

Meeting Date: 6/14/2011



Agenda Item # 6-A

CITY COUNCIL AGENDA ITEM

Contact Name: Jim Kerr, City Planner

Department Director: Al Steinhilber

Department/Contact # Phone 775-5414

City Manager: Germie C. Walker

- Type of Item:
- | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------|
| <input type="checkbox"/> | Public Hearing | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | Ordinance First Reading | <input type="checkbox"/> | Discussion & Action |
| <input checked="" type="checkbox"/> | Ordinance Second Reading | <input type="checkbox"/> | Council Approval |

Subject: Comprehensive Plan Amendment 10-01 - EAR Based Amendment to the City's Comprehensive Plan - Transmittal to the DCA – Ordinance No. 423

BACKGROUND:

City staff is herein submitting the EAR based amendment to the City’s comprehensive plan for final reading and adoption. This document is referred to as the “Comprehensive Plan Amendment 10-01 - EAR Based Amendment”. Following the adoption of the City’s Evaluation and Appraisal Report (EAR) on May 26, 2009, the City is required (within 18 months) to submit the EAR based amendment to the Department of Community Affairs (DCA). This amendment is based on the evaluation and appraisal results set forth in the EAR.

Following the transmittal hearing on June 8, 2010, City staff submitted the EAR based amendment to the DCA, and received the Objections, Recommendations and Comments Report (ORC Report) on August 23, 2010. Since that time, City staff has revised the amendment based on the DCA comments in the ORC Report, as well as added certain mobility standards which are required by the DCA. City staff submitted the amendment with the mobility standards to the Volusia Growth Management Commission (VGMC), and on May 25, 2011, the VGMC approved the City’s amendment. The EAR based amendment is now being submitted to City Council for final reading and adoption.

RECOMMENDATIONS:

City staff recommends that City Council approve Ordinance No. 423 for final reading and adoption.

ATTACHMENTS:

EAR based amendment, and Ordinance No. 423.

FINANCIAL IMPACT:

None.

Reviewed by City Attorney

Reviewed by Finance Dept.

Reviewed by:

1st Discussion Date: 6/8/2010	2nd Discussion Date: 6/14/2011	Third Discussion Date: Click here to enter a date.	Other Dates: Click here to enter a date.
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ORDINANCE NO. 423

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING ORDINANCE 90-05-08, AS AMENDED, SAID ORDINANCE BEING ORANGE CITY'S COMPREHENSIVE PLAN; AMENDING THE COMPREHENSIVE PLAN AND FUTURE LAND USE MAP OF THE CITY OF ORANGE CITY BASED ON THE CITY'S EVALUATION AND APPRAISAL REPORT ADOPTED ON MAY 26, 2009; IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE AND SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Orange City is committed to planning and managing the future growth of the City; and

WHEREAS, the City of Orange City has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City Council of the City of Orange City adopted its Evaluation and Appraisal Report (EAR) on May 26, 2009, and

WHEREAS, the City Council of the City of Orange City desires to adopt its EAR based amendment to the Comprehensive Plan and the Future Land Use Map to guide and control the future development of the City and to preserve, promote and protect the public's health, safety and welfare; and

WHEREAS, the Planning Commission and City Council of the City of Orange City have conducted public hearings and issued notices required by Florida Law in the preparation and enactment of this Comprehensive Plan amendment; and

WHEREAS, the City Council of the City of Orange City finds that this Ordinance serves the best interest of the City of Orange City; and

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA AS FOLLOWS:

SECTION 1. That the City Council of the City of Orange City, Florida hereby adopts an amendment to its Comprehensive Plan Ordinance 90-05-08, as previously amended, which said amendment consists of the Comprehensive Plan and Future Land Use Map that is identified in Exhibit "A". A copy of the Future Land Use Map, as amended, is on file in the office of the City Clerk, City of Orange City, Florida.

SECTION 2: That the City Clerk is hereby directed to transmit three (3) copies of the amendments to the Comprehensive Plan to the State Land Planning Agency, along with one (1) copy to the Department of Environmental Protection; the St. Johns River Water Management District; the Florida Department of Transportation; the East Central Florida Regional Planning Council; the Florida Department of State, Bureau of Historic Preservation; the Volusia Growth Management Commission; the Volusia County Growth Management Department and to any other unit of local government who has filed a written request for a copy, within ten (10) working days after adoption, in accordance with Section 163.3184(7), Florida Statutes.

SECTION 3: That all ordinances or parts of ordinances in conflict are and the same are hereby repealed.

SECTION 4: That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 5: That the effective date of this plan amendment shall be the date a final order of compliance is issued by the Florida Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a Resolution affirming its effective status, a copy of which Resolution shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 423):

First Reading this 8th day of June, 2010.

Jeff H. Allebach

yes

Tom Laputka, Vice Mayor

yes

Tom Abraham

yes

Anthony Pupello

yes

Gary Blair

yes

Bill Crippen

yes

Harley Strickland, Mayor

Absent

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 423):

Second Reading this _____ day of _____, 2011.

Jeff H. Allebach	_____	Thomas Laputka	_____
Tom Abraham	_____	Anthony Pupello	_____
Gary Blair	_____	O. William Crippen, Vice Mayor	_____
Harley Strickland, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney