-safety codes.
- 32 D. Regulations relating the Coastal Construction Control Line.
- 33 E. Any required zoning or other land development regulations (other than  
34 density or intensity), unless compliance with such regulations would  
35 preclude reconstruction otherwise intended by the county's land  
36 development regulations.
- 37 A. Structures damaged less than 50% of their replacement cost at the time of  
38 damage may be rebuilt to their original condition, subject only to current  
39 building and life-safety codes.

1           B. Structures damaged more than 50% of their replacement cost at the time  
2           of damage can be rebuilt to their original square footage and density,  
3           provided that they comply with:

4

5           1. Requirements of the County's land development regulations for  
6           elevation above the 100-year flood level;  
7           2. Building code requirements for flood proofing (non-residential);  
8           3. Current building and life safety codes (at the time of building permit  
9           application);  
10          4. State Coastal Construction Control Line Regulations; and  
11          5. Any required zoning or other development regulations (other than  
12           density or intensity), unless compliance with such regulations would  
13           preclude reconstruction otherwise intended by the post-disaster  
14           reconstruction policy.

15

16          C. The land development regulations may establish procedures to document  
17           actual uses, densities, and intensities, and compliance with regulations in  
18           effect at the time of construction, through such means as photographs,  
19           diagrams, plans, affidavits, permits, appraisals, and tax rewards.

20

21          11.5.4.5 The Volusia County Comprehensive Emergency Management Plan for post-  
22           disaster recovery provides for immediate repair and clean up actions in the form  
23           of disaster assessment, the provision of temporary housing, and individual  
24           assistance. These efforts shall be coordinated between Volusia County and the  
25           coastal cities. Reconstruction shall be consistent with the Recovery Annex of the  
26           Comprehensive Emergency Management Plan, as appropriate, ~~until such time as  
27           the Post-Disaster Redevelopment Plan has been adopted.~~

28

## 29          7.0 PUBLIC ACCESS

30

### 31          7.1 Categories of Public Access Facilities

32

33          Facilities that provide public access to the County's coastal beaches and inland waterways in the  
34           Coastal Management Planning Area can be organized into the following seven categories:

35

36          A. Coastal Beach Access Facilities. These facilities afford access to the areas along the  
37           County's coast that are seaward of the mean high water line. Beach access facilities  
38           include any facility that increases the opportunity for the public to enjoy the beach, such  
39           as parking facilities, restrooms or mini ocean parks. There are two distinct types of Coastal  
40           Beach Access Facilities in Volusia County:

41

42           i) Vehicular Beach Ramps. These ramps are located on public easements or lands  
43           that extend from public roads to the coastal beaches. They are used primarily for  
44           the purpose of affording vehicular access to the beaches, though pedestrians can  
45           also use them; and

46

47           ii) Pedestrian Access Facilities.

48

49           1. Walkways. Improved paths of either concrete or asphalt which traverse  
50           public easements or lands, and which permit pedestrian access to the  
51           coastal beaches.

1  
2. ~~Walkovers. Structures consisting of a combination of ramps and stairs over~~  
3 ~~the dune system in the County which are built on public lands or easements~~  
4 ~~and link the coastal beaches with public roads and rights-of-way.~~

5  
6. ~~Unimproved Paths. Public easements or lands cut through the existing~~  
7 ~~dune system which permit pedestrian access to the coastal beaches.~~

8  
**B.** ~~Fishing Piers. Publicly or privately owned piers or boardwalks, provided primarily for the~~  
9 ~~purpose of non-boat fishing along either the County's coastal beaches or the inland~~  
10 ~~waterways of the Coastal Management Planning Area, or other facilities along these~~  
11 ~~waterways which serve as traditional locations for fishing, such as bridges and jetties. No~~  
12 ~~attempt has been made to identify other areas along the coast which are used for fishing,~~  
13 ~~recognizing that fishing occurs all along the coastline, and on many of the bridges in the~~  
14 ~~Coastal Management Planning Area.~~

15  
**C.** ~~Marinas and Docks. Publicly or privately owned boat docking facilities for general public~~  
16 ~~use, typically used upon payment of a fee. Facilities which restrict their use to membership~~  
17 ~~in a group or organization not directly related to the marina itself, such as condominium~~  
18 ~~associations, are not included. Similarly, boat docking facilities located at private~~  
19 ~~homesites are not included.~~

20  
**D.** ~~Boat Ramps. Publicly or privately owned boat launching lanes located in the Coastal~~  
21 ~~Management Planning Area that provide direct access to the inland waterways of the~~  
22 ~~Coastal Management Planning Area. Boat Ramps are generally developed in conjunction~~  
23 ~~with parking facilities.~~

24  
**E.** ~~Park Facilities. Public lands (owned by either the federal or state governments, Volusia~~  
25 ~~County, or the coastal cities) that are developed for the purpose of providing either passive~~  
26 ~~or active recreational opportunities in relation to the County's coastal beaches or the inland~~  
27 ~~waterways in the Coastal Management Planning Area.~~

28  
**F.** ~~Undeveloped Lands. Publicly owned lands in the Coastal Management Planning Area~~  
29 ~~that provide broad expanses of open space and passive recreation opportunities (such as~~  
30 ~~bird watching and fishing) contiguous to the County's coastal beaches or the inland~~  
31 ~~waterways.~~

32  
**G.** ~~Scenic Drives. Areas along coastal roads providing unique or unusual views of the coast,~~  
33 ~~the inland waterways, or the natural environment of the coastal area. Other sites, which~~  
34 ~~may offer scenic views, but do not offer extended opportunities for viewing, are not~~  
35 ~~included.~~

36  
**GOALS, OBJECTIVES, AND POLICIES**

37  
**GOAL:**

38 11.6 Maintain and improve public access to the sovereign lands of the Coastal  
39 Management Planning Area through the provisions of coastal beach access  
40 facilities, fishing piers, boat ramps and marinas.

