

ORDINANCE NUMBER 2014-17

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA; AMENDING AND REVISING POLICY 1.2.10 BLOXHAM SPECIAL AREA PLAN OF THE FUTURE LAND USE ELEMENT OF THE WAKULLA COUNTY COMPREHENSIVE GROWTH MANAGEMENT PLAN, AS ADOPTED BY ORDINANCE NO. 10-05, AS AMENDED; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR APPLICABILITY AND EFFECT; PROVIDING SEVERABILITY AND FOR FILING; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Wakulla County Board of County Commissioners is empowered to adopt Ordinances pursuant to Chapter 125.66, Florida Statutes; and

WHEREAS, Chapter 163, Part II, Florida Statutes, the Community Planning Act (the "Act"), empowers and requires the Wakulla County Board of County Commissioners to: (a) plan for the County'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 County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, the Wakulla County Planning Commission has been established and designated as the Local Planning Agency (LPA) for unincorporated Wakulla County, Florida, pursuant to section 163.3174, Florida Statutes; and

WHEREAS, the LPA and the Board have in the preparation of the Text Amendment to the Comprehensive Growth Management Plan performed or caused to be performed the necessary studies and surveys, the collection of appropriate data, the holding of such public hearings, workshops and meetings as necessary, and have effectively provided for public participation, notice, broad dissemination of proposals and alternatives, opportunity for written comments, open discussion, communication programs, information services, considerations of, and response to, public and official comments; and

WHEREAS, the Wakulla County Board of County Commissioners (Board) held its transmittal hearing to consider the recommendation of the Local Planning Agency on August 4, 2014, and transmitted the proposed Text Amendment to the Department of Economic Opportunity ("DEO"), in its role as the State land planning agency, and to other State review agencies; and

WHEREAS, the DEO, by letter dated August 7, 2014, notified the County of receipt of the Amendment; and

WHEREAS, comments were not received from any of the reviewing State agencies within 30 days of receipt of the Amendment; and

WHEREAS, on or about September 11, 2014, the County scheduled and advertised the adoption hearing for the Text Amendment to the Comprehensive Growth Management Plan in The Wakulla News, a local newspaper of general circulation, for September 22, 2014; and

WHEREAS, on or about September 22, 2014, the Board held a duly advertised public hearing in accordance with Section 163.3184, Florida Statutes, to consider and receive all oral and written comments relating to the proposed Text Amendment, including the data collection and analyses package, the Wakulla County Planning Commission recommendations; and

WHEREAS, in exercise of its statutory authority, the Wakulla County Board of County Commissioners has determined it necessary and desirable to adopt the amended version of the Comprehensive Growth Management Plan's Future Land Use Element Policy 1.2.10 Bloxham Special Area Plan to further preserve and enhance present advantages; encourage the most appropriate use of land, water, and natural resources consistent with public interest; overcome present handicaps; and deal effectively and efficiently with future growth and problems that may result from the use and development of land within Wakulla County, Florida.

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

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Chapter 163, Part II, Florida Statutes, Chapter 125, Florida Statutes, and the Wakulla County Home Rule Charter.

Section 2. Amendment to Comprehensive Growth Management Plan.

(A) The Board of County Commissioners of Wakulla County, Florida, hereby amends and revises Policy 1.2.10 Bloxham Special Area Plan of the Future Land Use Element of the Wakulla County Comprehensive Growth Management Plan, as adopted by Ordinance No. 10-05, as amended, attached hereto as Attachment A and incorporated herein by reference.

(B) The amendment was fully considered after a public hearing pursuant to legal notice duly published as required by law.

(C) To make the Wakulla County Comprehensive Growth Management Plan available to the general public, a certified copy of this Ordinance, the Comprehensive Growth Management Plan, and any Amendments thereto, shall be located in the Wakulla County Planning and Community Development Department, located at 11 Bream Fountain Road, mailing address 3093 Crawfordville Highway, Crawfordville, Florida, 32327. The Planning and Community Development Department, through its Director, shall make copies available for public inspection, and provide duplication for a reasonable publication and copy charge.

