SUPPLEMENTAL AGENDA

October 11, 2011

ALACHUA COUNTY COMMISSION MEETING
COUNTY ADMINISTRATION BUILDING
12 SOUTHEAST FIRST STREET
ROOM 209

ITEM TO BE MOVED FROM REGULAR TO CONSENT AGENDA

- ***ITEM #12:*** *Child Sexual Predator Task Force Grant (CSPP), per Kelly Amerson* ***(to be moved to the Consent Agenda, before Item #32)***

ITEM TO BE REMOVED:

- ***ITEM # 35:*** *Request approval of recommendation to offer Retiree Group Medicare Advantage program, per Wade Gillingham* ***(to be deferred to October 25th meeting, Consent Agenda)***

Alachua County Florida
A Proclamation

Declaring "Pink Heals Week" in Alachua County, Florida

Whereas, *cancer affects millions of people all over the world, including the firefighters and paramedics who care for those battling this disease on a daily basis. We stand united in the attempt to eradicate this terrible disease and, until a cure is found, help alleviate the suffering of those living with cancer; and*

Whereas, *in 2010 the American Cancer Society estimated that 1.5 million new cases of cancer would be diagnosed in the U.S., including 207,000 women being diagnosed with breast cancer – 14,000 in Florida alone; and*

Whereas, *cancer is one of the deadliest diseases of them all; we must all unite to fight it. Firefighters and Paramedics throughout Alachua County and North Central Florida have come together to take a united stand, to show women suffering from cancer that we care, by simply wearing pink; and*

Whereas, *firelighters normally wear blue uniforms 365 days a year; for three days they will wear pink to show support and encourage those who courageously fight this battle for life; and*

Whereas, *Alachua County joins together with The Fire Rescue Professionals of Alachua County, Local 3852; Gainesville Professional Firefighters, Local 2157; Alachua County Fire Rescue; Gainesville Fire Rescue and other public safety departments who have united to form the North Florida Pink Heals Initiative to encourage their members to participate in the "Pink Heals" campaign in honor of women who wage the battle against cancer.*

Now, therefore, through the authority vested in me by the Board of County Commissioners of Alachua County, Florida, I do hereby proclaim October 25 – 27, 2011 as "Pink Heals Week" in Alachua County, Florida.

Duly proclaimed this 11th day of October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

_____
J.K. Irby, Clerk

UNITED NATIONS ASSOCIATION

GAINESVILLE CHAPTER

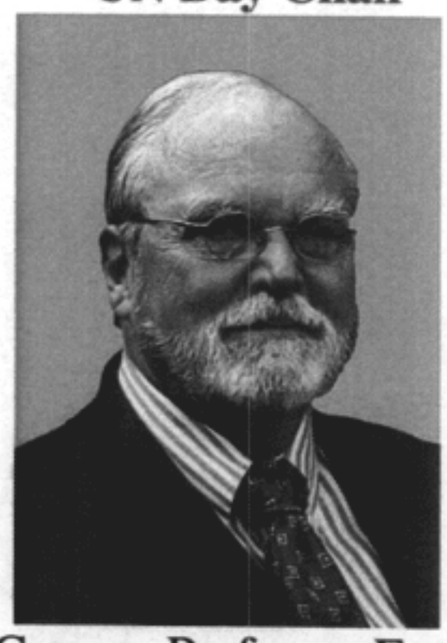
THE PUBLIC IS WELCOME

UNITED NATIONS DAY

"THE UN: IN EVERYONE'S INTEREST"

Thursday, October 20, 2011, 9:00 am to 1:00 pm
Gainesville Woman's Club, 2809 W. University Avenue

UN Day Chair



Hank Conner, Professor Emeritus
UF College of Journalism & Communications
Host of "Conner Calling" on WUFT- FM

Keynote Speaker



Sovaida Ma'ani-Ewing, LL.M. Cambridge
International Attorney & US State Dept. legal advisor
Washington, DC

PANEL DISCUSSION

Dr. Abe Goldman, UF Director of African Studies
"Food Security and Civil Conflicts: Contrasts in the Success and Failure of Collective Actions"
Dr. Sadie Sanders, UF Health Education
"AIDS and Malaria: Yesterday's Triumphs, Today's Verities, Tomorrow's Challenges"

KEYNOTE ADDRESS - SOVAIDA MA'ANI-EWING

"Keeping the UN Relevant in the 21st Century:
Tackling the Challenges of Energy Security and Climate Change"

Eastside High Culinary School Box Lunch
Choice of turkey/ ham/ vegetarian sandwich or pasta salad, $15
Please make your luncheon reservations before October 17.
Email: U.N. Program Chair, Lisa Renner, ejrenner@hotmail.com; phone 352-378-4853
Make your reservation, check and mail to: UNA/USA Gainesville Chapter,
P.O. Box 358361, Gainesville, FL 32635-8361

October 11, 2011 Regular BoCC Meeting
Agenda Item #6

Title
Length of Service Milestone Recipients (Amended).

Amount
N/A

Description
Request to recognize County Employees who have reached a Length of Service or Career Milestone in September, 2011.

Recommendation
Recognize County Employees that have reached a Length of Service or Career Milestone in September, 2011.

Alternative(s)
Recognize County Employees that have reached a Length of Service or Career Milestone in September, 2011.

Requested By
Kim Baldry, 374-5219

Originating Department
Administrative Services/Human Resources

Attachment(s) Description
List of Employees who have reached a Length of Service or Career Milestone in September, 2011.

Documents Requiring Action
N/A

Executive Summary
N/A

Background
The County recognizes all employees who have reached a milestone year of service (5, 10, 15, 20, 25, 30, 35 or 40) at an annual awards ceremony following the year the milestone year of service was attained. Also recognized at that event are employees who have achieved outstanding or exemplary attendance for the previous calendar year. In an effort to provide a timely recognition of employees who have reached a milestone year of service, we are recognizing the employees on the attached list who reached their milestone year in September of 2011. These employees will be invited to the Annual Employee Recognition Ceremony to be held in 2012 here they will be presented with a certificate attesting to their length of service, as well as any other recognition mementos presented to employees attaining that milestone year of service. The County also wishes to recognize employees who have recently achieved a career milestone in their field. These employees and their achievements will be introduced by their respective Department Directors.

Issues
Providing Length of Service Pins is a form of employee recognition that contributes to increased morale. Failure to recognize and show appreciation for employees may result in a decrease in morale and overall efficiency.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: sept 19 emp.pdf

LENGTH OF SERVICE PINS
MILESTONE YEAR OF SERVICE REACHED
September, 2011

5 Years

Community Support Services:	**Michelle Banfield**
Public Safety:	**Jordan Bacon** **Jeffrey Eiken** **Ryan Lowery** **Larry Roberts** **Robert Sullivan** **Kimball Ward**
Public Works:	**Angel Rodriguez** **Roger Hagle**

10 Years

County Manager's Office:	**Rhonda Baxter**
Court Services:	**Nadia Penelton-Scott**
Public Safety:	**Eric King**
Public Works:	**George Rountree**

15 Years

Court Services:	**Patrick Abner**
County Attorney's Office:	**Robert Livingston IV**

20 Years

Public Safety:	**Mark Havelock** **Kevin Horton** **Scott Horton** **Charles Willis**

October 11, 2011 Regular BoCC Meeting
Agenda Item #8

Title
Veteran Services Advisory Board Appointments (Amended)

Amount
N/A

Description
Consider the appointment of one citizen to a Citizen-at-large (Veteran) position on the Veteran Services Advisory Board.

Recommendation
Appoint one citizen to the Citizen-at-large (Veteran) position on the Veteran Services Advisory Board, term ending August 2013.

Alternative(s)
Continue to advertise the position.

Requested By
Mary Lowry, X6904

Originating Department
County Manager's Office

Attachment(s) Description
Tally sheet, membership roster, attendance report, applications

Documents Requiring Action
N/A

Executive Summary
At the September 13, 2011 BoCC meeting, all vacancies on this board were filled. Soon after, one member resigned. We are bringing back the three applicants who were not appointed on September 13th to be considered for the new vacancy.

Background
The Veteran Services Advisory Board was created by Resolution in 1983. The Veteran Services Advisory Board, comprised of 15 members plus one alternate member, engages in an annual review of the Veterans Service Office and assists and advises on future policies. Members serve four-year terms. Term lengths were changed from two to four years by a resolution adopted at the September 14, 2010 Regular meeting of the BoCC Citizen-at-large (Veteran) – appoint one to a term ending August 2013: John Gebhardt (served 4 terms, attendance satisfactory) Eric Kegley Will G. May, Jr. (served 3 terms, attendance satisfactory)

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)

N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: Vet Svcs Tally Sheet.pdf
Attachment: Veteran Service 09 29 11.pdf
Attachment: KegleyE Citizen at large.pdf
Attachment: VSAB Attendance.pdf
Attachment: GebhardtJ CitizenatLargeVeteran_HC.pdf
Attachment: MayW Citizen at large.pdf

COMMITTEE: Veteran Services Advisory Board 10/11/11

APPLICANTS	BAIRD	BYERLY	DeLANEY	LONG	PINKOSON
Citizen-at-Large (Veteran) – appoint one to a term ending August 2013:					
John Gebhardt (served 4 two-year terms, attendance satisfactory)	✓		✓		✓
Eric Kegley		✓			
Will G. May, Jr. (served 3 two-year terms, attendance satisfactory)				✓	

Veteran Services Advisory Board STAFF: Major Stroupe - (352) 264-6740				4 year terms
NAME/MEMBERSHIP CATEGORY	**ADDRESS/PHONE NUMBER**	**DATE TERM EXPIRES**	**TERM CURRENTLY SERVING**	**APPOINTED BY**
VACANT Appt Date: 2/8/2011 Previous member: Hinton , Larry L - Resignation 9/19/2011 Category: Citizen-at-Large (Veteran)		8/31/2013		County
Frank M Murphy Appt Date: 9/13/2011 Previous member: Van Buren , Edward Category: Alternate	PO Box 357292 Gainesville, 32602 (h)(352) 538-6999 (w)(352) 373-6990 fmmbis@att.net	8/31/2015	1	County
Peter Sabo Appt Date: 9/28/2010 Previous member: Category: American Legion Representative	829 NW 124th Drive Newberry, FL 32669 (h)(352) 332-4608 Repeats1@msn.com	8/31/2012	4	County
Donald Sherry Appt Date: 9/28/2010 Previous member: Williams , Mr. Gregory Category: Citizen-at-Large (Veteran)	9511 SW 56th Place Gainesville, FL 32608 (h)(352) 375-8355 dpskwva@yahoo.com	8/31/2012	4	County
Armando R Grundy Appt Date: 9/13/2011 Previous member: Gebhardt , Mr. John Category: Citizen-at-Large (Veteran)	505 SW 2nd Avenue #6104 Gainesville, 32601 (h)(813) 398-5580 agrundygomes@gmail.com	8/31/2014	1	County
Edward Van Buren Appt Date: 9/13/2011 Previous member: May Jr., Mr. Will G Category: Citizen-at-Large (Veteran)	2686 NW 138th Terrace Gainesville, 32606 (h)(352) 562-9961 (w)(352) 562-9961 eddieptcruiser@yahoo.com	8/31/2015	1	County
James W Lynch Appt Date: 9/1/2011 Previous member: Lester , Mr. Richard - Other Category: Citizen-at-Large (Veteran)	3415 NW 46th Place Gainesville, 32605 (h)(325) 372-3915 (w)372-3915 jim_carrie_lynch@yahoo.com	8/31/2014	1	County
Luz M Tipton Appt Date: 10/1/2010 Previous member: Wiest, Mr. William Category: Disabled American Veterans Representative	PO Box 142863 Gainesville, FL 32614 (w)(352) 376-1611 ext: 5263 lzmamnoz@yahoo.com	8/31/2013	2	County

Bob Gasche Appt Date: 9/28/2010 Previous member: Category: Marine Corps League Representative	1111 NW 25th Terr Gainesville, Fl 32605 bobmcl990@gmail.com	8/31/2013	6	County
James C Gleason Appt Date: 9/1/2011 Previous member: Category: Military Officers Association of America Representative	2126 SW 106th St Gainesville, 32607 (h)(352) 333-8974 (w)(352) 222-9322 gleason6@cox.net	8/31/2015	1	BoCC
Kathleen L Yacovelli Appt Date: 2/22/2011 Previous member: Ross, Nicklous J Category: VA Medical Center Representative	508 Turkey Creek Alachua, 32615 (h)(386) 462-2374 (w)(352) 376-1611 ext: 5510 kly501@aol.com	8/31/2012	1	County
Terry Martin-Back Appt Date: 9/28/2010 Previous member: Jenkins, Mr. Walter Category: Veteran, Gulf War	10930 NW 9th Place Gainesville, FL 32606 (h)(352) 332-6842 (w)(352) 870-6842 terry@martinback.com	8/31/2012	3	County
Leland A Hill Appt Date: 9/28/2010 Previous member: Bishop , Jesse - Removal for Attendance Category: Veteran, Iraqi Freedom or Enduring Freedom	2534 NW 33rd Street Gainesville, 32605 (h)(352) 870-7803 (w)(352) 395-5506 Leland1812@gmail.com	8/31/2014	1	County
Richard E Davis Appt Date: 9/28/2010 Previous member: Sherry , Donald Category: Veteran, Korean War	2205 NW 19th Lane Gainesville, FL 32605 (h)(352) 378-5560 mgadick@aol.com	8/31/2014	2	County
Richard Hudgens Appt Date: 9/1/2011 Previous member: Deakins , Mr. John P - Resignation Category: Veteran, Vietnam	3915 SW 78th St Gainesville, Fl 32608 (h)(352) 335-1835 agentclovis@yahoo.com	8/31/2013	1	County
Richard Lester Appt Date: 9/28/2010 Previous member: Newman , Phillip O Category: VFW Representative	14527 NW 59th Drive Gainesville, FL 32653 (h)(386) 462-1192 richardlester@windstream.net	8/31/2012	4	County
Report Date: 9/29/2011 @ 8:55 AM				

Attendance Report for the last 8 meetings.

Veteran Services Advisory Board
Staff Liaison: Major Stroupe

Member	Position	Mbr Start	Mbr End	2/14/2011 5:30 PM	3/14/2011 5:30 PM	4/11/2011 5:30 PM	5/9/2011 5:30 PM	6/13/2011 5:30 PM	7/11/2011 5:30 PM	8/8/2011 5:30 PM	9/12/2011 5:30 PM	Meetings Attended
Davis, Mr. Richard E	Veteran, Korean War	9/28/2010	8/31/2014	P	P	P	P	C	P	P	NR	6 of 6
Gasche , Mr. Bob	Marine Corps League Representative	9/28/2010	8/31/2013	P	P	P	P	C	P	P	NR	6 of 6
Gebhardt , Mr. John	Citizen-at-Large (Veteran)	9/22/2009	8/31/2011	P	P	P	P	C	P	P	--	6 of 6
Gleason , James C	Military Officers Association of America Representative	9/28/2010	8/31/2011	P	P	P	A	C	A	P	--	4 of 6
Gleason , James C	Military Officers Association of America Representative	9/1/2011	8/31/2015	--	--	--	--	--	--	--	NR	0 of 0
Hill , Leland A	Veteran, Iraqi Freedom or Enduring Freedom	9/28/2010	8/31/2014	P	A	P	P	C	P	P	NR	5 of 6
Hinton , Larry L	Citizen-at-Large (Veteran)	2/8/2011	9/19/2011	A	P	P	P	C	P	P	NR	5 of 6
Hudgens , Mr. Richard	Veteran, Vietnam	2/8/2011	8/31/2011	P	P	P	P	C	P	P	--	6 of 6
Hudgens , Mr. Richard	Veteran, Vietnam	9/1/2011	8/31/2013	--	--	--	--	--	--	--	NR	0 of 0
Lester , Mr. Richard	VFW Representative	9/28/2010	8/31/2012	P	P	P	P	C	P	P	NR	6 of 6
Lynch , James W	Citizen-at-Large (Veteran)	9/28/2010	8/31/2011	A	P	P	P	C	P	P	--	5 of 6
Lynch , James W	Citizen-at-Large (Veteran)	9/1/2011	8/31/2014	--	--	--	--	--	--	--	NR	0 of 0
Martin-Back, Terry	Veteran, Gulf War	9/28/2010	8/31/2012	P	P	P	P	C	P	P	NR	6 of 6
May Jr., Mr. Will G	Citizen-at-Large (Veteran)	9/22/2009	8/31/2011	P	P	P	A	C	P	P	--	5 of 6
Ross, Nicklous J - Continues to serve	VA Medical Center Representative	9/1/2010	2/21/2011	A	--	--	--	--	--	--	--	0 of 1
Sabo , Peter	American Legion Representative	9/28/2010	8/31/2012	P	P	P	P	C	P	P	NR	6 of 6
Sherry , Donald	Citizen-at-Large (Veteran)	9/28/2010	8/31/2012	P	P	P	P	C	P	P	NR	6 of 6
Tipton , Ms. Luz M	Disabled American Veterans Representative	10/1/2010	8/31/2013	P	A	P	P	C	P	P	NR	5 of 6
Van Buren , Edward	Alternate	2/9/2010	8/31/2011	P	P	P	P	C	P	P	--	6 of 6
Yacovelli , Kathleen L	VA Medical Center Representative	2/22/2011	8/31/2012	--	P	P	P	C	P	P	NR	5 of 5

[P=Present] [A=Absent] [C=Cancelled] [PNQ=Present No Quorum] [ANQ=Absent No Quorum] [NR=Member Active But No Attendance Record]
[--=Member Not Active]

received 8-14-09

ALACHUA COUNTY CITIZEN ADVISORY BOARD APPLICATION

NAME OF ADVISORY BOARD/COMMITTEE Veteran advisory Bd

APPLYING FOR: one
(May apply for more than one category)

Please return to:
Alachua County Board of Commissioners
Advisory Board Coordinator
PO Box 2877
Gainesville, FL 32602-2877

Telephone: 264-6904
FAX: 338-7363

NAME: John Gebhardt

ADDRESS: 2920 NW 30 terrace CITY: Gville ZIP CODE: 32605

E-MAIL ADDRESS John.Gebhardt@SFCollege.edu TELEPHONE: HOME OFFICE

OCCUPATION: veteran advocate PLACE OF EMPLOYMENT: SFCollege

EDUCATION: BS plus 15 Grad hrs PROFESSIONAL ORGANIZATIONS:
Certificate Higher Executive Leadership

AGE: 60 and over ☒ *(Some committees/boards require 60 year age minimum for appointment)*
OPTIONAL--CHECK THE RACE/ETHNIC GROUP WITH WHICH YOU IDENTIFY: African-American ___ Asian___ Hispanic ___
Native American ___ Pacific Islander ___ White ___ Other___ (This information helps us provide diversity on our advisory boards.)

Are you a resident of Alachua County? YES ☑ NO ☐ If yes, how long? _____ If no, what county?_____

Are you currently serving on a board?
No ☐ Yes ☑ Name of board(s): vet Board

CIVIC AND PROFESSIONAL ACCOMPLISHMENTS/HONORS

Have served 8 years on the Alachua County veteran advisory Board

TRAINING OR EXPERIENCE RELATED TO THIS APPOINTMENT?

work directly with veterans

WHAT CONTRIBUTIONS DO YOU FEEL YOU COULD MAKE IF YOU WERE SELECTED TO THIS BOARD?

Continuity

Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?
YES ☐ NO ☐

_____ DATE

_____ SIGNATURE

Appointees to advisory boards/committees are required to attend scheduled meetings as specified in the ***"Guidelines for Citizen Advisory Boards and Committees."***

Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities rules and regulations? YES ☑ NO ☐

_____ DATE

_____ SIGNATURE

If you have any additional information, such as a resume, please attach. Applications will be kept on file for one year.

Alachua County Board of Commissioners
Advisory Board Coordinator
PO Box 2877
Gainesville, FL 32602-2877
Telephone: 264-6904, FAX: 338-7363
Confirmation #:3475

Name of Advisory Board/Committee:
Veteran Services Advisory Board

Applying For:
Citizen-at-Large (Veteran)

First Name:
Eric

Middle Initial:
L

Last Name:
Kegley

Suffix:

Address:
4741 NW 78th Rd

City:
Gainesville

Zip Code:
32653

E-Mail Address:
Kegger50@live.com

Home Phone:
352-371-9485

Work Phone:
352-273-1745

Ext:

Occupation:
Coordinator 2, Retirements

Place of Employment
University of Florida

Education:

3 years of College
HS Graduate

Professional Organizations:

Air Force Sergeant's Assn Lifetime Member

Age (60 and over):

Optional - Check the Race/Ethnic Group with which you identify:

White

Are you a resident of Alachua County?

Yes

If yes, how long?

12 years

If no, what county?

Are you currently serving or have you ever served on an Alachua County advisory board?

No

If yes, please list board(s):

Civic and Professional Accomplishments/Honors:

Training or Experience Related to the Appointment:

I retired from the United States Air Force in 1999 in the position of First Sergeant.

What contributions do you feel you could make if you were selected for this board?

Since I am a veteran and retired from the military, as an enlisted member, I know what it means to have served, and what the issues are for our military veterans

Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?

Yes

Appointees to advisory board/committees are required to attend scheduled meetings as specified in the "Guidelines for Citizen Advisory Boards and Committees".

Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities rules and regulations?

Yes

I understand that this completed application is the property of Alachua County and I hereby certify that the statements made on this application are true and correct.

Checked

ALACHUA COUNTY CITIZEN ADVISORY BOARD APPLICATION

received 2-28-11

NAME OF ADVISORY BOARD/COMMITTEE Veterans' Advisory Board

Board Position (type of position/category): Military Veteran AT-LARGE

Members appointed to advisory boards and committees should generally (with exceptions) serve a maximum of two terms. If you have any additional information, such as a resume, please attach. Applications will be kept on file for one year. Some positions may require an agency letter of nomination if position serves as representative.

Please return to:
Alachua County Board of Commissioners
Attn: Advisory Board Coordinator
PO Box 2877
Gainesville, FL 32602-2877

Telephone: (352) 264-6904
FAX: (352) 338-7363
www.alachuacounty.us

NAME: Will Gray May, JR

ADDRESS: 8418 SW 152 AVE. CITY: ARCHER ZIP CODE: 32618

E-MAIL ADDRESS: WGMAY@me.com TELEPHONE: HOME: 352-495-8035 OFFICE: NA

OCCUPATION: Retired PLACE OF EMPLOYMENT:

EDUCATION: High School / 3.5 yrs College PROFESSIONAL ORGANIZATIONS: International Assn of Fire Chiefs; Florida Fire Chiefs' Assn; US Naval Cryptologic Assn (Veteran's)

AGE: 60 and over ☑ *(Some committees/boards require 60 year age minimum for appointment)*

OPTIONAL--CHECK THE RACE/ETHNIC GROUP WITH WHICH YOU IDENTIFY: African-American ___ Asian___ Hispanic ___ Native American ___ Pacific Islander ___ White ✓ Other___ (This information helps us provide diversity on our advisory boards.)

Are you a resident of Alachua County? YES ☑ NO ☐ If yes, how long? 41 yrs If no, what county?_____

Are you currently serving on a board?

No ☐ Yes ☑ Name of board(s): Veterans' Advisory Board

CIVIC AND PROFESSIONAL ACCOMPLISHMENTS/HONORS

Executive Fire Officer Certification; Alachua County Department of Public Safety Director/Fire Chief 1990-2010; Deputy Chief Gainesville Fire Rescue 1975-1990; Attained Rank of CWO3, USNR (retired)

TRAINING OR EXPERIENCE RELATED TO THIS APPOINTMENT?

28 total years US Navy

WHAT CONTRIBUTIONS DO YOU FEEL YOU COULD MAKE IF YOU WERE SELECTED TO THIS BOARD?

Local and Regional support of County Veterans programs and associations; Knowledge of many veterans programs and support services.

Under Florida law, all information, including e-mail, written letters, documents and phone messages, sent to the Alachua County Board of County Commissioners is subject to Public Records law. This includes the sender's e-mail address, home address or phone number if shown in the message, the content of the message or any associated attachments.

☑ I understand that all information provided will become public record.

Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?
YES ☑ NO ☐ 2-15-2011 (DATE) Will Gray May Jr. (SIGNATURE)

Appointees to advisory boards/committees are required to attend scheduled meetings as specified in the ***"Alachua County Board of County Commissioners Rules of Procedure."***

Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities' rules and regulations?
YES ☑ NO ☐ 2-15-2011 (DATE) Will Gray May Jr. (SIGNATURE)

Rev. 10/2008

October 11, 2011 Regular BoCC Meeting
Agenda Item #9

Title
Poverty Reduction Advisory Board Appointments (Amended)

Amount
N/A

Description
Consider the nomination of one citizen to the Poverty Reduction Advisory Board.

Recommendation
Confirm the nomination of one citizen to the Poverty Reduction Advisory Board, to the 'Representative - University of Florida' position, no term end date.

Alternative(s)
Do not confirm citizen and request alternate nomination.

Requested By
Mary Lowry, X6904

Originating Department
County Manager's Office

Attachment(s) Description
Tally sheet, Membership listing, attendance report, applications

Documents Requiring Action
N/A

Executive Summary
There are two vacancies on the Poverty Reduction Advisory Board (PRAB), and one citizen has been nominated for the 'Representative – University of Florida' position. This position has no term ending date.

Background
The Poverty Reduction Advisory Board was created by resolution August 27, 2002. Its purpose is to share information about potential resources, possible partnerships, joint ventures and collaborations with and among anti-poverty programs and agencies to promote efficiency, effectiveness and accountability; and to compile and distribute research to establish demographic and other data about the causes and impacts of poverty within the various communities within Alachua County. PRAB prepares and submits to the Board and the citizens of Alachua County a biennial report on "The State of Poverty in Alachua County". Representative – University of Florida (no term end date): 1) Randy Cantrell

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: PRAB Roster 09 29 11.pdf
Attachment: PRAB Tally Sheet.pdf
Attachment: PRAB Attendance.pdf
Attachment: CantrellR UF Rep w CV and Letter.pdf

COMMITTEE: Poverty Reduction Advisory Board **10/11/11**

APPLICANTS	BAIRD	BYERLY	DeLANEY	LONG	PINKOSON
Representative of the University of Florida (no term expiration date):					
Randy Cantrell					

Poverty Reduction Advisory Board

STAFF: Caroline Schultz - (352) 264-6712
STAFF: John Skelly - (352) 264-6749

4 year terms
Sunset date: 1/31/2013

NAME/MEMBERSHIP CATEGORY	ADDRESS/PHONE NUMBER	DATE TERM EXPIRES	TERM CURRENTLY SERVING	APPOINTED BY
VACANT Appt Date: 4/26/2011 Previous member: Umoh , Faith - Resignation 9/28/2011 Category: Representative - Faith-based Organization		1/31/2015		County
VACANT Appt Date: 1/27/2009 Previous member: Burg , Ms. Mary Ann - Resignation 7/22/2010 Category: Representative - University of Florida		12/31/2024		County
Victor Perez Appt Date: 4/26/2011 Previous member: Little , Larry E - Resignation Category: Alternate	3530 NW 42nd Terrace Gainesville, 32606 (w)(352) 505-6656 radiokuva@yahoo.com	1/31/2013	1	County
Sally K Williams Appt Date: 2/8/2011 Previous member: Odom, Cornelia Category: Citizen 55 or Older	6620 SW 75th Street Gainesville, 32608 (h)(352) 514-8164 (w)(352) 392-2993 skwdst@msn.com	1/31/2014	1	County
Harry G Nichols Appt Date: 4/26/2011 Previous member: Category: Citizen residing in the unincorporated area of the County or in one of the rural municipalities	PO Box 1451 Newberry, 32669 (h)(352) 472-5077 (w)(352) 472-2161 harrydebbie@bellsouth.net	3/31/2015	1	County
Alice Primack Appt Date: 4/26/2011 Previous member: Category: Citizen with a disability	4052 NW 23rd Circle Gainesville, FL 32605 (h)(352) 373-4484 Primacks@cox.net	1/31/2015	2	County
Randy M Wells Appt Date: 6/22/2010 Previous member: Donovan, Commissioner Jack - Other Category: City of Gainesville Commissioner	P.O. Box 490 Station 19 Gainesville, 32602 (h)(352) 318-9410 (w)(352) 334-5016 wellsrm@cityofgainesville.org	7/31/2024	1	County
Maxine Latimer Appt Date: 7/12/2011 Previous member: Selvester , Ms. Radha P - Resignation Category: Low Income Resident	5826 SW 9th Place Gainesville, FL 32607 (h)(352) 682-3614 m_amlatimer@yahoo.com	1/31/2015	1	County
Lynne L Vickery Appt Date: 7/12/2011 Previous member: Dimperio, Ms. Diane - Resignation Category: Representative - Alachua County Health Unit	224 SE 24th Street Gainesville, 32641 (h)(352) 335-8125 (w)(352) 334-7927 lynne_vickery@doh.state.fl.us	7/31/2024	1	County

Stephen A White Appt Date: 3/22/2011 Previous member: Butler , Amy K - Resignation Category: Representative - Department of Children and Families	1000 NE 16th Avenue, Bldg. J (IO#47) Gainesville, 32601 (h)(386) 462-0123 (w)(352) 955-5397 Steve_White@dcf.state.fl.us	7/31/2024	1	County
K Richard Blount Appt Date: 12/12/2006 Previous member: Maxfield, Joan Category: Representative - FloridaWorks (formerly Alachua/Bradford Workforce Board)	401 SE 6th Terrace Gainesville, FL 32601 (h)(352) 278-8510 (w)(352) 382-9880 tanacabana@yahoo.com	7/31/2024	1	County
Jessica C Baker Appt Date: 2/23/2010 Previous member: Stacey, Randy - Removal for Attendance Category: Representative - Non-Profit Organization	PO Box 31 Evinston, FL 32633 (h)(352) 591-4631 (w)(352) 214-0339 jbaker@fiwi.org	1/31/2014	2	County
Billie J Monroe Appt Date: 4/14/2009 Previous member: Hutchins, Dr. Paul - Resignation Category: Santa Fe College Representative	401 NW 6th Street Gainesville, 32601 (h)(352) 475-2303 (w)(352) 395-5264 billie.monroe@sfcollege.edu	12/31/2024	1	County
Eileen Roy Appt Date: 5/24/2005 Previous member: Category: School Board of Alachua County Representative	620 E University Avenue Gainesville, FL 32601 (h)(352) 372-7305 Roy@sbac.edu	4/30/2024	2	County
Report Date: 9/29/2011 @ 8:39 AM				

Poverty Reduction Advisory Board
Staff Liaison: Caroline Schultz, John Skelly

Member	Position	Mbr Start	Mbr End	11/17/2010 3:30 PM	1/26/2011 3:30 PM	2/16/2011 3:30 PM	3/23/2011 3:30 PM	5/25/2011 3:30 PM	7/27/2011 3:30 PM	9/28/2011 3:30 PM	Meetings Attended
Baker , Ms. Jessica C	Representative - Non-Profit Organization	2/23/2010	1/31/2014	P	P	PNQ	P	A	PNQ	NR	5 of 6
Blount , Mr. K Richard	Representative - FloridaWorks (formerly Alachua/Bradford Workforce Board)	12/12/2006	A	P	PNQ	P	P	ANQ	NR		4 of 6
Butler , Amy K	Representative - Department of Children and Families	1/12/2010	2/14/2011	P	P	--	--	--	--	--	2 of 2
Dimperio, Ms. Diane	Representative - Alachua County Health Unit	6/22/2010	6/15/2011	A	P	ANQ	P	P	--	--	3 of 5
Latimer , Ms. Maxine	Low Income Resident	7/12/2011	1/31/2015	--	--	--	--	--	PNQ	NR	1 of 1
Little , Larry E	Alternate	2/23/2010	3/24/2011	P	P	ANQ	A	--	--	--	2 of 4
Monroe , Billie J	Santa Fe College Representative	4/14/2009	P	P	PNQ	P	P	ANQ	NR		5 of 6
Nichols , Harry G	Citizen residing in the unincorporated area of the County or in one of the rural municipalities	4/26/2011	3/31/2015	--	--	--	--	P	ANQ	NR	1 of 2
Perez , Victor	Alternate	4/26/2011	1/31/2013	--	--	--	--	A	ANQ	NR	0 of 2
Primack, Ms. Alice	Citizen with a disability	4/26/2011	1/31/2015	P	A	ANQ	P	A	PNQ	NR	2 of 6
Roy , Eileen	School Board of Alachua County Representative	5/24/2005	P	P	A	ANQ	A	A	ANQ	NR	1 of 6
Umoh , Faith	Representative - Faith-based Organization	4/26/2011	9/28/2011	--	--	--	--	P	ANQ	NR	1 of 2
Vickery , Lynne L	Representative - Alachua County Health Unit	7/12/2011	7/31/2024	--	--	--	--	--	PNQ	NR	1 of 1
Wells , Randy M	City of Gainesville Commissioner	6/22/2010	7/31/2024	P	A	ANQ	P	P	ANQ	NR	3 of 6
White , Stephen A	Representative - Department of Children and Families	3/22/2011	7/31/2024	--	--	--	P	P	PNQ	NR	3 of 3
Williams , Sally K	Citizen 55 or Older	2/8/2011	1/31/2014	--	--	PNQ	P	A	ANQ	NR	2 of 4

[P=Present] [A=Absent] [C=Cancelled] [PNQ=Present No Quorum] [ANQ=Absent No Quorum] [NR=Member Active But No Attendance Record]
[--=Member Not Active]

Alachua County Board of Commissioners
Advisory Board Coordinator
PO Box 2877
Gainesville, FL 32602-2877
Telephone: 264-6904, FAX: 338-7363
Confirmation #:3544

Name of Advisory Board/Committee:

Poverty Reduction Advisory Board

Applying For:

Representative - University of Florida (Must be nominated by an appropriate department head.)

First Name:

Randy

Middle Initial:

A

Last Name:

Cantrell

Suffix:

PhD

Address:

24802 NW 160th av

City:

High Springs

Zip Code:

32643

E-Mail Address:

rcantrell@ufl.edu

Home Phone:

443-996-1582

Work Phone:

352-273-3554

Ext:

Occupation:

Faculty member

Place of Employment

University of FL

Education:

BS - UCF
MS - IL St Univ
PhD - Univ of WA

Professional Organizations:

10 Preservation of Historic Buildings & Sites Committee
2) Editorial Reviewer for:
a) Journal of Forest Products Business Research
b) Journal of Management in Engineering
c) Forest Products Journal
3) ISO 9000 Certified Auditor
4) National Consortium of Housing Research Centers

Age (60 and over):

Optional - Check the Race/Ethnic Group with which you identify:

Are you a resident of Alachua County?

Yes

If yes, how long?

1 week

If no, what county?

Are you currently serving or have you ever served on an Alachua County advisory board?

No

If yes, please list board(s):

Civic and Professional Accomplishments/Honors:

Training or Experience Related to the Appointment:

1) Faculty member in Housing and Community Development
2) Seven years working at the National Association of Homebuilders Research Center
3) Served in Africa as a Peace Corps Volunteer

What contributions do you feel you could make if you were selected for this board?

I have seen all aspects of economic and social lifestyles and thus can listen, discern, and constructively comment on all aspects of it.

Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?

Yes

Appointees to advisory board/committees are required to attend scheduled meetings as specified in the "Guidelines for Citizen Advisory Boards and Committees".

Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities rules and regulations?

Yes

I understand that this completed application is the property of Alachua County and I hereby certify that the statements made on this application are true and correct.

Checked

RANDALL A. CANTRELL, Ph.D.
Assistant Professor/Extension Specialist of Housing & Community Development

CAPABILITIES

- Manage teams in the design, analysis, and implementation of:
  - Technology development and commercialization
  - Modeling of residential market adoption and diffusion
  - Industrial Engineering process analysis
  - Multivariate statistical analysis (SPSS)
  - Program Outreach

EDUCATION AND TRAINING

Ph.D., University of Washington: Seattle, WA (emphasis Forest Resources and Marketing), degree-granting college: College of the Environment (2000-2004)

M.S., Illinois State University: Normal, IL (emphases in Applied Economics and Community Development), degree-granting college: Arts and Sciences (1998-2000)

B.S., University of Central Florida: Orlando, FL (emphases in Industrial Engineering and pre-medicine), degree-granting college: Arts and Sciences (1983-1993)

State Teaching Certificate, Florida State University: Tallahassee, FL (emphasis in Secondary Mathematics), degree-granting college: College of Education (1996-1997)

PROFESSIONAL EXPERIENCE

Manager of Innovation Research: NAHB Research Center
Responsible for diffusion and adoption of new residential building technologies. Assist building-product manufacturers and industry associations in developing commercialization programs for new technologies. Work with equity funders to assist entrepreneurs in advancing their technologies to the marketplace.

Adjunct Research Professor: Virginia Tech Center for Housing Research
Responsible for developing research that investigates methods for accelerating technologies into the marketplace. Serve as graduate committee advisor.

Research Forester: Human and Natural Resource Interactions USDA Forest Service
Conducted research and development on the marketing and utilization of underutilized technologies. Focus of research was to identify potential niche markets for entrepreneurs to target as a means for creating sustainable jobs. Findings were disseminated through publications and presentations.

Research Assistant: University of Washington
Sponsored by USDA Forest Service to conduct research focused on identifying success predictors for entrepreneurs marketing unsought innovations derived from underutilized resources. This research offered predictive adoption modeling for use by small businesses and community development projects attempting to enter markets considered to be underdeveloped, overlooked, and/or non-existent.

Program Manager: Junior Achievement of Central Ohio
Served second year of Master's Degree Program off campus conducting economic development initiatives in Southern Ohio. Managed a Work-to-School grant to offer economics education to public schools. Responsibilities included recruiting and training classroom instructors from local industry as well as recruiting and maintaining local Boards of Directors.

rcantrell@ufl.edu 352-276-3554

Mathematics Instructor: U.S. Peace Corps
Taught secondary mathematics in the French Language to African students in Niger, West Africa. Secondary project was to demonstrate well-drilling techniques throughout neighboring, local villages in the Hausa Language.

Mathematics Instructor: Florida Public Schools (Gulf County and Hillsborough County)
Taught secondary mathematics to gifted populations in Hillsborough County. Taught secondary mathematics and science to at-risk populations while also coaching multiple sports in Gulf County.

Engineer-In-Training: Cardinal Industries
Participated as a team member of Industrial Engineering Department in a 30-station, modular housing facility. Duties included analyzing each station and their subassembly stations by performing facilities layout, work-flow layout (process flow), time and motion studies, and model making.

MEMBERSHIPS AND AFFILIATIONS

- Editorial Reviewer for:
  - Journal of Forest Products Business Research
  - Journal of Management in Engineering
  - Forest Products Journal
- ISO 9000 Certified Auditor
- National Consortium of Housing Research Centers

REPRESENTATIVE PUBLICATIONS

Cantrell, R.; Nahmens, I; Bryant, K.; and J. Peavey (forthcoming). *Strategy for Establishing Housing Production Facilities Outside Disaster Areas*, U.S. Department of Housing and Urban Development Office of Policy Development & Research and the Partnership for Advancing Technology in Housing, Washington, D.C. (June), 71 pages.

Ganguly, I.; Koebel, T.; Cantrell, R. (2009). *A Categorical Modeling Approach to Analyzing New Product Adoption and Usage in the Context of the Building-Materials Industry,* Technological Forecasting & Social Change, (October), 16 pages. doi:10.1016/j.techfore.2009.10.011.

Cantrell, R.; Martin, S.; Heitzmann, R.; Fuller, R.; and A. Duran (2007). *Preliminary Planning in Hurricane Katrina Reconstruction: Strategic Roadmaps for Addressing Identified Barriers*, U.S. Department of Housing and Urban Development Office of Policy Development & Research and the Partnership for Advancing Technology in Housing, Washington, D.C. (May), 80 pages.

Temkin, K.; Hudson, E.; Cantrell, R.; and G. Hong (2007). *Factory-Built Construction and the American Homebuyer: Perceptions & Opportunities*, U.S. Department of Housing and Urban Development Office of Policy Development & Research and the Partnership for Advancing Technology in Housing, Washington, D.C. (April), 131 pages.

Cantrell, R. (2006). *Why Manufacturer Participation Matters In The Building-Code Development Process*, American Real Estate And Urban Economics Association Mid-Year Meeting, Washington, D.C. (May), 17 Pages.

Wade, C. and R. Cantrell (2005). *The National Older Adult Housing Survey: A Secondary Analysis of Findings*, Prepared by the NAHB Research Center in collaboration with The Joint Center for Housing Studies of Harvard University, 73 pages.

Cantrell, R. (2005). *Assessing the Market Potential of Alaskan Wood Products Substitution for Use in Building and Maintaining the Tongass National Forest*. Portland, Oregon: USDA Forest Service Report PNW-GTR-621, 12 pages, January, 2005.

rcantrell@ufl.edu 352-276-3554

Cantrell R. and Paun D. (2004). *An Empirical Analysis of an Innovative Application for an Underutilized Resource: Small-Diameter Roundwood in Recreation Buildings*, Forest Products Journal, 54 (9), 28-35.

Paun, D.; Cantrell, R.; and S. LeVan-Green (2004). *Assessing the Market Potential for Small Diameter Roundwood Recreational Buildings*. Madison, Wisconsin: USDA, Forest Service Report FPL-GTR-144 (January), 9 pages.

Paun, D.; Cantrell, R.; et al, (2001). *A Performance Assessment of the North American Paper Industry*, *Solutions Journal (formerly TAPPI Journal)*, Volume 84, Number 12 (December), 27 pages.

Paun, D.; Cantrell, R.; et al. (2001). *An End of the Millennium Performance Review of the North American Paper Industry*, Seattle, Washington: Center for International Trade in Forest Products, Special Paper 39, 33 pages.

REPRESENTATIVE PRESENTATIONS

Cantrell, R.; Pearce, A.; Smith, T. (2009). *Green is Gold: Latest Findings of the National Consortium of Housing Research Centers.* International Builders' Show, Las Vegas, Nevada

Cantrell, R. (2008). *Commercialization Tools for Innovators and Inventors*, Re-inventing "Made in USA" Conference, NASA Glenn Research Center, Cleveland, Ohio.

Cantrell, R. (2008). *How to Get Your Product to Market and Keep it There.* International Builders' Show, Orlando, Florida

Cantrell, R. and E. Hudson (2007). *Achieving Success with New Building Products: Improving Your Firm's Performance in the Fuzzy Front End of Innovation* (2007). International Builders' Show, Orlando, Florida

Cantrell, R. (2006). *Why Manufacturer Participation Matters In The Building-Code Development Process*, American Real Estate And Urban Economics Association Mid-Year Meeting, Washington, D.C. (May).

Cantrell, R. and E. Hudson (2006). *Increasing Success in Introducing New Home Building Technologies* (2006). International Builders' Show, Orlando, Florida

Cantrell, R.; Paun, D.; LeVan-Green, S.L.; and M. Knaebe (2004). *Profiles of Successful Small-Diameter Roundwood Entrepreneurs*, Forest Products Society Small Wood Conference, Sacramento, CA.

Cantrell, R.A., Paun, D.A., and S.L. LeVan-Green (2003). *Perspectives on Achieving SDR Market Share*, Smallwood Products Conference, Seely Lake, MT.

Cantrell, R.A.; Paun, D.A.; and S.L. LeVan-Green (2003). *Recreational Buildings, Small Diameter Roundwood, Innovativeness, and Business Success: Quantitative and Qualitative Observations*," Forest Products Society Annual Conference, Bellevue, WA.

Paun, D. and R. Cantrell (2003). *Marketing Unsought Goods*, Invitation presentation, University of Manitoba, Winnipeg, Canada.

rcantrell@ufl.edu 352-276-3554

UF | UNIVERSITY of FLORIDA

Human Resource Services
Office of the Vice President

903 W. University Avenue
P.O. Box 115000
Gainesville, FL 32601

352-392-1075
TDD 1-800-955-8771
352-392-5495 Fax
www.hr.ufl.edu

September 16, 2011

Ms. Caroline Schultz
Senior Staff Assistant
Alachua County Poverty Reduction Program
218 SE 24th Street,
Gainesville, Florida 32641

Dear Caroline,

I am pleased to submit Dr. Randall Cantrell, an assistant professor with the Institute of Food and Agricultural Sciences (IFAS), as the University of Florida representative on the Alachua County Poverty Reduction Board. Dr. Cantrell is part of the department of Family Youth and Community Sciences. I believe his interest, experience, and knowledge will make him an excellent candidate for this board. Please let me know if you need any additional information.

Sincerely,

Paula Varnes Fussell

Paula Varnes Fussell
Vice President for Human Resource Services

October 11, 2011 Regular BoCC Meeting
Agenda Item #10

Title
Water Quality Study: Presentation by Archer Mayor Frank Ogborn (Amended)

Amount
N/A

Description
A presentation on a water quality study, by Archer Mayor Frank Ogborn.

Recommendation
Hear a presentation on water quality by Archer Mayor Frank Ogborn.

Alternative(s)
N/A

Requested By
Mary Lowry, X6904

Originating Department
County Manager's Office

Attachment(s) Description
N/A

Documents Requiring Action
N/A

Executive Summary
N/A

Background
N/A

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

October 11, 2011 Regular BoCC Meeting
Agenda Item #11

Title
2012 Alachua County State Legislative Program (Amended)

Amount
N/A

Description
Request Review and adoption of the 2012 Alachua County State Legislative Program.

Recommendation
Adopt the 2012 Alachua County Legislative Program.

Alternative(s)
Modify and Adopt 2012 Alachua County Legislative Program

Requested By
Rick Mills

Originating Department
County Manager Office

Attachment(s) Description
2011 Alachau County State Legislative Program

Documents Requiring Action
2012 Alachua County State Legislative Program

Executive Summary
Staff has prepared a 2012 Alachua County State Legislative Program for review and adoption by the Board of County Commissioners

Background
Each year, the Alachua County Board of County Commissioners has adopted a State Legislative Program for presentation to our local legislative delegation. The programs have included request for statutory revisions to Florida Law, advocacy positions to retain, enhance or eliminate an aspect of Florida Law and requests for specific appropriations.

Issues
The annual Alachua County State legislative Delegation meeting is scheduled for Tuesday Oct. 11, 20101 at the Santa Fe Kirkpatrick Center

Fiscal Recommendation
N/A

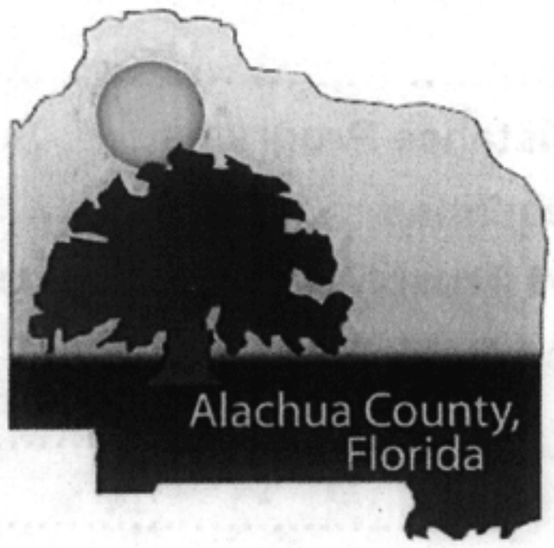
Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

ALACHUA COUNTY, FLORIDA

FY 2012 DRAFT STATE LEGISLATIVE PROGRAM



BOARD OF COUNTY COMMISSIONERS

LEE PINKOSON, CHAIR

PAULA DELANEY, VICE-CHAIR

SUSAN F. BAIRD

MIKE BYERLY

RODNEY J. LONG

RANDALL H. REID, COUNTY MANAGER
DAVE WAGNER, COUNTY ATTORNEY

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APPENDIX

Florida Association of Counties Legislative Program Guiding Principles

ALACHUA COUNTY POLICY ISSUES

Springs Protection

SUPPORT/SPONSOR reintroduction of the Florida Springs Protection Act.