41  
**OBJECTIVE:**

1       11.6.1       **Coastal Beach Access Facilities.** In the areas of unincorporated Volusia County,  
2       except Ormond-by-the-Sea, Coastal Beach Access Facilities (Vehicular Beach  
3       Ramps, Walkways, or Walkovers) shall be provided at no greater than 2 mile  
4       intervals, except for the area north of Bass Drive and the area in Canaveral  
5       National Seashore. In the area of unincorporated Ormond-by-the-Sea, Coastal  
6       Beach Access Facilities shall be provided every  $\frac{1}{4}$  mile, on average. Volusia  
7       County shall be responsible for the actual provision, maintenance, and operation  
8       of these facilities unless otherwise indicated.  
9

10      **POLICIES:**

11      11.6.1.1      Beach Access Facilities shall, to the greatest extent feasible possible, be provided  
12       in accordance with the County's Beach Management Plan and the County's Beach  
13       and Dune Ordinance.  
14

15      11.6.1.2      Volusia County, shall ensure that all Coastal Beach Access Facilities shall include  
16       access to a public road.  
17

18      11.6.1.3      The establishment and/or improvement of vehicular beach ramps, including ramp  
19       expansion and improved handicapped access shall be consistent with the County's  
20       Beach Management Plan and federal ADA requirements.  
21

22      11.6.1.4      The priority for new pedestrian access shall be pedestrian walkovers or other  
23       alternatives that do not harm the dune system.  
24

25      11.6.1.5      The County shall will, in cooperation with the appropriate coastal cities, continue  
26       to identify the need for any new parking spaces so as to aid in relieving congested  
27       areas to improve public beach access.  
28

29      11.6.1.6      Access and accommodations for handicapped individuals shall be provided in  
30       accordance with the County's Beach Management Plan. Additionally, the County  
31       should continue to cooperate with VOTRAN to provide additional routes and stops  
32       at Coastal Beach Access Facilities and add any required equipment on the buses  
33       to accommodate wheel chairs and the needs of the handicapped.  
34

35      11.6.1.7      Pedestrian Access Facilities shall, to the extent feasible, be provided in  
36       accordance with the Beach Management Plan.  
37

38      11.6.1.8      Volusia County shall prohibit the vacation of public right-of-way that provides or  
39       could provide public access to the beach or off-beach parking without an  
40       equivalent type of access.  
41

42      11.6.1.97      Volusia County shall maintain a financially feasible Beach Parking Management  
43       Plan to promote maximize the protection of natural resources as well as to serve  
44       the need for public beach access.  
45

46      **OBJECTIVE:**

47      11.6.2       **Fishing Piers.** In conjunction with the coastal cities and the Ponce DeLeon Port  
48       District, the County will endeavor to expand and construct pier opportunities to the  
49       greatest extent possible for the residents of the County.  
50

1  
2 **POLICIES:**  
3

4 11.6.2.1 ~~Fishing pier needs have been met through fiscal year 2010. New pier~~  
5 ~~requirements shall be met through the utilization of fishing pier space with existing~~  
6 ~~bridges. The Volusia~~ County, in cooperation with the appropriate coastal cities  
7 and Ponce DeLeon Port District, shall determine the appropriate location at which  
8 fishing pier space can be utilized in conjunction with existing bridges.  
9

10 **OBJECTIVE:**  
11

12 11.6.3 ~~Scenic Routes. Volusia County may establish scenic routes and roadways~~  
13 ~~consistent with the Transportation Element, to preserve the natural beauty and~~  
14 ~~vistas of the Coastal Management Planning Area.~~  
15

16 **POLICIES:**  
17

18 11.6.3.1 ~~The County and the appropriate coastal cities should mutually agree to establish~~  
19 ~~corridor management strategies and recommendations to protect the scenic~~  
20 ~~quality of the identified scenic roadways, if any.~~  
21

22 11.6.3.2 ~~Signage shall be provided to identify Scenic Roadways, if any.~~  
23

24 11.6.3.3 ~~The County's Land Development Regulations may include land use controls such~~  
25 ~~as overlay districts or site plan review requirements to ensure preservation of the~~  
26 ~~natural and scenic resources of any Scenic Routes.~~  
27

28 **8.0 PUBLIC SERVICES**  
29

30 **8.1 Introduction**  
31

32 ~~Public facilities and services needed to support coastal growth and development are under the~~  
33 ~~authority of a variety of jurisdictions. The majority of these facilities, particularly potable water,~~  
34 ~~sewer, and public buildings, are the responsibility of individual municipalities. In some instances,~~  
35 ~~a city may provide service to an adjacent jurisdiction. In other cases, the service or facility is~~  
36 ~~provided by an independent agency or district such as the School District.~~  
37