Section 3. Applicability and Effect.

The applicability and effect of the Wakulla County Comprehensive Growth Management Plan shall be as provided by the Community Planning Act, Chapter 163, Part II, Florida Statutes, and this Ordinance. Except to the extent amended herein, the Comprehensive Growth Management Plan is hereby ratified, confirmed, and remains in full force and effect.

Section 4. Severability.

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

Section 5. Filing.

A Certified Copy of this Ordinance, as well as Certified Copies of the Wakulla County Comprehensive Growth Management Plan, and subsequent Amendments thereto, shall be filed with the Wakulla County Clerk of the Circuit Court.

Section 6. Effective Dates.

(A) The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies Wakulla County 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. 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 state land planning agency.

(B) A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

PASSED AND DULY ADOPTED this 22nd day of Sept., 2014.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By: [Signature]
Richard Harden, Chair

ATTEST:

[Signature]
BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO CONTENT AND FORM:

[Signature]
Heather Encinosa, Esq.
County Attorney

ATTACHMENT A

Policy 1.2.10 Bloxham Special Area Plan:

Policy 1.2.10 Special Area Plan (SAP) #1 is located at SR 319 and CR 267 and is the property contained in Comprehensive Plan Amendment CP03-12 adopted September 2, 2004. It is identified as "SAP #1" on the FLUM and is subject to the following:

- 1) SAP #1 consists of 468.98 acres with a maximum residential density of 1 unit per acre and a maximum of 15,000 s.f. of commercial space at the intersection of CR 267 and SR 319 that does not exceed a Floor Area Ratio (FAR) of .15. To achieve the maximum residential density, developments within SAP #1 shall be served by central potable water and sanitary sewer, and the extension of the existing line to the site shall be made a condition of PUD approval if density exceeding one residential unit per five acres is sought. Without central potable water and sanitary sewer, the maximum density shall be one residential unit per five acres; however, without central water and sewer, no more than 33 dwelling units may be constructed on performed based septic tanks within the portion of SAP#1 consisting of 161.56 acres south of Woodrich Road, further identified as parcel I.D. Numbers 06-3s-01w-000-04229-000 and 06-3s-01w-000-04299-001. No development within SAP #1 shall exceed the thresholds for a Development of Regional Impact pursuant to Section 380.06, F.S.
- 2) In order to mitigate the contribution of nitrates to Wakulla Springs with its resultant effects on increased growth of vegetation in the spring and river and loss of water clarity, and to foster long-term stewardship of the springs, special design and best management practices (BMPs) shall be instituted for all development of property in SAP #1.
- 3) The following information is required prior to any subdivision or commercial site plan to evaluate the vulnerability of the development sites to leaching of nitrates into groundwater and subsequent transmission to Wakulla Springs:
 - (a) An analysis of the site to determine the location and nature of sinkholes, piping and other karstic features of the property, such as stream sinks and other direct connections to the aquifer.
 - (b) Geophysical analyses to determine the depth to the water table, location of the Floridan Aquifer relative to ground surface and thickness and extent of protective clay layers over the aquifer.
 - (c) If on-site disposal systems are to be used in any portion of the development, a soils analysis shall be required to determine the permeability of the soil and likelihood of percolation of septic effluent into the Floridan Aquifer.
 - (d) A comparative nitrate loading analysis for the proposed development be prepared by a licensed professional using professionally acceptable methodology based on the existing land use at the time of this amendment versus the proposed land use activity at buildout. The analysis may take into account specific on-site best management practices and compensatory reduction off-site through the expansion of central sanitary sewer. The analysis must demonstrate, with all factors taken into account, that there is no substantial increase in nitrate loading to groundwater. The comparative nitrate loading study submitted as data and analysis as part of the comprehensive plan amendment shall be deemed to meet this requirement.