Issue – Springs Protection

During 2002 and 2003 a working group of local citizens formed an action team to study the relationship between existing regulatory programs and the status of Florida's springs. The action team drew two major conclusions:

1) *There currently exists no "top-down" law that specifically states the uniqueness of Florida's springs and the fact that they need special protection, and*
2) *There are existing gaps in existing legislation and regulatory practices which result in inconsistent protection. These gaps appear to result from the fact that water quality regulation is generally based on surface water protection concepts that do not always provide for adequate protection for springs.*

The proposed legislation originates from a sense of deep concern about Florida's unique and vulnerable springs that is much broader than just Alachua and Marion Counties. It focuses on the protection of water quality (rather than flow standards) in springs. Improvements in springs protection for the Floridian Aquifer is critical as this is the predominant source of public drinking water in much of the state. The legislation, as proposed, is the result of approximately one year of collaboration between the University Of Florida Levin Law School Conservation Clinic and the Silver Springs Working Group.

Non-Ad Valorem Assessment Deadlines

SUPPORT legislation that gives counties the option of using the "Truth in Millage" (TRIM) deadlines as the non-ad valorem assessment deadlines.

Issue- Non-Ad Valorem Assessments

Alachua County uses the uniform method (Chapter 197, Florida Statutes) for the levy, collection and enforcement of non-ad valorem assessments. In Alachua County, the non-ad valorem assessment database resides within the Property Appraiser's database. Notice of the public hearing for non-ad valorem assessments is included with the Notice of Proposed Taxes (TRIM), which is mailed the middle of August. The notice requirement for the uniform method and the timing of the TRIM notice are virtually incompatible.

Compliance with current statutory deadlines for the uniform method, as well as with the ad valorem tax deadlines, causes time constraints. The window of time for the public hearing (to adopt and certify the roll) is less than one week. As there is no statutory provision for extending the deadlines for the uniform method, there is a possibility that adoption and certification of a non-ad valorem assessment will miss the statutory deadline. Florida Statutes do not allow local governments the option of using TRIM deadlines for non-ad Valorem assessments as an alternative to the uniform method time deadlines outlined in Chapter 197.

Wetland Protection and Mitigation Banking

OPPOSE legislation that would eliminate the wetlands cumulative impact consideration. **SUPPORT** legislation that requires effective functional mitigation as close as possible to area where wetlands impacts occur. **OPPOSE** legislation that facilitates the transfer of mitigation outside county boundaries or makes it more difficult to retain mitigation within a county when adequate mitigation opportunities are available within the county.

Affordable Housing Funding

SUPPORT restoring the full amount of dedicated documentary stamp tax revenues towards state and local affordable housing projects.

Issue – Affordable Housing Funding

The economic slowdown of the past several years has negatively impacted state and local revenues as well as real estate transactions. This situation has impacted funding coming into Florida's two housing trust funds. At this point in time, housing trust fund revenues are not projected to be back up to the trust fund cap level of $243 million until Fiscal Year 2013 -14. Also, during recent legislative sessions, the State Legislature has continued to sweep most of the funds coming into the trust funds to assist in addressing the state's budget deficit. It is unclear how much longer this may occur as overall state revenues are projected to remain lower through next year and Sadowski Act programs funded with documentary stamp tax revenues are projected to rebuild slowly over the next several years.

Local Option Gas Tax Indexing

Local Option Gas Taxes: SUPPORT legislation giving counties the authority to index their local option gas taxes to annual changes in the consumer price index (CPI) which is consistent with how state gas taxes are currently indexed.

Pretrial Services

SUPPORT maintaining county ability to provide non-monetary and risk assessment pretrial release services that ensure the safety and welfare of local communities. **OPPOSE** legislation limiting the discretion of the first appearance judge, requiring written reports and eliminating the presumption of release on non-monetary conditions. **SUPPORT** changing pretrial program reporting requirements as provided in s. 907.043, F.S., from weekly to monthly updates.

Funding for Petroleum Cleanup and Storage Tank Compliance

SUPPORT full state funding for local government contracts that implement the state petroleum cleanup program and for the storage tank compliance verification program.

Issue – Petroleum Cleanup and Storage Tank Compliance

Currently, local counties are contracted by the state to perform necessary oversight and monitoring activities to bring a petroleum contamination cleanup site to closure. There are 14 contracts with local governments covering 20 counties. The counties currently manage approximately 1,387 state funded active cleanup sites. In addition, the counties manage 1,534 sites that are being cleaned up by private parties that would otherwise be managed by FDEP District Office staff. A recent proposal by FDEP would reduce this $7 million program by $2.1 million and would eliminate funding to seven counties including Alachua. This reduction would result in multiple staff terminations at the county level (estimated to be 35 positions state-wide) as well as a reduced level of service throughout the state of this program critical to the prevention of the contamination of ground water. Also, another recent proposal by FDEP would cut an additional $2.5 million from the separate $7 million Storage Tank Compliance Verification Program also resulting in local government job cuts and reduced levels of services.

APPENDIX

Florida Association of Counties
Legislative Program
Guiding Principles

COMMUNITY & ECONOMIC DEVELOPMENT

The strength and vitality of local and state economies are built upon the foundation of infrastructure and services provided by county government. Furthermore, our economic prosperity rests on the stability of community leadership and the tools that are made available to county officials. Lastly, our community's quality of life requires even more cooperation and teamwork between public and private sectors. Therefore, counties need flexible tools to develop economic strategies that target local strengths, enhance and expand employment opportunities, and maintain adequate infrastructure. While economic development occurs primarily at a local and regional level, it is imperative that the state assists local communities by providing its resources through incentives, marketing and technical assistance. Accordingly, incentives at the state and local level should be based on need and provide for a return on public investments.

REVENUE FLEXIBILITY

The ad valorem tax is authorized to Florida counties by Article VII, of the Florida Constitution, and implemented by general law. Within limitations, the Constitution authorizes counties to levy up to 10 mills on all taxable property for county purposes. This tax is the primary revenue source for the operation of county government. However, the revenue generated by this tax has not kept pace with the demands and requirements of modern government in a rapidly growing state. As a result, counties have to resort to other tax and non-tax revenue sources to meet their demands. The Florida Association of Counties is dedicated to protecting the integrity and fairness of the ad valorem taxing authority, as well as that of the other locally imposed revenue sources. Also, FAC encourages the creation or enhancement of alternative public financing mechanisms to meet the ever-increasing demands on county government service delivery.

GROWTH MANAGEMENT & ENVIRONMENTAL PROTECTION

The impact of growth and development in Florida during the last 30 years has brought significant benefits and costs to county government. Given Florida's substantial growth during this period, the Florida Association of Counties supports a comprehensive planning framework with state oversight, regional coordination, and minimum local requirements. At the same time, this planning framework must recognize that many local land use decisions result in little to no impact on state and regional interests. Furthermore, because Florida's communities are remarkably diverse, this planning framework must also allow maximum flexibility to Florida's counties to address unique local concerns and conditions. Thus, to the greatest extent possible, the state's comprehensive planning framework must defer to local decision-making and include an incentive-based approach to better growth management.

The Florida Association of Counties supports the right of county officials to responsibly perform their planning, police power, and other functions to address local issues at the local level. County officials must have the ability to make reasonable decisions for the advancement of the local community on zoning, comprehensive planning, and infrastructure issues without being subjected to prohibitive claims for damages for infringement on private property rights. Additionally, and consistent with counties' home rule powers, county officials must have the latitude to develop and impose revenue sources that allow growth to pay its fair share.

under the Health Care Responsibility Act mandate for emergency room services as defined by law.

Additionally, emergency medical services (EMS) are a vital role of county government. The Florida Association of Counties supports county commissions maintaining authority to issue certificates of public convenience and necessity at the county level to ensure countywide uniformity of the EMS system.

In addressing critical social services needs related to child welfare and long-term care, the Florida Association of Counties strives to increase state funding for child protective and dependency case services and other state-related programs. Furthermore, counties need the capacity to define local systems of care and increase funding flexibility by removing budget categories so that monies can be directed locally to meet community needs.

The Florida Association of Counties supports enhancing the state funding for elder and long-term care services and directing existing funding from institutional care to community-based care programs such as Community Care for the Elderly, Home Care for the Elderly, Medicaid Waiver, Alzheimer's Disease Initiative, Senior Centers and the Assisted Living Waiver programs, respectively.

Availability of services and funding in the area of behavioral health are also important to our county officials. The Florida Association of Counties supports the establishment of integrated systems of care for individuals with co-occurring behavioral and physical health problems in addition to efforts to enhance prevention and intervention services for children and families to divert children from the child welfare system. The Florida Association of Counties believes that developing a comprehensive services act of mandatory planning, development, funding, implementation and evaluation of mental health and substance abuse services for elder Floridians is also necessary to ensure continuity of care.

Given the varying capacity and funding capabilities of counties, the Florida Association of Counties supports adequate federal and state funding to ensure uniformity in the human services continuum.

PUBLIC SAFETY & SECURITY

Protecting the health, safety, and welfare of the citizenry are of paramount importance to county officials. County governments have a long tradition of ensuring the public's safety and security through operating county emergency management centers, providing fire and rescue services, and assisting in funding the state's court system, sheriffs' offices, juvenile programs, victims' assistance, and the jail system in each county.

Florida's citizens and visitors look to county government as the first line of defense to ensure their communities are safe and protected in times of natural and man-made disasters, terrorism, emergencies, and public health threats. It is imperative for state policy to maintain county government control of emergency management systems during such emergencies and public health threats. It is equally important that, as Florida's population

October 11, 2011 Regular BoCC Meeting
Agenda Item #12

Title
Child Sexual Predator Task Force Grant (CSPP) (Amended)

Amount
$490,147.00

Description
Request approval of the Child Sexual Predator Task Force grant and all required documents to accept the award, request adoption of the resolution and request approval of the budget amendment.

Recommendation
Approve the Alachua County Sheriff's Office Child Sexual Predator Task Force grant award and authorize the Chair to sign all required documents to accept the award and implement the grant. Adopt the resolution and approve the budget amendment. Include all documents in the Board minutes.

Alternative(s)
Do not accept the grant award and $490,147.

Requested By
Kelly Amerson

Originating Department
Alachua County Sheriff's Office

Attachment(s) Description
Award Document, Resolution, Budget Amendment

Documents Requiring Action
Acceptance of the grant award, adopt the resolution, approve the budget amendment,

Executive Summary
CSPP grants provide funding directly to law enforcement agencies to reduce child endangerment. This funding allows recipients the opportunity to establish and/or enhance strategies to locate, arrest, and prosecute child sexual predators and exploiters and to enforce state sex offender registration laws. CSPP aims to support community policing initiatives throughout the United States by promoting partnerships between law enforcement and other community partners to collectively reduce and prevent child endangerment by sexual predators.

Background
On March 4th, the ACSO received an email from the United States Marshals Service and the U.S. Attorney nominating the Alachua County Sheriff's Office for consideration of obtaining a $500,000 grant in reducing child endangerment. On May 25th, an application was submitted to the COPS Office.

Issues
The CSPP grant was awarded on September 13, 2011; however, the grant's official start date was back dated to August 1, 2011. We are on hold until the grant is signed and returned to the USDOJ.

Fiscal Recommendation
Approve grant award.

Fiscal Alternative(s)
Do not approve grant award.

Funding Sources
U.S. Department of Justcie

Account Code(s)
129-7190-331-20-00, 129-7190-581-91-91, 129-7190-581-91-92

Attachment: Countybudgetamendment.pdf
Attachment: AwardLetter.pdf
Attachment: Resolution1112.pdf

Resolution 11-123

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING A GRANT FUND TO BE ENTITLED "FY 2011 & 2012 CHILD SEXUAL PREDATOR PROGRAM (CSPP)" TO ADMINISTER REVENUES RECEIVED FROM FEDERAL GRANTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to establish a new fund entitled "FY 2011 & 2012 CHILD SEXUAL PREDATOR PROGRAM (CSPP)" to account for and administer Federal grant revenues;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That establishment of the "FY 2011 & 2012 CHILD SEXUAL PREDATOR PROGRAM (CSPP)" fund be, and the same is hereby, approved.

2. That the fiscal year 2011-12 budget for the "FY 2011 & 2012 CHILD SEXUAL PREDATOR PROGRAM (CSPP)" fund is hereby established as reflected in the budget amendment attached hereto as Exhibit A. By adoption of this resolution and the attached budget amendment, the Board of County Commissioners of Alachua County, Florida, hereby appropriates and permits the expenditure of the funds described therein.

3. That this resolution shall take effect immediately, upon its adoption.

DULY ADOPTED in regular session, this 11 day of October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF

ALACHUA COUNTY, FLORIDA

BY: _____

Lee Pinkoson, Chair

ATTEST:

_____

J.K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____

Alachua County Attorney

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS
BUDGET AMENDMENT

CHECK ONE: X TRANSFER

_____ AMENDMENT

FOR OMB USE ONLY	
OMB REFERENCE #	BC12-001
GROUP NUMBER	35
PERIOD/DATE	01/2012

#	FUND NAME	DEPARTMENT NAME	ACCOUNT NAME	ACCOUNT NUMBER			REVENUES (+/-)	EXPENSES (+/-)
1	COPS - CSPP Grant	Sheriff	Intergovernmental Revenue	129	7190	331.20-00	490,147.00	
2	COPS - CSPP Grant	Sheriff	Operating Transfer Out-Personal Svc	129	7190	581.91-91		428,586.00
3	COPS - CSPP Grant	Sheriff	Operating Transfer Out-Operating	129	7190	581.91-92		61,561.00
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
						AMENDMENT/TRANSFER TOTALS	490,147.00	490,147.00
						COMBINED TOTAL		980,294.00

NOTE: TO INCREASE REVENUE OR EXPENSE = POSITIVE NUMBER, TO DECREASE REVENUE OR EXPENSE = NEGATIVE NUMBER.
USE WHOLE DOLLARS ONLY.

PURPOSE: Unanticipated Revenue (Federal Grant) from the USDOJ Office of Community Oriented Policing.

REQUESTED BY: Sadie Darnell 9-28-11
ELECTED OFFICIAL OR DEPARTMENT HEAD — DATE

APPROVED BY: Suzanne Gibson
DIRECTOR - OFFICE OF MANAGEMENT AND BUDGET — DATE

APPROVED BY:
CHAIRMAN OR COUNTY MANAGER — DATE

REV 10/10/96

Amerson, Kelly L.

Subject: FW: 2011 Child Sexual Predator Program (CSPP) - Notification of Award

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From: COPSCSPP [mailto:COPSCSPP@usdoj.gov]
Sent: Tuesday, August 30, 2011 1:28 PM
To: Amerson, Kelly L.
Subject: 2011 Child Sexual Predator Program (CSPP) - Notification of Award

U.S. DEPARTMENT OF JUSTICE
OFFICE OF COMMUNITY ORIENTED POLICING SERVICES
145 N Street, NE, Washington, D.C. 20530

COPS

August 30, 2011

Grant Administrator Kelly Amerson
Alachua County Sheriff's Department

Re: Child Sexual Predator Program Grant #2011CSWX0007 ORI#: FL00100

Dear Grant Administrator Amerson:

Congratulations! On behalf of Attorney General Eric Holder, I am pleased to inform you that the COPS Office has approved your agency's request for $490,147 under the 2011 COPS Child Sexual Predator Program (CSPP). This award will help your agency establish and/or enhance strategies to locate, arrest, and prosecute child sexual predators and exploiters, and to enforce state sex offender registration laws. The grant period for your CSPP award is August 1, 2011 through July 31, 2013. It is our hope that the CSPP grants will help agencies build partnerships to collectively reduce and prevent child endangerment by sexual predators.

Within the next few weeks, we will send your agency an award package containing your official award document, a Financial Clearance Memorandum (FCM), and a Final Funding Memorandum (FFM). **To accept the grant, you must sign the award document and any applicable special conditions, and return all pages to the COPS Office within 90 days of the date on the letter accompanying the award package. The package will include detailed instructions for returning the signed award document by e-mail, fax, or standard mail.**

The CSPP grant award start date is August 1, 2011. Therefore, your agency can be reimbursed for approved expenditures made on or after this date. Please be advised that some of your requested items may not have been approved by the COPS Office during the budget review process. When you receive your award package, please carefully review your FCM to determine your approved budget, as grant funds may only be used for approved items. The FCM will specify the final award amount, and will also identify any disallowed costs. Also, a supplemental online award package for 2011 CSPP grantees can be found at http://cops.usdoj.gov/Default.asp?Item=2442. We strongly encourage you to visit this site immediately to access a variety of important and helpful documents that will assist you with the implementation of your grant, including the 2011 CSPP Grant Owner's Manual, which specifies the programmatic and financial terms, conditions, and requirements of your grant. A Frequently Asked Questions (FAQ) document can also be found at this website, which will assist you with many questions you may have about your new CSPP award.

We look forward to working with your agency under this grant program to reduce child endangerment. If you have any questions about your grant, please do not hesitate to call your Grant Program Specialist through the COPS Office Response Center at 1.800.421.6770.

Sincerely,

Bernard K. Melekian
Director

October 11, 2011 Regular BoCC Meeting
Agenda Item #13

Title
Presentation: Veteran Services Advisory Board Annual Report (Amended)

Amount
N/A

Description
Veteran Services Advisory Board Presentation of their Annual Report for 2010-2011 and their Work Plan for 2011-2012.

Recommendation
Hear presentation by the Veteran Services Advisory Board of their Annual Report for 2010-2011 and their Work Plan for 2011-2012.

Alternative(s)
Do not hear presentation and direct staff.

Requested By
Mary Lowry, X6904

Originating Department
County Manager's Office

Attachment(s) Description
Veteran Services Advisory Board Annual Report/Workplan

Documents Requiring Action
N/A

Executive Summary
Each year the BOCC requires Advisory Boards to submit a report on the previous year's accomplishments and the next year's goals. The Veteran Services Advisory Board has requested to present this annual report during a commission meeting.

Background
The Veteran Services Advisory Board was created by Resolution in 1983. The Veteran Services Advisory Board, comprised of 15 members plus one alternate member, engages in an annual review of the Veterans Service Office and assists and advises on future policies.

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: VAB BOCC 2011 ANNUAL REPORT.pdf
Attachment: VAB BOCC 2011 Annual Report ADDENDUM.pdf

Alachua County Advisory Boards

Annual Work Plan/Accomplishments Report FY2011-12

Date: August 8, 2011

Board/Committee Name: Veterans Services Advisory Board

Chairman: Don Sherry
Co-Chairman: Ed Van Buren

Staff Support: Major Stroupe, Director, Alachua County Veterans Services

Board Liaison: Mary Lowry, Alachua County Advisory Board Program Coordinator

Brief History of Committee: The Veterans Services Advisory Board (VAB) is a long standing board that has advised the BOCC for many years. The VAB is a forum for local veterans' organizations to discuss and resolve veteran related matters, provide information on events and activities, and coordinate programs and patriotic projects working together for improved results. The VAB has become a conduit for information, planning, and synergy within our veterans' organizations and community.

Mission Statement: The Veterans Services Advisory Board (VAB) advises the Alachua County Board of County Commissioners (BOCC) and makes recommendations on matters affecting our area veterans, their families, survivors, and all patriotic events in our community. The VAB is charged to review and approve the policies and standards for operations of the County Veterans Service Office.

Major Accomplishments in FY2010-11:

Board Organizational Improvements:

Under the guidance of interim-Veteran Services Office Director, Dan Wojcik, VAB Chairman, Don Sherry, updated and reorganized the VAB's recordkeeping.

September – December 2010

- Prepared new list of Board Members giving their organization, war era, term on Board with expiration date, and contact info.
- Established an email list for improved communication with board members.
- Provided all members a copy of VAB By-Laws.
- Provided all members a copy of BOCC Advisory Board Participation Handbook.
- Extended VAB members' terms from 2 to 4 years, for fewer turnovers.
- Updated VAB attendance records and reviewed BOCC attendance policy with all members.

- Prepared a list of all organizations Color Guards and Honor Guards and the services they provide for interested groups such as the VA, County Offices, City Offices, Funeral Homes, etc.

In concert with the newly appointed Veterans Service Office Director, Major Stroupe, the VAB continued to refine organizational processes to enhance operations.

February – present

- Made all VAB related training available on the county website.

- In April 2011 the VAB established a committee to work on the new Recreation Center Building at Kanapaha Park without any needless expense to the construction costs. Serving on this Committee are; Jim Lynch, Dick Lester, Will May, Bob Gasche, and Rick Hudgeons.

- In May 2011 the VAB established a committee for oversight and review of the County's Veterans Service Office. Serving on this committee are; Terry Martin-Back, Jim Lynch, James Gleason, and Drew Hill.

Ongoing Training for Board Members:

- Veterans Service Officer, Major Stroupe presented the County's video on the Florida Sunshine Law requirements and followed with a question and answer session.

- Veterans Service Officer, Major Stroupe reviewed how the Veterans Service Office handles veterans' claims on both major types of claims; service connected illnesses and injuries and non-service connected claims. He explained the different government agencies that process claims and the importance of knowing the difference and providing the proper paperwork to aid in the processing of a veterans claim.

- County Attorney, David Wagner briefed the VAB on first amendment rights and how that applies to the VAB's concerns on public solicitations by out of county and/or "phony" veteran organizations.

Veterans' Community Actions:

The VAB planned, coordinated, supported, and promoted many functions and activities throughout the year. We have tried to list the major events but may have missed a few. A more detailed list of events and activities is available in the VAB Addendum. We apologize in advance to any organization if we missed one of their events.

- The VAB promoted and supported all patriotic holidays and events throughout the county.

- Veterans' organizations marched in all major patriotic parades.
- Promoted and supported the first All American Liberty Fest.
- Briefed the BOCC on the new construction project at Kanapaha Park (Southwest Recreational Center at Kanapaha Park).
- Attended veterans' funerals with rifle squads, taps, and folding the flag for the widow or family.
- The VAB actively supported the raising of over 4 million for the new Fisher House.
- Provided continued support of the Bridge Scholarship Fund set up by the UF & Santa Fe College Collegiate Veterans Society.
- Provided service and upkeep to Veterans Memorial Park by a VAB volunteer group known as the "Park Rangers."
- Placed American flags on all veterans graves on Memorial Day and Veterans Day.
- Establishment, construction and upkeep of the Veterans Memorial on the UF Campus.
- Supported placement of an American Flag in every classroom in Alachua County with all monies donated by local veterans.
- Visited area classrooms to remind students of veterans' service to our country and the freedoms we enjoy because of their sacrifice.
- Ensured formal recognition of military secondary and post-secondary scholastic achievements.
- Negotiated reduced room rates with 2 local hotels for use by veterans, their guests, and/or dependents of patients at the Veterans Hospital. The Paramount Hotel on SW 13th St. offers a double occupancy room for $69.00 a night and the new Value Place Extended Stay Motel offers an efficiency room for $169.00 a week.
- Disseminated annual Military.com list of Veterans Charities who give little of the monies collected to the veterans they represent, due in part to excessive administrative overhead. Visit Military-Money-Matters.com and click on Veterans Charities Reviewed by for more information.
- Supported the VetSpace program which provides transitional housing for homeless veterans.

- Supported our Tax Collector's efforts in purchasing and providing prepaid phone cards for VA patients and veterans serving overseas allowing them the means to call home.
- Supported the Military Support Group who has sent over 6,000 packages overseas to our troops in recent years.
- Supported the Young Marines program (voted #1 group in the country by their National Association in 2009).
- Supported the Marine Corps League's "Toys for Tots" program.
- Supported and continue to support our outstanding Malcolm Randall Veterans Administration Medical Center which provides an exceptional level of care to area veterans.
- Supported and participated in the Malcolm Randall VA Medical Center Volunteer Program.
- Supported special VA programs such as Health Fairs, Women Veterans Appreciation Day, and POW/MIA Recognition Day.
- The VAB received presentations from: The Veterans Memorial Committee, The Honor Flight, The Gainesville Fisher House, the committee for design and construct the Medal Of Honor memorial at Kanapaha Park, Haven Hospice, the County Tax Assessor on a tax exemption proposal for veterans, the Alachua County Sheriff's Office on security, Mr. Allen Crabtree from Sears on the "Heroes At Home" program, the Department of Veterans Affairs OEF/OIF Seamless Transition Program and the Southwest Advocacy Group.
- The VAB moved quickly to assist the BOCC and voted to support the re-zoning decision for the Veterans Transitional Housing Project located at the old Clarion Hotel at the corner of University and Tower Road. We had a presentation of the complete program by Vianne Marchese of the VA who was then joined by Gail Monahan of the Alachua County Housing Authority to field questions. We then voted 12 to 1, with 2 abstaining, to support the program and the Chairman promptly reported this to the BOCC.

Veterans Services Advisory Board
Goals & Objectives for FY2011-12

- ☆ Monitor Alachua County Veterans Services office to enhance the services provided to area veterans.

- ☆ Ensure VAB provides timely, accúrate and useful input on all veteran-related issues to the Alachua County BOCC.

- ☆ Encourage member-veteran units to conduct local activities that will improve the quality of life for all Alachua County citizens.

- ☆ Support and maintain veteran and patriotic memorials in our community.

- ☆ Support the development and operation of the Gainesville Fisher House.

- ☆ Support our returning veterans and encourage them to become active in our veteran organizations and community.

- ☆ Host annual veterans' recognition awards banquet.

- ☆ Coordinate with the appropriate Alachua County departments to ensure veterans' requests are satisfactorily addressed at the new Veterans Freedom Hall Community Center at Kanapaha Park.

Veterans Services Advisory Board
FY 2011 Activities
(NOTE: List is not all-inclusive)

SEPTEMBER 2010

★ 13th - Florida Works Homeless STAND DOWN: Hosted by the Army Reserve Center. Event provided supplies and toiletries to include medical care to homeless Veterans.

★ 14th - America Homeless Veterans Association: Banquet and auction raising more than $20,000 for area veterans.

★ 17th - Annual POW/MIA Day: Gainesville VA hospital to honor POW's in North Central Florida. KWVA provided Color Guard. 100+ in attendance.

★ 17th - Florida Works' first annual tribute for area veterans: Featured local Tuskegee Airman and ex-POW. KWVA provided Color Guard.

★ 18th - Value Place Extended Stay Motel Flag Pole Dedication: American Legion & KWVA in attendance.

★ 26th - Chris Doering Golf Tournament at Gainesville Country Club to benefit Gainesville Fisher House: Area veteran-volunteers provided the support for this event, raising more than $28,000.

★ 26th - All American Liberty Fest: Local Veteran organizations hosted dinner & silent auction at Gainesville Country Club in support of local Veterans.

OCTOBER 2010

★ 2nd - Military Support Group Gala: MSG hosted annual fund raising event at the Gainesville's Atrium.

★ 11th - ASO Security Brief: VAB received briefing from Katie Fields, ASO on improving security the park and reducing vandalism.

★ 15th - UF Homecoming Parade: Local Veteran organizations participated. Units included American Legion, KWVA, VFW, JROTC units from Buchholtz, Gainesville, and Eastside High Schools, UF ROTC units from Army, Air Force, & Navy/Marines, and Gainesville's US Army Reserves.

★ 22nd - 60th Anniversary of Korean War: Members of the local KWVA chapter attended a ceremony/dinner hosted by the Republic of Korea's (ROK) Department of Defense. ROK Ambassadors of Peace medals were presented.

★ IRS changes to Non-Profit Organization status: Changes to IRS regulations put 2500 non-profit organizations at risk of losing non-profit status. VAB provided new regulation to local Veteran organizations in order to attain compliance.
★ Memorial Park at Kanapaha Park: Designed, developed, and dedicated monument to our fallen warriors of Operation Iraqi Freedom and Operation Enduring Freedom.

★ Florida Works Homeless Veterans STAND DOWN: At MLK Center, participants are proved with supplies, clothing, and food in addition to medical and dental checkups.

★ Veterans Memorial Park: Conducted fund raiser at Gainesville Country Club and raised $6,000 for maintenance of park.

NOVEMBER 2010

★ 10th - Marine Corps Ball: Annual event celebrating Marine Corps birthday. Approximately 90 members and guest attended.

★ 11th - Annual Veterans Day Program: held at Veterans Memorial at Kanapaha Park. Hosted by Ed Van Buren, Co-Chair VAB and Commander, American Legion, participants included US AFROTC Drill Team, Young Marines Gator Detachment, local middle school band, and Veterans Row.

★ 13th - Military Support Group: Hosted a fund raiser breakfast at Appleby's.

★ 14th - All American Liberty Fest: First annual event sponsored by the local veterans' organizations and hosted by the Santa Fe Collegiate Veteran Society. Event was held on the grounds of Santa Fe College at the big flag, raising more than $6,000 for area Veterans.

★ 11th – 13th - Veterans Day Flags: VFW, Post 2811 and the Young Marines placed flags on graves of veterans at area cemeteries.

★ 17th - National Cemetery Tour: Hosted by Forest Meadows Funeral Home, Veterans were provided a tour of the Jacksonville National Cemetery and Duval County Veterans Memorial.

★ 23rd - Southwest Advocacy Group/Alachua County Sheriff Office: Donated Thanksgiving turkeys to needy families provided by donations from local veteran organizations.

★ Kanapaha Presbyterian Church fed the homeless on Thanksgiving as provided my donations from local Veteran organizations.

★ UF/SFC Student Veterans: Local student veterans were honored at halftime of the UF/ South Carolina football game.

★ Fallen Firefighter Funeral and Remembrance: Veteran community turned out in force to honor fallen Gainesville Firefighter Buddy Gasche. Patriot Guard provided an honor corridor of flags.

DECEMBER 2010

★ 1st - KWVA Annual Christmas Reunion: KWVA donated $1,000 to the Gainesville Fisher House. 130 members and friends attended the event.

★ 7th - Pearl Harbor Day Remembrance: Sponsored by KWVA at Veterans Memorial Park. More than 135 attendees. UF NROTC Commanding Officer, Captain Robinson was guest speaker. UF NROTC Color Guard and UF AFROTC Drill Team performed.

★ 18th - American Legion Riders in conjunction with the Shriner's donated, wrapped, and distributed gift packages to every patient in the Gainesville VA hospital.

★ 22nd - Welcome Home party: American Legion hosted a welcome home party for a returning Operation Enduring Freedom Veteran.

★ Toys for Tots sponsored by the Marine Corps League: Collected toys at VFW Post 2811 and American Legion Post 16 for the needy.

★ Sears' Heroes at Home Fundraiser: American Legion & KWVA staff donation bucket at Sears, Oaks Mall for 2 months and collect $9,000.

★ Gainesville was ranked as the 4th best city in America for veterans to reside/retire.

★ VFW Thanksgiving Dinner: Post 2811 provided a no-cost Thanksgiving dinner to any and all Veterans.

JANUARY 2011

★ 22nd - Hampton Veterans Memorial: American Legion Riders provided the color guard for the dedication of the Hampton Veterans Memorial

★ 29th - Sixth Annual Veterans Awards Night: UF Hilton Hotel. With more than 325 guests in attendance, Dick Lester was selected as the Veteran of the year for Alachua County and Patti Fabiani was selected as Veteran-Support of the year.

FEBRUARY 2011

★ 1st - Disabled American Veterans (DAV) withdraw proposal to privatize County Veterans Service Office.

★ 3rd-4th - Florida Works Homeless Veterans STAND DOWN: At US Army Reserve Center, participants are proved with supplies, clothing, and food in addition to medical and dental checkups.

★ 14th - Veterans Services Advisory Board: Votes to design develop and install a monument in honor of Medal recipient Duane E. Dewey, United States Marine Corps, Korea 1952.

MARCH 2011

★ 4th - Military Support Group: Conducts annual yard sale in Alachua. US Army Band: Hundreds of local Veterans attended a Phillips Center performance of patriotic music by the US Army Band of Fort Benning, GA.

★ 10th – 13th - Gatornationals: The American Legion, Military Support Group and other Veteran organizations donated hundreds of hours of support to Gatornationals for donations.

★ 18th - Blue Star Memorial Highway Marker: Sponsored by the Florida Federation of Garden Clubs, the marker is located at the I-75 rest stop south of Gainesville. KWVA provided the Color Guard and Major Stroupe was guest speaker. Approximately 50 guests attended.

★ 27th - Medal of Honor Recognition Day: Sponsored by the American Legion and KWVA, approximately 130 guests honor Medal of Honor recipient Duane E. Dewey.

★ The Iwo Trio began an unserviceable American flag collection program. The group is comprised of boots-on-the-ground WW II veterans of Iwo Jima have placed collection boxes in all the area Publix markets. More than 1,250 faded, tattered and torn American flags have been collected to date.

APRIL 2011

★ 3rd - Military Support Group Fun Run: Local Veterans' motorcycle groups participated in a motorcycle fun run in support of the Military Support Group.

★ 12th & 14th - ROTC Military & Scholastic Excellence: The VFW and the American Legion presented medals to outstanding UF ROTC Cadets.

★ 30th - Hampton Veterans Memorial VetFest: Local Veterans participated in a motorcycle fun ride in support of Santa Fe scholarship in the name of Major Alan Rogers (KIA-OIF).

★ VA HONOR Center: Dedicated new HONOR Center that will house 30-40 veterans in transition. This is the third such program in the Gainesville area, to in Regency Oaks and VetSpace.

MAY 2011

★ 21st - Gainesville Fisher House: Local Veterans attended the Cajun Chef fund raiser dinner at the Gainesville Country Club. The evening included music, live and silent auctions, and raffles.

★ 21st - Armed Forces Day: American Legion Auxiliary Unit 16 and VFW Post 2811 conduct the annual "Poppy Day". Poppy donations benefit area veterans and children& Youth programs. KWVA conduct yearly fundraiser with their "Rose of Sharon" program

★ 23rd - VFW & Young Marines: Placed more than 3,000 flags on the graves of Veterans at local cemeteries

★ 23rd - Korean War Veterans Association: Tied yellow ribbons/bows on the 136 trees at the Korean War/Viet Nam Veteran memorial on Archer Road. Each tree honors an Alachua County resident that was killed in action in Korea and Viet Nam.

★ 30th - Annual Memorial Day Ceremony: Sponsored by Forest Meadows Funeral home at the Garden of Honor at Forest Meadows East cemetery. With over 1,000 citizens in attendance, special honor was given to veterans serving as firefighters, EMT's, and First Responders. Bob Gasche served as Master of Ceremonies, with the color guard provided by the Gainesville Fire and Rescue.

JUNE 2011

★ 6th - D-Day remembrance: Hosted by the Atrium, the program honored WWII veterans with special tribute to D-Day participants. Master of Ceremony was Joe Kowalski, combat-wounded D-Day veteran with the US Army's Big Red One infantry division

★ 11th - Flag Day 2011: Flag disposal program conducted by the VFW Post 2811.

★ 12th - Flag Day 2011: Flag disposal program conducted by the American Legion Post 16.

★ 18th – American Legion hosted Bronze Star medal award ceremony for WWII Veteran

JULY 2011

★ 4th - Fourth of July Parade, Micanopy: Members of the KWVA and the American Legion Post 16 led the parade with more than 25 Veterans participating. General Paul Albritton, USAF retired and Vice Commander Scott Campbell, American Legion Post 16 led the marching unit.

October 11, 2011 Regular BoCC Meeting
Agenda Item #14

Title
Proposed Stipulation in Nappy's of Florida Inc. vs. Alachua County et. al. (Veterans Transitional Housing) (Amended)

Amount
N/A

Description
Request Approval of a Stipulation for Entry of Order in Nappy's of FLorida Inc. vs. Alachua County et. al.

Recommendation
Approve the Stipulation for Entry of Order in Nappy's of Florida vs. Alachua County et. al.

Alternative(s)
Do not approve the Stipulation.

Requested By
County Attorney

Originating Department
County Attorney

Attachment(s) Description
Stipulation for Entry of Order

Documents Requiring Action
Stipulation for Entry of Order

Executive Summary
The County Attorney requests the Board to approve a proposed Stipulation for Entry of Order to resolve the lawsuit in Nappy's of Florida, Inc. v. Alachua County, et. al, Eighth Judicial Circuit Court Case No. 2011-CA-3551.

Background
On June 14, 2011, the County Commission adopted Resolution Z-11-07, granting a special use permit for a veterans transitional housing facility at the former Holiday Inn at 7417 West Newberry Road. On July 14, 2011, Nappy's of Florida, Inc. (Napolatano's Restaurant) filed a petition for writ of certiorari to challenge the zoning decision. Everbank foreclosed on the subject property, that was previously owned by Keystone Gator Hotel Campus, LLP, and purchasing the property at foreclosure sale on or about July 25, 2011, The Alachua County Housing Authority (ACHA) had applied for the special use permit through the receiver for Keystone Gator Hotel Campus. The ACHA does not have an agreement with the current owner, Everbank, and is not engaged in negotiations with Everbank to develop the property as a veterans transitional housing facility. The veterans transitional housing project is not presently viable or active at this location. Everbank would like to have the special use permit invalidated, and market the property for its prior use as a hotel. It does not appear that a good purpose would be served by the County, and other parties to the lawsuit, to expend time and resources to legally defend the zoning decision for this project. In recognition of the above, the parties have agreed, subject to approval by the County Commission and the Circuit Court, to dispense with the lawsuit by entering a stipulation to have the Court quash and invalidate the zoning decision.

Issues
Should the Board of County Commissioners approve the attached Stipulation requesting the Circuit Court to quash Resolution Z-11-07 (special use permit for a veterans transitional housing facility)?

Fiscal Recommendation
n/a

Fiscal Alternative(s)
n/a

Funding Sources
n/a

Account Code(s)
n/a

Attachment: stipulation.pdf

14

IN THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT IN AND FOR ALACHUA COUNTY, FLORIDA

NAPPY'S OF FLORIDA, INC d/b/a NAPOLATANO'S RESTAURANT,

Petitioner,

v.

ALACHUA COUNTY, et al.,

Respondents.

_____/

CASE NO.: 2011-CA-3551
DIVISION: W

STIPULATION FOR ENTRY OF ORDER

Petitioner, NAPPY'S OF FLORIDA, INC., and Respondents, ALACHUA COUNTY, ALACHUA COUNTY HOUSING AUTHORITY, and EVERBANK, a Florida banking corporation, stipulate to entry of an order and state the following:

1. On June 14, 2011, the Alachua County Board of County Commissioners adopted Resolution Z-11-07, attached hereto and incorporated as Exhibit A, granting a special use permit to allow transitional housing for veterans on Tax Parcel 06655-013-000, located at 7417 West Newberry Road, Gainesville, Florida ("Property").

2. Nappy's of Florida, Inc. filed a Petition for Writ of Certiorari on July 14, 2011 to challenge the County's zoning decision.

3. Everbank foreclosed on the Property that was previously owned by Keystone Gator Hotel Campus, LLP, in Case No. 2009- CA-6060, Eighth Judicial Circuit in Alachua County, and purchased the property at foreclosure sale and obtained a Certificate of Title on July 25, 2011, as corrected and attached hereto as Exhibit B. Keystone Gator Hotel Campus, LLP no longer has an interest in the Property, and is not a necessary party to the proceeding or this Stipulation.

4. The Alachua County Housing Authority (ACHA), the applicant and permittee of the special use permit, filed the zoning application by or with the authority of a receiver for Keystone Gator Hotel Campus, LLP. ACHA does not have a current legal or equitable interest in the Property and does not desire to engage in a legal defense of the zoning decision.

5. While the Respondents do not agree that any error occurred in the granting of the special use permit, the parties believe that no good purpose is served by expending time and resources to legally defend a zoning decision for a project that is no longer viable or active at this location.

WHEREFORE, the parties hereto pray that this Court approve the Stipulation and enter the attached proposed order, attached as Exhibit C, quashing Resolution Z-11-07.

Respectfully submitted this ____ day of _____, 2011.

FOR NAPPY'S OF FLORIDA, INC.

Michael Massey, Esquire
Massey & Duffy
855 E. University Avenue
Gainesville, FL 32601

FOR ALACHUA COUNTY HOUSING AUTHORITY

James D. Salter, Esquire
Salter, Feiber, Murphy, Hutson & Menet, P.A.
P.O. Box 357399
Gainesville, FL 32635-7399

FOR ALACHUA COUNTY

David C. Schwartz
Assistant County Attorney
12 S.E. 1st Street
Gainesville, FL 32601

FOR EVERBANK

Amanda Brock, Esquire
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Motion was served by regular mail on

_____, 2011, to the following:

Michael Massey, Esquire
Massey & Duffy
855 E. University Avenue
Gainesville, FL 32601
Counsel for NAPPY'S OF FLORIDA, INC.

James D. Salter, Esquire
Salter, Feiber, Murphy, Hutson & Menet, P.A.
P.O. Box 357399
Gainesville, FL 32635-7399
Counsel for ALACHUA COUNTY HOUSING AUTHORITY

Amanda Brock, Esquire
Henderson, Franklin, Starnes & Holt, P.A.
P.O. Box 280
Fort Myers, FL 33902
Counsel for EVERBANK

Jay Schwartz, Esquire
Keystone Florida Management, LLC
3232 N.E. 212th Terrace
Aventura, FL 33180
Counsel for KEYSTONE GATOR HOTEL CAMPUS, LLP

_____
David C. Schwartz
Assistant County Attorney

EXHIBIT A

RESOLUTION Z-11-07

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL USE PERMIT TO ALLOW TRANSITIONAL HOUSING FOR VETERANS ON APPROXIMATELY 3.3 ACRES LOCATED AT 7417 W. NEWBERRY ROAD ON TAX PARCEL NUMBER 06655-013-000

WHEREAS, Zoning Application ZOS-05-11 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of May 18, 2011; and,

WHEREAS, the Alachua County Board of County Commissioners considered the item at its regular meeting of June 14, 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOS-05-11, a request by C. David Coffey, agent, for the Alachua County Housing Authority, applicant, and Keystone Gator Hotel Campus, owner, for a special use permit to allow transitional housing for veterans on approximately 3.3 acres located at 7417 W. Newberry Road on Tax Parcel Number 06655-013-000, as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

FILED FOR RECORD
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
2011 JUN 15 PM 4:45

Conditions

1. Capacity shall not exceed 152 residents (one per room).
2. Residents of the facility shall be veterans of the United States military and shall be approved by the United States Department of Veterans Affairs, or its designated representative, to participate in VA sponsored housing.

Bases

1. Policy 5.1.1 of the Future Land Use Element (Institutional Uses) states that *Potential locations for major future institutional uses are identified on the Future Land Use Maps. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0., and within the Comprehensive Plan as a whole.* The proposed use as transitional housing is identified in this section of the Future Land Use Element as an institutional use. The location of this housing (in what is designated as Tourist/Entertainment on the Future Land Use Map) is appropriate in that it is adjacent to available mass transit and the structure (a former hotel) is suited to the temporary housing of veterans who are being transitioned to permanent housing elsewhere in the County.

2. Policy 5.1.2 of the Future Land Use Element (Institutional Uses) identifies institutional and governmental uses in Alachua County. Specifically, Policy 5.1.2(b) states that community services organizations are considered institutional uses. The specific policy language for community service organizations is found in Policy 5.4.6. This language states that *Community Service Organizations, such as voluntary*

This language states that *Community Service Organizations, such as voluntary organizations and clubs engaged in civic, charitable, and related activities, shall be considered as institutional uses. Special provisions shall be made in the land development regulations to address the unique needs of those uses, including criteria regarding site size, scale, and dimensions, building coverage, parking, buffering, access, clientele, and other impacts. Some activities not typical for residential areas such as the provision of temporary residences, homeless shelters, and community residential homes not otherwise exempted by Florida Statutes may be allowed in the urban cluster through the special use permit process. New homeless shelters shall be subject to performance criteria regarding site, size, scale, and dimensions, building coverage, parking, buffering, access, and other impacts.* The location of this housing (in what is designated as Tourist/Entertainment on the Future Land Use Map) is appropriate in that it is adjacent to available mass transit and the structure (a former hotel) is suited to the temporary housing of veterans who are being transitioned to permanent housing elsewhere in the County. The applicant is seeking, via this request, a special use permit to operate transitional housing for veterans in an existing structure located on Newberry Road. The applicant is seeking to operate this facility (known as Gainesville Hotel) with no modification to the existing building. County staff has indicated that existing parking is adequate to handle the needs of this proposed use and all other provisions related to the site can be addressed at Development Review.

3. Policy 5.2.1 provides location criteria for institutional uses. *The following criteria shall determine the appropriateness of potential institutional locations and uses*

requiring special use permits shall be demonstrated prior to establishing the institutional use:

a. *Optimum service area.*

b. *Optimum operating size.*

c. *Access to clientele.*

d. *Compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.*

e. *Nature of service provision.*

f. *Needs of the clientele.*

g. *Availability and adequacy of public infrastructure to serve the particular use.*

h. *Preservation and strengthening of community and neighborhood character through design.*

i. *Consistency with the goals, objectives, and policies of the Conservation and Open Space Element.*

The project is optimally located along regional mass transit lines to serve the residents. There is ready access for the residents for employment opportunities, grocery stores and dining. The facility will not change in appearance nor will the scale or intensity of the use increase. Residents will be housed in existing hotel rooms (one client per room) and the facility will be operated similarly to the hotel that occupied the structure previously. As such, it will not generate additional odors, noise, lighting, etc. beyond that generated by the hotel. As the majority of the clients will not have vehicles, traffic generation will actually be less than the previous hotel use. On-site staff will be on hand to monitor the property. The facility will provide a secure and stable living environment for veterans in transition to permanent housing. As Programs will be provided to help reintegrate the clients into society and provide job training and other services to aid them during this transitional period. As an existing facility, the hotel is already connected to water, sewer and other infrastructure needed to support continuing use of this building as a residential facility. As no external changes to the building will occur, the project will continue to maintain an outward appearance as a hotel and will remain consistent with the surrounding character of the area, which is tourist/entertainment in nature due to the adjacency of I-75. Lastly, the hotel is consistent with the policies of the COSE. It will not impact culturally or environmentally significant resources as the project will reuse an existing structure.

4. Policy 7.1.2 of the Future Land Use Element states that proposed changes to the zoning map shall be considered in light of the availability and capacity of public facilities

required to serve development, as well as the relationship of the proposed development to existing development in the vicinity. The facility has legal access to an arterial road. The continued use of the site under the proposed special use permit will not impact emergency services, school capacity, or other levels of service within Alachua County. The applicant is seeking, via this request, a special use permit to operate transitional housing for veterans in an existing structure located on Newberry Road. The applicant will operate this facility with no modifications to the existing building. The site is surrounded by commercial structures and is not immediately adjacent to residential development. The use of this structure as transitional housing is not dissimilar to the previous use as a hotel and will not introduce an incompatible use to the area, which features two other hotels as well as numerous fast food establishments, retail shopping and other services. County staff has indicated that existing parking is adequate to handle the needs of this proposed use and all other provisions related to the site will be addressed at Development Review.