38 ~~The areas designated as "Urban Infill" and "Planned Development" on the coastal area plan are~~  
39 ~~targeted for the majority of urban growth and are expected to have the full range of public services~~  
40 ~~and facilities. The first priority for receipt of these services and facilities are the existing urbanized~~  
41 ~~areas - designated for "Urban Infill". The next priority for public services is the vacant land on the~~  
42 ~~fringe of the existing urban area - the "Planned Development" areas designated in the Coastal~~  
43 ~~Plan support document. It is recommended that new development have regional or central sewer~~  
44 ~~and water, and that individual or non-regional facilities be phased out and connected to a central~~  
45 ~~system. Areas that have a high concentration of individual septic systems with the potential to~~  
46 ~~degrade water quality should also be targeted for connection to regional wastewater treatment~~  
47 ~~facilities. Limitations of public expenditures that would subsidize development in the Coastal High~~  
48 ~~Hazard Area will also govern how and where public facilities are extended.~~  
49

50 ~~This section is divided as follows:~~  
51

- 1       A. Transportation
- 2       B. Potable Water Supply Systems
- 3       C. Sanitary Sewer
- 4       D. Stormwater Management
- 5       E. Solid Waste
- 6       F. Public Buildings

7  
8       **GOALS, OBJECTIVES, AND POLICIES**

9  
10      **GOAL:**

11      11.7        Public services and facilities shall be adequate and available to serve both current  
12                   and future residents.

13      **OBJECTIVE:**

14      11.7.1       **General.** The land development regulations shall ensure that the provision of  
15                   roads, potable water, sanitary sewer, drainage, recreation, mass transit, and solid  
16                   waste facilities and services required to maintain the adopted Level of Service  
17                   standards shall be consistent and phased with the level of development proposed  
18                   in the Future Land Use Element.

19      **POLICY:**

20      11.7.1.1      Development or redevelopment within the coastal areas shall have public services  
21                   and facilities available concurrent with the impacts of development.

22      **OBJECTIVE:**

23      11.7.2        **Transportation.** Ensure through land development regulations and capital  
24                   improvements that the provision of roads and mass transit meet the adopted level  
25                   of service standards.

26      **POLICIES:**

27      11.7.2.1       **Maintain Level of Services consistent with the Transportation Element for roadway**  
28                   **facilities within rural areas and for roadway facilities in urban areas within the**  
29                   **coastal area.**

30      11.7.2.2       **Establish a Level of Service "D" for the purpose of calculating the capacity of road**  
31                   **facilities to clear evacuees within the adopted hurricane evacuation time.**

32      **OBJECTIVE:**

33      11.7.3        **Potable Water Supply Systems.** Ensure through land development regulations,  
34                   **capital improvements and development review, sufficient water resources to**  
35                   **provide potable water needs to meet the needs of the coastal area population.**

36      **POLICIES:**

37      50

1       11.7.3.1   Development in prime and moderate aquifer water recharge areas shall be  
2        consistent with the goal of protecting of water resources.

4       11.7.3.2   Require future development at urban densities and intensities to hook up to  
5        centralized potable water systems, consistent with the Potable Water Element, in  
6        those areas designated as urban on the Future Land Use Map.

8       11.7.3.3   Require adequate capacity in potable water storage, treatment, and distribution  
9        facilities to meet the demand of projected growth and development.

12      11.7.3.4   Adopt interlocal agreements among and between local governments to identify  
13        future service areas and potable water providers.

15      11.7.3.5   Require future development to comply with the County's land development  
16        regulations to protect potable water well fields from contamination.

18      11.7.3.6   Locate future well fields to protect against salt water intrusion.

20      11.7.3.7   Consistent with the requirements of FDEP and the SJRWMD, potable water  
21        withdrawal should be at the appropriate volumes and rates to avoid salt water  
22        intrusion and decreased aquifer levels.

24      11.7.3.8   The Level of Service for potable water within the coastal area shall be consistent  
25        with the Water and Sewer Sub-elements of the Comprehensive Plan.

27      11.7.3.9   Continue efforts to assess and upgrade water transmission facilities in areas  
28        experiencing low pressure conditions to ensure that an adequate water supply will  
29        exist during maximum daily demand periods to meet future growth.

31      **OBJECTIVE:**

33      11.7.4       Wastewater. Provide sufficient treatment capacity and effluent disposal methods  
34        to meet the demand projected by growth and development consistent with adopted  
35        water quality standards.

37      **POLICIES:**

39      11.7.4.1      Require future development or redevelopment at urban densities and intensities to  
40        connect to regional wastewater treatment facilities, consistent with the Sanitary  
41        Sewer Element, in those areas designated urban on the Future Land Use Plan.

43      11.7.4.2      Require existing and future wastewater treatment facilities permitted by the County  
44        to meet or exceed adopted FDEP or Volusia County water quality standards.

46      11.7.4.3      Adopt interlocal agreements among and between local governments to identify  
47        future wastewater service areas and collection and treatment responsibility.

49      11.7.4.4      The Level of Service for the provision of wastewater treatment in the  
50        unincorporated portions of the coastal area shall be consistent with the Water and  
51        Sewer Sub-element of the Comprehensive Plan.

