

ORDINANCE NO. 2017-14

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA RELATING TO COMPREHENSIVE PLANNING; ENACTING AMENDMENTS TO THE CITY'S *COMPREHENSIVE PLAN UPDATE 2020* TO, AMONG OTHER THINGS, ENSURE CONSISTENCY WITH THE COMMUNITY PLANNING ACT AS SET FORTH IN THE FLORIDA STATUTES; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS SUCH AS TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER AGENCIES OF GOVERNMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS/RATIFICATION OF PRIOR ACTIONS; PROVIDING FOR INSTRUCTIONS RELATIVE TO CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores is committed to planning and managing the future growth and development of the City; and

WHEREAS, pursuant to Section 163.3191, *Florida Statutes*, the City timely prepared an evaluation and appraisal notification letter and transmitted said letter to the Department of Economic Opportunity; and

WHEREAS, the City of Daytona Beach Shores determined amendments to all of its *Comprehensive Plan Update 2020* (hereinafter the "*Comprehensive Plan*") are necessary to reflect changes in state requirements; and

WHEREAS, pursuant to Section 163.3191(2), *Florida Statutes*, the City of Daytona Beach Shores is required to transmit within one (1) year such amendment or amendments for review pursuant to Section 163.3184, *Florida Statutes*; and

WHEREAS, the City of Daytona Beach Shores Planning and Zoning Board has held a public hearing on November 13, 2017 to receive public input and comment on the proposed amendments to the *Comprehensive Plan*; and

WHEREAS, the City Council has held a transmittal public hearing on December 12, 2017, to receive public input and comment on the proposed amendments to the *Comprehensive Plan*; and

WHEREAS, the City Council has held an adoption public hearing on _____, 2018, to receive public input and comment on the proposed amendments to the *Comprehensive Plan*; and

WHEREAS, pursuant to Chapter 163, Part II, *Florida Statutes*, the City Council accepted the proposed *Comprehensive Plan* amendments and authorize their transmittal to the Florida Department of Economic Opportunity and other agencies as required by controlling State

law; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of controlling Florida law in processing this amendment to the *Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*; and

WHEREAS, the City Council of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the City staff report and City Council agenda memorandum relating to the application relating to the proposed amendments to the *Comprehensive Plan*; and

WHEREAS, the Exhibit to this Ordinance is incorporated herein as if fully set forth herein verbatim; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS. The package of amendments to the *Comprehensive Plan*, attached hereto as Exhibit “A,” are hereby enacted.

SECTION 2. IMPLEMENTING ACTIONS. The Community Services Director is hereby authorized to transmit copies of the adopted amendment to the *Comprehensive Plan* to the appropriate agencies and to any other unit of local government who has filed a written request for a copy in accordance with the provisions of Section 163.3184, *Florida Statutes*, and Volusia Growth Management Rules. The City Manager and the City Attorney are hereby authorized to take any and all necessary actions to defend the transmittal, potential enactment and implementation of this Ordinance and assert the legal compliance status of this Ordinance.

SECTION 3. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity or effect of any other action or part of this Ordinance.

SECTION 4. CONFLICTS/RATIFICATION OF PRIOR ACTIONS.

(a). All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(b). The City of Daytona Beach Shores hereby ratifies and affirms that action taken by the City Council and the City as a whole to date relative to the comprehensive planning programs action activities of the City. The applicability and effect of the City of Daytona Beach Shores Comprehensive Plan are hereby ratified and shall remain in full force and effect consistent with the provisions of this Ordinance.

SECTION 5. CODIFICATION/INSTRUCTIONS TO CODE CODIFIER. This Ordinance shall be codified in the City of Daytona Beach Shores Comprehensive Plan as deemed appropriate by the Code codifier.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency (the Florida Department of Economic Opportunity) notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

CITY OF DAYTONA BEACH SHORES, FLORIDA

HARRY JENNINGS, MAYOR

MICHAEL T. BOOKER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

LONNIE GROOT, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2017.

Adopted on second reading this _____ day of _____, 2018.

EXHIBIT “A”