5. Any Special Use Permit is required to demonstrate that it complies with the general criteria identified in **Section 402.124** of the ULDC. These criteria are:

a. *the proposed use is consistent with the Comprehensive Plan and ULDC;*

b. *the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;*

c. *the proposed use shall not adversely affect the health, safety, and welfare of the public; and*

d. satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

3. off-street parking and loading areas where required, with particular attention to item 1 above;

4. the noise, glare or odor effects of the special exception on surrounding properties;

5. refuse and service areas, with particular reference to location, screening and items 1 and 2 above;

6. Utilities, with reference to location and availability;

7. Screening and buffering with reference to type, dimensions and character;

8. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;

9. Required yards and other open space;

10. General compatibility with surrounding properties; and

11. Any special requirements set forth in this ULDC for the particular use involved.

As described in this Report, and as regulated by the specific conditions proposed in this report, the use is consistent with the Comprehensive Plan and ULDC and is compatible with the existing land use pattern and future land use pattern established by the Comprehensive Plan. Further, the conditions proposed as part of Staff's recommendation will ensure the use does not adversely affect the health, safety, or welfare of the public. The site has adequate ingress/egress onto Newberry Road for both the use proposed as well as for emergency vehicles. Adequate off-street parking exists to serve the proposed facility. The proposed use will not create unusual or extreme noise, odor or glare. The facility will use existing refuse and services areas of the former hotel. Adequate utilities exist to serve the proposed facility and the existing building is in keeping in character with surrounding development. The existing building will not differ in character from its present use as a hotel. Signage, if proposed, will reuse existing or new signs will be consistent with the limits of the Alachua County sign code. No new screening or buffering is required as part of the new use proposed by this SUP and existing open space/recreation is adequate for the proposed use.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 14th day in June, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

_____
J. K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____
Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS

_____
Department of Growth Management
Authorized Designee

EXHIBIT A

LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN SOUTH 0°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN NORTH 89°26'12" EAST 40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26 AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 89°26'12" EAST ALONG SAID RIGHT OF WAY 418.51 FEET, THENCE RUN SOUTH 0°50'48" EAST 200 FEET, THENCE RUN NORTH 89°26'12" EAST 289.95 FEET TO THE WESTERLY RIGHT OF WAY OF SAID INTERSTATE ROAD NO. 75, THENCE RUN SOUTH 13°37'23" EAST ALONG SAID RIGHT OF WAY 232.32 FEET TO THE P.C. OF A CURVE HAVING AN INTERNAL ANGLE OF 65°, A RADIUS OF 385 FEET A TOTAL LENGTH OF 456.77 FEET, AND BEING CONCAVE TO A NORTHEASTERLY DIRECTION, THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 275.99 FEET, THENCE RUN SOUTH 89°26'12" WEST 908.2 FEET TO THE EAST RIGHT OF WAY OF A 90 FOOT ROAD, THENCE RUN NORTH 0°50'48" WEST ALONG SAID RIGHT OF WAY 651.31 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, CONTAINING 10 ACRES MORE OR LESS.

LESS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN SOUTH 0°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN NORTH 89°26'12" EAST 283.51 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26 AND THE POINT OF BEGINNING, THENCE RUN NORTH 89°26'12" EAST ALONG SAID RIGHT OF WAY 175 FEET, THENCE RUN SOUTH 0°50'48" EAST 200 FEET, THENCE RUN SOUTH 89°26'12" WEST 175 FEET, THENCE RUN NORTH 0°50'48" WEST 200 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA

LESS & EXCEPT:
(O.R. BOOK 1715, PAGE 348)
A STRIP OF LAND, BEING 4.00 FEET IN WIDTH, LYING AND BEING IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST AND RUN THENCE SOUTH 00°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 89°26'12" EAST, 40.00 FEET TO A POINT ON THE EAST LINE OF COUNTY ROAD 29 (TOWER ROAD, SW 75TH STREET) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89°26'12" EAST 4.00 FEET; THENCE RUN SOUTH 00°50'48" EAST 651.31 FEET; THENCE RUN SOUTH 89°26'12" WEST 4.00 FEET TO THE EAST LINE OF COUNTY ROAD 29 (TOWER ROAD, SW 75TH STREET); THENCE RUN NORTH 00°50'48" WEST,

ALONG THE EAST LINE OF SAID COUNTY ROAD 29, A DISTANCE OF 616.31 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT: (OUT PARCEL)

A STRIP OF LAND, BEING 80.00 FEET IN WIDTH, LYING AND BEING IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 89°26'12" EAST, 44.00 FEET; THENCE RUN SOUTH 00°50'48" EAST 536.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°50'48" EAST, 80.00 FEET; THENCE NORTH 89°25'42" EAST, 343.62 FEET; THENCE NORTH 07°56'11" WEST, 80.67 FEET; THENCE SOUTH 89°25'42" WEST, 333.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.622 ACRES, MORE OR LESS.

EXHIBIT B

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR
ALACHUA COUNTY, FLORIDA
CIVIL ACTION

EVERBANK,

Plaintiff,

v.

CASE NO. 01-2009-CA-6060

KEYSTONE GATOR HOTEL CAMPUS, LLLP, et al.,

Defendants.
_____/

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2666550 3 PG(S)
September 07, 2011 10:27:10 AM
Book 4054 Page 1243
J. K. IRBY Clerk Of Circuit Court
ALACHUA COUNTY, Florida

CORRECTED CERTIFICATE OF TITLE

(Corrected as to name of purchaser)

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on July 12, 2011, for the property described herein, that he executed and filed a Corrected Certificate of Sale on September 6, 2011, correcting the name of the entity that purchased the property, and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Alachua County, Florida:

See Exhibit "A" attached hereto and incorporated herein

the Certificate of Title issued July 25, 2011, is hereby corrected to reflect the name of the purchaser as EVERBANK pursuant to the Order Correcting Case Caption, Certificate of Sale and Certificate of Title entered on August 29, 2011. The purchaser's address is Douglas L. Waldorf, Jr., Esq., 115 Monroe Street, PO Box 280, Ft. Myers, FL 33902, and who now has title thereto.

WITNESS my hand and official seal of this Court this 6th day of September, 2011.

J.K. "BUDDY" IRBY, Clerk
Circuit Court of Alachua County

By: _____

Bid amount $100.00

J.K. "Buddy" Irby, Clerk of the Circuit & County Court, Eighth Judicial Circuit of Florida, in and for Alachua County, hereby certifies this to be a true and correct copy of the document now of record in this office. Witness my hand and seal this 12 day of September, 2011
J.K. "Buddy" Irby, Clerk of the Circuit & County Court
By _____
Deputy Clerk

2011 SEP -6 AM 11:56
J.K. "BUDDY" IRBY
CLERK OF COURTS
ALACHUA COUNTY, FL

FILED
CK 46

3

THENCE RUN SOUTH 89°26'12" WEST 4.00 FEET TO THE EAST LINE OF COUNTY ROAD 29 (TOWER ROAD, SW 75TH STREET); THENCE RUN NORTH 00°50'48" WEST, ALONG THE EAST LINE OF SAID COUNTY ROAD 29, A DISTANCE OF 616.31 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT: (OUT PARCEL)

A STRIP OF LAND, BEING 80.00 FEET IN WIDTH, LYING AND BEING IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 89°26'12" EAST, 44.00 FEET; THENCE RUN SOUTH 00°50'48" EAST 536.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°50'48" EAST, 80.00 FEET; THENCE NORTH 89°25'42" EAST, 343.62 FEET; THENCE NORTH 07°56'11" WEST, 80.67 FEET; THENCE SOUTH 89°25'42" WEST, 333.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.622 ACRES, MORE OR LESS.

LESS AND EXCEPT:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN S00°50'48"E ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN N89°26'12"E 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26; THENCE CONTINUE N89°26'12"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 243.51 FEET; THENCE S00°50'48"E A DISTANCE OF 200.00 FEET; THENCE N89°26'12"E A DISTANCE OF 96.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°26'12"E A DISTANCE OF 368.84 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 75 (STATE ROAD 93); THENCE S13°37'23"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 232.32 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 383.00 FEET, A CHORD BEARING OF S34°09'41"E, A CHORD DISTANCE OF 270.12 FEET, RUN THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°04'22", A DISTANCE OF 275.99 FEET; THENCE S89°26'12"W A DISTANCE OF 560.58 FEET; THENCE N07°56'21"W A DISTANCE OF 80.67 FEET; THENCE N00°32'40"W A DISTANCE OF 371.31 FEET TO THE POINT OF BEGINNING.

OLD FLORIDA BANK Mar 5 2009 15:19 P.29

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR
ALACHUA COUNTY, FLORIDA
CIVIL ACTION

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2658339 4 PG(S)
July 27, 2011 09:10:03 AM
Book 4048 Page 447
J. K. IRBY Clerk Of Circuit Court
ALACHUA COUNTY, Florida

EVERBANK, a Florida banking corporation,

Plaintiff,

v.

CASE NO. 01-2009-CA-6060

KEYSTONE GATOR HOTEL CAMPUS, LLLP, et al.,

Defendants.
_____/

FILED
CK 46
2011 JUL 25 AM 9:1
J.K. "BUDDY" IRBY
CLERK OF COURTS
ALACHUA COUNTY, FL.

CERTIFICATE OF TITLE

I, J.K. "BUDDY" IRBY, Clerk of the above-entitled Court, do hereby certify that, heretofore on July 12, 2011, I executed and filed herein my Certificate of Sale of the subject property and that no objections to such sale have been filed herein on or before the date hereof, and that ten (10) days have elapsed since the filing of said Certificate of Sale.

That as recited in said Certificate of Sale, the mortgaged property described as follows, to-wit:

See Exhibit "A" attached hereto and incorporated herein

was sold to Everbank, a Florida Banking Corporation, whose address is c/o Douglas Waldorf, Jr., Esq. 1715 Monroe Street, P.O. Box 280, Ft. Myers, FL 33902, and who now has title thereto.

WITNESS my hand and official seal of this Honorable Court this 25 day of July, 2011.

CIRCUIT COURT CLERK · ALACHUA COUNTY, FLORIDA ·

J.K. "BUDDY" IRBY, Clerk
Circuit Court of Alachua County

By: Tessie J Rogers

bid amount $100.00

Case: 2009 CA 006060
Doc: 691398
Dkt: CE10-R

Pursuant to Rule 1.080, *Florida Rules of Civil Procedure,* service of the foregoing Certificate of Title is made this ___ day of _____, 2011, upon:

Douglas L. Waldorf, Jr., Esq.
Henderson, Franklin, Starnes & Holt, PA
1715 Monroe Street
PO Box 280
Ft. Myers FL 33902
Co-counsel for PLAINTIFF

Brent G. Siegel, Esq.
Siegel Hughes & Ross
PO Box 90028
Gainesville, FL 32607
Co-counsel for PLAINTIFF

KEYSTONE GATOR HOTEL CAMPUS, LLLP
JAY SCHWARTZ
KEYSTONE NEWBERRY, LLC
KEYSTONE FLORIDA MANAGEMENT, LLC
3232 NE 212th Terrace
Aventura, FL 33180

Joey M. Grant, Esq.
Padula & Grant, PLLC
365 East Palmetto Park Road
Boca Raton, FL 33432
counsel for defendant, HERITY HOTEL, LLLP

HD SUPPLY, INC.
c/o Corporate Creations Network, Inc., as Registered Agent
11380 Prosperity Farms Road, Suite 221E
Palm Beach Gardens, FL 33410

Mark J. Fraser, Esq.
5347 SW 91st Terrace
Gainesville, FL 32608-7125
Counsel for ENG, DENMAN & ASSOCIATES, INC.

STATE OF FLORIDA DEPARTMENT OF REVENUE
c/o William P. Cervone
State Attorney General for 8th Judicial Circuit
120 W. University Avenue
Gainesville, FL 32601

David W. Wagner, Esq.
PO Box 2877
Gainesville, FL 32602-2877
Counsel for ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

Francis X. Rapprich, III, Esq.
Joseph R. Coker, Esq.
Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, PA
PO Box 712
Orlando, FL 32802-0712
Co-Counsel for RECEIVER

Robert E. Doan, Esq.
Silverman, Vorhis & Doan
PO Box 1289
Gainesville, FL 32602-1289
Co-Counsel for RECEIVER

By: _____

Exhibit "A"

LEGAL DESCRIPTION

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN SOUTH 0°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN NORTH 89°26'12" EAST 40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26 AND THE POINT OF BEGINNING, THENCE CONTINUE NORTH 89°26'12" EAST ALONG SAID RIGHT OF WAY 418.51 FEET, THENCE RUN SOUTH 0°50'48" EAST 200 FEET, THENCE RUN NORTH 89°26'12" EAST 219.96 FEET TO THE WESTERLY RIGHT OF WAY OF SAID INTERSTATE ROAD NO. 75, THENCE RUN SOUTH 13°37'23" EAST ALONG SAID RIGHT OF WAY 232.52 FEET TO THE P.C. OF A CURVE HAVING AN INTERNAL ANGLE OF 65°, A RADIUS OF 385 FEET A TOTAL LENGTH OF 456.77 FEET, AND BEING CONCAVE TO A NORTHEASTERLY DIRECTION, THENCE RUN IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 275.99 FEET, THENCE RUN SOUTH 89°26'12" WEST 908.2 FEET TO THE EAST RIGHT OF WAY OF A 90 FOOT ROAD, THENCE RUN NORTH 0°50'48" WEST ALONG SAID RIGHT OF WAY 651.31 FEET TO THE POINT OF BEGINNING. ALL BEING AND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, CONTAINING 10 ACRES MORE OR LESS.

LESS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN SOUTH 0°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN NORTH 89°26'12" EAST 253.51 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26 AND THE POINT OF BEGINNING, THENCE RUN NORTH 89°26'12" EAST ALONG SAID RIGHT OF WAY 175 FEET, THENCE RUN SOUTH 0°50'48" EAST 200 FEET, THENCE RUN SOUTH 89°26'12" WEST 175 FEET, THENCE RUN NORTH 0°50'48" WEST 200 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE NORTHWEST ONE-QUARTER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA

LESS & EXCEPT:
(O.R. BOOK 1716, PAGE 348)
A STRIP OF LAND, BEING 4.00 FEET IN WIDTH, LYING AND BEING IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST AND RUN THENCE SOUTH 00°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 135.00 FEET; THENCE RUN NORTH 89°26'12" EAST, 40.00 FEET TO A POINT ON THE EAST LINE OF COUNTY ROAD 29 (TOWER ROAD, SW 75TH STREET) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89°26'12" EAST 4.00 FEET; THENCE RUN SOUTH 00°50'48" EAST 616.31 FEET;

EXHIBIT
A

OLD FLORIDA BANK Mar 5 2009 15:19 P.28

THENCE RUN SOUTH 89°26'12" WEST 4.00 FEET TO THE EAST LINE OF COUNTY ROAD 29 (TOWER ROAD, SW 75TH STREET); THENCE RUN NORTH 00°50'48" WEST, ALONG THE EAST LINE OF SAID COUNTY ROAD 29, A DISTANCE OF 616.31 FEET TO THE POINT OF BEGINNING.

LESS & EXCEPT: (OUT PARCEL)

A STRIP OF LAND, BEING 80.00 FEET IN WIDTH, LYING AND BEING IN THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°50'48" EAST ALONG THE WEST LINE OF SAID SECTION 4, A DISTANCE OF 135.09 FEET; THENCE RUN NORTH 89°26'12" EAST, 44.00 FEET; THENCE RUN SOUTH 00°50'48" EAST 536.23 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°50'48" EAST, 80.00 FEET; THENCE NORTH 89°25'42" EAST, 343.62 FEET; THENCE NORTH 07°56'11" WEST, 80.67 FEET; THENCE SOUTH 89°25'42" WEST, 333.66 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.622 ACRES, MORE OR LESS.

LESS AND EXCEPT:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN S00°50'48"E ALONG THE WEST LINE OF SAID SECTION 100 FEET, THENCE RUN N89°26'12"E 40.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF STATE ROAD NO. 26; THENCE CONTINUE N89°26'12"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 243.51 FEET; THENCE S00°50'48"E A DISTANCE OF 200.00 FEET; THENCE N89°26'12"E A DISTANCE OF 96.11 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°26'12"E A DISTANCE OF 368.84 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 75 (STATE ROAD 93); THENCE S13°37'23"E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 232.32 FEET TO A POINT OF CURVATURE ON A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 385.00 FEET, A CHORD BEARING OF S34°09'41"E, A CHORD DISTANCE OF 270.12 FEET, RUN THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°04'22", A DISTANCE OF 275.99 FEET; THENCE S89°26'12"W A DISTANCE OF 560.58 FEET; THENCE N07°56'21"W A DISTANCE OF 80.67 FEET; THENCE N00°32'40"W A DISTANCE OF 371.31 FEET TO THE POINT OF BEGINNING.

OLD FLORIDA BANK Mar 5 2009 15:19 P.29

EXHIBIT C

IN THE CIRCUIT COURT, EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

NAPPY'S OF FLORIDA, INC d/b/a
NAPOLATANO'S RESTAURANT,

Petitioner,

v.

ALACHUA COUNTY, et al.,

Respondents.

CASE NO.: 2011-CA-3551
DIVISION: W

/

ORDER APPROVING STIPULATION

This action was heard upon the parties' Stipulation for Entry of Order filed on _____, 2011. Having considered the Stipulation, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED:

1. The Stipulation for Entry of Order, attached hereto as Exhibit 1, is approved;

2. Alachua County Board of County Commissioners Resolution Z-11-07, granting a special use permit for a veterans transitional housing facility at 7417 West Newberry Road, Gainesville, Florida, is quashed;

3. The parties shall bear their own attorney's fees and costs in this matter.

ORDERED in chambers in Gainesville, Florida on _____, 2011.

_____
MARTHA ANN LOTT, CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed on _____, 2011 to:

Michael Massey, Esquire
Massey & Duffy
855 E. University Avenue
Gainesville, FL 32601
Counsel for NAPPY'S OF FLORIDA, INC.

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Counsel for EVERBANK

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Aventura, FL 33180
Counsel for KEYSTONE GATOR HOTEL CAMPUS, LLP

David C. Schwartz
Assistant County Attorney
12 S.E. 1st Street
Gainesville, FL 32601
Counsel for ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

_____
Judicial Assistant

October 11, 2011 Regular BoCC Meeting
Agenda Item #15

Title
Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans.

Amount
N/A

Description
Request approval of the Fiscal Year 2011-2012 Executive Service and Non-Bargaining, Guardian Ad Litem Pay Plans.

Recommendation
1. Approve the Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans. 2. Approve pay rates for employees appointed to Temporary and Unclassified Service to be set at the minimum rate of the appropriate salary range.

Alternative(s)
1. Do not approve the Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans. 2. Do not approve the pay rates for employees appointed to Temporary and Unclassified Service to be set at the minimum rate of the appropriate salary range.

Requested By
Kim Baldry/ Donna Murray 337-6164

Originating Department
Administrative Services / Human Resources

Attachment(s) Description
1) Fiscal Year 2011 2012 Executive Service Pay Plan 2) Fiscal Year 2011 2012 Non-Bargaining Pay Plan 3) Fiscal Year 2011 2012 Guardian Ad Litem Pay Plan

Documents Requiring Action
1. Fiscal Year 2011-2012 Executive Service Pay Plan. 2. Fiscal Year 2011-2012 Non-Bargaining Pay Plan.3. Fiscal Year 2011-2012 Guardian Ad Litem Pay Plan

Executive Summary
The addition of classifications or changes to salary ranges on any of the Pay Plans must be approved by the Board of County Commissioners.

Background
The Human Resources Office prepares recommendations for adjustments and additions to pay plans and to employees' rates of pay each year. The Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans are presented as follows: 1. Approve the Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans. 2. Approve pay rates for employee appointed to Temporary and Unclassified Service to be set at the minimum rate of the appropriate salary range.

Issues

Approve the two recommendations in the "Background" section above.

Fiscal Recommendation
Approve Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans. Funds exist in the FY 2011-2012 Departmental Budgets.

Fiscal Alternative(s)
Do not approve Fiscal Year 2011-2012 Executive Service, Non-Bargaining and Guardian Ad Litem Pay Plans.

Funding Sources
General Fubd, 507,501

Account Code(s)
N/A

Attachment: FISCAL YEAR 2011 2012 EXECUTIVE SERVICE PAY PLAN.pdf
Attachment: FISCAL YEAR 2011 2012 NON BARGAINING PAY PLAN.pdf
Attachment: FISCAL YEAR 2011 2012 GUARDIAN AD LITEM PAY PLAN.pdf

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
EXECUTIVE SERVICE PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
1010	ADMIN SVCS DIR	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1800	ASSOCIATE COUNSEL	EXS	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$ 4,231.37	$ 66,676.27	$ 110,015.57
1544	ASST CO ATTORNEY	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1548	ASST CO ATTORNEY I	EXS	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87
950	ASST CO MANAGER	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1700	ASST TO CO MANAGER	EXS	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87
1100	COMMNTY SUP SVCS DIR	EXS	28	Y	$ 37.4277	$ 63.6271	$ 2,994.22	$ 5,090.17	$ 77,849.62	$ 132,344.37
1171	COMMUNICA COORD/PIO	EXS	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87
1211	COUNTY ENGINEER	EXS	27	Y	$ 35.5438	$ 60.4245	$ 2,843.50	$ 4,833.96	$ 73,931.10	$ 125,682.96
1128	COURT SERVICES DIRECTOR	EXS	28	Y	$ 37.4277	$ 63.6271	$ 2,994.22	$ 5,090.17	$ 77,849.62	$ 132,344.37
975	DEPUTY COUNTY MGR	EXS	30	Y	$ 41.5001	$ 72.6252	$ 3,320.01	$ 5,810.02	$ 86,320.21	$ 151,060.42
1701	DIR OF LEGISLATIVE AFF	EXS	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87
1080	DIR OF PUBLIC SAFETY	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
980	ECONOMIC DEV COORD	EXS	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87
1165	ENVIRON PROT DIR	EXS	28	Y	$ 37.4277	$ 63.6271	$ 2,994.22	$ 5,090.17	$ 77,849.62	$ 132,344.37
1110	GROWTH MGMT DIR	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
EXECUTIVE SERVICE PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
1070	INFO SVCS/TELECOM DIR	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1547	LITIGATION ATTORNEY	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1445	OMB DIRECTOR	EXS	28	Y	$ 37.4277	$ 63.6271	$ 2,994.22	$ 5,090.17	$ 77,849.62	$ 132,344.37
1060	PUBLIC WORKS DIR	EXS	29	Y	$ 39.4114	$ 68.9697	$ 3,152.91	$ 5,517.58	$ 81,975.71	$ 143,456.98
1500	STRATEGIC PERF MANAGER	EXS	27	Y	$ 35.5438	$ 60.4245	$ 2,843.50	$ 4,833.96	$ 73,931.10	$ 125,682.96
1470	VETERINARIAN	EXS	22	Y	$ 27.4550	$ 46.3009	$ 2,196.40	$ 3,624.07	$ 57,106.40	$ 94,225.87

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
5100	ADMIN ASST	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
5106	ADMIN COORD	NBR	10	Y	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
1447	ADMIN SUPPORT MGR	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
5230	AGENDA COORD	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1167	ALT SENT MGR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
5190	AMBUL BILL SUPV	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1040	ANIMAL SERVICES DIR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
3060	ANIMAL SERVICES SUPV	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
1215	APPLICATIONS MGR	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2142	APPLICATIONS SUPV	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2284	ASSOCIATE PLANNER	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1742	ASST BUILDING OFFICIAL	NBR	20	N	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1501	ASST CHIEF	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
1502	ASST DIR/ EMERGENCY MGMT	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1342	ASST DIR/ADMIN SUPT	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
1117	ASST DIR/COMM SUPPORT SVCS	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
1118	ASST DIR/CSS COM PART	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
1119	ASST DIR/CSS H&H SVCS	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57
1050	ASST DIR/GROWTH MGMT	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57
1116	ASST DIRECTOR	NBR	26	Y	$ 33.7549	$ 57.3833	$ 2,700.39	$4,590.66	$70,210.19	$119,357.26
2620	ASST EMERGENCY MGR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
7080	ASST FLEET MANAGER	NBR	18	N	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2291	ASST HOUS PROG MGR	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1536	ASST PKS/OPEN SP SUPT	NBR	15	N	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
1210	ASST PW DIR/WASTE	NBR	26	Y	$ 33.7549	$ 57.3833	$ 2,700.39	$4,590.66	$70,210.19	$119,357.26
1590	ASST ROAD SUPT	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1780	ASST TRANS STAT MGR	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
3145	AUTOCAD TECHNICIAN	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
3320	BLDG MAINT SUPV	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2084	BUDGET ANALYST	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
1740	BUILDING OFFICIAL	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2619	BUREAU CHIEF/COMM	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
3153	CAPITAL PROJ ADMIN	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
3150	CAPITAL PROJ COORD	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2101	CASE COORD 1	NBR	12	Y	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24
2222	CASE MGMT COORD	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
1427	CHIEF FIRE RESCUE/ DEPUTY DIR	NBR	26	Y	$ 33.7549	$ 57.3833	$ 2,700.39	$4,590.66	$70,210.19	$119,357.26
1424	CHOICES HSP DIRECTOR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
1555	CIVIL ENGINEER I	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
1556	CIVIL ENGINEER II	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
1557	CIVIL ENGINEER III	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2100	CLAIMS ADJUSTER	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2245	CLINICAL FORENSIC SOC WRKR	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
1163	CLINICAL PROGRAM MANAGER	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2331	CLINICAL SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2305	COLL CTR OPR SUPV	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
2235	COMM RELATIONS COORD	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
5240	COMMUNITY SVC ASST	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
2338	COMMUNITY SVC COORD	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
2333	COMMUNITY SVCS SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
3170	COMPUTER TRNG COORD	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
3081	COMPUTER TRNG INSTR	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
1435	CONCURRENCY/IMPACT FEE MGR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
1610	CONST INSPECT SUPT	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
3151	CONTRACT/PROJ COORD	NBR	11	Y	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
2364	COUNSELOR	NBR	11	Y	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
2063	COUNTY SURVEYOR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2356	COURT OFFICER	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2346	CRIMINAL JUSTICE SYS SPEC	NBR	18	N	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2221	CRISIS CTR COORD	NBR	11	Y	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00

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ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
1406	CRISIS CTR DIR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2226	CRISIS CTR TRAINER	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2146	DATABASE SUPV	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2340	DAY REPORTING SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2197	DEPT NETWORK ANALYST	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2199	DEPT PROGRAM ANALYST	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2151	DESIGN SUPERVISOR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
1415	DEV REVIEW MANAGER	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
5600	DEV REVIEW SPEC	NBR	15	N	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
1811	DIRECTOR EMERGENCY MGMT	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2348	DIVERSION RESOURCE COORD	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
2361	DRUG COUNSELOR	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1164	DRUG COURT MANAGER	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2328	DRUG COURT SUPERVISOR	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2277	ECON DEVEL PLANNER	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10

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				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2358	ELECTRONIC MONIT OFFCR	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
1503	EMERG MGMT OPER COORD	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2303	EMERG MGMT PROGRAM COORD	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2312	EMERGENCY MANAGER	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2094	EMP BENEFITS COORD	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2092	EMPLOYEE BEN SPEC	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2267	EMPLOYEE REL MGR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
3321	ENERGY MGMT SUPV	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1460	ENVIRON ENGINEER	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
1428	ENVIRON PRGRM MGR	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57
1466	ENVIRON PROF ENGNR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
1465	ENVIRON PROG SUPV	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2032	ENVIRON SPEC	NBR	12	Y	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24
1227	EQUAL OPPOR MANAGER	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2275	EQUAL OPPOR SPEC	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30

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				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2287	EQUAL OPPOR SUPV	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2341	EVAL/REHAB CWRKR	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
5200	EXECUTIVE ASSISTANT	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2920	EXECUTIVE COORDINATOR	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
6233	EXECUTIVE LEGAL SECRETARY	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
5210	EXECUTIVE STAFF ASST	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
3550	E911 COORD	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2990	FACIL MAINT COORD	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1260	FACILITIES MGR	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57
1725	FACILITIES SUPT	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
7000	FACILITIES SUPV	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
2082	FIN MGMT ANALYST	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2600	FIRE MARSHAL	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
5090	FISCAL ASSISTANT	NBR	12	N	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24
1129	FLEET MANAGER	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54

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				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
3161	FORESTER/LANDSC INSP	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2115	GIS ANALYST	NBR	16	N	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
2230	GIS COORDINATOR	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1446	GIS MANAGER	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2011	GIS SPECIALIST	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
3011	GIS TECHNICIAN	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
2080	GRANTS/CONT ADMINISTRATOR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2087	GRANTS/CONTRACTS SPEC	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
3162	HORTICULTURIST	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1221	HOUSEHOLD HAZ WASTE COORD	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
1433	HOUSING PROG MANAGER	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2261	HR GENERALIST	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1407	HR MANAGER	NBR	25	Y	$ 32.0559	$ 52.8921	$ 2,564.47	$4,231.37	$66,676.27	$110,015.57
2268	HR SUPERVISOR	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
6171	HR TECHNICIAN	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30

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1434	IMPACT FEE ADMIN	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1461	IT SECURITY & TELECOM MGR	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2372	JAIL POPULATION MGR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
6130	LEGAL ASSIST	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
6232	LEGAL SECRETARY	NBR	11	N	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
7043	MAINTENANCE SUPV III	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2086	MANAGEMENT ANALYST	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
3300	MEDIA SVCS COORD	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1166	METAMORPHOSIS MGR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2145	NETWORK ADMIN	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1409	NETWORK MANAGER	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2148	NETWORK SEC ANALYST	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2144	NETWORK SPECIALIST	NBR	18	N	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2132	NETWORK SUPV	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2143	NETWORK SYST ANALYST	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23

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1444	OFC OF VICT SERV DIR	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
1560	OPER & CUST SUP MGR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
6131	PARALEGAL	NBR	12	N	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24
1430	PARTNERS PROGRAM DIR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
1471	PETROLEUM CONTRACTS SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1535	PKS/OPEN SPACE SUPT	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2281	PLANNER	NBR	17	Y	$ 21.2011	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1426	POV REDUCT PROG DIR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2335	PRETRIAL REL OFFICER	NBR	11	N	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
2339	PRETRIAL SERV SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1168	PRETRIAL SVCS MGR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2345	PRETRL REL ASMT SPEC	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
1432	PRINCIPAL PLANNER	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2350	PROBATION OFFICER	NBR	12	N	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24
2332	PROBATION SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23

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CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2810	PROD COORD/PRODUCER	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1467	PROF GEOLOGIST	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
5260	PROGR/INTAKE SPEC	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
2300	PROGRAM COORDINATOR	NBR	11	Y	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
2355	PROGRAM MANAGER	NBR	16	Y	$ 20.7397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
2248	PROGRAM SPECIALIST	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
3080	PROGRAMMER	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2130	PROGRAMMER/ANALYST	NBR	17	N	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2224	PROJECT COORDINATOR	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2141	PROJECT LEADER	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2308	PUBL ED PROG COORD	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2055	PUBLIC INFO OFFICER	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
5046	PUBLIC INFO SPEC	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2270	PURCHASING AGENT	NBR	13	N	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1225	PURCHASING MANAGER	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54

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2271	PURCHASING SUP	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
1213	PWD DEV PRGRM MGR	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2061	REAL PROPERTY COORD	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1702	RECRUITMENT COORD	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2309	RECYCLING PROG COORD	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
1405	RISK MANAGER	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2102	RISK MGT GENERALIST	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
1599	ROAD & BRIDGE MGR	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
1600	ROAD SUPERINTENDENT	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2098	SAFE/LOSS CTL SPEC	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2250	SOCIAL SVCS COORD	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
1425	SOCIAL SVCS PROG DIR	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2155	SOLID WASTE ENGINEER	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
2156	SOLID WASTE PROF ENG	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2900	SR ADMIN ASSISTANT	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10

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1448	SR ADMIN SUP MGR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
3152	SR CAP PROJ COORD	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2329	SR COMM SVC COORD	NBR	11	N	$ 15.5564	$ 24.1125	$ 1,244.51	$1,929.00	$32,357.31	$ 50,154.00
3149	SR CONST INSPECTOR	NBR	15	N	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
2363	SR DRUG COUNSELOR	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
3144	SR ENGINEERING TECH	NBR	14	N	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2062	SR ENVIRONMENT SPEC	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2276	SR EO SPEC/INVEST	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
2280	SR EO SPECIALIST	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
2085	SR FIN MGMT ANALYST	NBR	21	Y	$ 26.0731	$ 43.0207	$ 2,085.85	$3,441.66	$54,232.05	$ 89,483.06
5290	SR FISCAL ASST	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2265	SR HR ANALYST	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1431	SR ORG DEV SPEC	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2283	SR PLANNER	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2334	SR PRETRL REL OFFCR	NBR	12	N	$ 16.3810	$ 25.3905	$ 1,310.48	$2,031.24	$34,072.48	$ 52,812.24

DRAFT

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2131	SR PROGRAM/ANALYST	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2240	SR SOCIAL SVCS COORD	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
5250	SR STAFF ASSISTANT	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
3140	SR SURVEY TECHNICIAN	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1450	SR SVCS PROG DIR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2292	SR TRANSP PLANNER	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2254	SR VET SVC CLAIM CSR	NBR	10	Y	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
2325	SR VICTIM ADVOC COUNS	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
1472	SUSTAINABILITY PROGRAM COORD	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2140	SYSTEMS ANALYST	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2150	SYSTEMS PROGRAMMER	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
2121	TELECOMM ANALYST	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1408	TELECOMM SUPERVISOR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
1026	TOURIST DEV DIR	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2359	TOURIST PROG COORD	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30

DRAFT

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
5300	TOURIST PROGRAM ASST	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
2357	TOURIST PROGRAM MGR	NBR	16	Y	$ 20.1397	$ 32.2234	$ 1,611.18	$2,577.87	$41,890.58	$ 67,024.67
7044	TRAFF MAINT SUPV	NBR	10	N	$ 14.7735	$ 22.8989	$ 1,181.88	$1,831.91	$30,728.88	$ 47,629.71
2266	TRAINING MANAGER	NBR	17	Y	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
1790	TRANSFER STAT MGR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2255	VET SVCS CLAIM COUNS	NBR	8	N	$ 13.3238	$ 20.6517	$ 1,065.90	$1,652.14	$27,713.50	$ 42,955.54
1170	VET SVCS DIRECTOR	NBR	19	Y	$ 23.5147	$ 38.7991	$ 1,881.18	$3,103.93	$48,910.58	$ 80,702.13
2320	VICTIM ADVOCATE COUNS	NBR	13	Y	$ 17.2492	$ 27.5987	$ 1,379.94	$2,207.90	$35,878.34	$ 57,405.30
2321	VICTIM ADVOCATE THER	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
1469	WASTE ALTERN MGR	NBR	18	Y	$ 22.3311	$ 35.7297	$ 1,786.49	$2,858.38	$46,448.69	$ 74,317.78
2099	WASTE ALTERN SPEC	NBR	9	N	$ 14.0298	$ 21.7463	$ 1,122.38	$1,739.70	$29,181.98	$ 45,232.30
2307	WASTE COLL PRG COORD	NBR	15	Y	$ 19.1259	$ 30.6015	$ 1,530.07	$2,448.12	$39,781.87	$ 63,651.12
2315	WASTE COLLECT MGR	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
2133	WEB DESIGN SPEC	NBR	17	N	$ 21.2071	$ 33.9313	$ 1,696.57	$2,714.50	$44,110.77	$ 70,577.10
2147	WEB SVCS SUPV	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54

DRAFT

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
NON-BARGAINING PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
2095	WELLNESS COORDINATOR	NBR	14	Y	$ 18.1633	$ 29.0612	$ 1,453.06	$2,324.90	$37,779.66	$ 60,447.30
2613	WILDFIRE MITIG OFFICER	NBR	24	Y	$ 30.4424	$ 50.2300	$ 2,435.39	$4,018.40	$63,320.19	$104,478.40
2360	WORK RELEASE MGR	NBR	23	Y	$ 28.9102	$ 47.7017	$ 2,312.82	$3,816.14	$60,133.22	$ 99,219.54
2330	WORK RELEASE SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23
1741	ZONING ADMINISTRATOR	NBR	22	Y	$ 27.4550	$ 45.3009	$ 2,196.40	$3,624.07	$57,106.40	$ 94,225.87
1750	ZONING CODES SUPV	NBR	20	Y	$ 24.7608	$ 40.8554	$ 1,980.86	$3,268.43	$51,502.46	$ 84,979.23

DRAFT

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
GUARDIAN AD LITEM PAY PLAN
FISCAL YEAR 2011-2012

				EXEMPT	HOURLY		BIWEEKLY		ANNUAL	
CLASS	CLASS TITLE	PAY	RANGE	O/T	MIN	MAX	MIN	MAX	MIN	MAX
6225	STAFF ASSISTANT/GAL	GAL	7	N	$ 12.6531	$ 19.6123	$ 1,012.25	$ 1,568.98	$ 26,318.45	$ 40,793.58
2103	VOLUNTEER SUPERVISOR/GAL	GAL	12	Y	$ 16.3810	$ 25.3905	$ 1,310.48	$ 2,031.24	$ 34,072.48	$ 52,812.24

DRAFT

Title
Request to Advertise: Adoption of Revised County Commission Districts based on updated census data (Amended)

Amount
N/A

Description
A request to schedule and advertise a public hearing to adopt amended County Commission districts per Chapter 124.01 of the Florida Statutes.

Recommendation
Provide direction to staff regarding updated County Commission district maps and approve the request to schedule and advertise a public hearing to adopt amended County Commission districts per Chapter 124.01 of the Florida Statutes.

Alternative(s)
Do not approve the request to advertise and provide staff direction.

Requested By
Gerald Brewington (374-5249)

Originating Department
Growth Management

Attachment(s) Description
1) Draft Commission Districts Map (2011) 2) Map of Existing Commission Districts 3) Staff Powerpoint Presentation 4) Draft Ordinance

Documents Requiring Action
None

Executive Summary
Chapter 124.01 of the Florida Statutes states that there shall be five county commissioner districts in each county and that these shall be as nearly equal in proportion in population as possible. In addition, Article VIII (Section 1(e) of the Florida Constitution states that, after each diennial census, the Board of County Commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. Given recent updated numbers from the 2010 census, staff is recommendaing that the Board adopt revised districts that incorporate this data. During the preparation of the revised districts, staff met with Pam Carpenter, Supervisor of Elections, as well as members of her staff. Growth management and Supervisor of Elections staff have worked cooperatively in preparing the draft map to correspond to proposed votertabulation district (VTD) boundaries in order to minimize the need to divide voting districts.

Background
Chapter 124.01 F.S. requires that redistricting occur in odd numbered years following the diennial census and that one commissioner shall reside in each district. The Alachua County Commission has further adopted guidelines (2001: updated in 2011) with reagrd to redistricting. These include: district population shall ideally remain within 5% of the mean population; districts shall be pie shaped; splits of municipalities other than the City of Gainesville shall be avoided as much as possible; man-made or

natural boundaries shall be followed and the incumbent's existing or preferred place of residence shall be protected. The guidelines have been followed in the updated districts shown on the 2011 map. The population in each of these districts falls within the 5% mean population threshold of 49,467 (the total Alachua County population of 247,336 divided by 5).

Issues

The Commission held a workshop on September 6, 2011 to discuss the proposed map and to provide staff direction. As requested, additional information in the form of a map showing major roadways and landmarks has been created in order to evaluate the shift of existing voting districts between the existing and new commissioner boundaries. Commissioners also requested to meet with staff to discuss the revised boundaries. The attached powerpoint presentation shows the modifications to the map presented on September 6th as proposed by Commissioner Long. Staff requests that Board provide direction regarding the updated County Commission district map and authorize staff to advertise and schedule a public hearing to adopt the amended map.

Fiscal Recommendation

NA

Fiscal Alternative(s)

NA

Funding Sources

NA

Account Code(s)

NA

Attachment: Redistricting Ordinance.pdf
Attachment: Current Commission Districts.pdf
Attachment: County Redistricting Powerpoint .pdf
Attachment: Redistricting Proposal 2011.pdf

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 2011-___

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING THE COMMISSIONER DISTRICTS OF ALACHUA COUNTY, FLORIDA, PURSUANT TO THE FLORIDA CONSTITUTION (ARTICLE VIII, SECTION 1, PARAGRAPH (E); PROVIDING FOR FINDINGS; PROVIDING FOR A TITLE; PROVIDING FOR PURPOSE AND INTENT; PROVIDING REVISED COMMISSIONER DISTRICTS BASED ON 2010 CENSUS; PROVIDING FOR PUBLICATION OF THE REVISED DISTRICTS IN ACCORDANCE WITH SECTION 124.02(1) OF THE FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF COPIES AND FURNISHING OF MINUTES; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the United States Census Bureau issued county level data for redistricting on March 17, 2011; and,

WHEREAS, the 2010 federal decennial consensus data indicates that Alachua County has sustained population growth which requires redistricting of commissioners' districts; and,

WHEREAS, Article VIII, Section 1, Paragraph (e) of the Florida Constitution requires the Board of County Commissioners to divide the County into commissioner districts of contiguous territory as nearly equal in population as practicable following each decennial census; and,

WHEREAS, Subsection 124.01(3), Florida Statutes, provides that changes in commissioner districts be made only in odd-numbered years; and,

WHEREAS, on _____, the Board of County Commissioners conducted a public hearing and considered alternative redistricting proposals including the recommendation attached hereto as composite Exhibit A which contains a map that depicts five (5)

commissioner districts and lists the precincts contained in each district, and Exhibit "B," the legal descriptions for each precinct; and,

WHEREAS, the recommended redistricting proposal meets Florida Constitutional requirements by dividing the county into five (5) commissioner districts of contiguous territory as nearly equal in population as practicable (each district having less than five per cent (5%) deviation from exactly equal population numbers) and, as specified in Article II, Section 2.2 of the Alachua County Home Rule Charter, divides the County into five (5) commissioner districts, and also meets locally desired guidelines by: creating generally pie-shaped districts in order to include both urban and rural areas within each district; not splitting voting precincts between districts in order to ensure more efficient voting administration, and simplifying future commissioner elections by delineating district boundaries so that incumbent commissioners remain in separate districts.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

SECTION 1. Sec. 21.24 Commissioner Districts of the Alachua County Code is amended to read:

Sec. 21.24. Commissioner Districts

(a) Findings. The Board of County Commissioners of Alachua County, Florida, finds that the map entitled "Commissioner Districts of Alachua County, Florida" based upon the ~~2000~~ 2010 Census of Population and attached hereto as Exhibit A, is consistent with redistricting requirements of Article VIII, Section 1, paragraph (e) of the Florida Constitution, and pertinent State Statutes.

(b) Title. This Ordinance shall be titled "Commissioner Districts of Alachua County, Florida."

(c) Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Florida Constitution, Article VIII, Section 1, Paragraph (e).

(d) Revised Commissioner Districts based on ~~2000~~ 2010 Census. The Commissioner Districts of Alachua County, Florida, shall be those shown on the map attached hereto and incorporated herein by reference as composite Exhibit A and comprised of the contiguous territories incorporating those voting precincts listed on ~~said~~ composite Exhibit A, and described by metes and bounds legal descriptions in Exhibit B ~~attached hereto and incorporated herein~~.

(e) Severability. It is the declared intent of County Commissioners that if any section, subsection, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

(f) Publication of Revised Districts. The Board of County Commissioners in accordance with Section 124.02(1), Florida Statutes, shall cause an accurate description of the boundaries of the Commissioners Districts, as changed, to be entered upon its minutes and a certified copy thereof to be published once each week for two consecutive weeks. Proof of such publication shall be entered upon the minutes of the Board of County Commissioners.

(g) Copy on File; Furnishing of Minutes. A certified copy of this Ordinance with the attached Exhibits, and the corresponding minutes shall be on file with the Clerk of the Board of County Commissioners and also furnished to the Supervisor of Elections. In accordance with Section 124.03, Florida Statutes, the Clerk of the Commission shall furnish the Florida Department of State with a certified copy of its minutes reflecting the description of the boundaries of the districts as changed.

SECTION 2. Repeal of Ordinance 01-27. This ordinance shall repeal and replace Ordinance 01-27, which was adopted on October 23, 2001.

SECTION 3. Inclusion in the Code. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be made a part of the Alachua County Code of Alachua County Florida: that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION 4. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days

after enactment by the Board of County Commissioners and shall be effective upon filing with the Department of State.