1  
2 **OBJECTIVE:**  
3

4 **11.7.5** ~~Stormwater Management. Ensure that stormwater management systems do not~~  
5 ~~degrade coastal resources including beach sand erosion by direct discharge.~~

6  
7 **POLICIES:**  
8

9 **11.7.5.1** ~~For new development and re-development, prohibit the untreated direct discharge~~  
10 ~~of stormwater runoff into Class II Waters.~~

11  
12 **11.7.5.2** ~~The Level of Service standard for stormwater runoff in the coastal area shall, as a~~  
13 ~~minimum, be that required by the FDEP/SJRWMD Environmental Resources~~  
14 ~~Permitting Program or the provisions of the County's Land Development Code, as~~  
15 ~~applicable.~~

16  
17 **11.7.5.3** ~~Coordinate and cooperate with Brevard and Flagler Counties by participating in~~  
18 ~~basin-wide stormwater management programs and studies.~~

19  
20 **11.7.5.4** ~~Establish basin-wide uniform standard procedures for sizing and designing~~  
21 ~~facilities so those systems within one basin are structurally and functionally~~  
22 ~~compatible.~~

23  
24 **11.7.5.5** ~~Discharge from stormwater facilities shall not result in violation of adopted water~~  
25 ~~quality standards.~~

26  
27 **11.7.5.6** ~~Stormwater management systems shall be designed to remove oil and suspended~~  
28 ~~solids prior to discharge.~~

29  
30 **OBJECTIVE:**  
31

32  
33 **11.7.6** ~~Solid Waste. Ensure that solid waste facilities do not result in violation of adopted~~  
34 ~~standards or degradation of coastal resources.~~

35  
36 **POLICIES:**  
37

38 **11.7.6.1** ~~The County shall continue to enforce rules/regulations governing the proper~~  
39 ~~disposal of solid waste in the unincorporated portion of the Coastal Management~~  
40 ~~Planning Area.~~

41  
42 **11.7.6.2** ~~The Tomoka Farms Landfill shall continue to be monitored and the monitoring~~  
43 ~~program evaluated to ensure ground water and surface water samples are~~  
44 ~~collected. Water samples will meet federal and state water quality standards. This~~  
45 ~~data shall be incorporated into the water quality sampling program.~~

46  
47 **11.7.6.3** ~~The Level of Service standard for solid waste shall be as identified within the Solid~~  
48 ~~Waste Element.~~

49  
50 **11.7.6.4** ~~The County shall continue to investigate and review the available technology for~~  
51 ~~resource recovery, recycling and other alternatives to solid waste management~~

1 consistent with the protection and conservation of environmental resources and  
2 water quality.

3  
4 **OBJECTIVE:**

5  
6 11.7.7 Public Buildings. Ensure through capital improvement planning and site selection  
7 that public buildings meet the needs of population growth and are located outside  
8 of areas susceptible to damage from storms or flooding.

9  
10 **POLICIES:**

11  
12 11.7.7.1 Continue to cooperate with the School Board in selecting future sites for school  
13 facilities within the coastal area.

14  
15 11.7.7.2 Encourage the School Board to locate future school facilities outside of areas  
16 susceptible to hurricane storm damage or areas prone to flooding, or as consistent  
17 with Chapter 235, Florida Statutes regarding flood plain and school building  
18 requirements.

19  
20 11.7.7.3 Cooperate with the School Board and the Red Cross in the identification and  
21 designation of school facilities as hurricane evacuation and emergency shelters.

22  
23 11.7.7.4 Encourage the School Board to design future school facilities, as required to  
24 address existing and future needs, to be utilized as emergency and evacuation  
25 shelters.

26  
27 11.7.7.5 Provide for fire and law enforcement facilities commensurate with population  
28 growth and development in the coastal area.

29  
30 11.7.7.6 Locate new fire and law enforcement facilities outside of the areas susceptible to  
31 hurricane storm damage or flooding where feasible.

32  
33 11.7.7.7 Continue to update procedures as part of the Comprehensive Emergency  
34 Management Plan for emergency fire and police protection and response.

35  
36 9.0 INTERGOVERNMENTAL COORDINATION

37  
38 Early on in the preparation of the Coastal Management Element, the County and the coastal cities  
39 recognized that coastal issues and resources should be coordinated on a coastal area wide basis.  
40 This is because environmental systems such as estuaries, watersheds, wildlife habitats, human-  
41 made systems like traffic and drainage, and safety concerns such as hurricane evacuation do not  
42 stop at political boundaries.

43  
44 In recognition of these relationships, the analysis, management strategies, and the goals,  
45 objectives and policies included in the Coastal Management Element are based, where  
46 appropriate, on what best affects the entire Coastal Management Planning Area regardless of  
47 political boundaries.

48  
49 However, because there are different political entities in the Coastal Management Planning Area,  
50 and because there are no existing legal or institutional arrangements that mandate  
51 implementation of coastal area wide objectives, the Coastal Management Element has been

1 designed, to the extent possible, to encourage cooperation among and between the local  
2 governments in the Coastal Area.

3  
4 The central concept of the Coastal Management Element is to promote consensus among and  
5 between the County and coastal cities so that common problems can be identified and common  
6 solutions proposed and implemented. In this regard, the Element has structured the inventory,  
7 analysis and Goals, Objectives and Policies in a broad-based way so that each community can  
8 choose to adopt all or part of the element in their individual Comprehensive Plan.

