

ORDINANCE NO. 2008-05

AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA, AMENDING THE TOWN OF GREENWOOD COMPREHENSIVE PLAN BY AMENDING THE CONSERVATION ELEMENT AND HOUSING ELEMENT PURSUANT TO THE PROCEDURES OF THE LOCAL GOVERNMENT AND COMPREHENSIVE PLANNING ACT, CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN OF GREENWOOD COUNCIL:

WHEREAS, Chapter 163, Florida Statutes, empowers the Town of Greenwood to prepare and enforce comprehensive plans for the development of the Town; and

WHEREAS, the Local Government and Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 - 163.3215, Florida Statutes, empowers and requires the Town of Greenwood to (a) plan for the Town's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the Town ; (c) implement adopted and amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, on March 11, 2008, the Town of Greenwood adopted and transmitted proposed amendments to its Conservation Element to the Florida Department of Community Affairs ("DCA") pursuant to 163.3184, Florida Statutes; and

WHEREAS, on May 2, 2008, DCA issued its Notice of Intent to find the amendment not in compliance with the Growth Management Act and associated rules; and

WHEREAS, the Town and DCA have entered into a compliance agreement regarding the adoption of remedial amendments to address DCA's objections; and

WHEREAS, on August 12, 2008, the Town of Greenwood Council, with due public notice having been provided, held a public hearing on the remedial amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GREENWOOD:

Section 1. Purpose and Intent.

This Ordinance is hereby enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Sections 163.3161 - 163.3215, Florida Statutes, as amended.

Section 2. Amendment.

This Ordinance does hereby amend the Town of Greenwood Comprehensive Plan, to adopt the goals, policies and objectives in the attached Town of Greenwood 2020 Comprehensive Plan Conservation Element which are hereby incorporated by reference, and which shall be the Town of Greenwood Comprehensive Plan Conservation Element once found "in compliance" as defined by Chapter 163.

Section 3. Applicability and Effect.

The applicability and effect of these amendments to the Town of Greenwood Comprehensive Plan shall be as provided in the Local Government Comprehensive Planning and Land Development and Regulation Act, Sections 163.3161 - 163.3215, Florida Statutes. This Ordinance shall apply to all properties under the jurisdiction of the Town of Greenwood.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason found invalid, unconstitutional or enforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of the Ordinance.

Section 5. Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances of the Code of Ordinances of the Town of Greenwood, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Copy on File.

To make the Town of Greenwood Comprehensive Plan available to the public, a certified copy of the enacting ordinance, as well as certified copies of the Greenwood Comprehensive Plan and this amendment hereto, shall be located in the Office of Town Clerk. Copies shall be made available to the public for a reasonable publication charge.

Section 7. Effective Date.

This Ordinance shall become effective as provided

PASSED AND ADOPTED in open regular meeting this 12th day of August, 2008, after public notice was provided as required by law.

THE TOWN OF GREENWOOD

By: Charles Sanders Mayor
Charles Sanders, Mayor

Attest:

Suzanne M. NeSmith, CMC
Suzanne M. NeSmith, CMC
Town Clerk

Approved as to form:

Daniel H. Cox, Esq., Special Counsel
for Land Use Planning

EXHIBIT A – REMEDIAL ACTIONS

1. Revise Policy 1.4 as follows:

~~Any septic system serving a structure constructed after the July 1, 2008, and located within 100 feet of a surface water body, wetland or karst feature with direct connection to the aquifer~~ All new development shall require performance based septic systems which produce a treatment standard of 10 milligrams per liter of nitrogen. This requirement does not apply to single family homes constructed on parcels in existence as of January 1, 2008. Upon Jackson County adopting comprehensive plan provisions for performance based septic systems, the Town shall review the data and analysis to support those amendments, and to the extent applicable within the town, amend this policy with provisions identical to the County's during its next available amendment cycle.

2. Revise Policy 2.3 as follows:

~~A fifteen foot buffer of native vegetation shall be required adjacent to all wetlands and karst features.~~ This buffer shall be construed to apply to those wetlands which are Florida Department of Environmental Protection jurisdictional, isolated wetlands, lakes and ponds; wetlands which are assigned State Element ranks of SI or S2 by the Florida Natural Areas Inventory, and wetlands which provide significant habitat for plant or animal species which are listed as endangered, threatened, or species of special concern by the Florida ~~Game and Freshwater~~ Fish and Wildlife Conservation Commission or Florida Department of Agriculture and Consumer Services. This buffer consist of preserved or planted native vegetation, including canopy, understory, and ground cover. Vegetation may be removed adjacent to lakes and ponds for a width not to exceed 15 feet on any one residential lot, provided that the buffer width is increased elsewhere on the lot to provide for an equal buffer area. Otherwise, no development or clearing shall be permitted in these buffers, except for trimming or clearing to construct elevated walkways and piers which are not more than six (6) feet in width. Nuisance vegetation is defined as species which are not native to Jackson County as determined by the urban Forester, and species which are determined by the Urban Forester to be thorny or poisonous. Nuisance vegetation may be removed from the required buffer area, provided that it is replaced by native vegetation equivalent in density to the plants, shrubs, and trees that were removed.

3. Revise Policy 2.4 as follows:

Development within 100 feet of karst features ~~with direction connection to the aquifer shall be prohibited limited to pervious surface parking areas and dry retention surface water management systems. Outfall from the dry retention surface water management system shall be directed away from the karst feature.~~ Passive recreation uses including trails and boardwalks, observation areas and other passive uses for enhancement or preservation of the area are allowed within the 100 foot buffer.

4. Replace Policy 4.7 with the following:

Stormwater management systems for all new development and redevelopment shall include the following minimum design standards in order to minimize the migration of

pollutants into groundwater and preclude the formation of solution pipe sinkholes in the stormwater system:

- a. A minimum of three feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom and sides of the stormwater basin. Excavation and backfill of suitable material may be made to meet this criteria;
- b. Stormwater basin depths should be as shallow as possible with a horizontal bottom (no deep spots).
- c. Maximum stormwater basin depth of 10 feet; and
- d. Fully vegetated basin side slopes and bottoms. St. Augustine or Bermuda Grass is recommended.

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