DULY ADOPTED in regular session, this ____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

ATTEST:

By: _____
Lee Pinkoson, Chair

_____
J. K. Irby, Clerk

APPROVED AS TO FORM

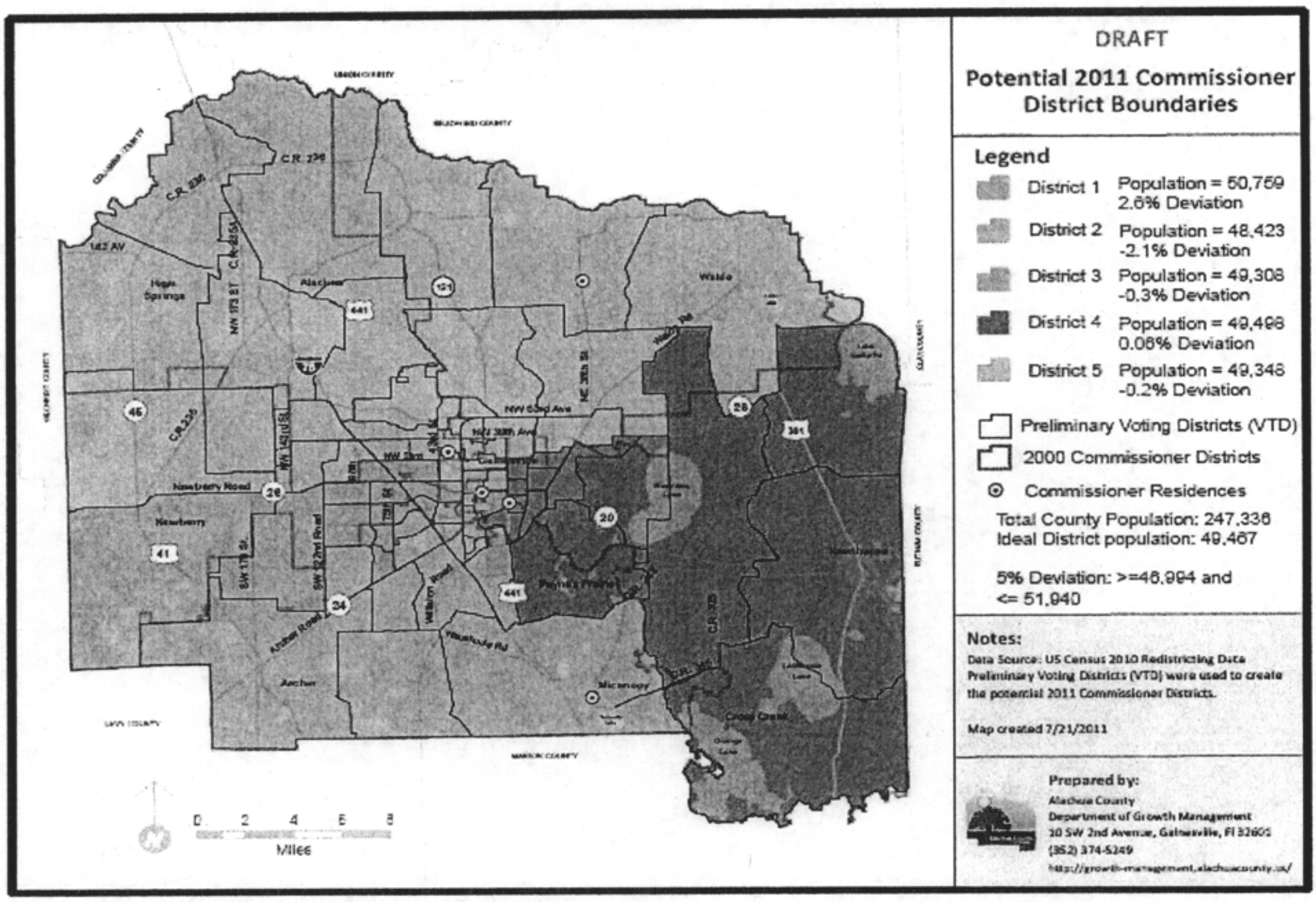
_____
County Attorney

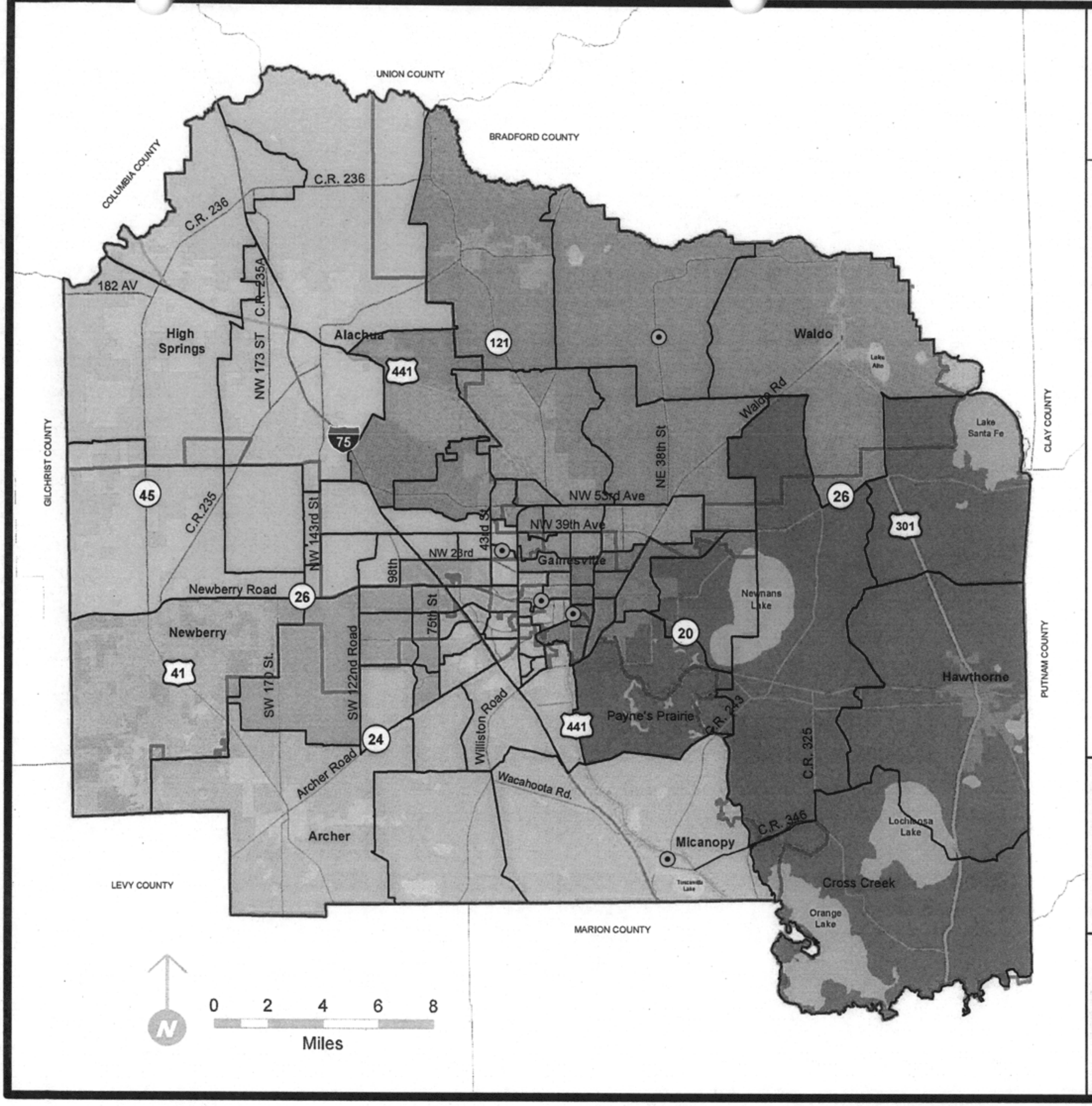
(SEAL)

APPROVED AS TO CORRECTNESS

_____
Growth Management Department

Exhibit A


DRAFT
Potential 2011 Commissioner District Boundaries
Legend
District 1 Population = 50,769 2.6% Deviation
District 2 Population = 48,423 -2.1% Deviation
District 3 Population = 49,308 -0.3% Deviation
District 4 Population = 49,496 0.06% Deviation
District 5 Population = 49,348 -0.2% Deviation
Preliminary Voting Districts (VTD)
2000 Commissioner Districts
Commissioner Residences
Total County Population: 247,336
Ideal District population: 49,467
5% Deviation: >=46,994 and <= 51,940
Notes:
Data Source: US Census 2010 Redistricting Data
Preliminary Voting Districts (VTD) were used to create the potential 2011 Commissioner Districts.
Map created 7/21/2011
Prepared by:
Alachua County
Department of Growth Management
(352) 374-5249
0 2 4 6 8
Miles



DRAFT

Potential 2011 Commissioner District Boundaries

Legend

District 1	Population = 50,759 2.6% Deviation
District 2	Population = 48,423 -2.1% Deviation
District 3	Population = 49,308 -0.3% Deviation
District 4	Population = 49,498 0.06% Deviation
District 5	Population = 49,348 -0.2% Deviation

Preliminary Voting Districts (VTD)

2000 Commissioner Districts

Commissioner Residences

Total County Population: 247,336
Ideal District population: 49,467

5% Deviation: >=46,994 and
<= 51,940

Notes:

Data Source: US Census 2010 Redistricting Data
Preliminary Voting Districts (VTD) were used to create the potential 2011 Commissioner Districts.

Map created 7/21/2011

Prepared by:
Alachua County
Department of Growth Management
10 SW 2nd Avenue, Gainesville, Fl 32601
(352) 374-5249
http://growth-management.alachuacounty.us/

Current Commissioner District Boundaries

Legend

District 1	Population = 53,224	7.6% Deviation
District 2	Population = 56,105	13.4% Deviation
District 3	Population = 50,050	1.17% Deviation
District 4	Population = 45,528	-8.0% Deviation
District 5	Population = 42,429	-14.2% Deviation

⊙ Commissioner Residences

Total County Population: 247,336
Ideal District population: 49,467

5% Deviation: >=46,994 and <= 51,940

Notes:

Data Source: US Census 2010 Redistricting Data

Map created 7/25/2011

Prepared by:
Alachua County
Department of Growth Management
10 SW 2nd Avenue, Gainesville, Fl 32601
(352) 374-5249
http://growth-management.alachuacounty.us/

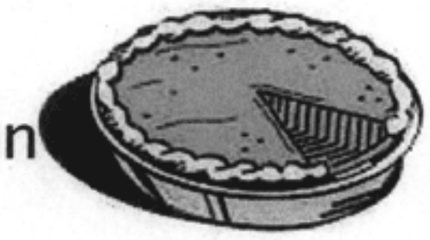
UNION COUNTY
BRADFORD COUNTY
COLUMBIA COUNTY
CLAY COUNTY
PUTNAM COUNTY
MARION COUNTY
LEVY COUNTY
GILCHRIST COUNTY
C.R. 236
182 AV
C.R. 235A
NW 173 ST
High Springs
Alachua
121
441
75
Waldo
Waldo Rd
Lake Alto
Lake Santa Fe
NE 38th St
NW 53rd Ave
NW 39th Ave
NW 23rd
43rd St
Gainesville
98th
NW 143rd St
C.R.235
45
Newberry Road
26
Newberry
41
SW 170 St.
SW 122nd Road
75th St
24
Archer Road
Archer
Williston Road
Wacahoota Rd.
Payne's Prairie
20
Newnans Lake
301
Hawthorne
C.R. 243
C.R. 325
C.R. 346
Micanopy
Lochloosa Lake
Cross Creek
Orange Lake
Tuscawilla Lake

0 2 4 6 8
Miles

County Redistricting

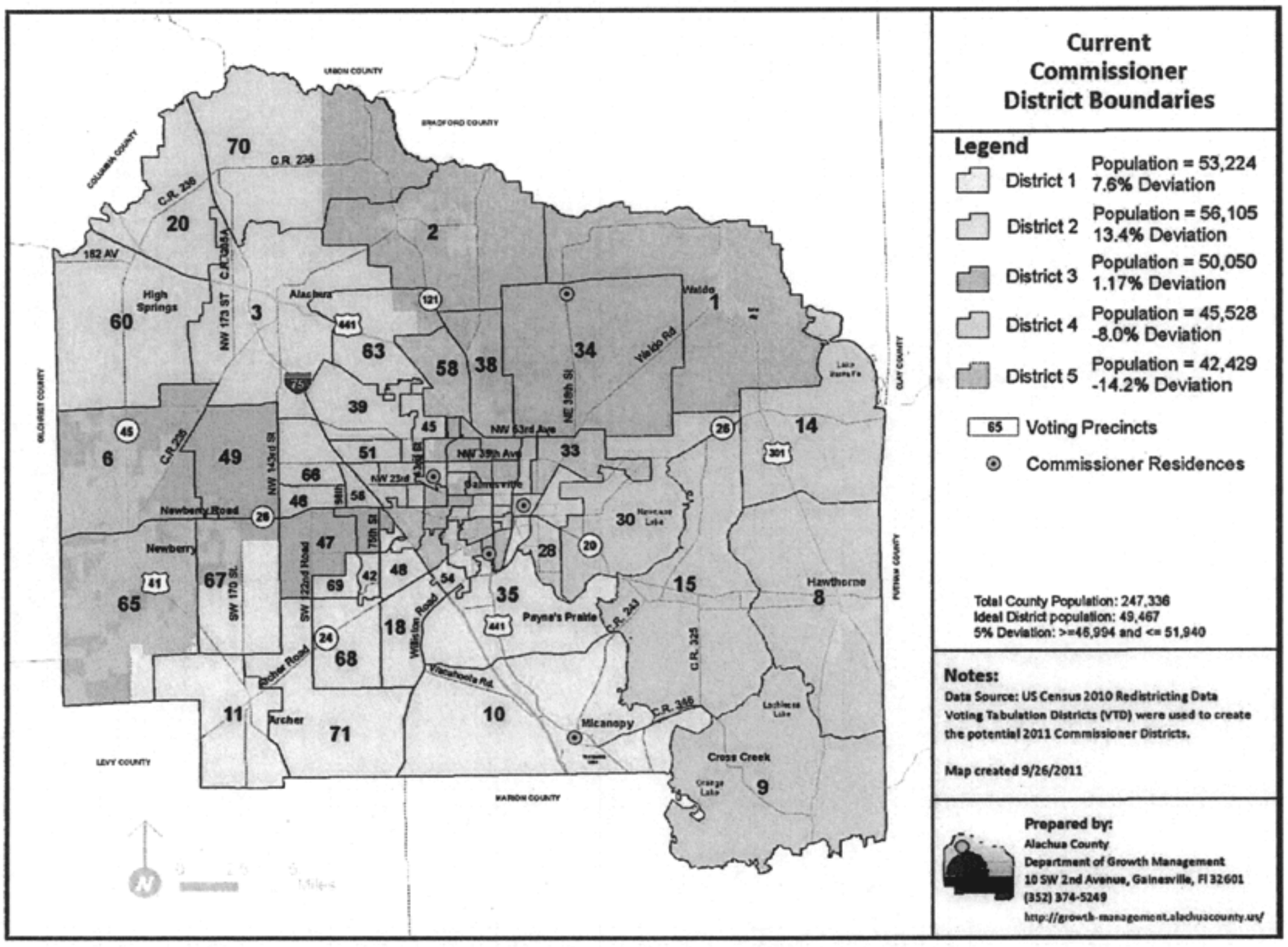
Proposal for Amending Existing County Commission Districts

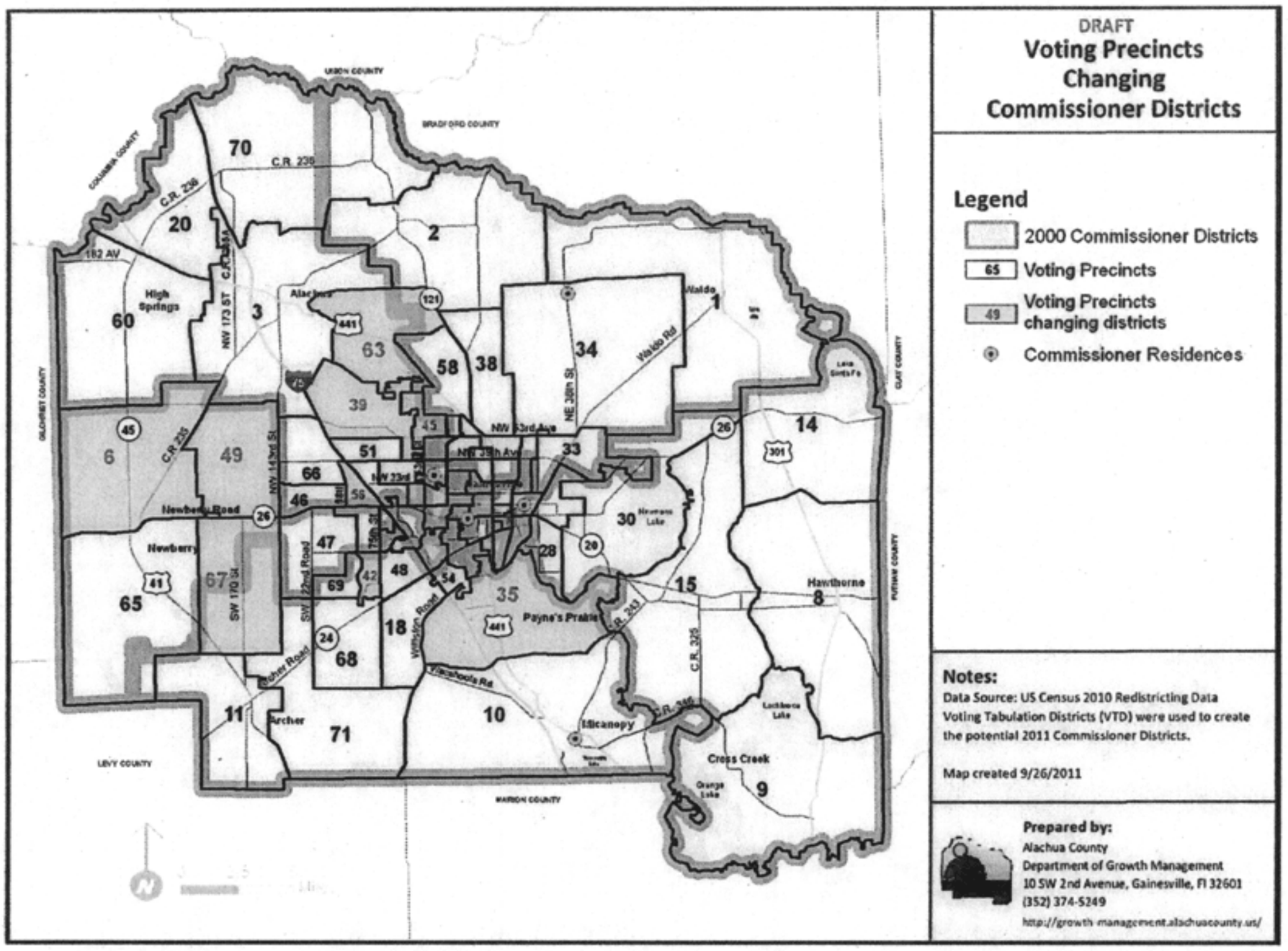
Criteria

- Population for each district within 5% of mean
- Pie-shaped configuration 
- Split of municipalities other than Gainesville should be avoided.
- Man-made or natural boundaries should be followed.
- Include Incumbent's residence

Further Criteria

- Proposed district should cover a similar region to existing district
- VTD (Voting Tabulation District) boundaries followed in order to summarize population and to align boundaries to Voting Districts

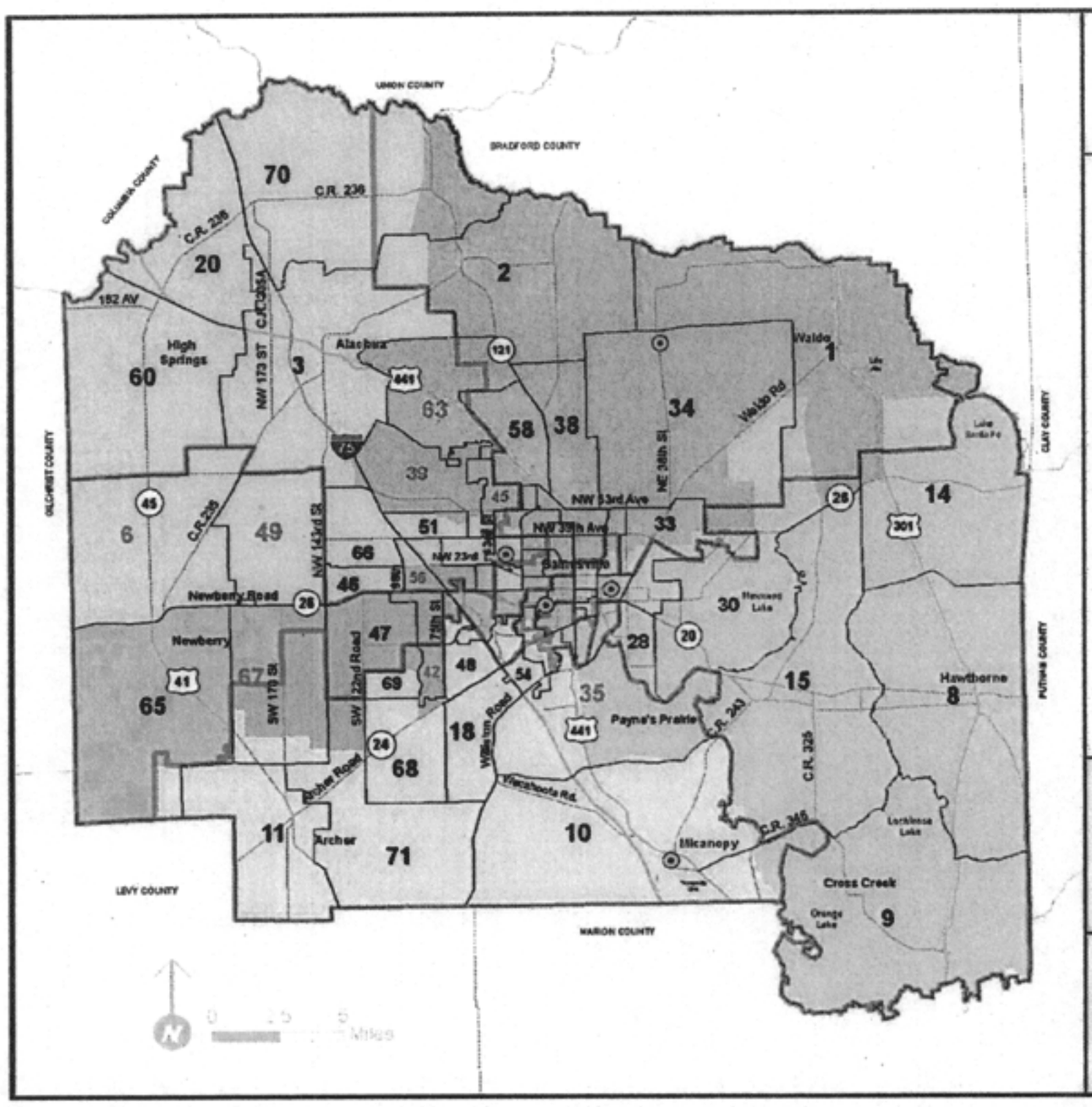




Voting Precincts

	Subtracted	Added
D1	19, 42, 67, 35	36
D2	39, 40, 45, 56, 63	6, 24, 49
D3	6, 36, 49, 59	4, 26, 40, 42, 56, 67
D4	4, 5,*29,*7	19, 23, 59, 35,*17,*64
D5	24, 26,*17,*64	5, 39, 45, 63,*29,*7

*Commissioner Long's proposal



DRAFT

Original Proposal 2011 Commissioner District Boundaries

Legend

- District 1 — Population = 50,759 — 2.6% Deviation
- District 2 — Population = 48,423 — -2.1% Deviation
- District 3 — Population = 49,308 — -0.3% Deviation
- District 4 — Population = 49,498 — 0.06% Deviation
- District 5 — Population = 49,348 — -0.2% Deviation

2000 Commissioner Districts

65 Voting Precincts

49 Voting Precincts changing districts

Commissioner Residences

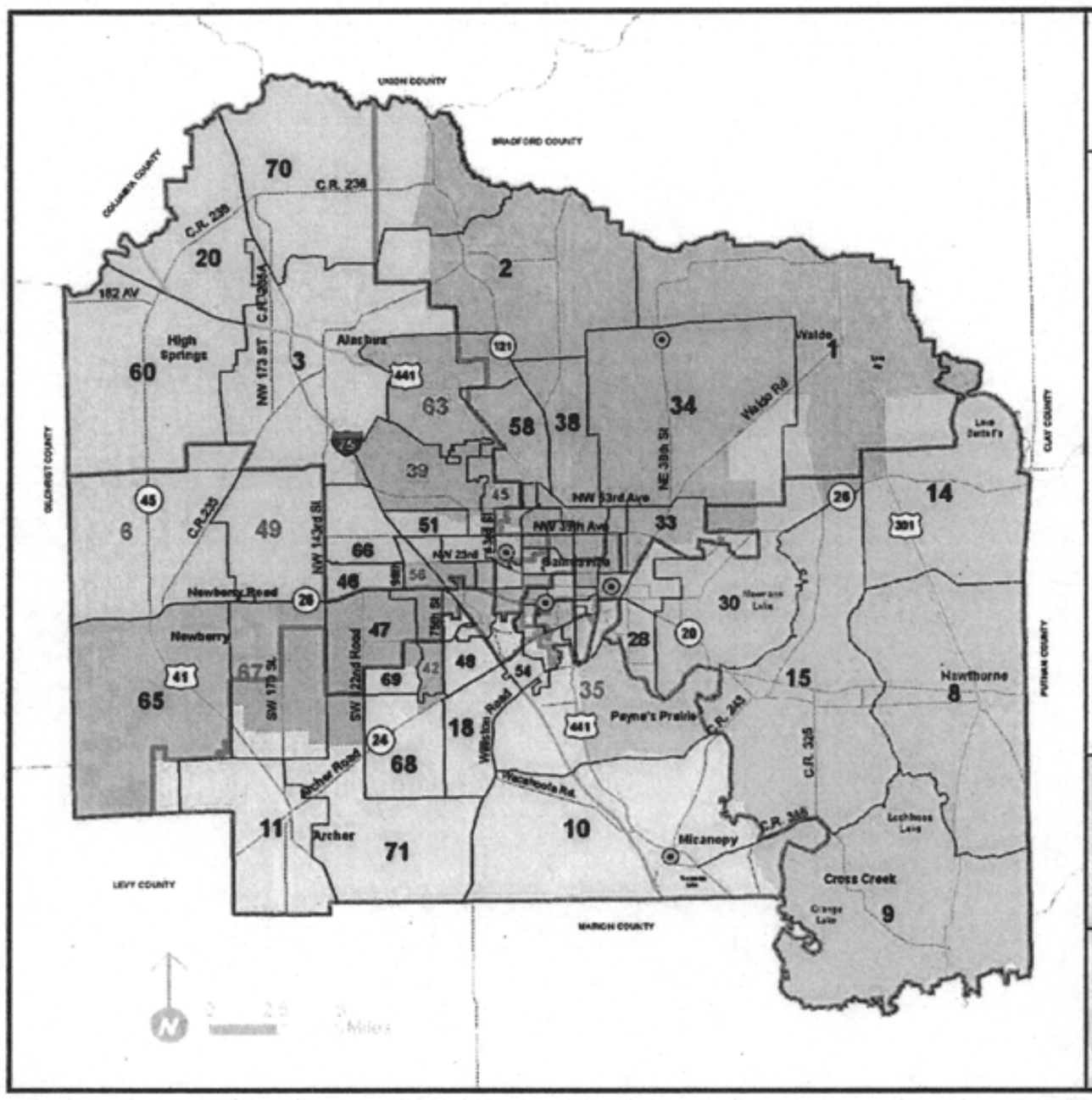
Total County Population: 247,336
Ideal District population: 49,467
5% Deviation: >=46,994 and <= 51,940

Notes:

Data Source: US Census 2010 Redistricting Data
Voting Tabulation Districts (VTD) were used to create the potential 2011 Commissioner Districts.

Map created 9/26/2011

Prepared by:
Alachua County
Department of Growth Management
10 SW 2nd Avenue, Gainesville, Fl 32601
(352) 374-5249
http://growth-management.alachuacounty.us/



DRAFT

Commissioner Long Proposal 2011 Commissioner District Boundaries

Legend

- District 1 — Population = 50,759 — 2.6% Deviation
- District 2 — Population = 48,423 — -2.1% Deviation
- District 3 — Population = 49,308 — -0.3% Deviation
- District 4 — Population = 49,849 — 0.77% Deviation
- District 5 — Population = 48,997 — -0.95% Deviation

2000 Commissioner Districts

65 Voting Precincts

49 Voting Precincts changing districts

Commissioner Residences

Total County Population: 247,336
Ideal District population: 49,467
5% Deviation: >=46,994 and <= 51,940

Notes:

Data Source: US Census 2010 Redistricting Data
Voting Tabulation Districts (VTD) were used to create the potential 2011 Commissioner Districts.

Map created 9/26/2011

Prepared by:
Alachua County
Department of Growth Management
10 SW 2nd Avenue, Gainesville, Fl 32601
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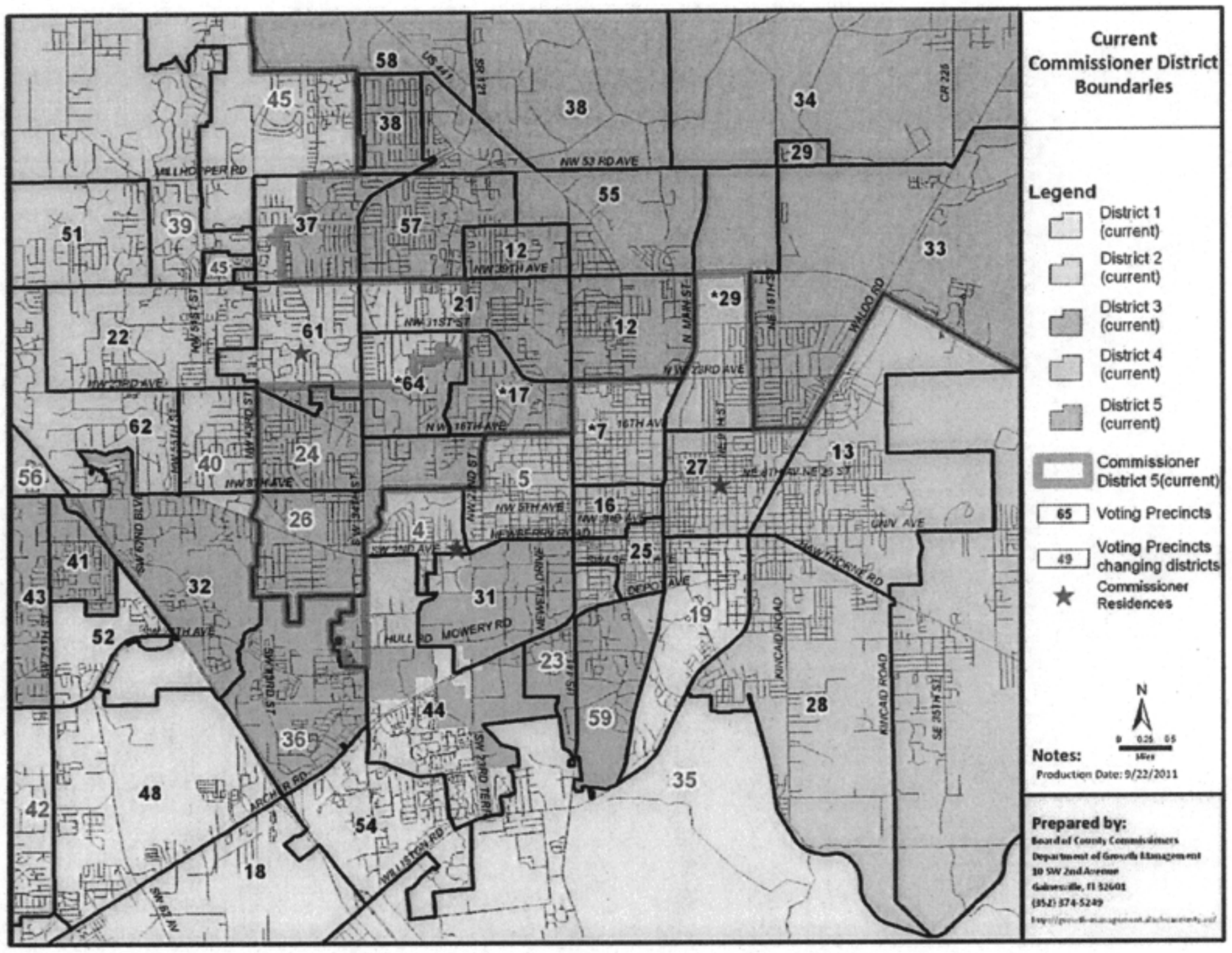
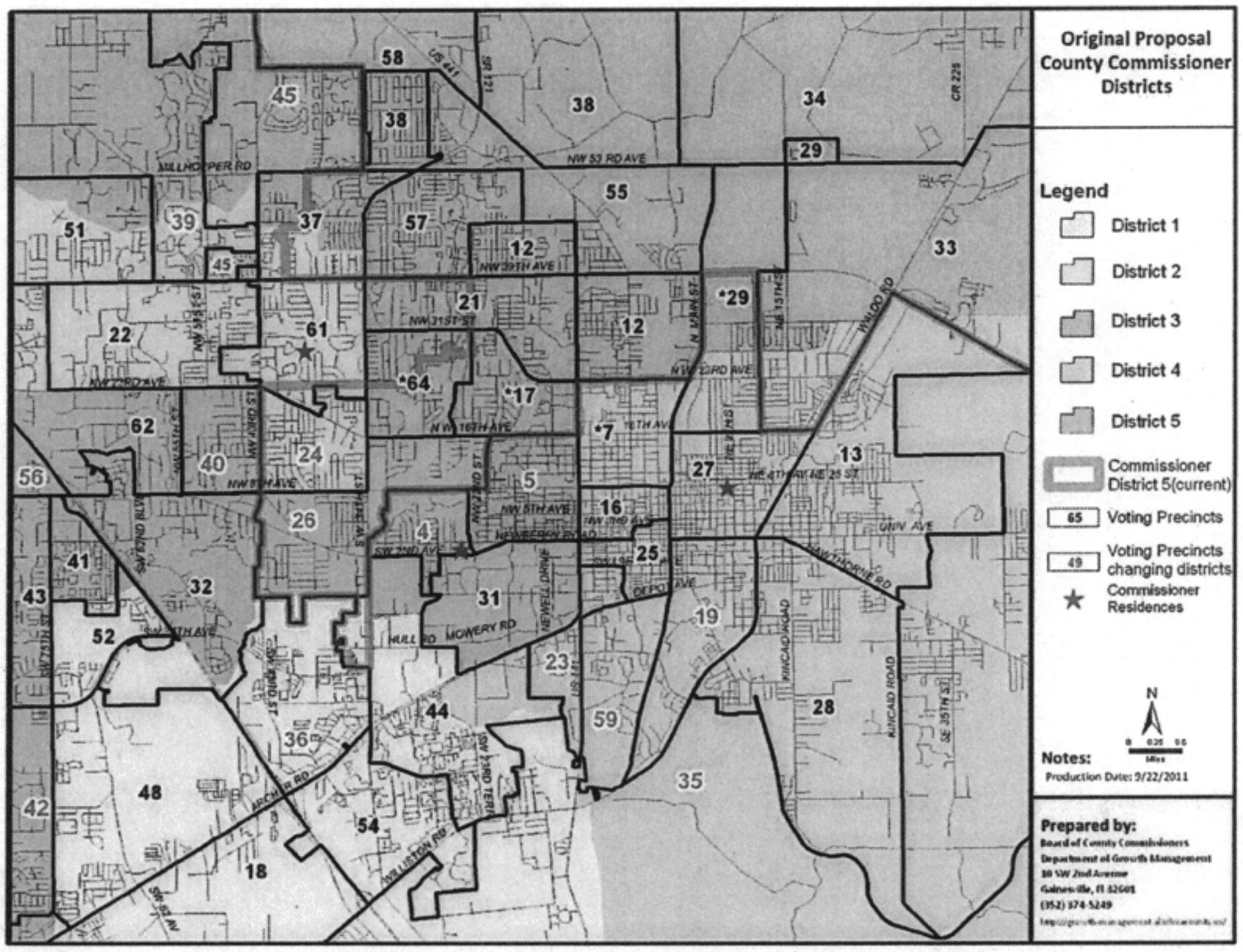

Current Commissioner District Boundaries
Legend
District 1 (current)
District 2 (current)
District 3 (current)
District 4 (current)
District 5 (current)
Commissioner District 5(current)
65 Voting Precincts
49 Voting Precincts changing districts
Commissioner Residences
N
0 0.25 0.5 Miles
Notes:
Production Date: 9/22/2011
Prepared by:
Board of County Commissioners
Department of Growth Management
10 SW 2nd Avenue
Gainesville, Fl 32601
(352) 374-5249
NW 53 RD AVE
MILLHOPPER RD
NW 39TH AVE
NW 31ST ST
NW 16TH AVE
NW 8TH AVE
NW 5TH AVE
SW 2ND AVE
UNIV AVE
HULL RD
MOWERY RD
ARCHER RD
WILLISTON RD
WALDO RD
KINCAID ROAD


Original Proposal County Commissioner Districts
Legend
District 1
District 2
District 3
District 4
District 5
Commissioner District 5(current)
65 Voting Precincts
49 Voting Precincts changing districts
Commissioner Residences
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0 0.25 0.5 Miles
Notes:
Production Date: 9/22/2011
Prepared by:
Board of County Commissioners
Department of Growth Management
10 SW 2nd Avenue
Gainesville, Fl 32601
(352) 374-5249
NW 53 RD AVE
MILLHOPPER RD
NW 39TH AVE
NW 31ST ST
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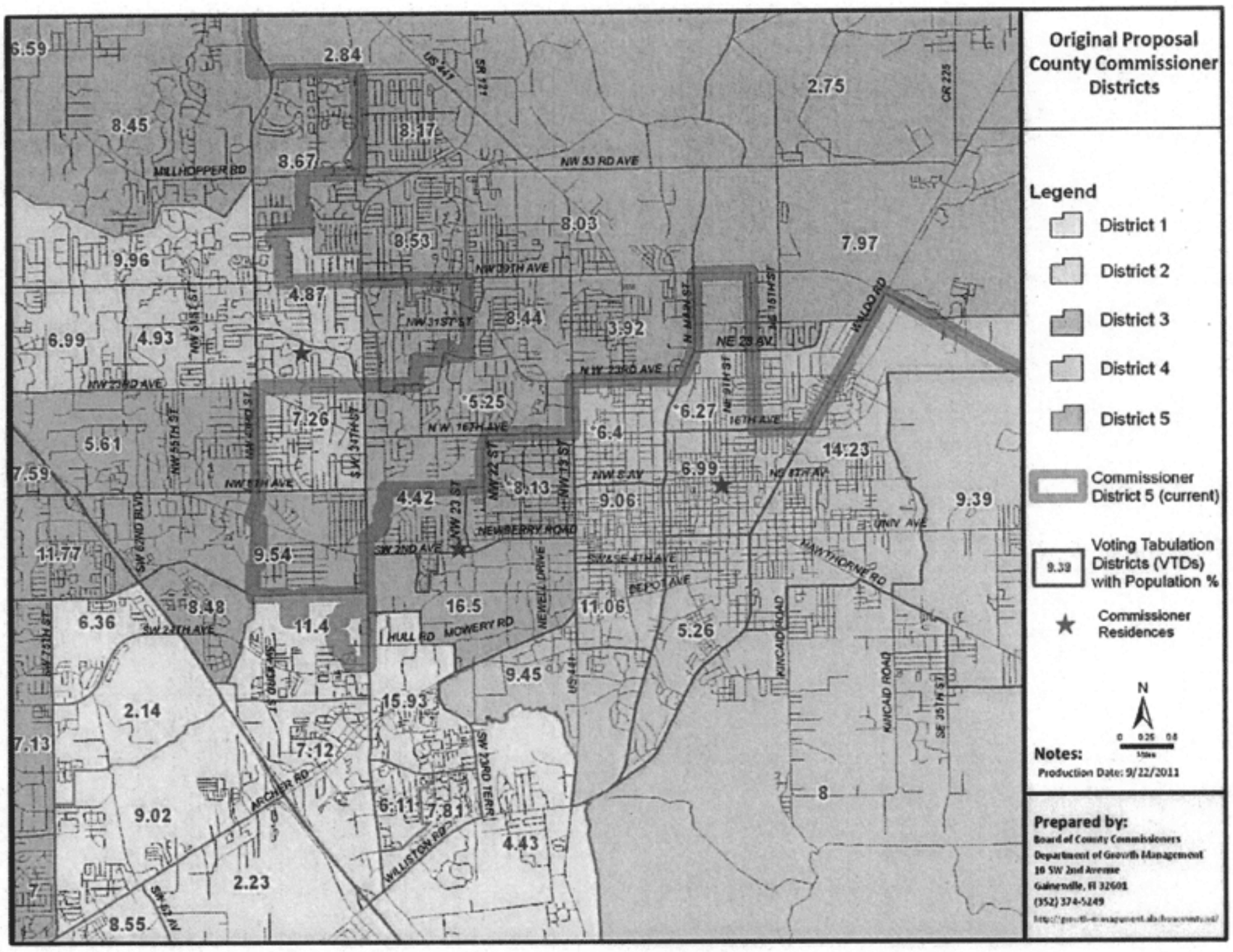
WALDO RD
KINCAID ROAD


Original Proposal
County Commissioner
Districts
Legend
District 1
District 2
District 3
District 4
District 5
Commissioner District 5 (current)
Voting Tabulation Districts (VTDs) with Population %
Commissioner Residences
N
Notes:
Production Date: 9/22/2011
Prepared by:
Board of County Commissioners
Department of Growth Management
10 SW 2nd Avenue
Gainesville, Fl 32601
(352) 374-5249
6.59
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MILLHOPPER RD
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NE 23 AV
NW 23RD AVE
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6.27
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NW 16TH AVE
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NEWBERRY ROAD
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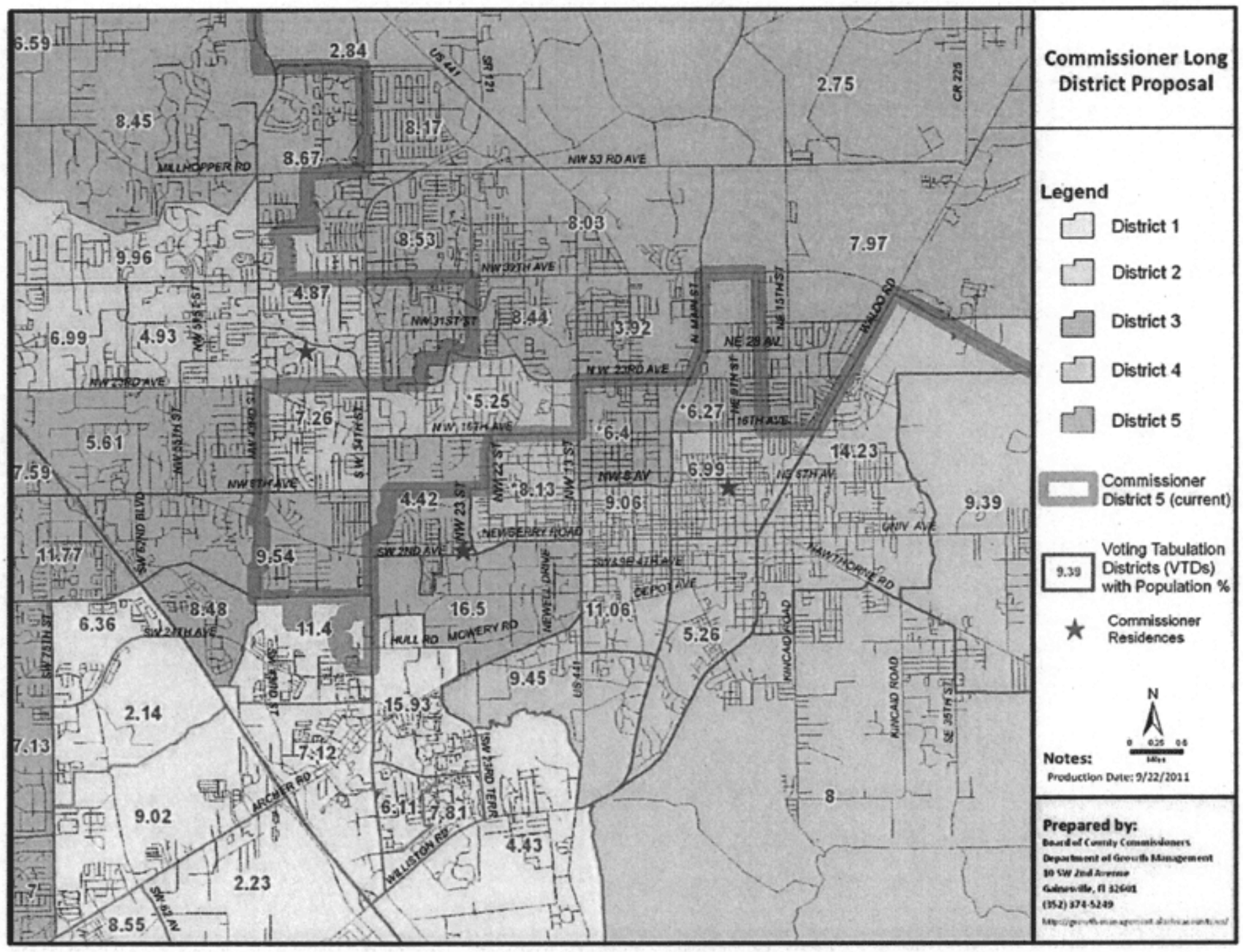
Commissioner Long
District Proposal
Legend
District 1
District 2
District 3
District 4
District 5
Commissioner District 5 (current)
Voting Tabulation Districts (VTDs) with Population %
Commissioner Residences
N
Notes:
Production Date: 9/22/2011
Prepared by:
Board of County Commissioners
Department of Growth Management
10 SW 2nd Avenue
Gainesville, Fl 32601
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MOWERY RD
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9.02
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7.81
4.43
2.23
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8

Recommendation

- Staff recommends that the County Commission provide staff with direction regarding the updated County Commission district map, and to advertise and schedule a hearing to adopt the amended map.

October 11, 2011 Regular BoCC Meeting
Agenda Item #17

Title
City of Newberry Interlocal agreement for Nations Park (Amended)

Amount
N/A

Description
Request Approval Amendment to the interlocal with City of Newberry for Nations Park to provide payment of debt service prior to completion of project.

Recommendation
Do not modify the language in the interlocal agreement with the City of Newberry for Nations Park to allow for debt service payment prior to receiving certificate of occupancy.

Alternative(s)
Provide direction to staff regarding amendments to the interlocal agreement with the City of Newberry for Nations Park.

Requested By
John Pricher

Originating Department
Tourist Development

Attachment(s) Description
August 23 draft amendment

Documents Requiring Action
None

Executive Summary
The City of Newberry is requesting that the County amend the interlocal agreement to provide payment of debt service on the City's bond for Nations Park prior to the completion of the project. The current interlocal provides reimbursement for debt service after the completion of the complex.

Background
On July 13, 2010, the City of Newberry and Alachua County entered into an interlocal agreement pledging one percent of the Local Option Tourist Development Tax to build Nations Park, a 16 field youth baseball and fastpitch softball complex. Newberry has secured a bond to pay for the construction of the park. At the July 12, 2011 meeting the BOCC approved an enhancement to Nations Park for $277, 303. This resulted in the need for an amendment to the interlocal agreement. Additionally, language to further specify that completion of the project is defined as the receipt of a certificate of occupancy. A draft of the amendment was sent to the City of Newberry on August 23, 2011.Staff and City of Newberry, prior to the July 12 meeting, had been in discussion to make a change to the interlocal agreement that would allow the City to be reimbursed for debt service payments made prior to construction being completed.

Issues

The point was made by the City of Newberry and Tourist Development staff that County funds would not be expended prior to completion of the project. Payment of debt service in December will impact the City's budget until the park is completed and the funds can be reimbursed.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: Nation's Park 1st Amendment_oct11mtg.pdf

CITY OF NEWBERRY

Invoice No.

INVOICE

Customer

Name Alachua County
Address
City
Phone

Date 11/1/2011
Order No.
Rep
Term

Qty	Description	Unit Price	TOTAL
	Bond Debt Payment for Nations Park Capital Improvement Project Due November 15,2011 per interlocal agreement		$606,262.07

Subtotal	$606,262.07
Shipping & Handling	$0.00
Taxes	$0.00
TOTAL	$606,262.07

Payment Details

Cash
Check
Credit Card

Name
CC #
Expires

Office Use Only

CITY OF NEWBERRY

Invoice No.