9  
10 Meetings, both informal and formal, of staff from the various coastal jurisdictions, should be used  
11 whenever practical so as to engender cooperation between local governments on issues related  
12 to the management of coastal resources, such as: land, water quality, beach and dune systems,  
13 coastal hazards, public access, and public services. The coastal jurisdictions continue to  
14 cooperate with one another on issues and the TSC was convened during the preparation of the  
15 Evaluation and Appraisal Report (EAR) and could be utilized for other coastal issues.

16  
17 Another means of cooperation is the use of intergovernmental agreements in instances where  
18 there is agreement among and between the affected local governments that binding  
19 intergovernmental relationships are needed.

21  
22 **GOALS, OBJECTIVES, AND POLICIES**

24 **GOAL:**

26 11.8 Foster and encourage intergovernmental coordination in the Coastal Management  
27 Planning Area between Volusia County, the coastal cities, adjacent local  
28 governments, regional, state, and federal government entities.

30 **OBJECTIVE:**

32 11.8.1 Coastal Resources. Continue to utilize development standards for appropriate  
33 densities, intensities, buffer zones, resource protection, and location for  
34 development adjacent to aquatic and natural preserves, wildlife refuges, and  
35 environmental systems corridors that are consistent on an area-wide basis  
Continue to cooperate with Volusia County Public Schools in selecting future sites  
for school facilities within the coastal area.

39 **POLICIES:**

41 11.8.1.1 Encourage consistency between the development standards of the coastal  
42 communities for issues/concerns which transcend jurisdictional boundaries  
Encourage Volusia County Public Schools to locate future school facilities outside  
of areas susceptible to hurricane storm damage or areas prone to flooding, or as  
consistent with Chapter 235, Florida Statutes regarding flood plain and school  
building requirements.

48 11.8.1.2 Through formal (i.e., review of Plan amendments) and informal mechanisms,  
49 Volusia County shall promote the identification and protection of environmental  
50 systems corridors to ensure the viability and continuation of these cross-  
51 jurisdictional systems. Cooperate with Volusia County Public Schools in the

identification and designation of school facilities as hurricane evacuation and emergency shelters.

11.8.1.3 ~~Volusia County shall continue maintaining and updating the Florida Land Use Cover and Forms classification system, maps, and database.~~

## OBJECTIVE:

11.8.2 Land Use. Utilize the The Coastal Management Element Plan as a guide in deciding issues of land use and zoning, the extension and provision of urban services, annexation, and the general location of environmental systems corridors in the Coastal Management Planning Area.

## POLICIES:

11.8.2.1 Applications for land use amendments, zoning, and development shall consider the impacts on adjacent local governments.

11.8.2.2 The extension and provision of urban services and facilities shall be accomplished through the adoption of Interlocal Agreements.

11.8.2.3 The County and coastal cities shall cooperate in maintaining and updating land use information by watershed.

11.8.2.4 Provide land use and natural vegetation inventory data to the SJRWMD to aid in the development of the Surface Water Improvement and Management (SWIM) Plan for the Indian River Lagoon and the Northern Coastal Basin. Volusia County will encourage consistency between the development standards of the coastal communities for issues/concerns which transcend jurisdictional boundaries.

11.8.2.5 Volusia County will continue to promote the identification and protection of environmental systems corridors to ensure the viability and continuation of these cross-jurisdictional systems.

11.8.2.6 Volusia County shall continue maintaining and updating the Florida Land Use Cover and Forms classification system, maps, and database.

### OBJECTIVE:

11.8.3 **Water Quality.** Maintain an effective ongoing water sampling and monitoring system which shall be applied by Volusia County and the coastal cities on an area-wide basis.

## POLICIES:

11.8.3.1 Work Volusia County will continue to work with the water management districts and local governmentsmunicipalities in implementing a long-term, inter-agency water and sediment quality monitoring strategy for Mosquito/Indian River Lagoon and the Halifax River.

1 11.8.3.2 The Volusia County, using appropriate resources such as its state certified  
2 laboratory, shall continue to implement its program of water quality monitoring  
3 program.

4  
5 11.8.3.3 The County, in cooperation with the other appropriate jurisdictions, shall maintain  
6 and seek to expand the existing water quality monitoring program so that all point  
7 and non-point sources and facilities which are identified as potential water quality  
8 problems are regularly and periodically inspected. This effort shall be coordinated  
9 with the SJRWMD and FDEP and includes reviewing and updating all point and  
10 non-point discharge permits checking for accuracy and completeness.

11  
12 11.8.3.4 Implement, as feasible, the stormwater management plans prepared by the  
13 County, which encompass, in all or part, the Coastal Management Planning Area.

14  
15 11.8.3.5 Implement, as feasible, the completed "Taylor Study" which documented the  
16 flushing patterns of the Halifax River and Indian River North/Mosquito Lagoon  
17 Support the implementation of the Indian River Lagoon Comprehensive  
18 Conservation and Management Plan.

19  
20 11.8.3.65 Volusia County and the coastal cities shall continue their commitment to enhance  
21 water quality and estuarine conditions through these additional intergovernmental  
22 coordination mechanisms:

23  
24 A. Participation in ad-hoc or other special technical advisory committees, as  
25 well as Volusia Managers and Elected Officials roundtables.

26 B. Exchange of data and information among and between Volusia County and  
27 the coastal cities, as well as Brevard and Flagler Counties.