4) The following BMPs shall be instituted to reduce nitrate loading within SAP #1:

(a) Stormwater

- (i) Roadside swales shall be used for all residential development with no use of curb and gutter.
- (ii) Ditch blocks or raised driveway culverts shall be utilized except when not physically feasible because of soils, topography, stormwater or groundwater as determined by a professional engineer on residential frontages to promote retention/infiltration within the swale.
- (iii) A provision for residential lots shall be included in the Architectural Control Committee section of the covenants and restrictions for the SAP#1 to require that stormwater shall be directed to the front, rear and sideyard areas through vegetated areas or swales prior to discharge to the stormwater conveyance system. Exceptions to this provision may be made on a case-by-case basis if the lot slope elevation or other drainage requirements make it necessary in the opinion of a professional engineer to drain directly to the roadway swale system or stormwater management facility.
- (iv) Design of the stormwater systems for residential and commercial uses shall use bio-retention areas (vegetated areas) to increase stormwater treatment and reduce stormwater volume. Downspouts for both residential and commercial development shall be directed from the roof to vegetated areas for uptake.
- (v) Developments within SAP #1 shall utilize the St. Johns River Water Management District karst sensitive criteria found in SJRWMD Rule 40C-41.063 (7)(a) *ERPs - Surface Water Management Basin Criteria* and SJRWMD Rule 40C-42, Part II *Criteria for Evaluation, Section 9.11 Sensitive Karst Area Basin Design Criteria*.

Sensitive karst features,-including open sinks, relic sinks with a direct connection to the aquifer and spring to sink systems, shall not be utilized as stormwater management facilities. Prior to subdivision approval, all depressions will be investigated by a licensed professional using a professionally acceptable methodology for suitability of water retention using generally accepted geotechnical practices with an emphasis on identification of direct connections to the aquifer. If connections are determined to exist, the depression shall not be used for stormwater retention and the area draining to this feature under pre-development conditions shall be preserved through a conservation easement. Any subdivision approval by the county shall require stormwater engineering design and Florida Department of Environmental Protection (FDEP) permits prior to commencement of development activities.

Sensitive karst features will be identified and placed in a conservation easement so that they will be thereafter used solely for passive recreation subject to permitted activities in subparagraph (d.) herein.-Based on Data and Analysis submitted with the comprehensive plan amendment, sensitive karst features on SAP#1 are defined as any open sinks, relic sinks with a direct connection to the aquifer and spring to sink systems.

(b) Landscaping

- (i) Planted turf grass and landscaping on residential lots shall be limited to a maximum of 50% of the deeded lot area.
- (ii) Turf grasses and landscape vegetation common to the area shall be used. Landscape vegetation shall be drought tolerant. A list of drought tolerant plants is maintained by the NFWMD and available for reference.
- (iii) All development shall require best management practices as dictated by the principles and practices of the Florida Yards and Neighborhoods Program. Material on the Florida Yards and Neighborhood Program shall be given to landowners/developers by the developer prior to commencement of any on-site activities within lots.

(c) Housing subdivision design

- (i) The requirements for stormwater design and landscaping in (a.) and (b.) above respectively shall be incorporated into restrictive covenants that can be enforced by the developers, homeowners or property owners associations, landowners within SAP #1 or the county to ensure that the design requirements are being followed.
- (ii) The studies required in item (3.) above shall be used to characterize on-site soils and determine locations of geologic features including, sinkholes, solution pipes, depressions and depth of soil to limerock. Sensitive karst features like open sinks and spring to sink systems shall be protected pursuant to 4.(a.) (v.) above.
- (iii) An average buffer area setback of 100' shall be provided for areas adjacent to the Apalachicola National Forest except in those locations where a powerline buffer of at least 100' currently abuts the adjacent boundaries of SAP #1 and the Apalachicola National Forest. ~~In those locations where a powerline easement currently provides at least a 100-foot buffer, a 30-foot buffer will be provided in SAP #1. In all other cases the National Forest buffer shall be 100'.~~ The buffer area shall remain in its natural state and be identified on the plat so that a conservation easement may be placed on it. It shall thereafter be used solely for passive recreation subject to permitted activities in subparagraph (d.) herein.
- (iv) Wetlands will be identified and mapped through a field survey and a jurisdictional determination will be made by the appropriate agency (FDEP and/or the U.S. Army Corps of Engineers). Jurisdictional wetlands are subject to the provisions of this Comprehensive Plan and Land Development Regulations. They are also subject to the regulatory controls of the jurisdictional agency(s). Non-jurisdictional wetlands will be set aside and maintained in a natural state, except, they may be incorporated into the stormwater management plan pursuant to permit approval from the FDEP.

