

ORDINANCE NO. 2018-06

AN ORDINANCE OF UNION COUNTY, FLORIDA, RELATING TO AN AMENDMENT TO THE TEXT OF THE UNION COUNTY COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, CPA 18-01, BY THE BOARD OF COUNTY COMMISSIONERS, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3248, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR AMENDING POLICY V.2.8 OF THE CONSERVATION ELEMENT OF THE COMPREHENSIVE PLAN BY DELETING A REFERENCE TO RULE 62C-16.005(14), FLORIDA ADMINISTRATIVE CODE AND ASSOCIATED LANGUAGE AND CHANGING A REFERENCE TO CHAPTER 62-300, FLORIDA ADMINISTRATIVE CODE TO CHAPTER 62-330, FLORIDA ADMINISTRATIVE CODE; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 125.01, Florida Statutes, as amended, empowers the Board of County Commissioners of Union County, Florida, hereinafter referred to as the Board of County Commissioners, to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, empowers and requires the Board of County Commissioners to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, an application for an amendment, as described below, has been filed with the County;

WHEREAS, the Board of County Commissioners has been designated as the Planning and Zoning Board of Union County, Florida, hereinafter referred to as the Planning and Zoning Board;

WHEREAS, the Board of County Commissioners has been designated as the Local Planning Agency of Union County, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and Land Development Regulations, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, the Board of County Commissioners, serving as the Planning and Zoning Board, and the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the Board of County Commissioners approval of said application for an amendment, as described below;

WHEREAS, the Board of County Commissioners held the required public hearings, with public notice having been provided, under the procedures established in Sections 163.3161 to 163.3248, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the Board of County Commissioners reviewed and considered all comments received during said public hearings, including the recommendation of the Board of County Commissioners, serving as the Planning and Zoning Board and the Local Planning Agency, concerning said application for an amendment, as described below; and

WHEREAS, the Board of County Commissioners has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 17-02, by the Board of County Commissioners, to amend the text of the Comprehensive Plan, Policy V.2.8 of the Conservation Element of the Comprehensive Plan, is hereby amended to read, as follows:

Policy V.2.8

Where the alternative of clustering all structures on the non-wetland portion of a site exists, the County shall conserve wetlands by prohibiting any development, which alters the natural function of wetlands, and prohibiting mining operations within wetlands as provided for in the mining policies contained in the Land Use Element of this Comprehensive Plan. Mitigation efforts shall be required for activities which alter the natural functions of wetlands in accordance with Chapter 62-330, Florida Administrative Code, as amended, in effect upon adoption of this Comprehensive Plan. Such mitigation shall result in no net loss of wetlands and all restored or created wetlands shall be of the same ecological type, nature and function.

Where the alternative of clustering all structures on the non-wetland portion of a site does not exist, the County shall allow only minimal residential development activity in those areas defined as wetlands within this Comprehensive Plan and such development activity shall conform to the density requirement for the land use classification applicable to the location of the wetland. However, in no case shall residential dwelling unit density be greater than 1 dwelling unit per 5 acres. In addition, such development activity shall comply with the following densities and performance standards:

1. Residences and any support buildings shall be elevated no lower than 1 foot above the highest recorded flood level in the wetland. If flooding data is not available, residences and any support buildings shall be built at least 2 feet above the highest seasonal water level.
2. Clearing or removal of native vegetation shall not exceed 1/2 acre per 5 acres. Exotic vegetation may be removed without regard to this limitation provided that, if the area cleared of exotic vegetation exceeds the 1/2 acre limitation, it is replanted with native wetland vegetation.
3. Walking paths and driveways to the residence shall use permeable fill and shall be constructed with a sufficient number and size of culverts to allow the natural flow of water to continue.

For the purposes of this Comprehensive Plan, wetlands shall be generally located as shown in Appendix A, and more specifically described and defined as follows: Wetlands mean those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The delineation of actual wetland boundaries may be made by any professionally accepted methodology consistent with the type of wetlands being delineated, but shall be consistent with any unified statewide methodology for the delineation of the extent of wetlands ratified by the Legislature.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4. Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this ordinance shall be filed with the Florida Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon filing of the ordinance with the Florida Department of State.

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after 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 Florida Department of Economic Opportunity 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. 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 Economic Opportunity.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 125.01, Florida Statutes, as amended, and Sections 163.3161 through 163.3248, Florida Statutes, as amended.

PASSED UPON FIRST READING on the 20th day of August 2018.

PASSED AND DULY ADOPTED, with a quorum present and voting, by the Board of County Commissioners in regular session this _____ day of _____ 2018.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF UNION COUNTY, FLORIDA

Kellie Hendricks Connell, County Clerk

Karen E. Cossey, Chair



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2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

August 7, 2018

Ms. Dianne Hannon
Secretary to the
Board of County Commissioners
Union County
15 Northeast First Street
Lake Butler, FL 32054

COPY SENT VIA ELECTRONIC MAIL
SIGNED ORIGINAL ON FILE

RE: Application No. CPA 18-01 (Board of County Commissioners)

Ordinance
Concerning an Amendment to the
Text of the of the Comprehensive Plan

Dear Dianne:

Please find enclosed the above referenced ordinance for first reading only. Prior to the second reading of the ordinance, an ordinance for adoption and signature will be sent to the County.

The County Attorney should review this ordinance as to legal form and sufficiency.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph, Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP
Executive Director

Enclosure

SRK/cf

xc: Russell A. Wade, III, County Attorney

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