28 C. Presentation and discussions with the Volusia Council of Governments.

29 D. Updating data in cooperation with FDEP and SJRWMD.

30 E. Participation in the SWIM programs.

31 F. Implementing the policies or recommendations of the Aquatic Preserve  
32 Management Plans.

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38  
39 OBJECTIVE:

40  
41 11.8.4 Beaches and Dunes. Volusia County and the coastal cities shall ensure that beach  
42 and dune management is coordinated throughout the Coastal Management  
43 Planning Area.

44  
45 POLICIES:

46  
47 11.8.4.1 Seawall construction in the County shall be consistent with the State requirement  
48 mandating design and construction to withstand a 100-year storm event.

49  
50 11.8.4.2 Volusia County and the coastal cities shall maintain uniform standards for the  
51 maintenance and restoration of dune areas.

11.8.4.3 ~~The Volusia County, in cooperation with and coastal cities, shall prepare periodically review and determine the need for a beach and dune management plan except that the Ponce DeLeon Port Authority shall implement the beach and dune management practices set forth in the "Inlet Management Plan" which has been certified by the Florida Department of Environmental Protection (FDEP) between FDEP monuments R 130 to R 165.~~

11.8.4.4 The Port Authority, through the its FDEP certified Inlet Management Plan, which has been certified by the FDEP, shall maintain a continuing scientific base and monitoring of Ponce DeLeon Inlet and the coastal beaches within the inlet's zone of influence, from FDEP monuments R-130 to R-165.

11.8.4.5 The Port Authority shall coordinate studies and monitoring efforts with the FDEP, and the U.S. Army Corps of Engineers (USCOE) for beach areas under the influence of the inlet as stated in the Inlet Management Plan (FDEP monuments R-130 to R-165).

## OBJECTIVE:

11.8.5 **Hurricane Evacuation.** Volusia County and the coastal cities shall coordinate all hurricane evacuation activities through the Volusia County Emergency Management Services Coordinate with fire, law enforcement, and emergency staff on issues in the coastal zone planning area.

## POLICIES:

11.8.5.1 Provide for fire and law enforcement facilities commensurate with population growth and development in the coastal area.

11.8.5.2 Locate new fire and law enforcement facilities outside of the areas susceptible to hurricane storm damage or flooding where feasible.

**11.8.5.3 Continue to update procedures as part of the Comprehensive Emergency Management Plan for emergency fire and police protection and response.**

## ~~OBJECTIVE:~~

**11.8.6 Coastal Beach Access Facilities.** Additional improvements to and public parking facilities for the coastal beach access facilities shall be provided, as necessary and feasible.

### OBJECTIVE:

11.8.7 Fishing Piers. The Port Authority shall enter into interlocal agreements with the coastal cities to provide for the completion of a study to determine the location at which fishing pier space can be utilized in conjunction with existing bridges.

## ~~OBJECTIVE:~~

1 11.8.8 Scenic Routes. Volusia County and the coastal cities shall establish the scenic  
2 routes identified in the Coastal Management Element.

3  
4 **OBJECTIVE:**

5 11.8.9 Public Facilities. Ensure through interlocal cooperation, adequate public facilities  
6 are available to accommodate existing and new growth and development in the  
7 Coastal Management Planning Area.

8  
9 **POLICIES:**

10 11.8.9.1 The level of service standard for roads in the Coastal Management Planning Area  
11 shall be consistent with the Transportation Element, except where expressly  
12 modified pursuant to Interlocal Agreement between Volusia County and the  
13 individual coastal cities.

14 11.8.9.2 An Interlocal Agreement shall be adopted between Volusia County and the coastal  
15 cities to identify future service areas and purveyors of public water.

16 11.8.9.3 An Interlocal Agreement between Volusia County and the coastal cities shall be  
17 adopted to identify future wastewater service areas and collection and treatment  
18 responsibility.

19 11.8.9.4 Volusia County and the coastal cities, through Interlocal Agreement, shall establish  
20 basin-wide uniform procedures for sizing and designing sewer, water, and  
21 drainage facilities to those systems within the same basin which are structurally  
22 and functionally compatible.

23  
24 **GOAL:**

25 11.9 Volusia County will foster resiliency by coordinating with its municipalities, and  
26 state and federal partners, to exchange data and develop coordinated strategies  
27 to address the impacts of sea-level rise.

28  
29 **OBJECTIVE:**

30 11.9.1 Develop strategies to identify and address issues related to the impacts of sea-  
31 level rise.

32  
33 **POLICIES:**

34 11.9.1.1 Volusia County will continue to participate in and expand the Volusia County Local  
35 Mitigation Strategy in an attempt to reduce the human and economic costs of  
36 natural, technologic, and societal disasters.

37 11.9.1.2 Volusia County accepts the sea level rise projections and supports the  
38 recommendations of the East Central Florida Regional Resiliency Action Plan as a  
39 means to foster resilience throughout Volusia County and will continue to build on  
40 these efforts by participating in the Regional Resiliency Collaborative lead by the  
41 East Central Florida Regional Planning Council.

1       11.9.1.3      Volusia County will continue to implement the Volusia County Sustainability Action  
2       Plan in order to contribute to local sustainability efforts across Florida.

3

4       11.9.1.4      The Volusia County Integrated Floodplain Management Plan will continue to  
5       consider the impacts of sea level rise as part of the risk assessment and in the  
6       development of mitigation strategies.

7

8       11.9.1.5      Volusia County shall consider impacts such as increased temperatures, sea level  
9       rise, potentially shifting habitat, and ecosystem types, and the need to withstand  
10       increased storm surge in evaluating public infrastructure decisions.