INVOICE

Customer

Name Alachua County
Address
City
Phone

Date 11/1/2011
Order No.
Rep
Term

Qty	Description	Unit Price	TOTAL
	Bond Debt Payment for Nations Park Capital Improvement Project Reimbursement paid June 01, 2011		$99,946.07

Subtotal	$99,946.07
Shipping & Handling	$0.00
Taxes	$0.00
TOTAL	$99,946.07

Payment Details

Check
Credit Card

Name
CC # Expires

Office Use Only

FIRST AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY AND THE CITY OF NEWBERRY FOR TOURIST DEVELOPMENT TAX FUNDING FOR THE CONSTRUCTION OF CITY OF NEWBERRY NATION'S PARK

THIS FIRST AMENDMENT TO INTERLOCAL AGREEMENT, made and entered into this 10th day of October, A.D., 2011, by and between Alachua County, Florida, a charter county and political subdivision of the State of Florida (hereinafter the "COUNTY"), and the City of Newberry, Florida, a municipal corporation of the State of Florida (hereinafter the "CITY");

W I T N E S S E T H:

WHEREAS, the parties hereto have previously entered into an Interlocal Agreement, dated July 13, 2010, for tourist development tax funding for the construction of City of Newberry's Nation's Park; and

WHEREAS, the parties desire to amend the Interlocal Agreement to clarify the City's obligations;

NOW THEREFORE, in consideration of the mutual covenants of this Agreement, the CITY and the COUNTY agree as follows:

1. Section 2, Covenants of the COUNTY, is amended as follows:

SECTION 2. Covenants of the COUNTY. The COUNTY agrees:

a. To provide for (i) the assignment to the City and pledge on a first lien basis of an amount equal on an annual basis to the lesser of $625,000 or the amount generated by the 1st percent tourist development tax within the County, and (ii) an assignment and pledge from the 2nd and 3rd percent tourist development tax imposed within the county in such amount as shall be necessary to transfer to the City the $625,000 referenced in (i) above in the event that proceeds of the 1st tourist development tax in a given year are insufficient to do so; provided, that the County may grant a pledge of and lien on proceeds of the 2nd and 3rd percents of the tourist development tax to secure other indebtedness of the County, which other indebtedness shall have a lien on said proceeds of the 2nd and 3rd percents of tourist development tax superior in lien to that referenced in this subclause (ii). The amounts transferred to the City as described herein will in turn be pledged by the City to secure bonded indebtedness to finance the Nations Park baseball complex for a loan period not to exceed 20 years. The COUNTY's obligation described herein is contingent upon the CITY securing financing for the construction or purchase of Nation's Park. The County shall make payments to the City on a semi-annual basis commencing during the calendar year after Nations Park is completely constructed, a final certificate of occupancy has been issued and the City issues bonds to pay for the capital costs for Nation's Park. In the event Nation's Park is constructed after the City's debt services payments are due; County agrees to reimburse City for payment of the debt service payments after Nation's Park is completely constructed, a final certificate of occupancy has been issued; provided, however, the County agrees to pay the City by November 15, 2011, the amount of $606,262.07 for bond debt service payments due during calendar year 2011. Payments shall be made on the dates which are 30 days prior to the scheduled semi-annual debt service dates associated with the City's indebtedness,

until the County's obligation under this agreement is fully satisfied. In the event amounts transferred to the City as described herein are in excess in any year to the amount necessary to pay such indebtedness, any excess amount shall be returned to the County by December 1 each year.

b. To segregate, from amounts accumulated from tourist development taxes, an amount equal to $625,000 to be pledged as a reserve to secure the Newberry indebtedness and to be used for no other purpose. Such amount would be available to service the Newberry indebtedness only in the event that proceeds from the 1st percent tourist development tax identified above fail to reach $625,000 in a given year (and prior to any use of moneys derived from the 2nd or 3rd percent tourist development tax for such purpose). In the event a draw is made on the reserve amount, then in any future year in which the $625,000 annual distribution is in excess of Newberry debt service, any excess amount would go first to refill the reserve before being transferred elsewhere. Any amounts remaining in the reserve account as of the last year of the Newberry debt would be used to pay such last year's Newberry debt service.

c. To reimburse the City after Nation's Park is completed constructed and a final certificate of occupancy has been issued the lesser of the actual costs of the following enhancements to Nation's Park or $277,303.00:

(1) a spectator stand;
(2) shade structures;
(3) second floor for scorer's building;
(4) canopy entrance to administration building; and
(5) improved landscaping.

2. Section 3, Covenants of the CITY, is amended as follows:

SECTION 3. Covenants of the CITY. The CITY agrees:

a. To arrange for the construction of a 16-field youth baseball park ("Nation's Park") located on property specifically described in Exhibit A and pursuant to the conceptual plan and park facilities identified in Composite Exhibit B.

b. To comply with the COUNTY'S purchasing, small business enterprise and local preference requirements. A copy of the County's Small Business Enterprise Program is attached as Exhibit "C."

c. To own, maintain and operate Nation's Park in a manner that will attract tourists to attend multiday baseball and fast-pitch softball tournaments conducted at least 12 weeks each year subject to the following criteria:

(1) Multi-day tournament is defined as having scheduled games on at least 3 consecutive days.

(2) A baseball or fast-pitch softball tournament shall have at least 40 teams scheduled for competition.

(3) A tournament will be deemed filled when at least 80 teams are scheduled for competition for a multi-day period. A tournament must be filled before placing any teams competing in the tournament at an alternative site in Alachua County.

d. Use its best efforts to meet the criteria stated in subparagraphs 3 (a) through (c), above, before January 1, 2015. After December 31, 2014, meet the criteria set forth in subparagraphs 3 (a) through (c), above.

e. To sell or otherwise transfer or dispose of Nation's Park during the term of this Agreement only with the written consent of the COUNTY.

f. To provide access to Nation's Park on a priority basis to the COUNTY so that the park can be used for events that promote tourism. The COUNTY shall have the right of first refusal to use Nation's Park for events that promote tourism, except that baseball and fast pitch softball tournaments scheduled and conducted by the contractor the CITY retains to operate and maintain Nation's Park shall take precedence over all other events. Any entity that uses Nation's Park to conduct events that promote tourism other than the COUNTY shall be required to pay actual personnel and operational expenses necessary to operate the Park during the period of that entity's use.

g. To prepare a statement of the amount payable by the COUNTY to the CITY thirty (30) days prior to the payment date supported by a statement of the actual interest and principal payment amount charged to the city on this debt issuance.

h. To restrict the use of the concession stand revenues and spectators fees revenue to maintenance and operation of the park, including payment due to any private operator of the park.

i. To use tourist development tax revenue received from the COUNTY only for the purposes set forth herein.

j. To ensure that its agreement with Nation's Park, LLC for the operation and maintenance of Nation's Park provides that Nation's Park, LLC, and any subsidiary of Nation's Park, LLC will not schedule events at a facility that competes with Nation's Park unless the requirements section 3, paragraph c are met during each calendar year for the term of this agreement.

k. To provide the COUNTY annual financial statements, including Nation's Park LLC, annual balance and income statement.

SAVE AND EXCEPT as expressly amended herein, all other terms and provisions of the original Interlocal Agreement between the parties, dated July 13, 2010, shall be and remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY:

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

Steve Donnelly, D.C.
J. K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____
Alachua County Attorney

CITY OF NEWBERRY:

CITY COMMISSION
CITY OF NEWBERRY

By: _____
Bill Conrad, Mayor

ATTEST:

Gayle B. Pons
Gayle Pons, Clerk

(SEAL)

APPROVED AS TO FORM

_____
City of Newberry Attorney

October 11, 2011 Regular BoCC Meeting
Agenda Item #18

Title
Neighborhood Stabilization Program (NSP) 3 Agreement (Amended)

Amount
$1,029,844.00

Description
Request Approval of the Neighborhood Stabilization Program 3 Agreement between Alachua County and the State of Florida

Recommendation
Approve and authorize the Chair to sign three original documents of the Agreement, Attachment K, Civil Rights Compliance Assurance, Attachment L, Signature Authorization Form and additional documents and forms as deemed necessary by the State of Florida to supplement or amend the agreement. Copies of any documents signed to be included in the Board minutes.

Alternative(s)
Do not approve or authorize the Chair to sign the Agreement. Approve and authorize the Chair to sign three originals of the Agreement, Attachment K and Attachment L, but do not authorize the Chair to sign additional documents and forms as deemed necessary by the State of Florida to supplement or amend the agreement.

Requested By
Tom Webster, Housing Programs Manager

Originating Department
Growth Management

Attachment(s) Description
State of Florida NSP 3 Agreement

Documents Requiring Action
State of Florida NSP 3 Agreement Attachment K, Civil Rights Compliance Assurance Attachment L, Signature Authorization Form

Executive Summary
Neighborhood Stabilization Program 3 funds will be used to acquire foreclosed homes in the designated target area on the eastern side of Alachua County. The homes will then be renovated to remove unhealthy or hazardous conditions, to make the homes more energy efficient, and to preserve existing housing stock. Homes are then either sold to NSP eligibile homebuyers or transferred to a not for profit organization for use as rental housing for very low and low income households. This grant will be used to acquire seven foeclosed homes in the designated target area. Three homes are to be made available for resale to NSP eligible homebuyers. Four homes are to be made available as affordable rental housing for very low and low income renters. The net proceeds from the sale of NSP homes will be used to purchase and renovate additional homes in the designated target area. Under NSP 3, 50% of the funds must be expended by March 2013 and 100% of the funds must be expended by March 2014.

Background
The objectives of the Alachua County Neighborhood Stabilization Program 3, as stated in the NSP 3 Housing Assistance Plan, adopted by the Board on July 12, 2011, include: 1. To stabilize communities within the County's jurisdiction which are deemed to

be areas of local priority. 2. To encourage the revitalization of low to moderate income neighborhoods. 3. To remove unhealthy or hazardous conditions in low to moderate income neighborhoods. 4.To use Community Development Block grant funds as a catalyst to encourage residents of low to moderate income neighborhoods to improve their community. 5. To preserve existing housing stock and to rehabilitate substandard housing. 6. To enable low to moderate income families to purchase or rent affordable housing. The goals and objectives of the Alachua County Neighborhood Stabilization Program are aligned with the stated goals, objectives, and policies in the Housing Element of the Alachua County Comprehensive Plan. The State of Florida was awarded funding for NSP 3 and offered Alachua County the opportunity to apply for funding. In response to an invitation from the State of Florida, staff attended an NSP 3 Workshop April 18-19, 2011 to learn more about the program. The Board authorized the Chair to sign a Notice of Intent to Apply for NSP 3 funds at its April 26, 2011 meeting. At its May 10, 2011 meeting, the Board subsequently approved staff's recommendation to select the Eastisde Study Area as the proposed NSP 3 target area. The Board then approved the NSP 3 grant application at its May 24, 2011 meeting, and subsequently approved the NSP 3 Housing Assistance Plan on July 12, 2011. The Florida Department of Community Affairs completed its review of Alachua County's NSP 3 application for funding and sent an approval letter to the Chair on August 29, 2011. The NSP 3 Agreement was sent to Alachua County September 9, 2011 and is being brought to the Board at this time for approval.

Issues

This NSP 3 Agreement binds the local government to the proposed NSP 3 project and to comply with all applicable NSP laws, rules, and regulations. This is a highly regulated and monitored federally funded reimbursement grant. Any expenditures deemed to be ineligible will not be reimbursed by the State of Florida. Therefore, should this grant agreement be approved by the Board, staff will focus primarily on achieving grant compliance. Examples of local governments who have not chosen grant compliance to be their primary focus may be found in the attached HUD Office of Inspector General Report. The intent of the program is to stabilize and invest in neighborhoods impacted by high rates of foreclosure. The program specifically prohibits local governments from making a profit on the sale of any NSP homes, or from breaking even on an NSP home sale, as maintenance costs such as insurance, utilites, mowing, etc. may not be included in the sales price of NSP homes. Although the Board set a maximum purchase price of $75,000 for NSP 3, staff anticipates that the costs to acquire and renovate NSP homes will substantially exceed the resale value, due to the typical deteriorating condition of vacant, foreclosed homes, (must be vacant for a minimum of 90 days), the age of the housing stock in the NSP 3 target area, and the grant requirements. Home improvements generally speaking, rarely provide a dollar for dollar enhancement of property values. NSP is no exception. The median sales price in the Gainesville Metropolitan Statistical Area dropped 18.5% between May 2010 and July 2011. This trend, should it continue, may also adversely impact resale values. For these reasons, staff does not expect to recover most or all NSP costs through the sale of NSP homes.

Fiscal Recommendation

The recommendation to approve this grant agreement has no adverse fiscal impact.

Fiscal Alternative(s)

N/A

Funding Sources

Neighborhood Stabilization Program 3

Account Code(s)

To be determined upon receipt of an executed grant agreement.

Attachment: NSP 3 DCA Contract for October 11 2011.pdf
Attachment: HUD Office of Inspector General Reports.pdf

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

Contract Number: 12DB-Q5-03-11-01-F 08

CFDA Number: 14.228

Rule: None

Neighborhood Stabilization Program (NSP)

FFY 2011 NSP Agreement

THIS AGREEMENT is entered into by the State of Florida, Department of Community Affairs, with headquarters in Tallahassee, Florida (hereinafter referred to as the "Department"), and Alachua County, Post Office Box 2877, Gainesville, Florida. 32602-2877 (hereinafter referred to as the "Recipient").

THIS AGREEMENT IS ENTERED INTO BASED ON THE FOLLOWING REPRESENTATIONS:

A. The Recipient represents that it is fully qualified and eligible to receive these grant funds to provide the services identified herein; and

B. The Department has received these grant funds from the State of Florida, and has the authority to subgrant these funds to the Recipient upon the terms and conditions below; and

C. The Department has statutory authority to disburse the funds under this Agreement.

THEREFORE, the Department and the Recipient agree to the following:

(1) SCOPE OF WORK

The Recipient shall perform the work in accordance with the Budget and Scope of Work, Attachment A, the Activity Work Plan, Attachment I of this Agreement and the Neighborhood Stabilization Program 3 Application submitted by the Recipient on June 2, 2011, including future amendments to this Subgrant Agreement that are agreed upon by both parties..

(2) INCORPORATION OF LAWS, RULES, REGULATIONS AND POLICIES

The Recipient and the Department shall be governed by applicable State and Federal laws, rules and regulations, including those identified in Attachment B.

(3) PERIOD OF AGREEMENT

This Agreement shall begin upon execution by both parties, and shall end twenty-four (24) months after the last signed date, unless terminated earlier in accordance with the provisions of Paragraph (12) of this Agreement. Contract extensions will not be granted unless Recipient is able to provide substantial justification and the Division Director approves such extension.

(4) MODIFICATION OF CONTRACT

Either party may request modification of the provisions of this Agreement. Changes which are agreed upon shall be valid only when in writing, signed by each of the parties, and attached to the original of this Agreement.

(5) RECORDKEEPING

(a) As applicable, Recipient's performance under this Agreement shall be subject to the federal OMB Circular No. A-102, "Common Rule: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments" (53 Federal Register 8034) or OMB Circular No. A-110, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations," and either OMB Circular No. A-87, "Cost Principles for State, Local and Indian Tribal Governments," OMB Circular No. A-21, "Cost Principles for Educational Institutions," or OMB Circular No. A-122, "Cost Principles for Non-profit Organizations."

(b) The Recipient shall retain sufficient records to show its compliance with the terms of this Agreement, and the compliance of all subcontractors or consultants paid from funds under this Agreement, for a period of six years from the date the audit report is issued, and shall allow the Department or its designee, the State Chief Financial Officer or the State Auditor General access to the records upon request. The Recipient shall ensure that audit working papers are available to them upon request for a period of six years from the date the audit report is issued, unless extended in writing by the Department. The six year period may be extended for the following exceptions:

1. If any litigation, claim or audit is started before the six year period expires, and extends beyond the six year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

2. Records for the disposition of non-expendable personal property valued at $5,000 or more at the time it is acquired shall be retained for six years after final disposition.

3. Records relating to real property acquired shall be retained for six years after the closing on the transfer of title.

(c) The Recipient shall maintain all records for the Recipient and for all subcontractors or consultants to be paid from funds provided under this Agreement, including documentation of all program costs, in a form sufficient to determine compliance with the requirements and objectives of the Budget and Scope of Work - Attachment A - and all other applicable laws and regulations.

(d) The Recipient, its employees or agents, including all subcontractors or consultants to be paid from funds provided under this Agreement, shall allow access to its records at reasonable times to the Department, its employees, and agents. "Reasonable" shall ordinarily mean during normal business hours of 8:00 a.m. to 5:00 p.m., local time, on Monday through Friday. "Agents" shall include, but not be limited to, auditors retained by the Department.

(6) AUDIT REQUIREMENTS

(a) The Recipient agrees to maintain financial procedures and support documents, in accordance with generally accepted accounting principles, to account for the receipt and expenditure of funds under this Agreement.

(b) These records shall be available at reasonable times for inspection, review, or audit by state personnel and other personnel authorized by the Department. "Reasonable" shall ordinarily mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

(c) The Recipient shall provide the Department with the records, reports or financial statements upon request for the purposes of auditing and monitoring the funds awarded under this Agreement.

(d) If the Recipient is a State or local government or a non-profit organization as defined in OMB Circular A-133, as revised, and in the event that the Recipient expends $500,000 or more in Federal awards in its fiscal year, the Recipient must have a single or program-specific audit conducted in accordance with the provisions of OMB Circular A-133, as revised. EXHIBIT 1 to this Agreement shows the Federal resources awarded through the Department by this Agreement. In determining the Federal awards expended in its fiscal year, the Recipient shall consider all sources of Federal awards, including Federal resources received from the Department. The determination of amounts of Federal awards expended should be in accordance with the guidelines established by OMB Circular A-133, as revised. An audit of the Recipient conducted by the Auditor General in accordance with the provisions of OMB Circular A-133, as revised, will meet the requirements of this paragraph.

In connection with the audit requirements addressed in this Paragraph 6 (d) above, the Recipient shall fulfill the requirements for auditee responsibilities as provided in Subpart C of OMB Circular A-133, as revised.

If the Recipient expends less than $500,000 in Federal awards in its fiscal year, an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, is not required. In the event that the Recipient

expends less than $500,000 in Federal awards in its fiscal year and chooses to have an audit conducted in accordance with the provisions of OMB Circular A-133, as revised, the cost of the audit must be paid from non-Federal funds.

(e) Send copies of reporting packages for audits conducted in accordance with OMB Circular A-133, as revised, and required by subparagraph (d) above, when required by Section .320 (d), OMB Circular A-133, as revised, by or on behalf of the Recipient to The Department of Community Affairs at each of the following addresses:

Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
and

Department of Community Affairs
Community Development Block Grant Neighborhood Stabilization Program
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Send the Single Audit reporting package and Form SF-SAC to the Federal Audit Clearinghouse by submission online at:

http://harvester.census.gov/fac/collect/ddeindex.html

and to any other Federal agencies and pass-through entities in accordance with Sections .320 (e) and (f), OMB Circular A-133, as revised.

(f) Pursuant to Section .320 (f), OMB Circular A-133, as revised, the Recipient shall send a copy of the reporting package described in Section .320 (c), OMB Circular A-133, as revised, and any management letter issued by the auditor, to the Department at the following addresses:

Department of Community Affairs
Office of Audit Services
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
and

(g) By the date due, send any reports, management letter, or other information required to be submitted to the Department pursuant to this Agreement in accordance with OMB Circular A-133, Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.

(h) Recipients should state the date that the reporting package was delivered to the Recipient when submitting financial reporting packages to the Department for audits done in accordance with OMB Circular A-133 or Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

(i) If the audit shows that all or any portion of the funds disbursed were not spent in accordance with the conditions of this Agreement, the Recipient shall be held liable for reimbursement to the Department of all funds not spent in accordance with these applicable regulations and Agreement provisions within thirty days after the Department has notified the Recipient of such non-compliance.

(j) The Recipient shall have all audits completed by an independent certified public accountant (IPA), either a certified public accountant or a public accountant licensed under Chapter 473, Fla. Stat. The IPA shall state that the audit complied with the applicable provisions noted above. The audit must be received by the Department no later than nine months from the end of the Recipient's fiscal year.

(7) REPORTS

(a) The Recipient shall provide the Department with monthly reports and a close-out report. These reports shall include the current status and progress by the Recipient and all subrecipients and subcontractors in completing the work described in the Scope of Work and the expenditure of funds under this Agreement, in addition to any other information requested by the Department.

(b) Monthly reports are due to the Department on the last day of each month of the program year and shall be sent each month until submission of the administrative close-out report.

(c) The close-out report is due 45 days after termination of this Agreement or 45 days after completion of the activities contained in this Agreement, whichever first occurs.

(d) If all required reports and copies are not sent to the Department or are not completed in a manner acceptable to the Department, the Department may withhold further payments until they are completed or may take

other action as stated in Paragraph (11) REMEDIES. "Acceptable to the Department" means that the work product was completed in accordance with the Budget and Scope of Work.

(e) The Recipient shall provide additional program updates or information that may be required by the Department.

(f) The Recipient shall provide additional reports and information identified in Attachment D.

(8) MONITORING

The Recipient shall monitor its performance under this Agreement, as well as that of its subrecipients, subcontractors and/or consultants who are paid from funds provided under this Agreement, to ensure that time schedules are being met, the Schedule of Deliverables and Scope of Work are being accomplished within the specified time periods, and other performance goals are being achieved. A review shall be done for each function or activity in Attachment A to this Agreement, and reported in the monthly report.

In addition to reviews of audits conducted in accordance with paragraph (6) above, monitoring procedures may include, but not be limited to, on-site visits by Department staff, limited scope audits, and/or other procedures. The Recipient agrees to comply and cooperate with any monitoring procedures/processes deemed appropriate by the Department. In the event that the Department determines that a limited scope audit of the Recipient is appropriate, the Recipient agrees to comply with any additional instructions provided by the Department to the Recipient regarding such audit. The Recipient further agrees to comply and cooperate with any inspections, reviews, investigations or audits deemed necessary by the Florida Chief Financial Officer or Auditor General. In addition, the Department will monitor the performance and financial management by the Recipient throughout the contract term to ensure timely completion of all tasks.

(9) LIABILITY

(a) Unless Recipient is a State agency or subdivision, as defined in Section 768.28, Fla. Stat., the Recipient is solely responsible to parties it deals with in carrying out the terms of this Agreement, and shall hold the Department harmless against all claims of whatever nature by third parties arising from the work performance under this Agreement. For purposes of this Agreement, Recipient agrees that it is not an employee or agent of the Department, but is an independent contractor.

(b) Any Recipient which is a state agency or subdivision, as defined in Section 768.28, Fla. Stat., agrees to be fully responsible for its negligent or tortious acts or omissions which result in claims or suits against the Department, and agrees to be liable for any damages proximately caused by the acts or omissions to the extent set forth in Section 768.28, Fla. Stat. Nothing herein is intended to serve as a waiver of sovereign immunity by any Recipient to which sovereign immunity applies. Nothing herein shall be construed as consent by a state agency or subdivision of the State of Florida to be sued by third parties in any matter arising out of any contract.

(10) DEFAULT

If any of the following events occur ("Events of Default"), all obligations on the part of the Department to make further payment of funds shall, if the Department elects, terminate and the Department has the option to exercise any of its remedies set forth in Paragraph (11). However, the Department may make payments or partial payments after any Events of Default without waiving the right to exercise such remedies, and without becoming liable to make any further payment:

(a) If any warranty or representation made by the Recipient in this Agreement or any previous agreement with the Department is or becomes false or misleading in any respect, or if the Recipient fails to keep or perform any of the obligations, terms or covenants in this Agreement or any previous agreement with the Department and has not cured them in timely fashion, or is unable or unwilling to meet its obligations under this Agreement;

(b) If material adverse changes occur in the financial condition of the Recipient at any time during the term of this Agreement, and the Recipient fails to cure this adverse change within thirty days from the date written notice is sent by the Department.

(c) If any reports required by this Agreement have not been submitted to the Department or have been submitted with incorrect, incomplete or insufficient information;

(d) If the Recipient has failed to perform and complete in timely fashion any of its obligations under this Agreement.

(11) REMEDIES

If an Event of Default occurs, then the Department may, upon thirty calendar days written notice to the Recipient and upon the Recipient's failure to cure within those thirty days, exercise any one or more of the following remedies, either concurrently or consecutively:

(a) Terminate this Agreement, provided that the Recipient is given at least thirty days prior written notice of such termination. The notice shall be effective when placed in the United States, first class mail, postage prepaid, by registered or certified mail return receipt requested, to the address set forth in paragraph (13) herein;

(b) Begin an appropriate legal or equitable action to enforce performance of this Agreement;

(c) Withhold or suspend payment of all or any part of a request for payment;

(d) Require that the Recipient refund to the Department any monies used for ineligible purposes under the laws, rules and regulations governing the use of these funds.

(e) Exercise any corrective or remedial actions, to include but not be limited to:

1. request additional information from the Recipient to determine the reasons for or the extent of non-compliance or lack of performance,

2. issue a written warning to advise that more serious measures may be taken if the situation is not corrected,

3. advise the Recipient to suspend, discontinue, or refrain from incurring costs for any activities in question, or

4. require the Recipient to reimburse the Department for the amount of costs incurred for any items determined to be ineligible.

(f) Exercise any other rights or remedies which may be otherwise available under law.

(g) Pursuing any of the above remedies will not keep the Department from pursuing any other remedies in this Agreement or provided at law or in equity. If the Department waives any right or remedy in this Agreement or fails to insist on strict performance by the Recipient, it will not affect, extend or waive any other right or remedy of the Department, or affect the later exercise of the same right or remedy by the Department for any other default by the Recipient.

(12) TERMINATION

(a) The Department may terminate this Agreement for cause with thirty days written notice. Cause can include misuse of funds, fraud, lack of compliance with applicable rules, laws and regulations, failure to perform in a timely manner, and refusal by the Recipient to permit public access to any document, paper, letter, or other material subject to disclosure under Chapter 119, Fla. Stat., as amended.

(b) The Department may terminate this Agreement for convenience or when it determines, in its sole discretion, that continuing the Agreement would not produce beneficial results in line with the further expenditure of funds, by providing the Recipient with thirty calendar days prior written notice.

(c) The parties may agree to terminate this Agreement for their mutual convenience through a written amendment of this Agreement. The amendment shall state the effective date of the termination and the procedures for proper close-out of the Agreement.

(d) In the event that this Agreement is terminated, the Recipient will not incur new obligations for the terminated portion of the Agreement after the Recipient has received the notification of termination. The Recipient will cancel as many outstanding obligations as possible. Costs incurred after receipt of the termination notice will be disallowed. The Recipient shall not be relieved of liability to the Department because of any breach of Agreement by the Recipient. The Department may, to the extent authorized by law, withhold payments to the

Recipient for the purpose of set-off until the exact amount of damages due the Department from the Recipient is determined.

(13) NOTICE AND CONTACT

(a) All notices provided under or pursuant to this Agreement shall be in writing, either by hand delivery, or first class, certified mail return receipt requested, to the representative identified below at the address set forth below and said notification attached to the original of this Agreement.

(b) The name and address of the Division contract manager for this Agreement is:

Nia Clark

Department of Community Affairs

Division of Housing and Community Development

2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100

Telephone: (850) 413-9216

Fax: (850) 922-5609

Email: nia.clark@dca.state.fl.us

(c) The name and address of the Representative of the Recipient responsible for the administration of this Agreement is:

Tom Webster, Housing Programs Manager

Alachua County Department of Growth Management

10 S.W. 2nd Avenue

Gainesville, FL. 32601

Telephone: (352) 337-6285

Fax: ((352) 381-0124

Email: twebster@alachuacounty.us

(d) In the event that different representatives or addresses are designated by either party after execution of this Agreement, notice of the name, title and address of the new representative will be provided as stated in (13)(a) above.

(14) SUBCONTRACTS

If the Recipient subcontracts any of the work required under this Agreement, a copy of the signed subcontract must be forwarded to the Department for review and approval. The Recipient agrees to include in the subcontract that (i) the subcontractor is bound by the terms of this Agreement, (ii) the subcontractor is bound by all applicable state and federal laws and regulations, and (iii) the subcontractor shall hold the Department and Recipient harmless against all claims of whatever nature arising out of the subcontractor's performance of work under this Agreement, to the extent allowed and required by law. The Recipient shall document in the quarterly report the subcontractor's progress in performing its work under this Agreement.

For each subcontract, the Recipient shall provide a written statement to the Department as to whether that subcontractor is a minority vendor, as defined in Section 288.703, Fla. Stat.

(15) TERMS AND CONDITIONS

This Agreement contains all the terms and conditions agreed upon by the parties.

(16) ATTACHMENTS

(a) All attachments to this Agreement are incorporated as if set out fully.

(b) In the event of any inconsistencies or conflict between the language of this Agreement and the attachments, the language of the attachments shall control, but only to the extent of the conflict or inconsistency.

(c) This Agreement has the following attachments (check all that are applicable):

☒ Exhibit 1 - Funding Sources

☒ Attachment A – Budget and Scope of Work

☒ Attachment B – Program Statutes and Regulations

☐ Attachment C – Recordkeeping (N/A)

☒ Attachment D – Reports

☐ Attachment E – Justification of Advance (N/A)

☒ Attachment F – Warranties and Representations

☒ Attachment G – Certification Regarding Debarment

☐ Attachment H – Statement of Assurances (N/A)

☒ Attachment I – Activity Work Plan

☒ Attachment J – Program and Special Conditions

☒ Attachment K – Civil Rights Compliance Assurance

☒ Attachment L – Signature Authorization Form

(17) FUNDING/CONSIDERATION

(a) The funding for this Agreement shall not exceed **$1,029,844**, subject to the availability of funds.

(b) The Recipient agrees to expend funds in accordance with the Budget and Scope of Work, Attachment A of this Agreement, and the Subgrant Application.

(c) All funds shall be requested in the manner prescribed by the Department. The authorized signatory for the Recipient as set forth on the Signature Authorization Form, Attachment K to this Agreement, must approve the submission of each Request for Funds (RFFs) on behalf of the Recipient.

(d) Pursuant to 24 C.F.R. Section 570.489(b), pre-agreement costs reflected in the Subgrant Application as originally submitted that relate to preparation of the Subgrant Application are considered eligible costs and may be reimbursed to the Recipient, if they are otherwise in compliance with all other requirements of the Agreement.

(e) Funds expended for otherwise eligible activities prior to the effective date of the Agreement, except for those provided for in this Agreement or prior to the effective date of the enabling amendment wherein the Department agrees to their eligibility, fundability, or addition to the Agreement, or a separate letter authorizing such costs, are ineligible for funding with CDBG funds.

If the necessary funds are not available to fund this Agreement as a result of action by the United States Congress, the federal Office of Management and Budgeting, the State Chief Financial Officer, or under subparagraph (19)(h) of this Agreement, all obligations on the part of the Department to make any further payment of funds shall terminate, and the Recipient shall submit its closeout report within thirty days of receiving notice from the Department.

(18) REPAYMENTS

All refunds or repayments to be made to the Department under this Agreement are to be made payable to the order of "Department of Community Affairs" and mailed directly to the Department at the following address:

Department of Community Affairs

Cashier

Fiscal Management

2555 Shumard Oak Boulevard

Tallahassee FL 32399-2100

In accordance with Section 215.34(2), Fla. Stat., if a check or other draft is returned to the Department for collection, Recipient shall pay to the Department a service fee of Fifteen Dollars ($15.00) or Five Percent (5%) of the face amount of the returned check or draft, whichever is greater.

(19) MANDATED CONDITIONS

(a) The validity of this Agreement is subject to the truth and accuracy of all the information, representations, and materials submitted or provided by the Recipient in this Agreement, in any later submission or response to a Department request, or in any submission or response to fulfill the requirements of this Agreement. All of said information, representations, and materials are incorporated by reference. The inaccuracy of the submissions or any material changes shall, at the option of the Department and with thirty days written notice to the Recipient, cause the termination of this Agreement and the release of the Department from all its obligations to the Recipient.

(b) This Agreement shall be construed under the laws of the State of Florida, and venue for any actions arising out of this Agreement shall be in the Circuit Court of Leon County. If any provision of this Agreement is in conflict with any applicable statute or rule, or is unenforceable, then the provision shall be null and void to the extent of the conflict, and shall be severable, but shall not invalidate any other provision of this Agreement.

(c) Any power of approval or disapproval granted to the Department under the terms of this Agreement shall survive the term of this Agreement.

(d) This Agreement may be executed in any number of counterparts, any one of which may be taken as an original.

(e) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 U.S.C. Section 12101 et seq.) and the Florida Civil Rights and Fair Housing Acts (sections 760.01 – 760.37, Florida Statutes), which prohibit discrimination by public and private entities on the basis of disability in employment, public accommodations, transportation, state and local government services, and telecommunications.

(f) A person or organization who has been placed on the convicted vendor list following a conviction for a public entity crime or on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with a public entity, and may not transact business with any public entity in excess of $25,000.00 for a period of 36 months from the date of being placed on the convicted vendor list or on the discriminatory vendor list.

(g) Any Recipient which is not a local government or state agency, and which receives funds under this Agreement from the federal government, certifies, to the best of its knowledge and belief, that it and its principals:

1. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;

2. have not, within a 5-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3. are not presently indicted or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any offenses enumerated in paragraph 19(g)2. of this certification; and

4. have not within a 5-year period preceding this Agreement had one or more public transactions (federal, state or local) terminated for cause or default.

If the Recipient is unable to certify to any of the statements in this certification, then the Recipient shall attach an explanation to this Agreement.

In addition, the Recipient shall send to the Department (by email or by facsimile transmission) the completed "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion" (Attachment G) for each intended subcontractor which Recipient plans to fund under this Agreement. Such form must be received by the Department before the Recipient enters into a contract with any subcontractor.

(h) The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation by the Legislature, and subject to any modification in accordance with Chapter 216, Fla. Stat. or the Florida Constitution.

(i) All bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper preaudit and postaudit thereof.

(j) Any bills for travel expenses shall be submitted in accordance with Section 112.061, Fla. Stat.

(k) The Department of Community Affairs reserves the right to unilaterally cancel this Agreement if the Recipient refuses to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, Fla. Stat., which the Recipient created or received under this Agreement.

(l) If the Recipient is allowed to temporarily invest any advances of funds under this Agreement, any interest income shall either be returned to the Department or be applied against the Department's obligation to pay the contract amount.

(m) The State of Florida will not intentionally award publicly funded contracts to any contractor who knowingly employs unauthorized alien workers, constituting a violation of the employment provisions contained in 8 U.S.C. Section 1324a(e) [Section 274A(e) of the Immigration and Nationality Act ("INA")]. The Department shall consider the employment by any contractor of unauthorized aliens a violation of Section 274A(e) of the INA. Such violation by the Recipient of the employment provisions contained in Section 274A (e) of the INA shall be grounds for unilateral cancellation of this Agreement by the Department.

(n) The Recipient is subject to Florida's Government in the Sunshine Law (Section 286.011, Fla. Stat.) with respect to the meetings of the Recipient's governing board or the meetings of any subcommittee making recommendations to the governing board. All of these meetings shall be publicly noticed, open to the public, and the minutes of all the meetings shall be public records, available to the public in accordance with Chapter 119, Fla. Stat.

(20) LOBBYING PROHIBITION

(a) No funds or other resources received from the Department under this Agreement may be used directly or indirectly to influence legislation or any other official action by the Florida Legislature or any state agency.

(b) The Recipient certifies, by its signature to this Agreement, that to the best of his or her knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Recipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying."

3. The Recipient shall require that this certification be included in the award documents for all subawards (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

(21) COPYRIGHT, PATENT AND TRADEMARK

ANY AND ALL PATENT RIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY RESERVED TO THE STATE OF FLORIDA. ANY AND ALL COPYRIGHTS ACCRUING UNDER OR IN CONNECTION WITH THE PERFORMANCE OF THIS AGREEMENT ARE HEREBY TRANSFERRED BY THE RECIPIENT TO THE STATE OF FLORIDA.

(a) If the Recipient has a pre-existing patent or copyright, the Recipient shall retain all rights and entitlements to that pre-existing patent or copyright unless the Agreement provides otherwise.

(b) If any discovery or invention is developed in the course of or as a result of work or services performed under this Agreement, or in any way connected with it, the Recipient shall refer the discovery or invention to the Department for a determination whether the State of Florida will seek patent protection in its name. Any patent rights accruing under or in connection with the performance of this Agreement are reserved to the State of Florida. If any books, manuals, films, or other copyrightable material are produced, the Recipient shall notify the Department. Any copyrights accruing under or in connection with the performance under this Agreement are transferred by the Recipient to the State of Florida.

(c) Within thirty days of execution of this Agreement, the Recipient shall disclose all intellectual properties relating to the performance of this Agreement which he or she knows or should know could give rise to a patent or copyright. The Recipient shall retain all rights and entitlements to any pre-existing intellectual property which is so disclosed. Failure to disclose will indicate that no such property exists. The Department shall then, under Paragraph (b), have the right to all patents and copyrights which accrue during performance of the Agreement.

(22) LEGAL AUTHORIZATION.

The Recipient certifies that it has the legal authority to receive the funds under this Agreement and that its governing body has authorized the execution and acceptance of this Agreement. The Recipient also certifies that the undersigned person has the authority to legally execute and bind Recipient to the terms of this Agreement.

(23) ASSURANCES.

The Recipient shall comply with any Statement of Assurances incorporated as Attachment H.

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

FEDERALLY FUNDED SUBGRANT AGREEMENT

SIGNATURE PAGE

Contract Number: 12DB-Q5-03-11-01-F 08

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers on the day, month and year set forth below.

ALACHUA COUNTY

By: _____
(Authorized Signature)

Type Name: Lee Pinkoson

Title: Chair, Alachua County
Board of Commissioners

Federal Tax ID#: 6000501

DUNS# _____

Date: _____

ATTEST:
J. K. IRBY, CLERK

APPROVED AS TO FORM
ALACHUA COUNTY ATTORNEY

DEPARTMENT OF COMMUNITY AFFAIRS

By: _____
(Authorized Signature)

Type Name: Ken Reecy

Title: Director, Division of Housing & Community Development

Date: _____

EXHIBIT – 1

THE FOLLOWING FEDERAL RESOURCES ARE AWARDED TO THE RECIPIENT UNDER THIS AGREEMENT:

Separately list the following information for <u>each</u> federal program from which the resources awarded to the Recipient originate:

	Neighborhood Stabilization Program
Federal agency	U.S. Department of Housing and Urban Development
Catalog of Federal Domestic Assistance title:	Neighborhood Stabilization Program/State's Program
Catalog of Federal Domestic Assistance #:	14.228
Award amount:	<u>$1,029,844</u>

THE FOLLOWING COMPLIANCE REQUIREMENTS APPLY TO THE FEDERAL RESOURCES AWARDED UNDER THIS AGREEMENT:

Separately list each applicable compliance requirement (eligible activities, service, or commodities; eligible recipients; etc.) and specify to which federal program each requirement applies:

Compliance Requirement	**Program**
1. *The Recipient will fully perform the obligations in accordance with the Budget and Scope of Work, Attachment A of this Agreement, the subgrant application incorporated herein by reference, and 24 C.F.R, Subpart I, Sections 570.480 – 570.497.* *The Recipient shall be governed by 290.401-409, F.S., Rule 9 B-43, F.A.C. and Federal Laws, rules and regulations, including but not limited to those identified in Attachments B and J*	Neighborhood Stabilization Program

NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the Recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. For example, for Federal Program 1, the language may state that the Recipient must comply with specific laws, rules, or regulations that pertain to how the awarded resources must be used or how eligibility determinations are to be made. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.

NOTE: For federal programs included in Exhibit 1, Section .400(d) of OMB Circular A-133, as revised requires, and for state projects included in Exhibit 1, Section 215.97(5)(a), Florida Statute, requires the information in Exhibit 1 to be provided to the Recipient.

Attachment A

Scope of Work and Budget

ATTACHMENT A
Neighborhood Stabilization Program

(1) Local Government: Alachua County

(2) Contract Number: 12DB-Q5-03-11-01-F 08

(8)	(9)	(10)	(11)	(13)			(14)			(15)	(17)	(18)
Activity Number	Activity Name	DRGR Project Number (DCA use only)	Current Budget	Housing Units for Homeownership			Housing Units for Rental Housing			Total Number of Housing Units to be Addressed (Column G + Column J)	Other Funds Contributed	Source of Other Funds (explain below)
				50% AMI and below	51%-120% AMI	Total	50% AMI and below	51%-120% AMI	Total			
01	Acquisition - Resale	1	$302,700.00		3	3			0	3	$0.00	
14A	Housing Rehabilitation SF - Resale	1	$120,000.00		3	3			0	3	$0.00	
02	Disposition Only	1	$41,603.00		3	3			0	0	$0.00	
01	Acquisition - Rental LMMI (51%-120%)	1	$181,800.00			0		2	2	2	$0.00	
14A	Rehabilitation - Rental LMMI (51%-120%)	1	$56,251.00			0		2	2	2	$0.00	
21A	Program Administration	LA	$70,029.00			0			0	0	$0.00	
TOTAL Served 51%-120% AMI			**$772,383.00**	**0**	**3**	**3**	**0**	**2**	**2**	**5**	**$0.00**	
01	*Set-Aside Acquisition*	*1*	*$181,800.00*				*2*		*2*	2	*$0.00*	
05	*Set-Aside Disposition*	*1*	*$19,410.00*				*2*		*2*	2	*$0.00*	
14A	*Set-Aside Housing (SF) Rehabilitation*	*1*	*$56,251.00*				*2*		*2*	2	*$0.00*	
TOTAL Served 50% AMI OR BELOW			**$257,461.00**	**0**	**0**	**0**	**2**	**0**	**2**	**2**	**$0.00**	
TOTALS FOR ALL ACTIVITIES			**$1,029,844.00**	**0**	**3**		**2**	**2**		**7**	**$0.00**	

SOURCE OF OTHER FUNDS:

1 _____

2 _____

3 _____

Attachment B
State and Federal Statutes and Regulations

By signature of this Agreement, the local government hereby certifies that it will comply with the following applicable federal and state requirements:

State and Federal Statutes and Regulations

1. Community Development Block Grant, 24 CFR Part 570, Subpart I;
2. Florida Small and Minority Business Act, §288.702-288.714, F.S.;
3. Administrative Requirements for Grants, 24 CFR Part 85;
4. Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, F.S.;
5. Title I of the Housing and Community Development Act of 1974, as amended;
6. Treasury Circular 1075 regarding drawdown of CDBG funds;
7. Sections 290.0401-290.049, F.S.;
8. Rule Chapter 9B-43, Fla. Admin. Code;
9. Department of Community Affairs Technical Memorandums;
10. HUD Circular Memorandums applicable to the Small Cities CDBG Program;
11. Single Audit Act of 1984;
12. Environmental Review Procedures 24 CFR Part 58;
13. Environmental Criteria and Standards 24 CFR Part 51;
14. Floodplain/Wetland Management 24 CFR Part 55 and Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands);
15. National Environmental Policy Act of 1969 and other provisions of law which further the purpose of this act;
16. National Historic Preservation Act of 1966 (Public Law 89-665) as amended and Protection of Historic Properties (24 CFR Part 800) and other provisions of law which further the purpose of this act;
17. Preservation of Archaeological and Historical Data Act of 1966;
18. Florida Coastal Zone Protection Act, §161.52-161.58, F.S.;
19. Reservoir Salvage Act;
20. Safe Drinking Water Act of 1974, as amended;
21. The Federal Water Pollution Control Act of 1972, as amended (33 USC, §1251 et.seq.);
22. Clean Water Act of 1977;
23. Davis – Bacon Act – sets requirement for paying prevailing wages on Federally funded projects;
24. Contract Work Hours and Safety Standards Act of 1962, 40 USC §327 et. seq.;
25. The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1975
(42 USC, §6901 et. seq.);
26. Architectural Barriers Act of 1968, 42 USC 4151;
27. Cost-Effective Energy Conservation Standards, 24 CFR Part 39;
28. Federal Fair Labor Standards Act, 29 USC, §201 et. seq.;
29. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L., 100-17, and
49 CFR Part 24;
30. Copeland Anti-Kickback Act of 1934;
31. Hatch Act of 1939, as amended;
32. Title IV Lead-Based Paint Poisoning Prevention Act (42 USC, §1251 et. seq.);
33. OMB Circulars A-87, A-102, A-122, and A-133, as revised;
34. Section 102 of the Department of Housing and Urban Development Reform Act of 1989 and 24 CFR Part 12.
35. Dodd-Frank Wall Street Reform and Consumer Protection Act

ATTACHMENT C

RECORDKEEPING

N/A

Attachment D

Reports

The following reports must be completed and submitted to the Department in the time frame indicated. Failure to timely file these reports constitutes an event of default, as defined in Paragraph (10) of this Agreement.

1. The Contractual Obligation and MBE Report must be submitted to the Department by April 15 and October 15 annually. The form must reflect all contractual activity for the period. If no activity has taken place during the reporting period, the form must indicate "no activity".

2. A Monthly Progress Report must be submitted to the Department on the last day of the month on the report form provided by the Department.

3. The Administrative Closeout Package must be submitted to the Department forty-five (45) days after the Agreement termination date.

4 In accordance with OMB Circular A-133, revised, should the Recipient meet the threshold for submission of a single or program specific audit, the audit must be conducted in accordance with OMB Circular A-133 and submitted to the Department no later than nine (9) months from the end of the Recipient's fiscal year. If the Recipient did not meet the audit threshold, a certification must be provided to the Department no later than nine (9) months from the end of the Recipient's fiscal year.

5. The Section 3 Summary Report must be completed and submitted to the Department by July 31 annually. The form must be used to report annual accomplishments regarding employment and other economic opportunities provided to persons and businesses that meet Section 3 requirements.

6. Request for Funds must be completed on the Department's Request for Funds form and submitted in a pdf format via email by an authorized signatory. Requests for Funds received via email will only be accepted from an email address that is reflected on the Signature Authority form. The Request for Funds must be submitted to the following departmental email address: nsp@dca.state.fl.us. In addition, a copy of the request shall be e-mailed to your grant manager with the department.

ATTACHMENT E

JUSTIFICATION OF ADVANCE PAYMENT

N/A

Attachment F

Warranties and Representations

Financial Management

Recipient's financial management system must include the following:

(1) Accurate, current and complete disclosure of the financial results of this project or program.

(2) Records that identify the source and use of funds for all activities. These records shall contain information pertaining to grant awards, authorizations, obligations, unobligated balances, assets, outlays, income and interest.

(3) Effective control over and accountability for all funds, property and other assets. Recipient shall safeguard all assets and assure that they are used solely for authorized purposes.

(4) Comparison of expenditures with budget amounts for each Request For Payment. Whenever appropriate, financial information should be related to performance and unit cost data.

(5) Written procedures to determine whether costs are allowed and reasonable under the provisions of the applicable OMB cost principles and the terms and conditions of this Agreement.

(6) Cost accounting records that are supported by backup documentation.

Competition

All procurement transactions shall be done in a manner to provide open and free competition. The Recipient shall be alert to conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. In order to ensure excellent contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to the Recipient, considering the price, quality and other factors. Solicitations shall clearly set forth all requirements that the bidder or offeror must fulfill in order for the bid or offer to be evaluated by the Recipient. Any and all bids or offers may be rejected when it is in the Recipient's interest to do so.

Codes of Conduct

The Recipient shall maintain written standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection, award, or administration of a contract supported by public grant funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated, has a financial or other interest in the firm selected for an award. The officers, employees, and agents of the Recipient shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. The standards of conduct shall provide for disciplinary actions to be applied for violations of the standards by officers, employees, or agents of the Recipient.

Business Hours

The Recipient shall have its offices open for business, with the entrance door open to the public, and at least one employee on site at all reasonable times for business. "Reasonable" shall be construed according to circumstances, but ordinarily shall mean normal business hours of 8:00 a.m. to 5:00 p.m., local time, Monday through Friday.

Licensing and Permitting

All subcontractors or employees hired by the Recipient shall have all current licenses and permits required for all of the particular work for which they are hired by the Recipient.

