

ORDINANCE NUMBER 2009-03

AN ORDINANCE OF THE TOWN OF GREENWOOD, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY ADDING AN ADDITIONAL DEFINITION TO SECTION 1.5a, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Greenwood has determined that in order to allow desirable, environmentally friendly, and economically desirable development to the Town of Greenwood it is necessary to clarify the definition of "New Development" for purposes of application of the Town of Greenwood Comprehensive Plan Conservation Element Policy 1.4, which states that "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; and

WHEREAS, The intent of Policy 1.4 is to protect ground water from the cumulative impacts of on-site sewage treatment systems while permitting the reasonable use of existing parcels before triggering the advance on-site sewage treatment systems required by Policy 1.4. As long as the cumulative impacts of a proposed development are less than or equal to the impacts anticipated by the construction of one single family home per existing parcel of record, the intent is met and the project is consistent with the Town's adopted Comprehensive Plan; and

WHEREAS, the definition of "Development" in Section 1.5a of the Town's Land Development Regulations states, "The word 'Development' shall have the same meaning as set forth in Section 380.04, Florida Statutes, as may be amended or superceded."; and

WHEREAS, Section 1.5a of the Town's Land Development Regulations does not contain a definition for the phrase "New Development";

NOW THEREFORE, be it ordained and enacted:

Section 1. DEFINITION OF "NEW DEVELOPMENT" ADDED. Without deleting any of the existing language of Section 1.5a of the Land Development Regulations of the Town of Greenwood (as adopted by Ordinance 2008-06 of the Town of Greenwood), the following definition is added to Section 1.5a of the Land Development Regulations of the Town of Greenwood:

NEW DEVELOPMENT. As used in the Town of Greenwood Comprehensive Plan Conservation Element Policy 1.4, the term "New Development" shall mean development which will have a cumulative impact greater than the impacts anticipated by the construction of one single family home per existing parcel of record. As otherwise used in the Town of Greenwood Comprehensive Plan or Land Development Regulations, the term shall be interpreted consistently with the definition of "Development" as it is defined therein at the time of interpretation.

Section 2. SEVERABILITY. If any word, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

Section 3. EFFECTIVE DATE. This ordinance is effective upon adoption.

Read before the council on November 10, 2009, and adopted at a duly advertised public hearing at which a quorum was present and a majority voted in favor, this ____ day of December, 2009.

Approved: Charles Sanders, Mayor
Charles Sanders - Mayor

Attest:

Suzanne M. NeSmith
Suzanne NeSmith - Clerk