11

12       11.9.1.6      Volusia County shall consider the potential impacts from climate change, including  
13       rising sea levels and shoreline stabilization needs, in its planning for infrastructure  
14       and public facilities.

15

16       11.9.1.7      Volusia County shall protect natural systems and habitats by incorporating climate  
17       change adaptation and mitigation strategies in its land acquisition policies.

18

19       11.9.1.8      Volusia County shall exchange data regarding local areas vulnerable to extreme  
20       high tides, storm surge, and coastal flooding with the FDOT, USDOT, FHWA relative  
21       to airport, transit, bridges, roads, and other transportation systems.

22

23       11.9.1.9      Volusia County will promote green infrastructure as a tool for resiliency and the  
24       protection of water quality and coastal systems.

25

26       **SECTION II: SEVERABILITY** - Should any word, phrase, sentence, subsection or section  
27       be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional,  
28       then that word, phrase, sentence, subsection or section so held shall be severed from this  
29       ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full  
30       force and effect.

31       **SECTION III: EFFECTIVE DATE** – Within ten (10) days after enactment, a certified copy  
32       of this Ordinance shall be filed in the Office of the Secretary of State by the Clerk of the County  
33       Council and transmitted to the state land planning agency and any other agency or local  
34       government that provided timely comments pursuant to the expedited state review process in  
35       Section 163.3184(3), Florida Statutes. This Ordinance shall take effect upon the latter of the  
36       following dates: (a) thirty-one (31) days after the state land planning agency notifies the County  
37       that the plan amendment package is complete and the issuance of a certificate of consistency or  
38       conditional certificate of consistency by the Volusia County Growth Management Commission, or  
39       (b) issuance of a final order by the state land planning agency or the State of Florida  
40       Administration Commission determining the amendment adopted by this Ordinance to be in  
41       compliance.

43

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46       [REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

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1       ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN  
2 MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C.  
3 KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS  
4 \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

5  
6  
7 ATTEST:  
8  
9  
10  
11  
12  
13 George Recktenwald  
14 County Manager

COUNTY COUNCIL  
COUNTY OF VOLUSIA, FLORIDA

Ed Kelley, County Chair

## The 2018 Florida Statutes

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<a href="#">Title XI</a> COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS	<a href="#">Chapter 163</a> INTERGOVERNMENTAL PROGRAMS	<a href="#">View Entire Chapter</a>
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### **163.3178 Coastal management.—**

(1) The Legislature recognizes there is significant interest in the resources of the coastal zone of the state. Further, the Legislature recognizes that, in the event of a natural disaster, the state may provide financial assistance to local governments for the reconstruction of roads, sewer systems, and other public facilities. Therefore, it is the intent of the Legislature that local government comprehensive plans restrict development activities where such activities would damage or destroy coastal resources, and that such plans protect human life and limit public expenditures in areas that are subject to destruction by natural disaster.

(2) Each coastal management element required by s. [163.3177\(6\)\(g\)](#) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain:

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environmental, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and other fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

(d) A component which outlines principles for hazard mitigation and protection of human life against the effects of natural disaster, including population evacuation, which take into consideration the capability to safely evacuate the density of coastal population proposed in the future land use plan element in the event of an impending natural disaster. The Division of Emergency Management shall manage the update of the regional hurricane evacuation studies, ensure such studies are done in a consistent manner, and ensure that the methodology used for modeling storm surge is that used by the National Hurricane Center.

(e) A component which outlines principles for protecting existing beach and dune systems from human-induced erosion and for restoring altered beach and dune systems.

(f) A redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. The component must:

1. Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise.

2. Encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

3. Identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

4. Be consistent with, or more stringent than, the flood-resistant construction requirements in the Florida Building Code and applicable flood plain management regulations set forth in 44 C.F.R. part 60.

5. Require that any construction activities seaward of the coastal construction control lines established pursuant to s. 161.053 be consistent with chapter 161.

6. Encourage local governments to participate in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for their residents.

(g) A shoreline use component that identifies public access to beach and shoreline areas and addresses the need for water-dependent and water-related facilities, including marinas, along shoreline areas. Such component must include the strategies that will be used to preserve recreational and commercial working waterfronts as defined in s. 342.07.

(h) Designation of coastal high-hazard areas and the criteria for mitigation for a comprehensive plan amendment in a coastal high-hazard area as defined in subsection (8). The coastal high-hazard area is the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Application of mitigation and the application of development and redevelopment policies, pursuant to s. 380.27(2), and any rules adopted thereunder, shall be at the discretion of local government.

(i) A component which outlines principles for providing that financial assurances are made that required public facilities will be in place to meet the demand imposed by the completed development or redevelopment. Such public facilities will be scheduled for phased completion to coincide with demands generated by the development or redevelopment.

(j) An identification of regulatory and management techniques that the local government plans to adopt or has adopted in order to mitigate the threat to human life and to control proposed development and redevelopment in order to protect the coastal environment and give consideration to cumulative impacts.