Attachment G

Certification Regarding
Debarment, Suspension, Ineligibility
And Voluntary Exclusion

Subcontractor Covered Transactions

(1) The prospective subcontractor of the Recipient, (name of subcontractor), certifies, by submission of this document, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the Contractor's subcontractor is unable to certify to the above statement, the prospective contractor shall attach an explanation to this form.

_____ _____
(Sub-Contractor's Name) Alachua County

_____ Date:_____
(Authorized Signature)

_____ DCA Contract Number: 12DB-Q5-03-11-01-F 08
(Print Name and Title)

_____
(Street Address)

_____
(City, State, Zip)

ATTACHMENT H

STATEMENT OF ASSURANCES

N/A

ATTACHMENT I

ACTIVITY WORK PLANS

NSP3

ATTACHMENT I
ACTVITY WORK PLAN

Date Start (month/year)	Date End (month/year)	Describe Proposed Action to be Undertaken, Contract Special Condition, or Clearance Documentation Submitted by "Date End"	No. Units completed by "Date End"	Proposed Program Dollars Requested by "Date End"	Proposed Administration Dollar Requested by "Date End"
		Administration			
9/2011	10/2011	Complete Environmental Review, Submit Request for Release of Funds	N/A		$5,000
10/2011	10/2011	Solicitation/Procurement of Grant Administrator (optional)	N/A		
		Acquisition, Rehabilitation, and Resale of Foreclosed or Abandoned Homes for households earning up to 120% AMI.			
11/2011	6/2012	33% Work Completed	1	$154,768	$10,000
6/2012	12/2012	66% Work Completed	1	$154,768	$10,000
1/2013	10/2013	100% Work Completed	1	$154,767	$10,000
		Acquisition and Rehabilitation of Foreclosed or Abandoned Homes for Long-Term Rental for Low/Mod Income (Set-Aside for 50% AMI).			
11/2011	6/2012	33% Work Completed	1	$85,820	
6/2012	12/2012	66% Work Completed	0	$85,820	
1/2013	10/2013	100% Work Completed	1	$85,821	
		Acquisition and Rehabilitation of Foreclosed or Abandoned Homes for Long-Term Rental for Middle Income (120% AMI)			
11/2011	6/2012	33% Work Completed	1	$79,350	$10,000
6/2012	12/2012	66% Work Completed	0	$79,350	$10,000
1/2013	10/2013	100% Work Completed	1	$79,351	$10,000
10/2013	10/2013	**SUBMIT CLOSE OUT ON ORIGINAL GRANT ALLOCATION**			$5,029
Totals			7	$959,815	$70,029

NSP3
Local Government: Alachua County
Date: 9/19/2011

Attachment J: Program and Special Conditions

1. Prior to the obligation or disbursement of any funds, except for administrative expenses not to exceed Fifteen Thousand Dollars ($15,000), but in any case, no later than ninety-days (90) from the effective date of this Agreement, the Recipient shall complete the following:

   a. Comply with procedures set forth in 24 C.F.R. Part 58, Environmental Review Procedure for Title I Community Development Block Grant Programs and 40 C.F.R. Section 1500-1508, National Environmental Policy Act Regulations. When this condition has been fulfilled to the satisfaction of the Department, the Department will issue a Release of Funds.

   b. Submit to the Department copies of all required policies and procedures that have been adopted by the local government but were not provided at the time of original Application. Also, unless submitted with the grant application, submit an executed copy of the required inter-local Agreement if more than one local government will receive funding under this contract.

   c. The documentation required in paragraph 2 below for any professional services contract associated with activities funded under this grant.

2. For each procured and executed professional services contract for which NSP 3 funding will be requested, or within five (5) days of the execution of any yet to be procured professional services for which NSP 3 funding will be requested, submit a copy of the procurement documents listed below. The recipient proceeds at its own risk if it incurs or expends any funds for a professional services contract before the Department reviews and approves the procurement.

   a. Public notice of the terms of the request for proposals in a newspaper of regional circulation, including affidavit of publication;

   b. List of entities to which a notification of the request for proposals was provided by email, U.S mail or by fax;

   c. List of firms that submitted a proposal (only if short-listing procedure was used);

   d. Completed short-listing evaluation / ranking forms, including any ranking summary document, and document transmitting the short-listed firms to the commission (only if short-listing procedure used);

   e. Completed final evaluation / ranking forms;

   f. Portion of commission minutes dealing with contract award;

g. Cost breakout from selected firm used for completion of the cost analysis (if pricing information was not submitted with proposals);

h. Contract (signed or proposed);

i. Truth-in-Negotiation certification (if not in the contract) for engineering contracts over $150,000;

j. If a protest was filed, a copy of the protest and documentation of resolution;

k. A request for the Department's approval of a single source procurement if only one firm was considered and the contract exceeds $25,000;

l. If a regional planning council or local government is performing the services, submit only a copy of the contract and cost analysis information.

3 The Recipient shall not enter into a contract to be paid with NSP funds based on a sole source or single proposal procurement action without prior written approval from the Department. Failure to secure the prior written approval shall relieve the Department of any obligation to fund the said procurement contract, including any payments previously made. If professional services procurement will not be undertaken, advise the Department.

4. For any activity that requires construction plans and specifications prepared by an engineer or architect:

a. Provide to the Department a copy of all engineering specifications and construction plans. The Recipient shall also furnish the Department, prior to soliciting bids or proposals, a copy of all bid documents for all services and/or materials to provide those services and/or materials for all construction activities when the bids are expected to exceed $25,000. These submissions are for the limited purpose of identifying the extent of the activities to be accomplished with NSP 3 funds under this Agreement, and inclusion of program requirements, and in no way does it indicate that the Department has conducted a technical review of, or approved the plans or other bidding documents;

b. The Recipient shall not publicize any request for bids for construction purposes or distribute bid packages until the Department has provided to the Recipient, written acceptance of the engineering specifications, construction plans, and bid documents; and

c. In any service area which requires construction plans and specifications prepared by an engineer or architect, no more than twenty-five percent (25%) of the grant administration amount allocable to that service area may be requested until the construction plans and specifications for that service area have been received for review by the Department. For the purpose of this condition, the allocable grant administration amount for each service area is calculated by first determining each

service area's percentage of total project costs, excluding administrative costs, and then multiplying the service area's percentage of total project costs by the total administrative budget. This calculation results in a percentage of total administrative costs per service area based on each service areas percentage of the grants total project costs, excluding administrative costs.

5. Any procurement which requires public notice in a newspaper (except as otherwise provided for in this contract) shall be published in a daily newspaper of general circulation in a nearby Office of Management and Budget (OMB) designated metropolitan statistical area (MSA). Alternatively, a local government may substitute such notice with a combination of local newspaper publication and mailed announcements to potential bidders, which generates at least three responsible and responsive bids or proposals. Such publication and/or mailing shall allow at least 12 days for receipt of the proposals or bids.

a. The Department must provide written permission prior to the local government awarding any contract exceeding $25,000 procured as a result of inadequate competition, a sole source or noncompetitive procurement. For contracts below $25,000, the local government's files must document the justification for such noncompetitive procurement which complies with 24 C.F.R. 85.36(b)(4).

b. All contracts for professional services shall conform to the following:

i. Any Request for Proposals which includes more than one service shall provide that: Proposals may be submitted for one or more of the services; qualifications and proposals shall be separately stated for each service; The evaluation of the proposals shall be separate for each service.

ii. A written evaluation, such as a ranking sheet or narrative, shall be prepared for each proposal, ranking or comparing each proposal to the criteria in the published Request for Proposals. Based on those criteria, the written evaluation will document why the successful proposal was selected.

iii. A separate professional services contract must be procured and executed between the local government and any professional services consultant for each particular NSP 3 subgrant and each service. Each advertisement for procurement of NSP 3 professional services, except for subgrant application preparation, must identify either the NSP 3 subgrant cycle by federal fiscal year or the NSP 3 subgrant cycle by federal fiscal year or the NSP 3 subgrant agreement to which it is applicable.

iv. Each professional services contract must reference the NSP 3 subgrant agreement to which it is applicable.

c. If NSP 3 and other sources of funding are being jointly used to fund activities under a single contract, the activities to be paid for with NSP 3 funds must be shown separately in the bid proposal so that the NSP 3 activities and the amount of the contract to be paid from NSP 3 funds are identifiable.

d. If, after applying any specified deductive alternates, construction bids exceed available funds, the local government shall not negotiate with the low bidder unless there is only one bidder or all bidders are allowed to submit revised bids for the revised project.

e. If the construction cost can be reduced by deleting entire line items or reducing quantities based on unit prices identified in the bid, the effect of such deletions or reductions on all bidders' prices shall be determined. Contract award shall be made to the low, responsive and responsible bidder for the revised project.

f. All contracts in excess of $100,000 covered by Section 3 regulations shall contain the language required in 24 C.F.R. 135.38.

6. Should the Recipient be undertaking any activity subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended, and:

a. NSP 3 funds will <u>not</u> be used for the cost of acquisition, the Recipient shall document completion of the acquisition by submitting all documentation required for a desk monitoring of the acquisition, including notice to the property owner of their rights under URA, invitation to accompany the appraiser, all appraisals, offer to the owner, acceptance, contract for sale, statement of settlement costs, copy of deed, waiver of rights (for donations), as applicable. The documentation shall be submitted within 45 days of acquiring the property and prior to advertising for construction bids for any activity that required the acquisition.

b. NSP 3 funds <u>will</u> be used for the cost of acquisition, the Recipient shall document completion of all pre-acquisition activities by submitting all documentation required for a desk monitoring of those activities, including notice to the property owner of their rights under URA, invitation to accompany the appraiser, all appraisals, offer to the owner, acceptance, contract for sale, waiver of rights (for donations), and estimated settlement costs, as applicable. The documentation shall be submitted to the Department for review prior to closing on the property. A copy of the final statement of settlement costs and a copy of recorded deed, with any required deed restrictions, shall be submitted within 45 days of the acquisition.

7. Payment for the acquisition of property, right-of-way, or easement must be approved in writing by the Department prior to distribution of funds. Should the Recipient fail to obtain Department approval, any portion of the cost of the acquisition exceeding Fair Market Value as established in the Housing and Urban Development (HUD) Handbook 1378 shall not be paid with NSP 3 funds. Furthermore, if grant funds are used for acquisition, the requirements of 24 CFR 570.83 (e) (2) regarding final use or disposition shall be met.

8. If grant funds are used for acquisition of property for, or infrastructure in support of, LMI housing construction, construction of the housing must be completed and LMI benefit documented during the sub-grant period.

9. No payment from the Department shall be for an amount less than $5,000, unless it is a local government's final request for funds. Additionally, all funds requested from the department must be expended within 3 days of receipt.

10. If the project involves installation of new sewer lines, or a new sewer treatment plant funded (partially or wholly) from NSP 3 funds and new sewer lines funded by another source, the Recipient shall document notification to appropriate households of the requirement in Section 381.00655(1), Fla. Stat. (2010) to hookup to the sewer system within 365 days of its availability. (Note that the notification is to be provided at least one year prior to the anticipated availability of the system.) Special assessments or impact fees cannot be charged to households that are to be hooked-up to a water or sewage system.

11. The maximum percentage of subgrant funds allowed for architectural and engineering costs shall be based on the subgrant activities which require architectural design and engineering and shall not exceed the Rural Development (RD) Rural Utility Service (RUS) fee schedule (Form RD 1942-19) in Florida RUS Bulletin 1780-9, which can be obtained from the Department, and which is incorporated herein by reference.

    a. If more than one design professional is needed for an activity or activities (e.g., a landscape architect in addition to an engineer for sidewalk construction in a Commercial Revitalization project), the local government shall not exceed the appropriate RD/RUS fee curve for each activity covered by each design professional negotiated separately. For projects involving both Table I and II activities, engineering costs shall be pro-rated appropriately. The Department will not fund or reimburse costs of engineering activities that are not eligible under the Rural Utilities Service (RUS) fee schedule or those costs that exceed the RUS rates.

12. The Recipient, by executing this Agreement, certifies that program income received and retained by the local government before closeout of the grant will be used to continue grant activities in compliance with all applicable requirements of 25 C.F.R. Section 570.489(e). The amount of program income earned and expended must be reported to the Department on a quarterly basis.

13. The Recipient shall annually undertake an activity to affirmatively further fair housing pursuant to 24 C.F.R. Section 570.487(b)(4). Annually shall be defined as an activity for each year or one-third thereof from the effective date of the contract to the date of submission of the administrative closeout.

14. A deed restriction shall be recorded on any real property or facility acquired with NSP 3 funds. This restriction shall limit the use of that real property or facility to the use stated in the Application and that title shall remain in the name of the Recipient. Such deed shall be made a part of the public records in the Clerk of Court of the County in which the Recipient is located. Any future disposition of that real property shall be in accordance with 24 C.F.R. Section 85.31. Any future change of use shall be in accordance with 24 C.F.R. Section 570.489(j).

15. The Recipient shall conduct all public hearings relating to this Agreement and performance hereunder in a location that is accessible to physically handicapped persons or make such accommodations as necessary to provide for active participation of handicapped persons desirous of attending such public hearings.

16. All amendments to the activities contained in the application, including proposed new activities must be approved by the Department in writing prior to the date of initiation of that activity or the execution of any contract with any third party relating to such activity. The Department reserves the right to require that an activity meeting the Low to Moderate Income (LMI) national objective be replaced with another activity meeting the LMI national objective if the original activity cannot be completed.

17. All requests for subgrant amendments shall include the following written documentation for review by the Department:

    a. A cover letter signed by the Chief Elected Official or his or her designee which describes the need for the proposed changes and their effect upon the approved project.

    b. All application forms that would be changed by the proposed amendment.

    c. If applicable, a revised activity work plan; a revised budget showing the current and amended budget; If there is a change in activity location, a legible map which indicates the proposed change.

    d. If applicable, a copy of the minutes of the meeting of the Citizen's Advisory Task Force (CATF) when the proposed amendment was reviewed.

e. If applicable, a copy of the public notice of the public notice for the public hearing at which the amendment was approved.

f. Signature of the Chief Elected Official on Modification Form DCA 07.02.

g. The amendment must be received by the Department at least 45 days prior to the end of the subgrant agreement. If the amendment is extending the subgrant agreement period, it must be received by the Department at least 90 days prior to the end of the subgrant agreement.

h. If the local government requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

i. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The local government must explain any delay affecting project completion and must justify the need for the extension.

18. The Recipient shall comply with the historic preservation requirements of 24 C.F.R. 58.17 and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and with all other environmental regulatory requirements.

19. Conflicts of interest relating to procurement shall be addressed pursuant to 24 C.F.R. Section 570.489(g). Conflicts of interest relating to acquisition or disposition of real property; NSP 3financial assistance to beneficiaries, businesses, or other third parties; or any other financial interest, whether real or perceived, shall be addressed pursuant to 24 C.F.R. Section 570.489(h).

20. The Recipient shall maintain records of its expenditure of funds from all sources that will allow accurate and ready comparison between the expenditures and the contracted budget line items by service area contracted activity as defined on Attachment A, Budget and Scope of Work, and on Attachment I, Activity Work Plans.

21. If an activity is designed by an engineer, architect, or other licensed professional, it shall be certified upon completion by a licensed professional as meeting the specifications of the design, as may have been amended by change orders. The date of completion of construction shall be noted as part of the certification. This certification shall be accomplished prior to submission of an administrative closeout package, and a copy of the certification shall be submitted with the administrative closeout package.

22. If, as a result of a site visit, the Department identifies any issues affecting the eligibility for funding any activity in the application, the local government shall provide information necessary to establish eligibility for the activity under the NSP 3 program requirements or replace the activity with a new activity meeting program requirements.

23. Following demolition of a structure on private property, the local government shall place a lien against the real property for the cost of demolition. If the lien is not recorded against the real property, then the demolition cost is not an eligible cost under the grant. A lien is not required when the demolition is needed for residential reconstruction completed during the sub-grant period. A copy of the lien shall be maintained in the project files. When the lien is paid, the funds shall be treated as program income in accordance with CDBG regulations in 24 CFR 570.

24. For activities where hookups or connections are required as a condition for beneficiary access to a NSP 3 funded public improvement, no hookup or connection fees shall be charged to very-low, low or moderate-income beneficiaries.

25. For any construction contract that requires payment of prevailing wages under the Davis-Bacon and Related Acts (DBRA), the Recipient shall take the following actions so that the Department may meet its DBRA tracking and reporting requirements to HUD for these funds:

a. Obtain a wage decision from the Department using its Wage Decision Request form or a similar document with the same information; and

b. Prior to awarding the construction contract, submit the Bidding Information and Contractor Eligibility form, or document with the same information, and obtain the Department's confirmation that the contractor is not excluded from participation in federally funded projects.

26. Before expending NSP 3 funds for housing rehabilitation projects, the recipient must receive prior written approval of release of funds and the file shall document damage by the applicable 2008 storm.

27. Recipients of these NSP 3 funds are responsible for management of all subrecipients' vendors and contractors that will receive funding from this grant or will assist the Recipient in carrying out the activities funded under this grant. Recipients must take steps to ensure compliance with applicable Federal and State rules and regulations. The Recipient's monitoring must cover each program, function or activity. Site visits and any necessary review of files should be undertaken on a regular basis to ensure that projects are being carried out in a timely manner and that they comply with required rules and regulations. Recipients must report on the subrecipient, vendor and contractor progress on a quarterly basis using the Department's Quarterly Status Report developed specifically for this NSP 3 funding. Recipients are encouraged to develop written procedures and checklists for accomplishing such monitoring. During on-site visits, the Department may request documentation that reviews of subrecipients or contracted work has been monitored on a regular basis.

28. Definitions:

a. **Administrative Costs** - Administrative cost means the payment of all reasonable costs of management, coordination, monitoring, and evaluation, and similar costs and carrying charges, related to the planning and execution of community development activities, which are funded in whole or in part under the Florida Community Development Block Grant NSP 3 Program. Administrative costs for the NSP 3 program are 6.8% of the total grant award. Activity delivery cost means a cost, except engineering, that can be directly associated with, and is required for, performing a specific activity. Activity delivery costs are charged to the activity line item. Engineering costs shall be charged to the engineering line item and has a separate limit.

b. **Architectural and Engineering Services** - Basic services required to be performed by an architect or engineer licensed by the State of Florida including preliminary engineering, design services and services during construction except for the following:

i. Site surveys for water treatment plants, sewage treatment works, dams, reservoirs, and other similar special surveys as may be required, such as route surveys.

ii. Laboratory test, well tests, borings, specialized geological soils, hydraulic or other studies recommended by the engineer.

iii. Property surveys, detailed description of sites, maps, drawings, or estimates related to them, assistance in negotiating for land and easement rights.

iv. Necessary data and filing maps for water rights.

v. Redesigns ordered by the owner after final plans have been accepted by the owner and the local government, except redesigns to reduce the project cost to within the funds available.

vi. Appearance before courts or boards on matters of litigation or hearings related to the project.

vii. Preparation of environment assessments or environmental impact statements

viii. Performance of detailed staking necessary for construction of the project in excess of the control skating.

ix. Provision of the operation and maintenance manual for facilities.

x. Activities required for obtaining state and federal regulatory agency construction permits.

xi. Design of hookups.

xii. Cost of engineering specialties such as electrical; hydro geological services; biologists; and heating, ventilation, and air conditioning (HVAC).

c. **Authorized Signature** - the original signature of the Chief Elected Official or the signature of a person who is designated by charter, resolution, code, ordinance or other official action of the local government to sign NSP 3 related documents. If a signature other than the Chief Elected Official is submitted, a copy of that designation must accompany that signature.

d. **Direct Benefit** - CDBG assistance that promotes or enhances individual well-being including housing rehabilitation, sewer and water hookups, or job creation by a Participating Party. Activities that only meet a national objective through an area-wide determination do not confer direct benefit.

e. **Jurisdiction** – is the corporate limits of a local government or the area over which it has zoning authority.

f. **Liquidated Damages** - funds paid to a local government by a contractor, vendor, or any other party pursuant to a pursuant to a CDBG-funded contract when such payment is triggered by nonperformance or failure to perform on their part. This definition is applicable whether such funds are withheld by the local government or repaid or rebated to the local government by the contractor, vendor or third party.

g. **Public Notice** - defined as an advertisement published in a local newspaper of general circulation at least five days, and no more than 20 days, prior to the event for which the notice was placed. of the time period shall not include the date of publication of the notice.

h. **Section 3** – refers to Section 3 of the Housing and Community Development Act of 1968, as amended, as effective on 5-23-06, and 24 C.F.R. Part 135, as effective on 5-23-06, relating to employment and other economic opportunities for lower income persons.

i. **Service Area** - total geographic area to be served by a sugbrant-funded activity, where at least 51 percent of the residents are low and moderate income persons. A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by an activity.

29. An applicant may propose activities in other eligible jurisdictions as long as the applicant includes an executed Interlocal Agreement with their application which:

i. Includes as parties all local governments whose jurisdictions are included in the project and/or service area(s);

ii. Authorizes the applicant to undertake the activities in all jurisdictions included in the interlocal agreement; and

iii. Affirms that all activities are consistent with each local government's comprehensive plan and provides documentation which includes applicable excerpts of each local government's comprehensive plan in the supporting documentation section of the application

30. Documenting LMI Benefit and National Objective:

a. HUD Census Data – LMI benefit may be documented by using HUD-provided Census Data where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. A sample-based survey of the beneficiaries must utilize the "Income Verification Form," Form 28.06, which must correspond with the random sampling requirements established by HUD in Notice CPD-05-06, as effective on 5-23-06.

i. The survey process must verify eligibility of any proposed direct benefit activities; certify the number of projected very low, low and moderate income households and beneficiaries, and the total number of beneficiaries.

ii. Where the sample-based survey results substantially overstate the proportion of persons with low or moderate income in a service area, the Department will require the local government to provide supporting evidence which substantiates the survey data. If the survey results are found to be inaccurate, the application shall be rejected.

iii. For surveys of service areas under 50 households, all households must be surveyed. Any non-responding household must be assumed to be above low and moderate income. The number of household members for non-responding households may be verified through third parties.

iv. For activities where hookups or connections are required for beneficiary access to the public improvement, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or there infrastructure at the time of administrative closeout.

31. The applicant shall adopt and implement procedures to fulfill regulatory and statutory requirements relating to Lead-Based Paint pursuant to 24 C.F.R. 570.487, 24 C.F.R. Part 35, and Section 302 of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. Section 4822 et seq.). The applicant is required to:

a. Prohibit use of lead-based paint;

b. Notify potential beneficiaries of the hazards of lead-based paint;

c. Inspect properties prior to initiating rehabilitation to determine if lead-based paint is present;

d. Take any necessary actions to ensure the protection of workers and occupants during abatement;

e. Ensure that proper cleanup and disposal procedures are used; and

f. Retain records of enforcement and monitoring for at least three years.

32. At the time of submission of the closeout report, the local government must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout. Upon completion of the activities contained in the local government's NSP 3 subgrant agreement, including any amendments, the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout, and reflected on an enclosed final request for funds, and reports demographics of the program's beneficiaries.

33. Liquidated damages, rebates, refunds, or any other "non-program income" funds received shall be used to conduct additional eligible CDBG activities or returned to the Department. Additional direct and quantifiable costs (i.e., legal fees, court costs, engineering fees or administrative fees) generated by the incident creating the liquidated dames may be deducted from the total liquidated damages prior to undertaking additional activities or returning funds to the Department. Use of the funds for additional eligible NSP 3activities must be preceded by an amendment to the contract detailing their use.

34. In accordance with Federal Register, Vol. 75, October 19, 2010, II U. Additional NSP 3Requirements—Preferences for Rental Housing and Local Hiring, Subgrantees ''shall, to the maximum extent feasible, provide for the hiring of employees who reside in the vicinity, as such term is defined by the Secretary, of projects funded under this section or contract with small businesses that are owned and operated by persons residing in the vicinity of such projects.'' For the purposes of administering this requirement, HUD is adopting the Section 3 applicability thresholds for community development assistance at 24 CFR 35.3(a)(3)(ii). Note: The NSP 3 local hiring requirement does not replace the responsibilities of grantees under Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135, except to the extent the obligations may be in direct conflict. For the purposes of NSP 3, HUD defines ''vicinity'' as each neighborhood identified by the NSP 3 grantee as being the areas of greatest need. See section II.B.2. Small business means a business that meets the criteria set forth in section 3(a) of the Small Business Act. See 42 U.S.C. 5302(a)(23).

35. In accordance with Federal Register, Vol. 75, October 19, 2010, II S. Affirmatively Furthering Fair Housing, Non-entitlement local government Subgrantees must affirmatively further fair housing by adopting and following procedures and requirements to affirmatively market NSP 3-assisted housing

opportunities. This means that they will affirmatively market NSP 3 assisted units and carry out NSP 3 activities that further fair housing through innovative housing design or construction to increase access for persons with disabilities, language assistance services to persons with limited English proficiency (on the basis of national origin), or location of new or rehabilitated housing in a manner that provides greater housing choice or mobility for persons in classes protected by the Fair Housing Act, and maintain records reflecting the actions in this regard.

Attachment J
Grant Specific Special Conditions

1. The Subgrantee shall maintain records of expenditure of funds from all sources that will allow accurate and ready comparison between the expenditures and the contracted budget/activity line items as defined on Attachment A (Budget) and Attachment I (Work Plans).

2. Expenditure Deadline: Each Subgrantee **must spend <u>50 percent of grant</u> funds by 3/9/2013 and spend <u>100 percent of grant</u> funds by 3/9/2014.**

3. The Recipient shall demonstrate that progress is being made in completing project activities in a timely fashion. Within 180 days of the subgrant award, the Recipient shall complete the following activities:

   a. Submit the environmental assessment for review and obtain the release of funds;
   b. Request approval for all professional service contracts;
   c. Submit an initial request for funds for administration, if applicable;
   d. Request wage decision(s) for anticipated construction activities;
   e. For Housing subgrants, beneficiaries shall be identified; and

   If the Recipient does not comply with all applicable criteria listed above, a justification for the delay and a plan for timely accomplishment must be submitted to the Department. The Department shall rescind any subgrant for which the Recipient has not completed activities a-e if it cannot provide adequate justification for the delay.

ATTACHMENT K
CIVIL RIGHTS COMPLIANCE ASSURANCE

Fair Housing

As a condition for the receipt of Neighborhood Stabilization Program 3 Grant funds, each recipient must certify that it will "affirmatively further fair housing" in its community. A recipient shall demonstrate its commitment to affirmatively further fair housing by implementing the actions listed below.

Each recipient shall do the following:

1) Have in place a fair housing resolution or ordinance that covers all federally protected classes [race, color, familial status, handicap, national origin, religion, and sex];
2) Publish quarterly a phone number that people can call to ask fair housing questions or register a complaint;
3) Designate an employee who is available Monday through Friday during regular business hours to receive fair housing calls;
4) Establish a system to record the following:
   a) The nature of the calls,
   b) The actions taken in response to the calls,
   c) The results of the actions taken, and
   d) The end results of referrals to other agencies, when applicable;
5) Conduct at least one fair housing activity each quarter (See examples below.), and
6) Display a fair housing poster in the NSP 3 Office.

The fair housing contact person is expected to have received training so that they can handle fair housing phone inquires or to refer the inquiries to the appropriate people/agencies. Records maintained by the contact will help the community do the following:

1) Define where discriminatory practices are occurring,
2) Help the community measure the effectiveness of its outreach efforts, and
3) Provide the community with a means to gain information that can be used to design and implement strategies that will eliminate fair housing impediments.

Examples of fair housing activities include the following:

- Presentations at schools, civic clubs, and neighborhood associations,
- Distributing fair housing materials at libraries, fairs, and businesses,
- Print a fair housing notice on utility bills mailed to residents, and
- Conducting fair housing workshops for city/county employees, realtors, bank and mortgage company employees, insurance agents, and apartment complex owners.

Recipients shall document the fair housing activities and include information about the activities in the comment section of their quarterly report.

Equal Employment Opportunity

As a condition for the receipt of Neighborhood Stabilization Program 3 Grant funds, each recipient must certify that it and the contractors that it hires with NSP 3 funds will abide by the Equal Employment Opportunity Laws of the United States. A recipient shall demonstrate its commitment to abide by the laws through the actions listed below.

Each recipient shall do the following:

1) Have in place an equal employment opportunity resolution or ordinance that protects its applicants and employees and the applicants and employees of its contractors from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex, national origin, disability, age, or genetics;
2) Publish quarterly a phone number that residents can call to ask equal employment opportunity questions or register a complaint;
3) Designate an employee who is available Monday through Friday during regular business hours to receive equal employment opportunity calls; and
4) Establish a system to record the following:
    a) The nature of the calls,
    b) The actions taken in response to the calls, and
    c) The results of the actions taken;

Each recipient shall maintain a list of certified minority- and women-owned businesses that operate in its region. The recipient shall use this list to solicit businesses to bid on NSP 3-funded activities and shall provide a copy of the list to prime contractors to use when they hire subcontractors. The Department of Management Services maintains a list of certified minority- and women-owned businesses that can be used for this purpose at the following website: https://vendorstrator.dms.myflorida.com/directory.

Section 504 and the Americans with Disabilities Act (ADA)

As a condition for the receipt of Neighborhood Stabilization Program 3 Grant funds, each recipient must certify that it provides access to all Federally funded activities to all individuals, regardless of handicap. A recipient shall demonstrate its commitment to abide by the laws through the actions listed below.

Each recipient shall do the following:

1) Have in place a resolution or ordinance that is designed to eliminate discrimination against any person who
    a) Has a physical or mental impairment which substantially limits one or more major life activities,
    b) Has a record of such an impairment, or

c) Is regarded as having such an impairment;

2) Publish a phone number that residents can call to ask questions or register a complaint related to Section 504 or the Americans with Disabilities Act;

3) Designate an employee who is available Monday through Friday during regular business hours to receive calls; and

4) Establish a system to record the following:

   a) The nature of the calls,

   b) The actions taken in response to the calls, and

   c) The results of the actions taken.

The Section 504 prohibitions against discrimination (See 45 CFR Part 84.) apply to service availability, accessibility, delivery, employment, and the administrative activities and responsibilities of organizations receiving Federal financial assistance. A recipient of Federal financial assistance may not, on the basis of disability:

- Deny qualified individuals the opportunity to participate in or benefit from federally funded programs, services, or other benefits,
- Deny access to programs, services, benefits or opportunities to participate as a result of physical barriers, or
- Deny employment opportunities, including hiring, promotion, training, and fringe benefits, for which they are otherwise entitled or qualified.

The ADA (Title II, 28 CFR Part 35, and Title III, 28 CFR Part 36) prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability.

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings). State and local governments are required to follow specific architectural standards in the new construction and alteration of their buildings. They also must relocate programs or otherwise provide access in inaccessible older buildings, and communicate effectively with people who have hearing, vision, or speech disabilities.

Title III covers businesses and nonprofit service providers that are public accommodations, privately operated entities offering certain types of courses and examinations, privately operated transportation, and commercial facilities. Public accommodations are private entities who own, lease, lease to, or operate facilities such as restaurants, retail stores, hotels, movie theaters, private schools, convention centers, doctors' offices, homeless shelters, transportation depots, zoos, funeral homes, day care centers, and recreation facilities including sports stadiums and fitness clubs. Transportation services provided by private entities are also covered by Title III.

Section 3 - Economic Opportunities for Low- and Very Low-Income Persons

Each recipient shall encourage its contractors to hire qualified low and moderate income residents for any job openings that exist on CDBG-funded projects in the community. The recipient and its contractors shall keep records to document the number of low and moderate income people who are hired to work on CDBG-funded projects. The number of low and moderate income residents who are hired to work of the project shall be reported in the comment section of the quarterly report.

The following clause from 24 CFR Part 135.38 is required to be included in CDBG-funded contracts of $100,000 or more.

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 USC §1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.

F. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).

Civil Rights Statutes

As a condition for the receipt of Neighborhood Stabilization Program 3 Grant funds, each recipient must certify that it will abide by the following Federal laws and regulations:

1. Title VI of the Civil Rights Act of 1964 – Prohibits discrimination by government agencies that receive Federal funding;
2. Title VII of the Civil Rights Act of 1964 – prohibits employment discrimination on the basis of race, color, religion, sex, or national origin;
3. Title VIII of the Civil Rights Act of 1968 – as amended (the Fair Housing Act of 1988);
4. 24 CFR §570.487(b) – Affirmatively Furthering Fair Housing;
5. 24 CFR §570.606(b) – Relocation assistance for displaced persons at URA levels;
6. Age Discrimination Act of 1975;
7. Executive Order 12892 – Fair Housing;
8. Section 109 of the Housing and Community Development Act of 1974 – No person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving NSP 3 funds because of race, color, religion, sex or national origin;
9. Section 504 of the Rehabilitation Act of 1973 and 24 CFR Part 8, which prohibits discrimination against people with disabilities;
10. Executive Order 11063 – Equal Opportunity in Housing;
11. Executive Order 11246 – Non-discrimination; and

12. Section 3 of the Housing and Urban Development Act of 1968, as amended – Employment/Training of Lower Income Residents and Local Business Contracting.

I hereby certify that **Alachua County** shall comply with all of the provisions and Federal regulations listed in this attachment.

By: _____ Date: 10/11/2011
(Authorized Signature)

Name: Lee Pinkoson

Title: Chairman Board of County Commissioners

ATTEST:
J. K. IRBY, CLERK

APPROVED AS TO FORM
ALACHUA COUNTY ATTORNEY

ATTACHMENT L
SIGNATURE AUTHORIZATION FORMS

Attachment L

Department of Community Affairs
Florida Small Cities Community Development Block Grant, Disaster Recovery and Neighborhood Stabilization Programs
SIGNATURE AUTHORITY FORM

Submit an original Signature Authority Form with each contract.

Recipient Alachua County	Contract # 12DB-Q5-03-11-01-F 08	Funding Source [ ] Small Cities CDBG [ ] Disaster Recovery [X] Neighborhood Stabilization
Mailing Address (Street or Post Office Box) P.O. Box 5547		
City, State and Zip Code Gainesville, Florida 32627		Local Government DUNS # 01050871

Project Contact Person Tom Webster	Telephone # 352-337-6285	E-mail Address twebster@alachuacounty.us
Financial Contact Person Todd Hutchinson	Telephone # 352-374-3605	E-mail Address NTH@thor.co.alachua.fl.us
Other Local Government Contact if Applicable	Telephone #	E-mail Address

Requests for Funds (RFFs) require *(check one);* **[X] one signature [ ] two signatures** of individuals authorized below. RFFs must be submitted via the Department's website at http://ecdbg.dca.state.fl.us/ (or by an alternative means specified by the Department).

Typed Name Todd Hutchinson	Date	Signature
[X] Check here if above person is authorized to submit RFFs	E-mail Address NTH@thor.co.alachua.fl.us	
Typed Name J.K. "Buddy" Irby	Date	Signature
[ ] Check here if above person is authorized to submit RFFs	E-mail Address JKI@thor.co.alachua.fl.us	
Typed Name	Date	Signature
[ ] Check here if above person is authorized to submit RFFs	E-mail Address	
Typed Name	Date	Signature
[ ] Check here if above person is authorized to submit RFFs	E-mail Address	

ATTEST: J. K. IRBY, CLERK

APPROVED AS TO FORM
ALACHUA COUNTY ATTORNEY

I certify, as the recipient's Chief Elected Official, that the above signatures are of the individuals authorized to sign Requests for Funds and to submit RFF's electronically.

Typed Name/Title Lee Pinkoson, Chairman	Date 10/11/2011	Signature

[X] Check here if your local government utilizes Electronic Funds Transfer (EFT) from the State of Florida.
[X] Check here if your local government will be working on a reimbursement basis.

CDBG payments *to local governments using EFT* are automatically deposited in the local government's general account. If the account is interest bearing, the CDBG funds must be transferred to a non-interest bearing account. Please call the CDBG Program at 850/922-1878 or 487-3644 if you have questions. You can check the status of your deposit at the Comptroller's website: http://flair.dbf.state.fl.us/. *Local governments not receiving EFT, and not working on a reimbursement basis,* must establish a non-interest bearing account. Provide account information for the financial institution (insured by FDIC) below. All signatures on the account must be bonded.

Name of Financial Institution	Account Number
Street Address or Post Office Box	Telephone Number
City, State and Zip Code	

Applicant/Recipient Disclosure/Update Report

U.S. Department of Housing and Urban Development

OMB Approval No. 2510-0011 (exp. 06/30/2014)

Instructions. (See Public Reporting Statement and Privacy Act Statement and detailed instructions on page 2.)

Applicant/Recipient Information

Indicate whether this is an Initial Report ☑ **or an Update Report** ☐

1. Applicant/Recipient Name, Address, and Phone (include area code):	2. Social Security Number or Employer ID Number:
Alachua County Post Office Box 5547, Gainesville, Florida. 32602-2877	6000501
3. HUD Program Name	**4. Amount of HUD Assistance Requested/Received**
Neighborhood Stabilization Program 3 (NSP 3)	$1,029,844.00

5. State the name and location (street address, City and State) of the project or activity:
Alachua County, Florida

Part I Threshold Determinations

1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).
☑ **Yes** ☐ **No**

2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD) , involving the project or activity in this application, in excess of $200,000 during this fiscal year (Oct. 1 - Sep. 30)? For further information, see 24 CFR Sec. 4.9
☑ **Yes** ☐ **No.**

If you answered **"No"** to either question 1 or 2, **Stop**! You do not need to complete the remainder of this form.
However, you must sign the certification at the end of the report.

Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

Department/State/Local Agency Name and Address	Type of Assistance	Amount Requested/Provided	Expected Uses of the Funds

(Note: Use Additional pages if necessary.)

Part III Interested Parties. You must disclose:

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and
2. any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds $50,000 or 10 percent of the assistance (whichever is lower).

Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	Social Security No. or Employee ID No.	Type of Participation in Project/Activity	Financial Interest in Project/Activity ($ and %)
Meridian Community Services, Inc.	20-0021782	Admin Consultant	$66,940.00

(Note: Use Additional pages if necessary.)

Certification

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed $10,000 for each violation.
I certify that this information is true and complete.

Signature:	Date: (mm/dd/yyyy)
x PAULA M. DeLANEY, CHAIR	

APPROVED AS TO FORM

ALACHUA COUNTY ATTORNEY

ATTEST:

J. K. IRBY, CLERK

Inspector General
- Reports and publications
- Audit reports
  - External reports
  - Internal reports

HUD news

Homes

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Communities

Working with HUD

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NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL FUND

Florida Audit Reports

Information by State

Print version

Issue Date: October 25, 2010
Audit Report No.: 2011-AT-1001
File Size: 413KB

Title: Nationwide Home Loans, Miami, FL, Did Not Follow HUD Requirements in Approving FHA Loans and Implementing Its Quality Control Program

HUD OIG performed an audit of Nationwide Home Loans, Inc. (Nationwide), a Federal Housing Administration (FHA) approved direct endorsement lender located in Miami, Florida. The review was performed based on the lender's high default rates. The purpose of the audit was to determine whether the lender followed the U.S. Department of Housing and Urban Development's (HUD) requirements when (1) originating and underwriting loans and (2) implementing its quality control program.

Nationwide did not follow HUD requirements when it used at least 16 various independent loan officers to originate 41 loans underwritten in the Miami HUD area in 2009. These 16 loan officers were also employed by or owned businesses involved with mortgage lending or other related fields such as real estate sales and mortgage processing. As a result, Nationwide approved loans that were not eligible for FHA insurance and increased the risk to the FHA insurance fund by more than $4 million.

In addition, Nationwide did not follow HUD requirements when originating and underwriting loans for FHA insurance. It used inaccurate and unsupported information to qualify borrowers for five of six FHA loans reviewed. As a result, Nationwide approved loans that did not qualify for FHA insurance and unnecessarily placed the FHA insurance fund at risk for almost $1 million.

Lastly, Nationwide did not implement a quality control program that complied with HUD requirements. It did not conduct quality control reviews in compliance with requirements, and its written quality control plan did not contain the required provisions. As a result, Nationwide increased the risk to the FHA insurance fund because it did not have assurance regarding the accuracy, validity, and completeness of its loan origination and underwriting operations.

OIG recommended that the Deputy Assistant Secretary for Single Family Housing require Nationwide to indemnify HUD for the 46 ineligible FHA loans with an estimated potential loss of $5 million. OIG also recommended that Nationwide be referred to the Mortgagee Review Board for consideration of imposing civil money penalties for the ineligible loans and taking appropriate administrative actions against the individuals and entities responsible. Finally, OIG recommended that Nationwide develop, implement, and enforce (1) written controls to ensure that loans are originated and underwritten in accordance with HUD requirements and (2) a quality control program that complies with HUD requirements.

Issue Date: September 29, 2010
Audit Report No.: 2010-AT-1015
File Size: 2MB

Title: The City of Deerfield Beach, FL, Did Not Properly Administer Its Community Development Block Grant Program

HUD OIG audited the Community Development Block Grant program (program) administered by the City of Deerfield Beach, FL (City). The objective of the audit was to determine whether the City administered its program in accordance with applicable U.S. Department of Housing and Urban Development (HUD requirements. We selected the City for review because it had come under increased scrutiny when various newspaper articles and reviews highlighted City problems. In addition, HUD's 2010 risk assessment indicated that the City had

demonstrated a record of poor performance with the program.

The City did not administer its program in accordance with applicable HUD requirements. It did not request exception to HUD's conflict-of-interest provision before the awarding of funds. This condition occurred because the City lacked effective management controls to ensure compliance with HUD's conflict-of-interest regulation. As a result, HUD had no assurance that the City did not practice favoritism in the awarding of funds and may have placed HUD's funds at risk.

The City did not maintain adequate supporting documentation to demonstrate that it properly allocated salaries to the program. This condition occurred because the City did not have effective controls in place to ensure that salary allocations were properly documented. Without supporting documentation to substantiate the allocation of actual services performed by personnel, there was no assurance that the salary expenditures were accurate and program related.

The City did not comply with HUD requirements in meeting the national objective for its housing activities. It did not maintain adequate supporting documentation to demonstrate that the individuals served were low- and moderate-income persons. This condition occurred because the City lacked effective management controls and disregarded HUD requirements. As a result, there was no assurance that expended program funds achieved the intended national objective.

OIG recommends that the Director of the Miami Office of Community Planning and Development require the City to (1) reimburse $224,742 in HUD funds from non-Federal funds for ineligible costs, (2) provide supporting documentation or reimburse its program $142,248 from non-Federal funds for unsupported salary expenditures, and (3) provide supporting documentation or reimburse its program $28,298 from non-Federal funds for an activity in which the national objective was unsupported.

Issue Date: September 28, 2010
Audit Report No.: 2010-AT-1014
File Size: 2MB

Title: Polk County, FL, Did Not Comply With Procurement and Contract Requirements in Its NSP and HOME Program

HUD OIG conducted this audit based on a confidential complaint submitted through the U.S. Department of Housing and Urban Development (HUD) Office of Inspector General (OIG) hotline. The complaint alleged several improprieties involving the County's NSP and HOME programs. Our objectives were to determine whether the County (1) complied with requirements in the procurement, award, and execution of its NSP administrative contract and (2) incurred reasonable and eligible NSP and HOME expenditures for administrative and construction contract services.

While implementing its NSP the County did not comply with requirements that governed procurements, safeguard of assets, and accurate reporting of NSP obligations. The number and significance of the procurement violations brings into question the County's capacity to implement future NSP activities in accordance with competitive contracting requirements. The County also did not take proper actions to protect the ownership of abandoned and foreclosed-upon properties acquired with NSP funds or the revenues expected from their disposition. The violations put more than $6.1 million at risk because the County allowed a nonprofit entity, with whom it had no contract, to acquire abandoned and foreclosed-upon properties in its name without title restrictions and sell the properties. In addition, the County did not accurately report NSP acquisition obligations in HUD's Disaster Recovery Grants Reporting (DRGR) system and did not post NSP performance reports to its Web page in a timely manner.

While implementing its HOME program, the County did not require its community housing development organization (CHDO) to comply with its contract that required it to obtain competitive bids for procurements. As a result, the CHDO did not have documentation to support the reasonableness of more than $1.2 million in construction contract costs examined during the review. We used an OIG staff

appraiser to review a sample of the construction costs, and we determined that the costs were reasonable. However, the violations reflected a lack of attention by County and CHDO officials to their obligation to enforce contract procurement requirements for construction costs paid with HOME funds.

OIG recommends that HUD require the County to terminate its NSP administrative contract and arrange for the continued administration and implementation of its NSP by County staff or a properly procured contractor; reimburse the NSP more than $4.4 million if title to NSP acquired properties is not transfered to the County or an entity with the legal authority to hold the titles; establish proper safeguards over its NSP funds; and reimburse more than $98,000 for questionable fees. We also recommend that HUD review and determine the accuracy of NSP obligations made after the completion of our on-site review and ensure that the County post its quarterly NSP performance reports to its Web page; and ensure that that its CHDO comply with procurement requirements.

Issue Date: July 30, 2010
Audit Report No.: 2010-AT-1008
File Size: 1MB

Title: Polk County, FL, Entered Incorrect Commitments Into HUD's Integrated Disbursement and Information System for Its HOME Program

We conducted this audit because the County was one of several participating jurisdictions visited during a 2009 internal audit of HOME commitments (audit report number 2009-AT-0001, issued September 28, 2009). During the internal audit, we determined that the County entered incorrect commitments into HUD's information system. Our objective for this audit was to determine the extent of the incorrect HOME commitments that the County entered into the information system and the impact of the incorrect entries, including those identified during the internal audit.

The audit identified more than $1.6 million in incorrect commitment entries that the County made to HUD's information system. The incorrect entries masked a shortfall of more than $400,000 that is subject to recapture by HUD. The incorrect commitments occurred because County staff did not follow and enforce HUD program requirements or implement adequate controls to monitor the accuracy of HOME commitments.

In addition, the County improperly executed agreements for its HOME-funded tenant-based rental assistance activities that obligated Section 8 funds to pay the costs, although the County used HOME funds to make the assistance payments. The Section 8 contracts did not legally support the commitment of HOME funds. This condition occurred because County management failed to ensure that the contracts were properly drafted to commit HOME funds for its tenant-based rental assistance program.

We recommend that the Director of HUD's Jacksonville Office of Community Planning and Development (1) recapture $400,776 in HOME funds not committed by the County's October 31, 2008, deadline compliance date, (2) require the County to implement controls to ensure that future HOME funds are committed by the required deadline, monitor commitments entered into HUD's information system, and take appropriate action to promptly correct detected violations, and (3) require the County to prepare a proper legal contract template for its HOME-funded tenant-based rental assistance activities and use that contract template for all future HOME funds committed to those activities.

Issue Date: May 20, 2010
Audit Report No.: 2010-AT-1005
File Size: 519KB

Title: Lendamerica Home Loans, Coral Gables, FL, Did Not Follow HUD Requirements in Originating Loans and Implementing Its Quality Control Program

HUD OIG performed an audit of Lendamerica Home Loans, Inc., a Federal Housing

Administration approved direct endorsement lender located in Coral Gables, Florida. The review was performed based on the lender's high default rates. The purpose of the audit was to determine whether the lender followed the U.S. Department of Housing and Urban Development's (HUD) requirements for (1) originating and underwriting loans and (2) implementing its quality control program. Lendamerica Home Loans did not follow HUD requirements when underwriting all five loans reviewed. HUD insured five loans that unnecessarily placed the FHA insurance fund at risk for more than $1 million.

