

AN ORDINANCE AMENDING THE FRANKLIN COUNTY COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE AND CONSERVATION/ COASTAL MANAGEMENT ELEMENTS.

**ORDINANCE 2001-20
FRANKLIN COUNTY, FLORIDA**

WHEREAS, when the Franklin County Board of County Commissioners adopted the Franklin County Comprehensive Plan in 1991 it included a setback requirement from state jurisdictional wetlands, and

WHEREAS, in subsequent years the State of Florida changed their definition of what a state jurisdictional wetland was, and

WHEREAS, the Franklin County Comprehensive Plan was never changed to reflect this change,

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS that the following changes be incorporated in the Franklin County Comprehensive Plan:

Change Policy 1.2(d) of the Future land Use Element to read as follows:

(d) WETLANDS - No development will be allowed within 50 feet of wetlands, except as allowed pursuant to Policies 1.6 and 1.7 of this element. Wetlands are defined in Chapter 373.019(22), Florida Statutes and Chapter 62-340, Florida Administrative Code.

Change Policy 3.1 of the Future Land Use Element to read as follows:

Policy 3.1 Development, alteration of native vegetation, and habitable structures within 50 feet landward of wetlands or the waters of the State, is prohibited, except as allowed pursuant to Policies 1.6 and 1.7 of this Element. The landward extent of a surface water in the State for the purposes of implementing this policy is as defined in Chapter 62-340.600, F.A.C.

Eliminate Policy 3.2 of the Future Land Use Element.

Eliminate Policy 3.3 of the Future Land Use Element.

Change Policy 1.5 of the Conservation/Coastal Management Element to read as follows:

Policy 1.5 No habitable development shall occur within 50 feet of the waters or wetlands of the State unless it is for principal water dependent structures in the commercial fishing district and then only after a stormwater management plan has been submitted and approved by the State Department of Environmental Protection (if applicable) and the local planning board. Docks, and elevated pervious walkways may be permitted to allow access to the water. Habitable

development may be permitted within 50 feet of the waters or wetlands of the State pursuant to Policies 1.6 and 1.7 of the Future Land Use Element.

Add Policy 1.6 of the Future land Use Element to read as follows:

Policy 1.6 Development, alteration of native vegetation, and habitable structures shall be so allowed in a Development of Regional Impact ("DRI") as defined in Section 380.0651(3)(i), Florida Statutes, and Rule 28-24-032(2), Florida Administrative Code, when the overall environmental impact of the development is lessened or mitigated and the average setback is at least 50 feet from wetlands or waters of the State, or when the setback is at least 50 feet from wetlands or waters of the State. In the event that the Florida Legislature dispenses with the category of developments called DRI's, but retains the requirement that equivalent or similar large-scale developments undergo review process, then this Policy shall apply to those equivalent or similar developments.

In determining whether the impact of development is lessened or mitigated, the County will make findings of fact of the extent to which the ecological functions of wetlands, including water conservation and flood control, ground water recharge and discharge, water quality improvement, shoreline and soil stabilization, fish, wildlife and plant habitat, recreation, education, aesthetics and other values will be protected. To meet this standard the development proposal or application shall contain substantial environmental mitigations, which may include but nor be limited to:

- a. Florida Yards and Neighborhoods program;
- b. Xeric Landscaping to maintain native plants, wildlife habitat, and minimize stormwater runoff and the need for irrigation and pesticide, fertilizer and herbicide applications;
- c. Stormwater treatment over and above the state minimum and that exceeds County regulations;
- d. Conservation easements, wherein wetland and wetland buffers are deeded to an independent entity, such as the Department of Environmental Protection, Northwest Florida Water Management District or a not-for-profit group or land trust for the perpetual monitoring and maintenance of protected areas;
- e. At a minimum the Audubon International Signature Silver Certification level or its equivalent for golf courses to improve wildlife habitat and maintain water quality;
- f. Reduction in the intensity of development from the existing landuse;
- g. Restoration of on-site wetlands, including re-establishment or improvement of hydroperiod;
- h. Monitoring to ensure water quality leaving the site is maintained or enhanced;
- i. Centralized advanced domestic wastewater treatment and water supply provided for the development;
- j. Preservation of other upland areas, which are used as habitat of wetland-dependent species.

In no case shall development be allowed within 25 feet of wetlands or waters of the State.

Add Policy 1.7 of the Future Land Use Element to read as follows:

Policy 1.7 The County shall not apply the buffering standard established in Policies 1.2(d) and 3.1 of this Element in a manner that would prohibit the construction of one single-family residential structure on an existing lot of record, as defined in Policy 1.8 of this Element. If an existing lot of record is such that the construction of the single-family residential structure is precluded due to the strict application of the buffering standard, i.e. there is no buildable upland area, then the parcel shall be allowed to develop one single-family residential structure and the buffering standard shall be relaxed only to the extent needed to accommodate the residential structure with the least impact to the wetlands or waters of the State.

Add Policy 1.8 of the Future Land Use Element to read as follows:

Policy 1.8 "Lot of record" shall mean an individual parcel of property that has been documented by a subdivision plat, deed, agreement, map survey or other drawing recorded in the official public records of Franklin County before April 3, 2001.

Add Policy 1.9 of the Future Land Use Element to read as follows:

Policy 1.9 No parcel shall be created after April 3, 2001, which consists entirely of wetlands or which would not accommodate the construction of a single-family residential structure and the buffering standard established in Policies 1.2(d) and 3.1 of this Element, unless such parcel is included within a DRI consistent with Policy 1.6 or is encumbered by a deed or plat restriction, which prohibits future development on the parcel.

This ordinance adopted this 18th day of SEPTEMBER, 2001, in a regular meeting of the Franklin County Board of County Commissioners after notice was duly given and pursuant to Chapter 163, Florida Statutes.

THE FRANKLIN COUNTY BOARD
OF COUNTY COMMISSIONERS

By: Eddie Creamer
Eddie Creamer, Chairman

ATTEST  Kendall Wagoner
Kendall Wagoner, Clerk