(k) A component which includes the comprehensive master plan prepared by each deepwater port listed in s. 311.09(1), which addresses existing port facilities and any proposed expansions, and which adequately addresses the applicable requirements of paragraphs (a)-(k) for areas within the port and proposed expansion areas. Such component shall be submitted to the appropriate local government at least 6 months prior to the due date of the local plan and shall be integrated with, and shall meet all criteria specified in, the coastal management element. “The appropriate local government” means the municipality having the responsibility for the area in which the deepwater port lies, except that where no municipality has responsibility, where a municipality and a county each have responsibility, or where two or more municipalities each have responsibility for the area in which the deepwater port lies, “the appropriate local government” means the county which has responsibility for the area in which the deepwater port lies. Failure by a deepwater port which is not part of a local government to submit its component to the appropriate local government shall not result in a local government being subject to sanctions pursuant to ss. 163.3167 and 163.3184. However, a deepwater port which is not part of a local government shall be subject to sanctions pursuant to s. 163.3184.

(3) Expansions to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9); port transportation facilities and projects listed in s. 311.07(3)(b); intermodal transportation facilities identified pursuant to s. 311.09(3); and facilities determined by the state land planning agency and applicable general-purpose local government to be port-related industrial or commercial projects located within 3 miles of or in a port master plan area which rely upon the use of port and intermodal transportation facilities may not be designated as developments of regional impact if such

expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with this section.

(4) Improvements and maintenance of federal and state highways that have been approved as part of a plan approved pursuant to s. 380.045 or s. 380.05 shall be exempt from the provisions of s. 380.27(2).

(5) The appropriate dispute resolution process provided under s. 186.509 must be used to reconcile inconsistencies between port master plans and local comprehensive plans. In recognition of the state's commitment to deepwater ports, the state comprehensive plan must include goals, objectives, and policies that establish a statewide strategy for enhancement of existing deepwater ports, ensuring that priority is given to water-dependent land uses. As an incentive for promoting plan consistency, port facilities as defined in s. 315.02(6) on lands owned or controlled by a deepwater port as defined in s. 311.09(1), as of the effective date of this act shall not be subject to development-of-regional-impact review provided the port either successfully completes an alternative comprehensive development agreement with a local government pursuant to ss. 163.3220-163.3243 or successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032. Port facilities as defined in s. 315.02(6) on lands not owned or controlled by a deepwater port as defined in s. 311.09(1) as of the effective date of this act shall not be subject to development-of-regional-impact review provided the port successfully enters into a development agreement with the state land planning agency and applicable local government pursuant to s. 380.032 or, where the port is a department of a local government, successfully enters into a development agreement with the state land planning agency pursuant to s. 380.032.

(6) Each port listed in s. 311.09(1) and each local government in the coastal area which has spoil disposal responsibilities shall provide for or identify disposal sites for dredged materials in the future land use and port elements of the local comprehensive plan as needed to assure proper long-term management of material dredged from navigation channels, sufficient long-range disposal capacity, environmental sensitivity and compatibility, and reasonable cost and transportation. The disposal site selection criteria shall be developed in consultation with navigation and inlet districts and other appropriate state and federal agencies and the public. For areas owned or controlled by ports listed in s. 311.09(1) and proposed port expansion areas, compliance with the provisions of this subsection shall be achieved through comprehensive master plans prepared by each port and integrated with the appropriate local plan pursuant to paragraph (2)(k).

(7) Each county shall establish a county-based process for identifying and prioritizing coastal properties so they may be acquired as part of the state's land acquisition programs. This process must include the establishment of criteria for prioritizing coastal acquisitions which, in addition to recognizing pristine coastal properties and coastal properties of significant or important environmental sensitivity, recognize hazard mitigation, beach access, beach management, urban recreation, and other policies necessary for effective coastal management.

(8)(a) A proposed comprehensive plan amendment shall be found in compliance with state coastal high-hazard provisions if:

1. The adopted level of service for out-of-county hurricane evacuation is maintained for a category 5 storm event as measured on the Saffir-Simpson scale; or

2. A 12-hour evacuation time to shelter is maintained for a category 5 storm event as measured on the Saffir-Simpson scale and shelter space reasonably expected to accommodate the residents of the development contemplated by a proposed comprehensive plan amendment is available; or

3. Appropriate mitigation is provided that will satisfy subparagraph 1. or subparagraph 2. Appropriate mitigation shall include, without limitation, payment of money, contribution of land, and construction of hurricane shelters and transportation facilities. Required mitigation may not exceed the amount required for a developer to accommodate impacts reasonably attributable to development. A local government and a developer shall enter into a binding agreement to memorialize the mitigation plan.

(b) For those local governments that have not established a level of service for out-of-county hurricane evacuation by July 1, 2008, by following the process in paragraph (a), the level of service shall be no greater than 16 hours for a category 5 storm event as measured on the Saffir-Simpson scale.

(c) This subsection shall become effective immediately and shall apply to all local governments. No later than July 1, 2008, local governments shall amend their future land use map and coastal management element to include the new definition of coastal high-hazard area and to depict the coastal high-hazard area on the future land use map.

**History.**—s. 7, ch. 85-55; s. 8, ch. 86-191; s. 24, ch. 87-224; s. 7, ch. 93-206; s. 899, ch. 95-147; s. 11, ch. 96-320; s. 65, ch. 99-251; s. 2, ch. 2005-157; s. 2, ch. 2006-68; s. 4, ch. 2009-85; s. 44, ch. 2010-102; s. 14, ch. 2011-139; ss. 7, 80, ch. 2012-96; s. 6, ch. 2012-99; s. 1, ch. 2015-69.