Lendamerica Home Loans did not ensure the accuracy, validity, and completeness of its loan originations. In addition, Lendamerica Home Loans did not implement a quality control program that complied with HUD requirements. As a result, the effectiveness of Lendamerica's quality control program to guard against errors, omissions, and fraud and to protect HUD from unacceptable risk was diminished. In addition, the noncompliance could result in an increased risk to the FHA insurance fund.

OIG recommended that the Deputy Assistant Secretary for Single Family Housing require Lendamerica Home Loans to indemnify HUD more than $1 million for the five insured loans with significant deficiencies, pay down the loan balance for the two overinsured loans, and implement and enforce controls to ensure that loans are processed in accordance with HUD requirements. OIG also recommended that HUD take appropriate measures to ensure that Lendamerica develops and implements a quality control program that complies with HUD requirements and refer it to the Mortgagee Review Board for consideration of taking appropriate administrative actions.

Issue Date: March 31, 2010
Audit ReportNo.: 2010-AT-1002
File Size: 2MB

Title: Broward County, FL, Needs To Strengthen Controls Over Its Neighborhood Stabilization Program

HUD OIG audited the Neighborhood Stabilization Program (Program) administered by Broward County, Florida (County). The objective was to determine whether the County had the necessary controls to administer its Program in accordance with the Housing and Economic Recovery Act of 2008. Specifically, we evaluated whether the County had adequate (1) management controls to ensure that activities met Program objectives and (2) financial controls to ensure that obligations were timely and valid and expenditures were allowable and properly reported.

The County had (1) adequate management controls to ensure that activities met Program objectives and (2) adequate financial controls to ensure that obligations were timely and valid and expenditures were allowable. However, it needs to strengthen some controls over its Program. The County did not accurately report Program financial information to the U.S. Department of Housing and Urban Development (HUD) and incorrectly posted Program expenditures to the wrong fiscal year in its financial management system. As a result, HUD has no assurance of the County's actual financial progress of its Program and the County overstated its obligation and expenditures in its financial management system. In addition, it did not post first and second quarter Program performance reports to its Web site in a timely manner. Thus, the citizens of Broward County were not informed in a timely manner regarding the use of Program funds.

OIG recommended that the Director of the Miami Office of Community Planning and Development require the County to (1) establish controls to reconcile Program obligations and expenditures between HUD's Disaster Recovery Grant Reporting system (system) and the County's financial management system, (2) strengthen controls to ensure that all Program activities are properly reported in HUD's system and their financial management system on a timely basis, and (3) post its Program quarterly performance reports on its Web site in a timely manner.

Issue Date December 18, 2009

Audit Memorandum No.: 2010-AT-1803
File Size: 662.31KB

Title: Hillsborough County, FL, has the Capacity To Administer its Neighborhood Stabilization Program and To Accurately Enter Commitments for its HOME Investment Partnerships Program

We reviewed the County because it received more than $19 million in NSP funds and in 2008, HUD rated the County's HOME program as high risk. Our objectives were to determine whether the County had the capacity to effectively and efficiently administer its NSP and whether it accurately reported HOME commitments within HUD's Integrated Disbursement and Information System (IDIS).

Based on the review, the County had the capacity to administer its NSP. The County had made substantial and effective revisions to its organization and staffing to correct many of the past performance problems identified by HUD and its own internal assessments. It had established and implemented adequate NSP procedures, followed proper procedures in the procurement of contract services, hired or was in the process of hiring an adequate number of qualified staff, and arranged for other County departments to assist with NSP workload and was progressing in carrying out its NSP.

As of October 1, 2009, the County had not entered any obligations or expenditures into the Disaster Recovery Grant Reporting (DRGR) system. We also noticed that its staff had not obtained training on the use of the system and that its policy did not address timeliness for entering and reporting obligations and expenditures in the system. In addition, the County's DRGR policy did not define what constituted an NSP obligation and the documentation required to properly support an obligation.

The County had a past problem with making inaccurate commitment entries into IDIS. We identified more than $748,000 in incorrect commitment entries made to IDIS before the County improved its controls. The inaccurate entries subjected the County to more than $61,000 that is subject to recapture by HUD because it did not ensure that written agreements were executed before it committed activities in IDIS.

We recommend that the Director of HUD's Jacksonville Office of Community Planning and Development require the County (1) to mandate that all staff with DRGR responsibilities complete in house and or HUD assisted training on use of the system to ensure timely and proper entry of NSP obligations, expenditures, and performance reporting, (2) amend its draft DRGR policy to include timeliness for entering and reporting NSP obligations and expenditures, defining what constitutes an NSP obligation, and describing the type of documentation to be kept to support NSP obligations, and (3) recapture $61,256 in HOME funds which the County did not commit by the 24-month statutory deadline.

Issue Date: November 20, 2009
Audit Memorandum No.: 2010-AT-1801
File Size: 468.98KB

Title: Miami-Dade County, Florida, Needs to Strengthen Controls over Its Neighborhood Stabilization Program

Miami Dade County, Florida (County) was awarded $62.2 million in Neighborhood Stabilization Program (NSP) funds under the Housing and Economic Recovery Act of 2008. HUD's Office of Inspector General (OIG) evaluated the County's capacity to administer its NSP funds. The OIG found that the County did not execute agreements between County departments, existing policies and procedures did not address NSP requirements, adequate supporting documentation for an NSP activity was not maintained, and NSP expenditures were improperly classified. The weaknesses could adversely affect the County's capacity to administer these funds, and the OIG recommended that HUD require corrective action on the deficiencies.

Issue Date: September 25, 2009
Audit Report No.: 2009-AT-1801
File Size: 559.18KB

Title: Miami-Dade Public Housing Agency Needs to Strengthen Controls over Its American Recovery and Reinvestment Act Funds

The Miami-Dade Public Housing Agency (Agency) was awarded a $19.3 million capital fund formula grant under the American Recovery and Reinvestment Act of 2009. HUD's Office of Inspector General (OIG) evaluated the Agency's capacity to administer its Recovery Act funds. The OIG found the Agency's procurement procedures had weaknesses, staffing levels may be inadequate, and the Agency had not properly prioritized its ARRA funded activities. The weaknesses could adversely affect the Agency's capacity to administer these funds, and the OIG recommended that HUD require corrective action on the deficiencies.

Issue Date: August 18, 2009
Audit Report No.: 2009-AT-1011
File Size: 673.67

Title: The City of Miami, Florida, Did Not Properly Administer Its Community Development Block Grant Program

HUD OIG audited the Community Development Block Grant (CDBG) program administered by the City of Miami, Florida (City). The objective of the audit was to determine whether the City administered its CDBG program in accordance with applicable U.S. Department of Housing and Urban Development (HUD) requirements.

The City did not administer its CDBG program in accordance with applicable HUD requirements. It did not comply with HUD requirements in meeting national objectives for its commercial façade program. As a result, it had no assurance that more than $4.1 million in expended CDBG funds achieved the intended national objective or met program requirements. In addition, the City did not properly allocate salary expenditures to its CDBG program and did not maintain adequate supporting documentation demonstrating that employees worked in the program. As a result, the City improperly allocated $690,392 to the program. The City also did not accurately report CDBG financial information to HUD in accordance with federal requirements. It inaccurately reported administrative/planning costs for program year 2006 and failed to report $265,823 in reprogrammed CDBG funds to HUD. As a result, there was a lack of assurance that the City reported accurate CDBG financial information to HUD in accordance with HUD regulations.

OIG recommended that the Director of the Miami Office of Community Planning and Development require the City to (1) provide documentation to support that CDBG program requirements were followed and the intended national objective was met for two commercial façade activities or reimburse its program more than $4.1 million from nonfederal funds, (2) reimburse its program $690,392 from nonfederal funds for unsupported salary expenditures, and (3) provide documentation to support the reprogrammed funds or reimburse its program $265,823 from nonfederal funds for canceled CDBG activities for which funds were reprogrammed.

Issue Date: June 19, 2009
Audit Report No.: 2009-AT-1008
File Size: 472.38KB

Title: Miami-Dade County, Florida, Did Not Properly Administer Its Community Development Block Grant Program

HUD-OIG audited the Community Development Block Grant (CDBG) program administered by Miami-Dade County, Florida (County). The objective of the audit was to determine whether the County administered its CDBG program in accordance with applicable U.S. Department of Housing and Urban Development (HUD) requirements.

The County did not administer its CDBG program in accordance with applicable HUD requirements. It did not comply with HUD requirements in meeting national objectives and performance goals and failed to recapture CDBG funds for canceled activities that did not meet a national objective. As a result, it had no assurance that more than $4.6 million in expended CDBG funds achieved the intended national objective or met program requirements. In addition, the County also did not accurately report CDBG financial and program information to HUD in accordance with federal requirements. It failed to report CDBG program income for four activities, inaccurately reported program income for 2007, and reported inaccurate status and accomplishments of CDBG activities to HUD. As a result, there is a lack of assurance that the County reported accurate CDBG financial and program information to HUD.

OIG recommended that the Director of the Miami Office of Community Planning and Development require the County to (1) provide documentation to support that CDBG program requirements were followed and national objectives and performance goals were met for eight activities or reimburse its program $4 million from nonfederal funds, and (2) recapture $649,143 expended for eight activities that had been canceled. In addition, the Director should require the County to (1) ensure that CDBG program income is properly reported for four activities, and (2) implement and enforce written policies and procedures to ensure effective performance and compliance with HUD regulations for meeting CDBG national objectives and performance goals and reporting program information and income to HUD.

Issue Date: September 18, 2008
Audit Report No.: 2008-AT-1013
File Size:743.11KB

Title: Bethany Housing, Inc., South Pasadena, Florida, Did Not Conduct Proper Oversight of Project Operations Resulting Financial Harm to the Project

We audited Bethany Towers Apartments as part of our annual goal for auditing multifamily projects and in response to a request from the U.S. Department of Housing and Urban Development's (HUD) Tampa, Florida, Multifamily Division. We focused the audit on the nonprofit owner's and management agents' compliance with the project's regulatory agreement, applicable laws, and other HUD requirements pertaining to the sale and transfer of ownership interest in the project, use of project assets, identity-of-interest relationships, necessity and reasonableness of project costs, and record keeping.

The owner and its undisclosed identity-of-interest (IOI) management agent did not provide proper oversight and management of the project's financial affairs. The owner executed an unauthorized agreement to sell the project, diverted $90,000 in funds paid towards the purchase to its church sponsor, selected an undisclosed IOI management agent, allowed financial harm to the project from IOI dealings, incurred more than $16,000 in ineligible/improperly supported costs, and maintained inadequate books and records.

We recommend that the Director of HUD's Jacksonville Multifamily Housing Hub (a) determine whether to declare the project in technical default of its regulatory agreement and initiate foreclosure proceedings, require the owner to repay or support more than $106,000 in questioned costs, which include the diverted funds, and require the owner to establish and implement policies and procedures to ensure compliance with HUD requirements. We also recommend that the Acting Director of the Departmental Enforcement Center take appropriate administrative action against the owner and its IOI agent for the most significant reported violations and that HUD's Regional Counsel, in coordination with HUD's Director, Jacksonville Multifamily Housing Hub, and HUD's Office of Inspector General, seek double damages against the owner for diverting $90,000 received for the purchase of the project.

Issue Date: September 17, 2008
Audit Report No.: 2008-AT-0004
File Size:1.22MB

Title: The Miami-Dade Housing Agency, Miami, Florida, Did Not Maintain Adequate Controls over Capital Fund Program Drawndowns

HUD-OIG audited the Miami Dade Housing Agency (Agency) capital fund program. The objective of the audit was to determine whether the Agency used capital fund program drawdowns in accordance with U.S. Department of Housing and Urban Development (HUD) requirements. The Agency did not use capital fund program drawdowns in accordance with HUD requirements.

The Agency's internal controls over capital fund program drawdowns from HUD were inadequate. The Agency drew down $257,253 to close out the 2003 capital fund program grant using the same expenses it used for previous drawdowns. The Agency also drew down from its 2007 capital fund program grant $283,168 more than was supported by expenses. These conditions occurred because the Agency did not have effective controls in place to identify and track excess funds that needed to be returned. As a result, we have no assurance that $540,421 in excess funds was repaid. Further, the Agency used capital fund program drawdowns to reimburse itself for ineligible and unsupported expenses.The Agency was reimbursed from capital funds for $62,123 that was used for public housing operations and $127,593 that it could not support was used for capital fund activities. It was also unable to provide documentation to support $257,694 in expenses transferred to the 2007 capital fund program grant that had not been reimbursed. These conditions occurred because the Agency did not have effective internal controls in place to ensure that capital funds were used in accordance with HUD requirements. As a result, we consider $62,123 to be ineligible costs, $127,593 to be unsupported costs, and $257,694 to be funds that could be put to better use, since the Agency had not been reimbursed for these expenses.

OIG recommended that HUD require the Agency to (1) provide supporting documentation showing that the $257,253 excess drawdown was returned to the program or reimburse HUD from nonfederal funds, (2) provide supporting documentation for the $283,168 in expenses for the 2007 capital fund program grant or reimburse the capital fund program from nonfederal funds, and (3) define the roles and responsibilities of its accountants for the monthly reconciliation of capital fund program grants to HUD records and monitor capital fund drawdowns and excess capital funds. We also recommend that HUD determine and place appropriate restrictions on the Agency's ability to draw down capital funds. In addition, HUD should require the Agency to (1) reimburse HUD $62,123, (2) provide supporting documentation for $127,593 that it could not support was for capital fund activities and $257,694 transferred to the 2007 capital fund program, and (3) implement and enforce policies and procedures to improve controls over the program.

Issue Date: September 5, 2008
Audit Report No.: 2008-AT-1012
File Size: 443.78KB

Title: The City of Jacksonville, Florida, Lacked Adequate Controls over Its HOME Program

We audited the City of Jacksonville/Duval County's (City) HOME Investment Partnerships Program (HOME) as part of our annual audit plan. We selected the City because it had the largest funded program in northern Florida and other risk factors. Our audit objectives were to determine whether the City administered its HOME program in accordance with the U.S. Department of Housing and Urban Development's (HUD) requirements concerning the (1) eligibility of cost and affordable housing for three foreclosed multifamily rental rehabilitation projects, (2) commitment of program funds, and (3) five-year expenditure.

The City did not comply with program requirements for affordability/eligibility of three foreclosed multifamily rental rehabilitation projects and record keeping. The audit identified more than $2.7 million in questioned costs that were subject to repayment for violation of requirements. The City also had not established and maintained an adequate system for filing and retrieving program records. The violations occurred because City management and staff did not follow and enforce program requirements. The review did not identify any reportable violations concerning the City's compliance with the HOME program's commitment and five-year expenditure requirements.

We recommended that the Director of HUD's Jacksonville Office of Community Planning and Development require the City to reimburse more than $2.7 million in funds approved for three foreclosed multifamily rental rehabilitation projects that did not accomplish the program's affordability requirement or meet other program eligibility requirements. We also recommend that the Director require the City to take appropriate actions to ensure management and staff follow program requirements for approval and oversight of multifamily rental rehabilitation activities and improve its system for filing and maintaining program records.

Issue Date: January 11, 2008
Audit Report No.: 2008-AT-1005
File Size:4.44MB

Title: The City of Fort Lauderdale, Florida, Did Not Properly Administer Its Community Development Block Grant Program

HUD OIG audited the Community Development Block Grant (CDBG) program administered by the City of Fort Lauderdale, Florida (City). The objective of the audit was to determine whether the City administered its CDBG program in accordance with applicable U.S. Department of Housing and Urban Development (HUD) requirements. The City did not administer its CDBG program in accordance with applicable HUD requirements.

It did not provide supporting documentation or did not maintain adequate supporting documentation to demonstrate that CDBG activities met national objectives. As a result, it had no assurance that more than $5 million in expended CDBG funds achieved the intended national objective or met program requirements. In addition, the City's CDBG financial information in its Financial Accounting Management Information System did not agree with financial information reported to HUD. The City also failed to report CDBG program income to HUD for one project. As a result, there is no assurance that the City reported accurate CDBG financial information to HUD in accordance with HUD regulations. Finally, the City improperly allocated 100 percent of its vehicle expenditures to the CDBG program without adequate supporting documentation demonstrating the use of the vehicles. As a result, there is no assurance that $98,967 in vehicle expenses allocated to the CDBG program was accurate and CDBG program related.

OIG recommended that the Director of the Miami Office of Community Planning and Development require the City to (1) provide documentation to support that CDBG program requirements were followed and national objectives were met for the 20 public facility activities and 11 public service activities or reimburse its program $2.3 million from nonfederal funds; (2) provide an action plan for development of land parcels to include how national objectives will be achieved and if not developed within 90 days, reimburse its program the greater of $2.6 million or the fair market value of the property from nonfederal funds; (3) maintain supporting documentation that CDBG program requirements were followed and national objectives were met for the 20 public facility activities and 11 public service activities according to 24 CFR 570.506 to allow $722,377 in unused funds to be put to better use by ensuring that the City effectively uses these funds for the intended clientele; and (4) update, implement, and enforce written monitoring policies and procedures to ensure effective performance and compliance with federal regulations for meeting CDBG national objectives. The Director should also require the City to (1) reconcile its Financial Accounting Management Information System with the HUD Integrated Disbursement and Information System and notify HUD of the adjustments and (2) report rental and interest income for one project as CDBG program income. In addition, the Director should require the City to reimburse the program $98,967 from nonfederal funds, since there is no assurance that vehicle use was CDBG program related.

Issue Date: January 9, 2008
Audit Report No.: 2008-AT-1004
File Size: 403.25KB

Title: The City of West Palm Beach, FL Did Not Administer Its Community Development Block Grant Program

HUD OIG audited the Community Development Block Grant (CDBG) program administered by the City of West Palm Beach, Florida (City). The objective of the audit was to determine whether the City administered its CDBG program in accordance with applicable U.S. Department of Housing and Urban Development (HUD) requirements.

The City failed to properly administer its CDBG program in accordance with HUD requirements. Specifically, the City was deficient in (1) contract administration, (2) monitoring, (3) maintaining supporting documentation, and (4) reporting program income. The City failed to ensure that CDBG funds were used in compliance with program requirements and used to meet national objectives. As a result, we consider more than $2.7 million to be unsupported costs because the City failed to demonstrate that national objectives and other program requirements were met. In addition, the City did not adequately award four contracts in accordance with federal procurement requirements. It awarded contracts without full and open competition; did not prepare a cost analysis before awarding the contracts; and did not maintain documentation supporting that contractors were not debarred, suspended, or ineligible. As a result, the City could not ensure that more than $1.2 million in contracts it awarded provided full and open competition and that the costs were reasonable.

OIG recommended that the Director of the Miami Office of Community Planning and Development require the City to (1) provide documentation supporting that HUD requirements were followed and national objectives were met for 27 CDBG activities or reimburse the CDBG program more than $2.7 million from nonfederal funds for not properly administering the program, and (2) develop, implement, and enforce more comprehensive written policies and procedures that comply with HUD requirements. In addition, the Director should require the City to (1) provide supporting documentation to justify the eligibility and reasonableness of $624,631 disbursed for the four contracts, or reimburse the CDBG program from nonfederal funds; and (2) ensure that federal procurement requirements are incorporated into the City policies and procedures, implemented, and enforced.

Issue Date: December 26, 2007
Audit Report No.: 2008-AT-1003
File Size:155KB

Title: The City of Jacksonville, FL Lacked Proper Support for Some Subrecipients Purchases and Expenditures

We reviewed the City of Jacksonville/County of Duval, Florida's (City) Community Development Block Grant program (CDBG). We conducted the review as part of the U.S. Department of Housing and Urban Development (HUD), Office of the Inspector General's annual audit plan. Our objectives were to determine whether the City complied with CDBG regulations and requirements related to (a) use of competition when purchasing goods and services, (b) eligibility of public facilities/improvements costs, (c) financial management systems, (d) charging direct and indirect costs, (e) eligibility of housing rehabilitation participants, and (f) contracting with and monitoring of subrecipients.

The review did not identify reportable conditions for most of the cited objectives. However, the City needs to improve controls to ensure proper justification for sole source procurements and that subrecipients only use program funds for specific City-approved activities. We identified subrecipients that did not properly document or justify sole source procurements totaling $156,000 for four purchases. We also identified one instance in which the City reimbursed a subrecipient $34,552 for costs that were not for the activity component the City approved. These conditions occurred because the City did not adequately review the subrecipients' use of sole source procurements and because it did not adequately review a subrecipient's request for payment. As a result, the City could not adequately support the reasonableness of $156,000 in CDBG disbursements and the $34,552 paid for costs not associated with the City-approved activity.

We recommend that the Director of HUD's Office of Community Planning and Development require the City to establish and implement controls to ensure compliance with requirements for sole source purchases and that subrecipients are only reimbursed for costs incurred for activities approved in their funding request. The City should be required to reimburse the program for any portion of the

$190,552 that it cannot support as being reasonable and having been incurred for the City-approved activity. Any reimbursements should be made from nonfederal funds.

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Alachua County eAgenda

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

October 11, 2011 Regular BoCC Meeting
Agenda Item #19

Title
County Manager's Report

Amount
N/A

Description
Request to give County Manager's Report

Recommendation
Accept County Manager's Report

Alternative(s)
N/A

Requested By
Randall H. Reid

Originating Department
County Manager

Attachment(s) Description
N/A

Documents Requiring Action
N/A

Executive Summary
N/A

Background
N/A

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

County Manager's Report October 11, 2011

1. **Functional Group Assignment & Organizational Leadership Transformation Effective FY12:**
   Attached is a reorganization of our Leadership Team organizational structure and functional group assignments for FY12/13. It reflects the reduction of a management position reducing costs by over $100,000 while preserving administrative capacity and span of control. Key elements are the assumption of the duties of the Deputy County Managers functions by reclassification of Administrative Services Director to Acting Assistant Manager and reclassification of OMB Director Suzanne Gable due to expanded departmental responsibilities. The reorganization envisions the Administrative Services Director's title will be not used through the current fiscal year. Facilities Management Division headed by Mr. Charlie Jackson will be reassigned to Mr. Drummond.

Alachua County
County Manager's Office

Randall Reid, County Manager

October 10, 2011

MEMORANDUM

To: Chair Pinkoson, Commissioners, DeLaney, Long, Byerly, Baird

From: Randall H. Reid RHR
County Manager

Subject: Functional Group Assignment & Organizational Leadership Transformation Effective FY12

In accordance with the organizational transformation efforts outlined in my memorandum of March 28, 2000 to the County Commission, I am once again making you aware of key staff assignments and the organizational structure change to my Leadership Team. These changes will continue to reinforce a team-based and collaborative management framework for providing services to the community with an understanding of our fiscal constraints and organizational capacity.

With the continuation of a recessionary economy and additional legislative actions potentially placing caps on or limiting our revenue sources, we must be creative and find acceptable solutions to maintain a sustainable organization. The majority of economists anticipate a continuing lagging growth in our local economy with our own knowledge that increased government revenues follows private sector recovery.

The functional group assignments and changes to the Leadership team will allow for renewed focus on our efforts to develop "Alternative Futures" for County programs. "Alternative Futures" is the examining of fundamental changes and prioritization of our service delivery. This involves continuous improvement, enhanced internal and external communications, and the 3 "R's"; Re-design, Re-allocation, and Re-invention. More simply put, I have advised my staff that we are focusing on the "basics" in FY12 and FY13.

The role of our functional groups, as outlined in my March 2000 memo, remains to facilitate organizational transformation through teamwork and communication. Functional group collaborative efforts will continue to drive collaboration and effectiveness. Group Leaders are being rotated as they have in the past for 2012 and FY13 and are:

Community Planning Group:	Growth Management Director, Steve Lachnicht
Community Services Group:	Community Support Services Director, Elmira Warren
Financial Planning Group:	Department of Fiscal Management and Budget Director , Suzanne Gable
Support Services Group:	ITS Director, Kevin Smith

Contained in the Alachua Excels: County Manager's Vision document is the following statement:

> "Alachua County Government will be a value driven organization dedicated to responsive customer service. In every service program, Alachua County will be viewed locally, statewide and nationally as an innovative, progressive leader in the provision of cost effective county services. We will be known for successful programs of engagement of our citizenry and employees in the decision making of their government. Other jurisdictions will benchmark against Alachua County as the example of the best in local government services. Our citizens and Board of County Commissioners will be proud of the staff, their professionalism and expertise, and have a high degree of trust in the integrity of the organization."

I will continue to hold this passage in the highest regard when acting on behalf of the County and recommending actions to the Board. The fiscal difficulties of the past several years have forced an increasingly inward focus to maintain services with less resources and that is taking a significant amount of my attention. As expressed to the Board we are facing a major exodus of top senior managers and long term employees over the next five years. Our budget process and budget related negotiations continue year round. We need to continue to identify priorities, levels of service and different approaches to solving problems.

In addition to Assistant Manager Richard Drummond I will be using the savings from elimination of the Deputy County Manager and re-title Ms. Betty Baker as Acting Assistant County Manager. Ms. Baker has agreed to accept this acting status and we anticipate we will not fill the position of Administrative Services Director during the current fiscal year or until the economy rebounds or other personnel changes mandate its necessity. This should enact savings in FY12 in the $100, 000 to $120,000 range. The Administrative Services Department, which is made up of several divisions will continue to report to Ms. Baker with the exception of Facilities Management which will be assigned to Mr. Drummond due to the size of the Facilities operations and the relationships with the Community Planning Group and Capital Improvements Program (CIP).

I will continue to oversee the daily activities, coaching, and evaluation of the two assistants, the Communications Office and Information and Telecommunications Department. The Sustainability Program Coordinator and Economic Development Coordinator will report through Mr. Drummond to me. They will also be included in Community Planning Group.

To bring about the changes needed to maintain a professional and leaner organization, and clarify my direct reporting span of control, I will continue to delegate certain responsibilities to appropriate people in FY12. Philosophically these areas of responsibilities and projects should be understood as being delegated to the Assistants in charge as being the key contacts within my office and having assigned oversight responsibility for these activities on behalf of the County Manager. I will continue to be involved in all supervisory responsibility as outlined in the Charter and continue to have direct contact will all members of my leadership team and supervisors as appropriate to implement Board policy.

This change in no way alters employment status of department directors as executive services employees. This alignment will convey to outside agencies and the Commission their area of responsibilities and facilitate communication by my office to Constitutional Officers and area municipal staff. Each assistant county manager will be involved in the implementation of projects with the appropriate Constitutional Officers within their functional areas, oversight of our consultants assigned within their functional areas and the hearing of grievances in the appropriate departments not assigned to them.

Assistant County Manager Richard Drummond will be assigned daily management, coaching, and evaluation of the following departments:

- EPD/Director Chris Bird
- PWD/Director Richard Hedrick
- GMD/Director Steve Lachnicht
- TDC/Director Roland Loog
- Facilities Management Division /Manager Charlie Jackson

In addition, he will be responsible for the following programs:

- Manager's liaison and consultant to the Community Planning Group and Financial Planning Group
- economic development and the Economic Development Advisory Committee
- operation and development of the Fairgrounds project
- airport liaison
- CIP preparation, monitoring and oversight
- land use and planning issues and coordination of municipal growth and planning activities
- MTPO liaison of County Manager's Office
- inter-County GIS coordination activities of County Manager's Office

Mr. Drummond's 3 "R's" project will include the preparation and recommendation for a reorganization for the FY13 budget of departments within the Community Planning Functional Group with a goal to effectively identify the level of services, staffing and reduction of cost feasible in these departments. Facilities maintenance will be examined as a function potentially included in a rearranged department structure or as a stand-alone department under Mr. Jackson.

Acting Assistant County Manager Betty Baker will be assigned daily management, coaching, and evaluation of the following departments:

- PSD/Chief Ed Bailey
- CSD/Director Tom Tonkavich
- CSSD/Director Elmira Warren
- Administrative Services Department Division Heads

In addition, she will be responsible for the following programs:

- Manager's liaison and consultant to the Community Services Group and Support Services Group
- municipal services coordination such as fire services, fire master plan and service agreements
- Health Department liaison
- Healthy Communities activities and other human service activities
- oversight of Jail Study consultant
- SWAG Area activities
- SANE Program and Shands related services
- EOC relations and continuity coordination in Manager's office

Ms. Baker's 3 "R's" project will include the preparation and recommendation for a reorganization for the FY2013 budget of departments within the Community Services and Support Services Functional Groups with a goal to effectively identify the level of services, staffing and reduction of cost feasible in these departments.

Redesign of Department (Office) of Fiscal Planning, Management and Budget

I intend to recognize and utilize Ms. Suzanne Gable as the principle fiscal position in my administration with expanded assigned operating duties and considered a department director. She will assume all financial duties formerly performed by the former Deputy County Manager. The continuing anticipated economic downturn requires increased fiscal focus and right sizing of our activities. She will head the Financial Planning Functional Group. She will also be assigned coordination of all our fiscal assistants in a team that she will head to coordinate, synergize and better monitor the fiscal planning in each area of County operations under the County Manager. She will also coordinate all responses to all BoCC audits on behalf the County Manager's Office within the activities of the BoCC. The creation of this fiscal team will allow greater coordination of fiscal actions and continue to allow decentralized fiscal services to

major departments while ensuring their alignment to our fiscal priorities and efforts to reorganize operational units to reduce costs or improve efficiency. Recognizing these changes and level of responsibilities I will be directing a reclassification of Ms. Gable's position.

In addition to this she will focus on:

- assuring fiscal policies are enforced and audit responses to Clerk's internal audits are prepared countywide
- servicing as liaison on behalf of the Board with the Clerks' Finance Director
- participation in all future bond issuance and fiscal issues involving BoCC
- monitoring of grants and any future fiscal stimulus activities on behalf of BoCC
- participating in planning and analysis on behalf of the Manager in all intergovernmental fiscal agreements such as Combined Communications Center, CRA's and Municipal Service Agreements

Other County Manager staff assignments include:

- Mr. Edgar Campa Palafox will begin functioning as Economic Development coordinator and begin working with Mr. Drummond to assume projects related to economic development county wide.
- Mr. Mark Sexton will continue as Communications Coordinator and assist public information activities, operation of Channel 12 and event coordination activities.
- Mr. Sean McLendon will continue as Sustainability Program Coordinator assuring the follow-through on resource conservation efforts and implementation of the ECSC report.
- Mr. Rick Mills will maintain his current duties as Legislative Affairs Coordinator, and will report to Ms. Gable, relocate his workspace to OMB and assist financial planning under her supervision.
- Ms. Darlene Ryon will to serve as Executive Coordinator with oversight of the agenda and Commission Services within the County Manager's Office.
- Ms. Rhonda Baxter will serve as Executive Coordinator and will provide office management, scheduling, and fiscal service to the Manager's Office and assistants.
- Ms. Mary Lowry will continue to serve as Advisory Board Program Coordinator and back-up agenda Coordinator.
- Ms. Latoya Gainey and Ms. Beth Alexander will serve individual Commissioners as assigned.

Our county organization struggles to maintain the capacity to respond to a seemingly unlimited agenda and continuously expanding list of responsibilities. Many of our employees carry heavy workloads. Citizens are demanding increased information and engagement in County planning activities each year. Our employees continue to face uncertainty regarding any future salary increases, less job security and diminished possibilities for career advancement in their program areas. Already areas of County operations, such as Information and Technology Systems have

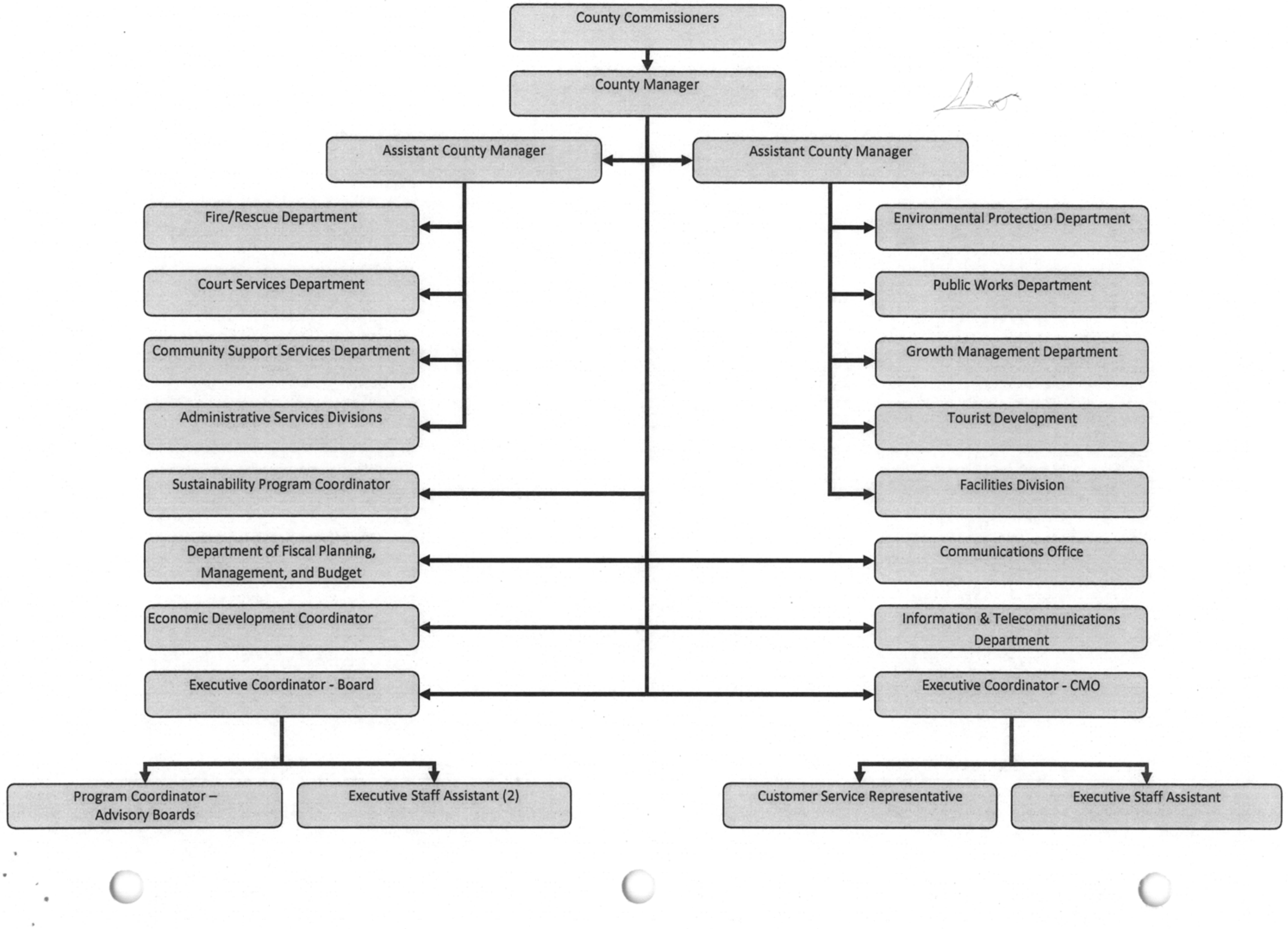
already begun to lose positions as sectors of the economy improve. Attrition will become very evident in 2012 and continue to challenge the operations of County departments with the loss of institutional knowledge. Alachua County must continue to groom our best internal candidates, plan for the succession of employees in managerial and technical positions and retain that institutional knowledge.

I will continue to hold a weekly leadership meeting for our department directors, meetings with our functional group leaders as appropriate, and continue to find it helpful to schedule weekly time with County Commissioners if needed and allow opportunities for these to facilitate citizen meetings with commissioners.

In light of the above reductions and assignments of staff it is increasingly valuable to have the County Commission clearly articulate the priorities of our programs within their willingness to fund them. I would request that the Commission in Commission meetings make motions in lieu of general assignments by comment. It is also helpful to reflect our traditional manner of 30-60-90 day responses to Commission projects to recognize our agenda process and desire to provide quality responses in light of our diminished capacity.

I believe these changes and recognition of the above responsible roles of key managers will assist us in continuing to achieve positive results in this economic downturn.

GENERAL GOVERNMENT – County Manager's Office



Alachua County, Florida

ALACHUA EXCELS

ALACHUA COUNTY, FLORIDA

County Manager's Office

County Manager

Support Services
Leader: Kevin Smith
Human Resources Director
Purchasing Manager
ITS Director
Administrative Services Director
Facilities Manager
Management and Budget Director
Risk Manager
Equal Opportunity Director
Fleet Manager
Assigned Liaisons
Community Services Representative
Court Administrator
Library Director
Clerk of Courts Finance Director
County Attorney
ITS Representative
Growth Management Representative
Board Liaison
Commissioner Byerly

Community Services
Leader: Elmira Warren
Emergency Services Director
Waste Management Director
Community Support Services Director
Social Services Director
Court Services Director
Zoning Administrator (Codes)
Animal Services Director
Pollution Prevention Manager
Partners for Productive Community Mgr
Housing Program Manager
Assigned Liaisons
Administrative Services Representative
Health Department
Sheriff's Office
County Attorney
ITS Representative
Management and Budget Analyst
Comprehensive Planning Representative
Board Liaison
Commissioner DeLaney

Financial Planning
Leader: Suzanne Gable
Administrative Services Director
Management and Budget Director
Deputy County Manager
Assistant County Manager
Clerk of Courts Finance Director
Growth Management Director
Assigned Liaisons
County Manager
County Attorney
Public Financial Management
Functional Group Leaders
ITS Representative
Impact Fee Coordinator
Board Liaison
Commissioner Pinkoson

Community Planning
Leader: Steve Lachnicht
Growth Management Director
Public Works Director
Environmental Protection Director
Parks Superintendent
Economic Development Coordinator
Management and Budget Analyst
Building Official
Assigned Liaisons
Administrative Services Representative
Property Appraiser
ITS Representative
Health Department
Assistant County Manager
County Attorney
Regional Transit System
MTPO
GRU
Regional Planning Council
Board Liaison
Commissioner Baird

Alachua County eAgenda

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

October 11, 2011 Regular BoCC Meeting
Agenda Item #20

Title
Closing Comments from the Public (Amended)

Amount
N/A

Description
Closing Comments from the Public

Recommendation
Hear Closing Comments from the Public

Alternative(s)
N/A

Requested By
Randall H. Reid

Originating Department
County Manager

Attachment(s) Description
N/A

Documents Requiring Action
N/A

Executive Summary
N/A

Background
N/A

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Alachua County
Board of County Commissioners

Lee Pinkoson, *Chair*
Paula M. DeLaney, *Vice Chair*
Rodney J. Long
Mike Byerly
Susan Baird

Administration
Randall H. Reid
County Manager

October 11, 2011

Mr. Scott Miller
Remedial Project Manager
Superfund Division, Superfund Remedial Branch, Section C
USEPA Region 4
61 Forsyth St. SW
Atlanta, GA 30303

Re: Alachua County Support for Implementation of Indoor Dioxin Dust Workplan Near Koppers Site

Dear Mr. Miller:

As you are aware, several residents in the Stephen Foster Neighborhood in Gainesville, Florida have stated that indoor dust in houses near the Cabot-Koppers Superfund Site may be contaminated with dioxins. This information has raised significant concerns about potential health impacts among residents living near the site. Recently, an "Indoor Dust Dioxin Workgroup" lead by the Florida Department of Health (FDOH) has completed a workplan for confirmatory testing of dioxin levels in dust found in homes in the Stephen Foster neighborhood. The task force was comprised of Federal, State, and Alachua County environmental and health experts, as well as local non-governmental experts, UF faculty, and a representative of the responsible party, Beazer East. The workplan was submitted to USEPA on July 22, 2011. We understand that USEPA is currently reviewing the plan for potential implementation.

The Alachua County Board of County Commissioners (BoCC) supports the implementation of the full workplan by USEPA as prepared by the FDOH workgroup as expeditiously as possible. The BoCC believes it is very important to provide confirmation of the levels of any potential contamination and provide information to nearby residents of the significance of any found contamination in terms of potential health impacts and remedies.

We appreciate your attention to this matter. If you have any questions about this letter, you may contact, Dr. John Mousa, at (352) 373-5586.

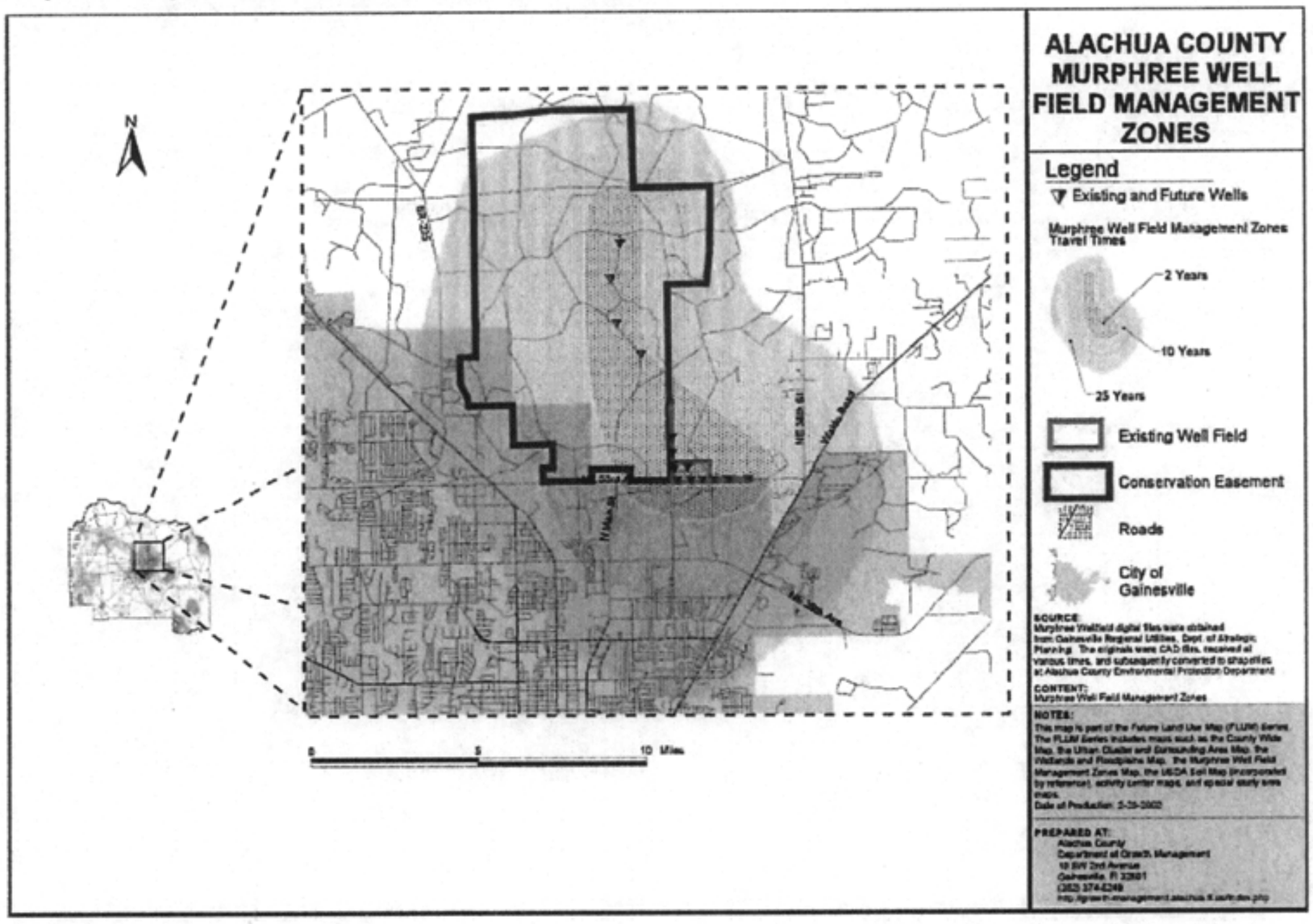
Sincerely,

Lee Pinkoson, Chair
Alachua County Commission

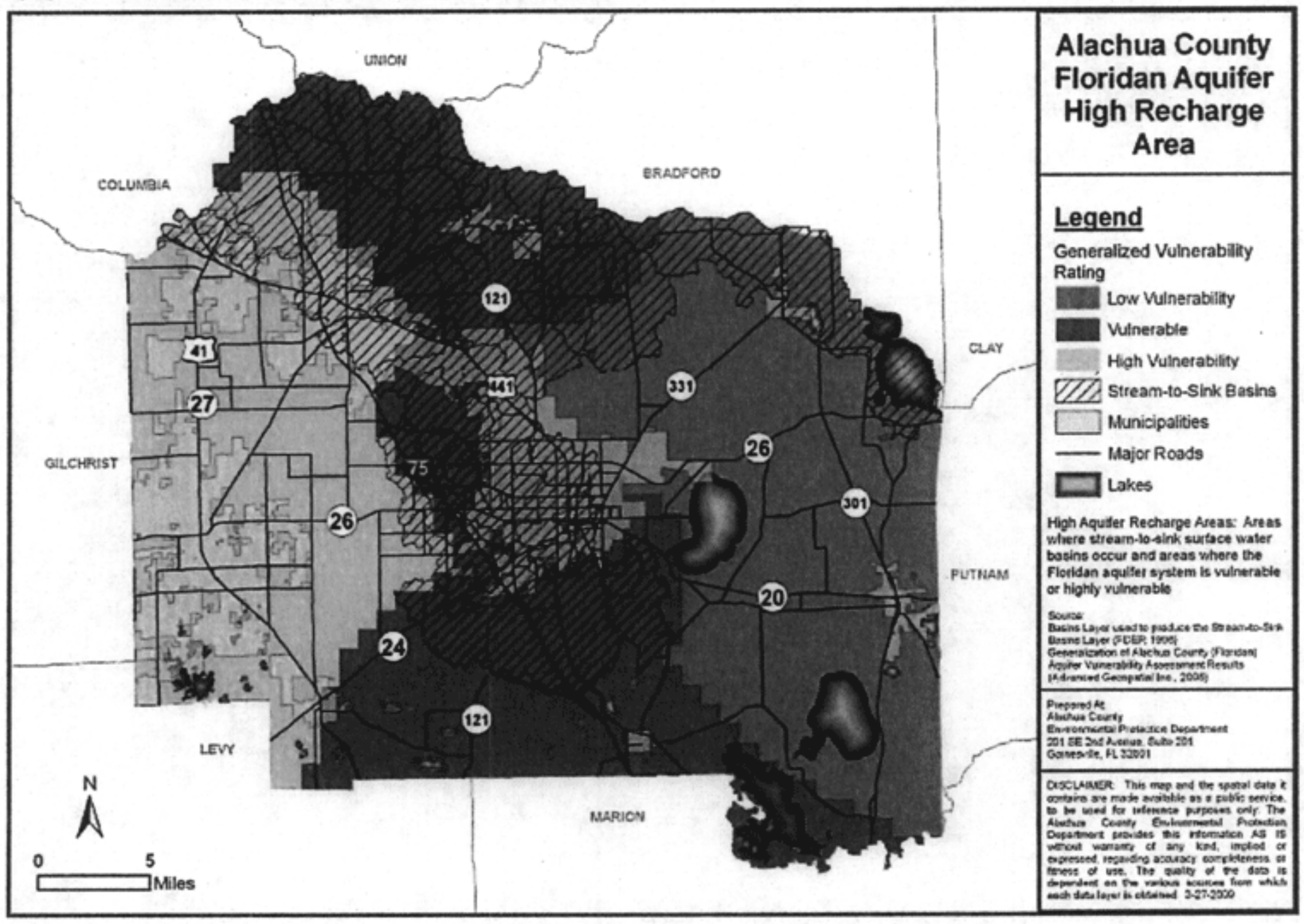
chr12.002
LP/JM/jm

cc: Lisa Jackson, Administrator, USEPA
Senator Bill Nelson
Senator Marco Rubio
Congresswoman Corrine Brown
Congressman Cliff Stearns
Gwendolyn Keyes Fleming, Regional Administrator, USEPA Region 4
Kelsey Helton, Florida Department of Environmental Protection
Board of County Commissioners
Randall H. Reid, County Manager
Dave Wagner, County Attorney
Russ Blackburn, Gainesville City Manager
Fred Murry, Gainesville Asst. City Manager
Craig Lowe, Gainesville Mayor
City of Gainesville Commission
Marion Radson, Gainesville City Attorney
Anthony Dennis, Alachua County Health Department
Randall Merchant, Florida Department of Health
Department File

Map 1. Murphree Wellfield Management Zones



Map 2. Floridan Aquifer High Recharge Area



ALACHUA COUNTY
Environmental Protection Advisory Committee
201 Southeast 2nd Avenue Gainesville, Florida 3260
Tel: (352) 264-6800 Fax (352) 264-685
Suncom: 651-680
Home Page: www.co.alachua.fl.us

Chair
Bob Palmer

Vice Chair
Vacant

September 12, 2011

Mr. Lee Pinkoson, Chairman
Alachua County Commission

Dear Chairman Pinkoson:

Recently, an "Indoor Dust Dioxin Workgroup" completed a plan for testing dioxin levels in dust found in homes in the Stephen Foster neighborhood, adjacent to the Koppers site. The task force was comprised of Federal, State, and Alachua County officials, as well as local non-governmental experts, UF faculty, and a Beazer representative. The plan was submitted to EPA on July 22, 2011 and is found at this link:

http://www.alachuacounty.us/Depts/EPD/Pollution/Documents/1658_FDOH%20Dioxin%20Indoor%20Dust%20Investigation%20Workplan%20Final%207-21-2011.pdf

The purposes of the dioxin dust plan are to determine the levels of dioxins and related compounds in houses both near and well removed from the Koppers site and, to the extent possible, determine the source of these compounds. The study should clarify whether or not houses continue to be contaminated by windblown dust from the site and, if so, what can be done to remove this threat, both now and during the time when remediation activities will be taking place on the site.