(d) Planning design standards and approvals

- (i) Areas set aside to remain in a natural state within SAP #1 shall constitute no less than 45% of the total of the 39 acres of land lying on the Southwest corner of the intersection of US 319 and SR 267 (a minimum of 17.55 acres) 307.42 acres of land lying north of Woodrich Road (a minimum of 138.34 acres), and shall be located outside deeded lots, and must be identified and recorded in conservation easements as each phase is platted.

Areas set aside to remain in a natural state within SAP #1 shall constitute no less than 20% of the 268.42 acres of land lying north of Woodrich Road (a minimum of 53.68 acres) comprising of Phase I, II and III of Flowers Subdivision and shall be located outside deeded lots, and must be identified and recorded in conservation easements as each phase is platted.

The remaining area consisting of 161.56 acres south of Woodrich Road, further identified as parcel I.D. Numbers 06-3s-01w-000-04299-000 and 06-3s-01w-000-04299-001 that is required to be set aside in natural state as written in SAP #1 shall constitute no less than 20% of the total 161.56 acres or a minimum of 32.31 acres and may be located inside of deeded lots and must be restricted in its use by a natural state conservation easement. This easement shall be maintained by the Homeowners Association and its requirements shall be submitted in conjunction with any preliminary plat.

Areas remaining in a natural state shall include the following: wetlands and wetland areas (subject to any use for stormwater management), sensitive karst features and their buffers. ~~buffers adjacent to the Apalachicola National Forest and perimeter buffers.~~ For purposes of this Special Area Plan policy, "natural state" shall be defined as allowing for no disturbance except for removal of native vegetation less than 2" DBH, exotic or noxious plants, or downed trees. It is intended that vegetation such as briars, kudzu and those plants with similar characteristics may be removed.

Additionally, because the site is currently a monoculture of planted pines, selective clearing and replanting with native vegetation may be performed within areas identified as natural state areas for the sole purpose of enhancing the environmental function of these areas. Accordingly, further permitted activities in natural state areas include:

No row thinning and aesthetic cutting of the existing pines.

Existing planted pines may be removed and replanted with hardwoods and long leaf pines. Where live oaks and other native hardwoods exist, selective clearing of planted pines shall be permitted in order to promote the growth of the native hardwood trees.

Small areas consisting of no more than two acres, and no more than 20 acres in the aggregate may be cleared entirely for the purpose of providing foraging acres for wildlife.

The above percentage (%) figures shall apply to the entire area within SAP#1. It shall also be required within each plat. If the natural state percentages of platted area is not actually contained within the boundary of the plat, the developer shall make up the required difference by placing the additional required natural area

outside of the plat under deed restrictions. Under such deed restrictions, the additional required natural state area must be placed in a conservation easement or natural state conservation easement when the property it is part of is subdivided. The county shall have authority to enforce any such deed restrictions in the interim until the conservation easement or natural state conservation easements are in place. The county has the right to waive this requirement if the additional required natural state area is less than 20 acres.

- (ii) Approval of development plans utilizing the standards within this SAP shall occur at the preliminary plat approval stage of subdivision platting or at commercial site plan approval by Wakulla County.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

September 23, 2014

Mr. Brent X. Thurmond
Clerk of Circuit and County Courts
Wakulla County
3056 Crawfordville Highway
Crawfordville, Florida 32327

Attn: Ms. Evelyn Evans, Deputy Clerk

Dear Mr. Thurmond:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Wakulla County Ordinance No. 2014-17, which was filed in this office on September 23, 2014.

Sincerely,

Ernest L. Reddick
Program Administrator

ERL/lb