The work plan was forwarded to EPA on July 22, 2011. EPAC would urge the Commission to contact EPA to indicate its interest in seeing the study proceed as expeditiously as possible.

We appreciate your attention to this matter.

Sincerely,

Bob Palmer, Chairman
Alachua County EPAC

GORAIL

Declaration of Support for Rail Solutions to Economic and Transportation Challenges

A healthy freight rail network is a key to job growth and continued U.S. economic recovery. Freight rail is a powerful job creation engine, generating $265 billion of total economic activity annually. This translates into jobs all across the country and in every sector of the economy. Consider:

- America's freight railroads invest 40 cents of every dollar they earn back into the rail network, getting minimal support from the government. Rail has invested $480 billion back into capital needs and expansion since 1980.

- America's freight railroads move one third of American exports, playing a key role in U.S. international competitiveness while offering the lowest rail rates in the world and employing 175,000 workers directly and accounting for an additional 150,000 jobs in the railway supply industry.

- Every direct railroad job also supports 4.5 additional jobs – on farms, in factories and mines, and throughout the economy. Freight rail service is instrumental to retaining existing jobs and attracting new businesses to communities.

- Through rail intermodal service—freight shared by trains and other transportation modes—railroads move almost 12 million truck trailers or containers a year. That means greater economic efficiency, less fuel consumed, lower emissions and less traffic on our roads.

- Affordable and efficient transportation is critical to the economy now and in the future. Freight rail is the engine to keep our economy strong, hauling 43 percent of the nation's intercity freight—more than any other transportation mode.

We join GoRail in supporting policies that will allow freight rail to continue making infrastructure investments that are critical to sustaining jobs, building a stronger economy, reducing highway congestion, improving air quality and providing a better quality of life for Americans.

____ Please include my name on the GoRail Declaration.

____ Please include me as a supporter of GoRail and a Member of the **Florida** GoRail coalition.

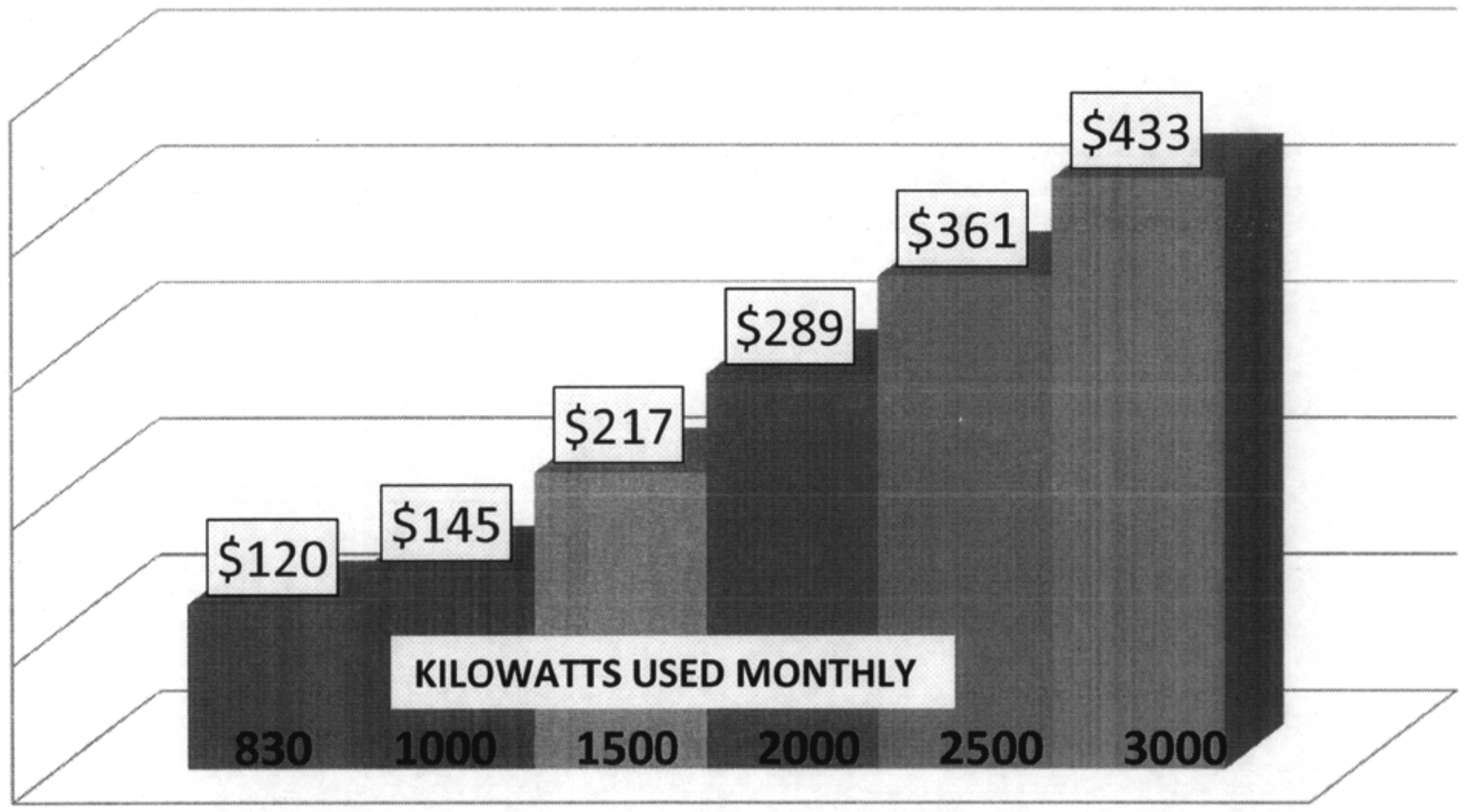
Name_____ Title_____

Organization _____

Signature_____ Date_____

Please scan and e-mail to Emily Traiforos etraiforos@gorail.org or fax to 703-682-2916
1001 N. Fairfax Street, Suite 505, Alexandria, VA 22314

GRU ANNUAL FUEL CHARGE ADJUSTMENT INCREASE* WITH GREC BIOMASS PLANT IN OPERATION



***The above costs assume that GRU customers will have to pay for only 50% of the cost of electricity produced by the GREC plant. GRU manager Robert Hunzinger in the September 27th, 2011 Gainesville Sun acknowledged that because other utilities will not pay GRU for the high cost of GREC generated electricity, GRU will sell its cheaper coal and natural gas generated electricity to those utilities. As a result, the above costs could increase significantly as captive residential customers pay for what cannot be sold to others.**

October 11, 2011 Regular BoCC Meeting
Agenda Item #23

Title
Second Public Workshop on the Unified Land Development Code Update 2011

Amount
N/A

Description
Second public workshop to discuss portions of the 2011 update to the Unified Land Development Code (ULDC) currently underway to implement the recently adopted EAR-based Comprehensive Plan Amendments.

Recommendation
Hold the public workshop and provide direction to staff on the Unified Land Development Code update.

Alternative(s)
Do not hold the public workshop

Requested By
Missy Daniels, Senior Planner, 374-5249

Originating Department
Growth Management

Attachment(s) Description
Draft code language, highlights of changes, PowerPoint

Documents Requiring Action
None

Executive Summary
County staff is currently working on new and revised language to update the Unified Land Development Code (ULDC). The recently adopted EAR-based Comprehensive Plan Amendments necessitated some of these changes. In addition, staff is proposing clarifications and updates to existing code requirements. This is the second public workshop with the Board and includes ULDC Chapters 405 Special Districts and Activity Centers, 406 Natural and Historic Resource Protections, 408 Nonconformities, 409 Violations, Penalties and Enforcement and 410 Definitions.

Background
In April 2011 the County Commission adopted the EAR-based Comprehensive Plan Amendments. The Comprehensive Plan is implemented through the County's Unified Land Development Code (ULDC). In order to implement some of the updated policies in the Comprehensive Plan, the ULDC needs to be updated. In 2006, the County Commission revised the language and formatting of the ULDC. Since that time staff has noticed regulations that need clarification or areas where guidelines were lacking. As part of the comprehensive update for the EAR-based amendments staff has also incorporated these necessary clarifications and new standards. Updating the ULDC will require two readings of the ordinance, or two public hearings. Before then, staff intends to hold public workshops with the County Commission on the draft language. This is the second public workshop and will cover ULDC Chapters 405 Special Districts and Activity Centers, 406 Natural and Historic Resource Protections, 408 Nonconformities, 409 Violations, Penalties and Enforcement and 410 Definitions.

Issues
The public workshop is intended for the public to provide input and for the Board to provide direction to staff on the proposed ULDC amendments.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: ULDC_Chapter405_Special_Districts_and_Activity_Centers_20111011.pdf
Attachment: ULDC_Chapter408_Nonconformities_20111011.pdf
Attachment: ULDC_Chapter410_Definitions_20111011.pdf
Attachment: Highlights_of_ULDC_Changes_10_11_11.pdf
Attachment: ULDC_Chapter406_Natural_and_Historic_Resources_Protections_20111011.pdf
Attachment: ULDC_Chapter409_Violations_20111011.pdf
Attachment: ULDC_Update_10_11_11_Presentation.pdf

24a

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Chapter 405 Activity Center Development and Design Standards

Page 405-3

Section 405.03 New and Expanded Activity Centers

High intensity activity centers and Low intensity activity centers are redefined consistent with the updated Comprehensive Plan language for Activity Centers. Medium activity centers have been deleted.

Page 405-4
Section 405.04 Permitted Uses and Development Requirements

The regulations for permitted uses and the thresholds for when activity centers must develop as Traditional Neighborhoods or Transit oriented developments have been included in this section. Section 405.06 Permitted Uses was moved in part from Section 405.06(page 405-6) to Section 405.04. Activity Center Master Plans and the associated language has been deleted as Activity Centers are no longer required to have adopted Master Plans per the recently amended Comprehensive Plan.

Page 405-6
Section 405.07

Language requiring multi-modal cross access (and easement) to adjacent development has been added to this section. Language stating that private streets and roads shall not be accepted by the County until they have been inspected and found to meet public road standards and language requiring public access easements on all roadways, alleys and pedestrian pathways has also been added.

Page 405-11

Article 3, Springhills has been deleted. The Comprehensive Plan amendment for Springhills that was adopted last year has different design standards than this old code language.

Page 405-33
Article 4. Cross Creek Village Special Area Study Section 405.15 Resource Protection Regulations (d) Bald Eagle Nesting Zones, 4. Bald Eagle Nesting Zone Restrictions

Number 5, Extent of secondary zone, has been deleted because there is now one set of standards for the entire nesting zone.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Page 405-36

Section 405.19 Environmental Resources (a)5. Violations

This section has been added to refer to Chapter 406, Section 406.115 of the ULDC. This is not a new requirement.

Page 405-73

Article 11 Urban Service Area

The urban service area regulations were added to implement the recently adopted Urban Service Area language in the Comprehensive Plan.

Chapter 406 Natural and Historic Resources Protections

Page 406-13

Section 406.12 Permitting

(a) Development Applications

The County currently has a requirement that 30% of a development must be under mature canopy within 20 years and currently the calculated canopy coverage is credited only for trees provided in common areas of residential developments and not on individual lots. It has sometimes been difficult for developers to achieve this canopy coverage only in the common areas. Language is proposed to allow up to 400 square feet of the canopy coverage to occur on platted lots. The 30% canopy coverage requirement has been maintained.

Page 406-16, 406-17

Section 406.13 Relocation, Replacement, and Mitigation Required

The section contains the regulations for relocating, replacing or mitigating when regulated trees are removed or altered. Some language has been deleted and other language has been moved to this section in an effort to clarify the requirements. No new requirements have been proposed.

Page 406-23

Section 406.20 Identification (a) General Mapping

This general mapping language is outdated and so was deleted.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Page 406-40

Section 406.49 Corrective Action for Unauthorized Impact

This section was moved to Section 406.115 in order to locate all corrective actions for regulated natural resource violations in the same place.

Page 406-47
Section 406.56 Flood Hazard Area Permit Required

The language has been clarified and some new language added to meet FEMA requirements.

Page 406-47
Section 406.57 Flood Hazard Reduction Standards

Language has been added to this section to clarify requirements when placing a private road or driveway within a depression basin.

Page 406-54
Article 8 Springs and High Aquifer Recharge Areas

This section has been added. The language includes high aquifer recharge areas, which was formerly Article 9 and references other chapters in the Code. Section 406.59.1 contains new regulations. Specifically, section 406.59.1(a) Outdoor Water Conservation for New Development. This section proposes new standards for outdoor irrigation in new residential developments within high aquifer recharge areas including that no more than 60% of the landscaped area can be irrigated by high-volume irrigation and a maximum total irrigated area of 0.5 acres per lot. These are Florida Water Star standards. The County has not previously regulated at the individual lot level but considers these regulations necessary to protect our springs, groundwater, and water supply.

New regulations have also been proposed in this article that prohibits land application of Class A and B biosolids and land application of septage in high aquifer recharge areas.

Golf course standards have also been included that require golf course design and operation to be protective of springs to minimize the potential for nutrients to degrade surface waters, springs or the Floridan aquifer.

Page 406-59
Article 9 High Aquifer Recharge Areas has been deleted and combined with Article 8 Springs and High Aquifer Recharge Areas.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Page 406-78
Article 16 Significant Geologic Features
Section 406.90 Protection Strategies

(a) 4. This section has been proposed to provide additional protection to the Floridan aquifer.

Chapter 408 Nonconformities

Page 408-2

Section 408.08 Change in Permitted Uses Under Previous Zoning Regulations

Language has been added to refer to the new voluntary termination of Special Use Permits or Special Exceptions that was included in proposed language in Chapter 404 that came before the Board in the first workshop.

Chapter 409 Violations, Penalties and Enforcement

Page 409-3

Section 409.04 (g) has been moved to this Chapter but is not new language.

Chapter 410 Definitions

Page 410-3

Article 3 Defined Terms

Clarified definition of **accessory dwelling unit** (formerly accessory living unit)

Move **advertising structures** to the sign section of the definitions.

Deleted the term **agriculture animal**. This term is not used in the Code and is therefore unnecessary to define. The animals included in this definition are regulated within the code by specific animal, not the broader category of agriculture animal.

Clarified **agricultural uses** definition.

Added **agritourism activities** definition. This is a new term in the recently updated Comprehensive Plan and now proposed in the Code.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Move the term **attention attracting device** to the sign section of the definitions.

Deleted the term **beneficiation**. This term is not used in the Code and is therefore it is not necessary to define it.

Move the term **billboard** to the sign section of the definitions.

Clarified **principal building** definition.

Deleted the term **building marker** as it is not used elsewhere in the Code.

Added **child care center**. This term is used in the code but was previously undefined.

Deleted the term **certificate of level of service** compliance as the definition is not necessary.

Moved the term **changeable copy** to the sign section of the definitions.

Deleted the term **chemical processing** because it is not used elsewhere in the Code.

Deleted the term **civic use** because it is not used in the Code. Civic organization is used and is already defined.

Deleted the term **clustering** as it is not necessary to define.

Clarified the definitions of **dwelling, single family attached and dwelling, multifamily.**

Added the definition **ecotourism activities** as it is a new term in the Code.

Added the definition **educational facility, college/university** as this is a new use proposed in the Code in Chapter 404.

Clarified the term **educational facility, private**.

Deleted the term **front porch** as it is not necessary to define.

Deleted the term **garage, community** as it is not used elsewhere in the Code.

Added the term **green roof** as it is a new term used in the Code.

Clarified the **heavy and light industry** definitions.

Deleted the term **landscape development** as it is not necessary to define.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Clarified the definition of **lot**.

Redefined the term **low impact development**.

Deleted the term **matrix** as it is not used elsewhere in the Code.

Added a definition for **minor plan** referring to the Development Review minor plans.

Redefined **nursing home** consistent with State Statute.

Deleted the word **pedestrian generator** as it is not used elsewhere in the Code.

Moved the term **pennant** to the sign section of the definitions.

Deleted the term **processing** as it is not used in the Code in the manner in which it was defined.

Clarified the definition of **recreational vehicle**.

Deleted **repair of recreational vehicles and farm machinery** it is not used in the code in this manner.

Added **residential recreational camp** as it is a new proposed use in the Code.

Deleted the term **retail roadside produce stand** because it is not necessary to define here.

Deleted the term **rural conference center** as this is no longer used in the Code.

Sign definitions have been relocated and clarified to keep them in one area.

Amended the **small-scale comprehensive plan amendment** definition to be consistent with recent legislative changes.

Deleted the term **special exception** as it is not necessary to define here.

Added the term **substantial improvement** because it had been mistakenly deleted during the 2005 Code update and is needed to comply with FEMA requirements.

Added the terms **survey, boundary and survey, topographic** as they are used in the Code.

Deleted the term **traditional neighborhood development** as it is not necessary to define here.

Clarified the definition of the term **principal use**.

Highlights of Changes in Chapter 405, 406, 408, 409, 410 of the Unified Land Development Code

Deleted the term **village center** as it is not necessary to define here.

Chapter 405 Special Districts and Activity Centers

Contents

Article 1 Activity Centers and Special Area Studies 405-1
Article 2 Activity Center Development and Design Standards 405-3
Article 3 Springhills Design Guidelines Overlay District 405-11
Article 4 Cross Creek Village Special Area Study 405-27
Article 5 Idylwild/Serenola Special Area Study 405-36
Article 6 13th Street Corridor Design Standards 405-47
Article 7 Airport Impact Regulations 405-52
Article 8 Preservation Buffer Overlay District 405-59
Article 9 Scenic Road Corridors Overlay 405-63
Article 10 Eastside Activity Center Overlay District 405-69

Article 1 Activity Centers and Special Area Studies

405.01 General

(a) Intent

1. Activity Centers

The intent of the urban activity centers is to provide for the concentration of mixtures of higher intensity and density land uses through designation of Activity Centers, with standards to ensure pedestrian-friendly compact centers connected to multi-modal transportation systems and integrated with surrounding uses in the urban area.

2. Special Area Studies

The intent of the special area studies is to provide specific policies, standards, and guidelines that address significant cultural, historic, and environmental resources and characteristics of unique areas and communities within Alachua County.

(b) Establishment of Activity Center Plan and Special Area Study Overlay Districts

The following activity center and special area study overlay districts have been established in the Comprehensive Plan to implement policies in the Future Land Use Element:

Table 405.01.1
Activity Centers and Special Area Study Overlay Districts

Activity Center/Special Area Study Overlay Zoning District	Future Land Use Element Policy
Springhills Activity Center Plan	2.2~~5~~.1
Millhopper Activity Center Plan Interim Development Guidelines	2.~~5.~~2.2
Oaks Mall Activity Center Plan	2.2~~5~~.3
Archer Road and SW 34th Street Activity Center Plan/Special Area Study	2.2~~5~~.4
NW 53rd Avenue and U.S. 441 Activity Center Plan	2.2.5~~.5~~
Tower Road/SW 24th Avenue Low Activity Center Interim Guidelines	2.2~~5~~.6
Archer Road/Tower Road Activity Center Plan	2.2~~5~~.7
North Main Street/NE 53rd Avenue Low Industrial Activity Center	2.2~~5~~.8
Jonesville Low Activity Center - Employment	2.2~~5~~.9
East Side Medium Activity Center Interim Guidelines	2.2~~5~~.10
North Main Street Special Area Study	8.1
Cross Creek Village Special Area Study	8.2
Waldo/U.S. 301 Special Area Study	8.3
Idylwild/Serenola Special Area Study	8.4

Article 2 Activity Center Development and Design Standards

405.02 General

(a) This Article shall apply to all new development and redevelopment within activity centers as designated on the Future Land Use Map. ~~This Article shall also apply to activity center Master Plans as described herein and in Article 15, Activity Centers, of Chapter 402 of this ULDC.~~

(b) The intent of this Section is to implement the activity center policies of the Comprehensive Plan by providing standards to ensure pedestrian-friendly compact activity centers that are connected to a multi-modal transportation system and integrated with surrounding land uses.

405.03 New and Expanded Activity Centers

(a) New activity centers may be established, or existing centers' boundaries expanded, through the Comprehensive Plan amendment process as described in Article 7 of Chapter 402 of this Code~~. All new or expanded activity centers shall have a level and type designation~~.

~~**(b)**~~ All new~~Descriptions of the levels of activity centers are as follows:~~

~~**1.** High activity centers have cumulative development at the level of a regional shopping center, or have an equivalent concentration of a mix of office, commercial, institutional, or industrial activities.~~

~~**2.** Medium activity centers have cumulative development at the level of a community shopping center or have an equivalent concentration of a mix of commercial, offices, institutional, or industrial activities.~~

~~**3.** Low activity centers have cumulative development at the level of a neighborhood shopping center, or have an equivalent concentration of a mix of commercial, offices, institutional, or light industrial activities.~~

(b) ~~Types of~~ activity centers shall have a level designation.

~~**(c)**~~**1.** High intensity activity centers are intended for commercial, employment, institutional, light industrial,~~be further characterized by the concentration of primary~~ and visitor-related~~secondary land~~ uses of a scale and type that typically serve a regional or larger market. High activity centers shall also contain higher density residential uses which are phased and interconnected with the non-residential uses in the Activity Center. High intensity activity centers attract commercial customers or employees from within Alachua County and surrounding cities or counties; are generally greater than 200 total acres in area; are located proximate to major interstate transportation corridors; have access to at least two arterial roadways; and are near existing or planned rapid transit corridors.~~:~~

2. Low intensity activity centers are intended for commercial, employment, institutional, and light industrial uses of a scale and type that typically serve a community or group of neighborhoods. Low activity centers shall also contain residential uses which are phased and interconnected with the non-residential uses in the Activity Center. Low intensity activity centers attract commercial customers or employees primarily from within Alachua County; are generally less than 200 total acres in area; have access to at least one arterial and one

collector roadway, and are near existing or planned bus, express transit, or rapid transit routes.

~~1. Retail oriented activity centers shall have commercial activities as the primary use.~~

~~2. Employment oriented activity centers shall have institutional, industrial, or office as the primary use.~~

~~3. Secondary uses for activity centers may include residential, retail, service, institutional, or office.~~

~~(d) The following factors shall be considered when establishing and determining the level of each new, expanded, or amended activity center:~~

~~1. Current Comprehensive Plan policies~~

~~2. Existing and future market area population~~

~~3. Compatibility with existing and future surrounding land uses~~

~~4. Anchor type (e.g., grocery store, drug store, office, etc.)~~

~~5. Distance from nearest activity center~~

~~6. Economic relationship to adjacent activity centers~~

~~7. Functional classification and capacity of roadways serving the activity center~~

~~8. Presence of multi modal connections~~

~~9. Occupied space versus vacant space within the market area~~

~~10. Acreage of the activity center~~

~~11. Available infrastructure including utilities~~

405.04 ~~Activity Center Master Plans~~Permitted Uses and Development Requirements~~Review~~

(a) Those uses permitted by the Comprehensive Plan, the Future Land Use Map designation, and the underlying zoning district, consistent with this Article.

(b) All developments within Activity Centers have the option of providing a mix of uses. Mixed-use development within Activity Centers shall develop consistent with the Traditional Neighborhood Development standards in Chapter 407, Article 7, notwithstanding the acreage requirements of §407.64(c)1.

(c) Any new development on 25 or more acres or including 150 or more residential units shall be required to develop as either a Traditional Neighborhood Development or Transit Oriented development consistent with the standards in Chapter 407, Article 7.

(d) Any new development proposing 1,000 or more new dwelling units or 350,000 square feet or more of non-residential uses and located on a planned Rapid Transit Corridor shall be required to develop as a Transit Oriented Development consistent with the standards in Chapter 407, Article 7.

(e) A Planned Development approved by the Board of County Commissioners prior to [date of adoption of this update] that has not expired shall be allowed to develop consistent with their existing Zoning Master Plan.

~~(a) All activity centers shall be governed by an approved Master Plan, as provided in Article 15 of Chapter 402 of this ULDC. The Master Plan shall be submitted,~~

~~reviewed and approved in accordance with applicable procedures contained in Chapter 402. Activity center Master Plans shall be adopted into this ULDC.~~

~~**(b)** Upon approval of a Master Plan, development plan applications for individual parcels may be taken through the development review process as provided in §402.94. All development plans must be consistent with any adopted activity center Master Plan.~~

~~**(c)** If an activity center Master Plan has not been adopted, individual development plan applications that do not exceed the thresholds established in §402.93(d), may proceed using the activity center development plan option as provided in §402.94.~~

~~**(d)** If an activity center Master Plan has not been adopted, individual development plan applications that exceed the thresholds established in §402.93(d), will be required to complete a Master Plan as a prerequisite to submitting a development plan application.~~

~~**(e)** Existing conditions of zoning which apply to activity center properties shall remain in effect after the adoption of a Master Plan. Subsequent rezoning of individual properties may be necessary in order to conform with an adopted Master Plan.~~

405.05 General Design Standards~~Principles~~

The following standards~~guiding principles~~ shall serve as a framework for ~~activity center Master Plans,~~ development plan applications~~,~~ and redevelopment within activity centers.

(a) Compact Center

Activity centers shall contain vital, walkable centers with diverse residential, retail, office and civic uses organized in close proximity, and interconnected through a network of streets, sidewalks, and paths.

(b) Definable Edges

Buildings and pedestrian amenities shall give definition to the streetscape, individual blocks, and the perimeter of the site.

(c) Parking

Parking shall be designed in the center of blocks to the greatest extent possible.

(d) Interconnected Street Network

A diverse network of streets will provide multiple routes of access that are interconnected with the existing street network. The interconnected network shall also establish a framework for the development of compact, identifiable blocks.

(e) Walkable, Human-Scaled Streets

Effective street design is integral to the identity and success of an activity center. Narrow road widths are encouraged in order to reduce travel speeds and, in conjunction with adjacent streetscape, produce a quality of spatial enclosure.

(f) Mix of Uses

Mixed-use development is encouraged in order to provide a wide range of services and opportunities within walking distance of residential areas.

405.06 ~~Permitted Uses~~RESERVED

~~405.06~~

~~The following uses may be permitted within Activity Centers:~~

~~(a) Those uses permitted by the Comprehensive Plan, the Future Land Use Map designation, and the underlying zoning district.~~

~~(b) Activity centers shall consist of a variety of housing types, commercial retail, office, industrial, institutional, and civic uses. The mix of uses will depend on the type and level of the activity center and the land use designation. The appropriate mix of uses will be determined through the activity center Master Planning process and will be based on the findings of a market study and surrounding land uses.~~

~~(c) A mix of uses may occur on individual parcels, using the Master Planning process, within areas designated "Mixed Use", "Commercial", "Office/Business Park", or "Office" on the Future Land Use Map.~~

~~(d) An adopted Master Plan may further define the permitted uses within Activity Centers.~~

405.07 ~~General Development and~~ Design Standards for Developments Other Than TNDs or TODs

(a) Blocks and Streets

All blocks and streets shall meet the requirements of Article 13, Access Management and Street Network Standards, of Chapter 407, the Alachua County Corridor Design Guidelines, and the following regulations:

1. The street and roadway network within an activity center shall be designed to conform to existing natural features and shall provide for ~~a~~ logical and orderly mobility~~movement of motorized and non motorized vehicular traffic~~ throughout the activity center.
2. Provisions shall be made for the reservation or dedication of all rights-of-way needed for the improvement of existing streets or the construction of new streets within or surrounding the activity center.
3. New development and redevelopment within activity centers shall allow for new streetsthat~~streets that~~ connect existing public roadways ~~at the activity center boundaries~~, or that are designed to facilitate future roadway connections.
4. New development and redevelopment shall provide multimodal cross access to adjacent existing or future development. Cross access facilities shall be covered with appropriate cross access easement.

~~4.~~5. The arrangement, character, and location of all blocks and streets shall be designed to create a cohesive internal street network that connects individual parcels within the activity center.

~~5.~~6. The layout and types of streets, sidewalks, shared-use paths, and bicycle lanes on individual sites shall provide for the continuation or appropriate projection into ~~the~~ adjacent areas unless topography, traffic volume, or other conditions make continuance ~~of existing streets~~ impractical.

7. Private streets and roadways within an activity center shall remain privately owned and maintained and shall not be accepted by the County for maintenance unless the streets are designed and inspected to all applicable public road standards. Public access easements shall be provided on all streets, roadways and alleys and pedestrian pathways. Alleys shall be constructed to a structural standard and geometric configuration that will accommodate service delivery vehicles.

(b) Stormwater Facilities

1. The design and construction of stormwater facilities shall be in accordance with Article 9, Stormwater Management, of Chapter 407 and other applicable regulations, ordinances, resolutions and rules. The stormwater management system shall also be consistent with applicable activity center Master Plans, special area studies and the standards herein.

2. A stormwater plan will be required as part of an activity center Master Plan. The stormwater plan shall provide data on the stormwater retention needs for the entire Master Plan area (minimum of one quadrant within the activity center) at build out conditions, and provide a mechanism for shared stormwater facilities, where feasible.

3. Stormwater facilities shall be designed to provide a physical or visual amenity within an activity center, as public open space, or as an aesthetic feature to resemble natural areas with native landscaping, consistent with Article 5, Open Space, and Article 9, Stormwater Management, of Chapter 407 of this ULDC.

4. The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

(c) Parking

1. A parking plan shall be prepared for the entire Master Plan area at build out conditions, and shall include the locations for parking facilities and the types of parking facilities (e.g., surface, structure, or on-street).

2. Buildings and land uses within activity centers may utilize shared parking areas to serve complementary uses and activities. Provisions for shared parking may be addressed through the development of an activity center Master Plan. Where a Master Plan has not been adopted or is not required, development plan applications that will include shared parking facilities shall be in accordance with §407.17 of this ULDC.

3. Reductions in the required number of paved parking spaces may be permitted in accordance with §407.18 of this ULDC, or through the Master Plan process.

4. Parking Design Standards

Off-street parking and loading areas shall be provided in accordance with Article 2, Parking, Loading and Stacking, of Chapter 407 of this ULDC. In addition, the following shall apply:

a. Surface parking shall be located to the rear or sides of building sites ~~that abut public streets~~, unless otherwise specified in an adopted Master Plan.

b. All surface-parking areas shall~~are encouraged to~~ be located in the interior of blocks.

c. Parking structures on sites that abut a public street shall have at least 50 percent of the ground floor street frontage developed for office, commercial, or civic uses.

(d) Transit Facilities

Transit facilities include bus stops (school, public, or private), pull-out lanes, benches, transit-related signage, shelters, and bicycle racks for transit users.

1. Any development plan with required parking of more than 200 spaces shall be required to provide on-site transit facilities if such facilities are not located within one-quarter mile of the development site, unless otherwise specified in an adopted Master Plan.

2. Where transit facilities are required, transit easements shall be provided on the development plan.

3. Transit facilities shall be located so as to minimize conflict with vehicular, bicycle, or pedestrian traffic.

4. Transit facilities should be oriented to the entrance of the primary or anchor building on sites within the activity center and/or to the central core of the activity center. The placement of transit facilities should not be limited only to the edges of the activity center.

5. Signage shall clearly indicate the location of transit stops.

6. In order to be consistent with county-wide public transportation, the size, design, and location of transit facilities shall be determined in coordination with the Gainesville Regional Transit System and the Alachua County Transportation Planning Staff.~~Department of Public Works.~~

(e) Pedestrian Circulation and Amenities

Activity center roadways shall be designed to accommodate pedestrians in a safe, comfortable and convenient manner, as follows:

1. Commercial retail, office, civic and multiple-family buildings shall provide pedestrian walkways that connect all buildings at their primary entrances.

2. Pedestrian walkways connecting buildings within an activity center shall minimize crossing of vehicular areas.

3. Pedestrian walkways, not less than six~~five~~ feet in width, shall be provided where a lot abuts a public right-of-way.

4. At least one continuous pedestrian walkway must be provided from any public right-of-way to the primary entrance of all commercial retail, office and multiple family buildings. Pedestrian connections shall also be provided between adjacent parcels and uses, with exceptions for instances where:

a. the adjacent use is an individual single family lot;

b. there are topographic or other physical limitations preventing a connection; or

c. a connection would not be consistent with the protection of natural or historic resources.

5. All pedestrian crosswalks shall be distinguished from all parking and vehicle maneuvering areas through the use of contrasting surface materials such as pavers, brick or scored concrete, striping using high durability paints, or other techniques approved by the Development Review Committee or provided in a Master Plan.

(f) Bicycle Circulation and Amenities

1. Bicycle lanes shall be provided on primary public roads within an activity center. These bicycle lanes shall provide continuous connection between existing bicycle lanes on surrounding public streets and any commercial, office, multiple-family residential, or civic uses within activity center sites.
2. Where bicycle lanes are required, they shall be at least five feet in width.
3. Bicycle parking shall be provided at all structures within activity centers, and the parking requirements shall apply to all land uses except single-family detached residential uses, in accordance with §407.15.

~~**(g) Building Design Standards**~~

~~Building design within activity centers shall be in accordance with the general building design standards contained in Article 10, Building Design, of Chapter 407 and any additional standards contained in an adopted Master Plan.~~

~~(h)~~(g) Open Space

1. Open space, landscape, and buffer areas shall be provided on at least 20% of an activity center site in accordance with Article 5, Open Space, of this ULDC. The required open space may be provided on a site-by-site basis through the development review process, or on an overall activity center basis through the use of the activity center Master Planning process.
2. Land designated for open space shall be accessible from all areas of the activity center.

~~(i)~~(h) Civic Space

1. A minimum of 500 square feet of civic space per acre of land must be provided within an activity center. This requirement may be met through the provision of one or more centrally located spaces within the activity center using the master plan process, or on an individual development basis through the development plan review process.
2. Where civic space is required, it may be in the form of police stations, libraries, day cares, fire stations, meeting halls, governmental buildings, museums, schools, performing arts centers, religious buildings, community centers, amphitheaters, public squares, parks, landscaped plazas, courtyards or similar elements approved by the Development Review Committee or Board of County Commissioners.
3. Civic space may be used to satisfy up to 50 percent of the required open space for an activity center site if the civic space otherwise meets the open space requirements of this ULDC and the Comprehensive Plan. At least 25% of the required civic space for an activity center site must be in the form of civic structures or usable open space.
4. Civic space shall provide linkages between buildings and land uses within the activity center.

5. Civic uses should be located on prominent sites throughout the activity center and serve as focal points and landmarks for the community.

~~(j) Mixed Use Structures~~

~~1. Mixed use structures may be provided within activity centers in the following manner:~~

~~a. Vertical Mixed Use~~

~~Individual structures with the ground floor used for commercial or office uses and the above floors used for office or residential uses.~~

~~b. Horizontal Mixed Use~~

~~Individual structures that provide commercial or office uses in the portion of the building fronting primary streets with attached residential or office uses with side or rear access.~~

~~2. Vertical and horizontal mixed use structures will be permitted in areas designated as "Mixed Use", "Commercial", "Office/Business Park", or "Office" on the Future Land Use Map.~~

405.08 RESERVED

405.09 RESERVED

405.10 RESERVED

405.11 RESERVED

405.12 RESERVED

405.13 RESERVED

Article 3 Reserved ~~Springhills Design Guidelines Overlay District~~

~~405.08 Springhills Design Guidelines Overlay District~~

~~(a) Description of District~~

~~This district includes all real property within the Springhills Development of Regional Impact according to Map H of the Springhills Development Order and the Future Land Use Map of Alachua County.~~

~~(b) Intent~~

~~The intent of this Section is to create an environmentally sustainable, pedestrian-friendly, mixed-use development. The development will reflect a distinctive overall organization and architectural character that is harmonious with the traditional character of Alachua County. The purpose of design guidelines is to set forth design standards for streetscapes, architectural styles and the Master Plan for the Springhills Development of Regional Impact to be administered by the Springhills Architectural Review Board (ARB). Provisions of this Section shall apply to all new development within the Springhills Design Guidelines Overlay District. Proposed modifications to existing development shall be evaluated for compliance with this Section on a site specific basis.~~

~~(c) Consistency~~

~~All projects shall conform to the standards set forth in the Alachua County Unified Land Development Code. If any provisions of this Section are in conflict with any applicable local code, ordinances and regulations as set by city, county, state and federal statute, the most stringent criteria shall apply.~~

~~405.09 Building Design and Architectural Character Standards~~

~~(a) Architectural Criteria~~

~~Specific architectural styles are found within the supplemental ***Springhills Development Design Control Guidelines***, dated April 2000, as may be amended from time to time as being consistent with this Section.~~

~~1. Compatible Use of Materials~~

~~There shall be a compatible use of materials on structures within a given site. Accessory buildings shall adhere to the intent of these guidelines.~~

~~**a.** Structures shall be designed with equal priority given to all facades that are exposed to view.~~

~~**b.** Service areas on commercial and office buildings shall be designed to minimize the impact of these functions on surrounding development. All service and trade areas and equipment, including mechanical and electrical equipment, antennae and similar roof or ground mounted protrusions, shall be screened via parapet walls or other methods that are consistent with the architectural character of the building.~~

~~**c.** Freestanding antennae or towers shall not be permitted unless completely screened from view of adjacent properties and roadways.~~

~~**d.** Where fencing is required as a screening device, such fencing shall be compatible with the building and site. Chain link fencing shall not be permitted.~~

~~e. Gutters and downspouts will be designed to be hidden from primary views whenever possible. Where exposed to primary views, gutters shall be integrated into the overall design via the use of matching colors.~~

~~405.10 Landscape and Open Space Guidelines and Standards~~

~~(a) Intent~~

~~It is the intent of the landscape and open space guidelines to establish visual, spatial, and design standards that create a conceptual framework for the spatial organization and quality of the Springhills development. The overall character of the landscape of the Springhills development shall be based on the enhancement of the pedestrian quality of the environment through landscape vegetation and the promotion of local and regional qualities through preservation of existing vegetation and use of native species. Where areas are auto oriented, traditional design features such as street trees and landscaping, location of parking, and building orientation shall be incorporated to the greatest extent practicable in order to increase the pedestrian friendliness and visual quality of those areas.~~

~~1. General Criteria~~

~~a. Existing Vegetation~~

~~All areas of the site shall be appropriately landscaped except those areas to be maintained in their natural condition.~~

~~i. The developer or builder may elect to selectively remove dead or non native vegetation from such natural areas.~~

~~ii. All development shall be planned and sited to preserve existing trees and vegetation to the greatest extent practicable.~~

~~b. Temporary Construction Fencing/Tree Barricades~~

~~Temporary construction fencing shall be installed according to standard forestry practices for existing trees to be preserved prior to any site work. Such fencing shall be maintained intact throughout the construction period.~~

~~c. Site Soils~~

~~Proper soil management techniques shall be used to provide viable, high quality plant growing and living conditions for all vegetative materials. All planting shall include soil amendments to improve permeability, drainage, and provide proper nutrients.~~

~~d. Site Interior Landscaping~~

~~A minimum of 20 percent of the total developed area of any parcel or property shall be devoted to landscape. Landscape planting for paved areas and tree credit and replacement criteria shall comply with the minimum requirements of the Alachua County Unified Land Development Code.~~

~~i. All landscaped areas adjacent to vehicular use areas shall be protected from vehicle encroachment by curbing or wheel stops.~~

~~ii. Parking areas shall be landscaped in one of the following ways:~~

~~(a) With canopy trees that will provide a minimum of 50 percent tree canopy coverage of parking areas within 20 years as demonstrated on a canopy coverage study conducted by a registered landscape architect.~~

~~(b) With landscaped islands with canopy trees at an average of every seven spaces not to exceed a maximum of ten spaces without a treed island, or with linear landscaped islands with canopy trees between head to head parking spaces at an average of every ten spaces not to exceed a maximum of 15 spaces without a treed island.~~

~~(i) Canopy trees shall be spaced a maximum of 50 feet on center along the outer perimeter of the parking area.~~

~~(ii) The Development Review Committee, at the time of final development plan approval, may reduce the frequency or number of planter islands and may eliminate the requirement for a linear treed island between head to head parking rows for the purpose of preservation of existing tree canopy and tree clusters, while maintaining 50 percent tree canopy coverage of the parking area within 20 years of development.~~

~~**iii.** A terminal island shall be provided at the end of each parking area adjacent to the travel lane serving the parking aisle.~~

~~**iv.** A minimum of 50 percent of the parking areas shall be underneath tree canopy at maturity or 20 years time, whichever comes first.~~

~~**v.** 75 percent of tree plantings in landscape areas shall be tree species from the Springhills development large tree list.~~

~~**vi.** A continuous shrub hedge or combination shrub hedge and earth berm shall be required to obtain three feet in height to visually screen 75 percent of the parking area as viewed from the right-of-way. Wall elements or fence consistent with the architectural character of the building may be used in combination with the landscape screening.~~

~~e. Building Landscaping~~

~~**i.** A landscape area shall be required around the base of a freestanding building.~~

~~**ii.** Special attention shall be given to arrival areas, entrances, and courtyards of all buildings. A landscape approach using layered plant materials to enhance and announce the building entry shall be required.~~

~~f. Plant Material Specifications and Plant List~~

~~The following specifications shall be utilized for all landscape materials on the project site.~~

~~i. The quality of plant material shall meet or exceed Florida Number One as defined in *"Grades and Standards for Nursery Plants," Part 1 and Part 2"* published by the State of Florida, Department of Agriculture and Consumer Services, 1998. Copies of this document may be obtained from the Florida Department of Agriculture and Consumer Services, Division of Plant Industry.~~

~~ii. All plant materials must be suitable to the north central Florida climate and soil conditions. All plant species shall be either native species, or non-invasive non-native species.~~

~~(a) Trees. All required trees must be a minimum two inches diameter at breast height (DBH) at planting. A minimum of 50 percent of required large trees adjacent to the major right of way and within parking areas shall be from the required large trees list presented in Table 405.10.1.~~

~~(b) Live or Shumard Oaks shall be the predominant street trees for the project.~~

~~(c) Tree spacing shall be determined by species type.~~

~~(d) Hedges. Plant materials utilized to provide a continuous screen must be a minimum of 18 inches to 30 inches high upon planting, with a maximum spacing of three feet on center. All plant materials must be capable of attaining at least 75 percent opacity within two years.~~

~~Table 405.10.1~~
~~Required Large Tree Planting List~~

~~Acer rubrum~~	~~Red Maple~~
~~Magnolia grandiflora~~	~~Magnolia~~
~~Platanus occidentalis~~	~~Sycamore~~
~~Ulmus Alata~~	~~Winged Elm~~
~~Quercus shumardii~~	~~Shumard Oak~~
~~Quercus virginiana~~	~~Live Oak~~
~~Ulmus parvifolia~~	~~Drake Elm~~

~~iii. Non cypress, natural mulch shall be used in public areas. The Development Review Committee may allow substitutions on a case by case basis.~~

~~**g. Landscape Plans**~~

~~i. Landscape Plan~~

~~A copy of the landscape plans shall be submitted to the ARB for final review.~~

~~ii. Drawing Requirements~~

~~Landscape drawings shall indicate all the landscape buffers and easements, including utility easements and right of ways, required for the parcel.~~

~~iii. Natural Vegetation~~

~~The preservation and utilization of a site's natural trees understory, and vegetation shall be incorporated into the overall development plan to the greatest extent practicable.~~

~~iv. Installation and Maintenance~~

~~All landscaping, excluding private residences, shall be installed according to accepted commercial planting procedures by a qualified landscape contractor using the quality and type of materials recommended by the ARB.~~

~~h. Irrigation~~

~~All newly landscaped areas shall be 100 percent irrigated.~~

~~2. Streetscape Treatment Types~~

~~Streetscape treatment types encompass the organization of outdoor space and all elements creating that space, including trees and vegetation, parking areas, hardscape elements such as fences, walls, and sidewalks, and orientation and scale of building facades. A map with general locations of streetscape types shall be placed in the Springhills Development Design Control Guidelines. The following streetscape treatment types shall apply throughout Springhills development:~~

~~a. Streetscape Treatment Type 1 (located along NW 39th Avenue)~~

~~It is the expressed intent of Streetscape Treatment Type 1 to provide an environment which mitigates the impacts of automobile oriented areas in order to make them more livable. This includes reduction of visual clutter, including signage and location of auto parking areas, and the provision of landscaping to enhance and soften the environment through the provision of screening, shade, and buffers.~~

~~i. The landscape treatment area shall be planted predominantly with Live Oaks of two inches DBH approximately 55 feet on center.~~

~~ii. Canopy and understory trees shall be placed so as to provide at least 50 percent canopy coverage of sidewalks along NW 39th Avenue, except where prohibited by utility easement restrictions. Smaller accent trees shall be planted every 120 feet and staggered midway between the oaks.~~

~~iii. A minimum of four understory trees per 240 feet of frontage, or fraction thereof, shall be planted in and about access points. Plantings within utility easements shall be consistent with any such easement agreement dictating type and height of such plantings at maturity.~~

~~iv. Buildings along the right of way shall incorporate a setback in the form of a treed, landscaped buffer.~~

~~v. Parking spaces shall not be placed on the perimeter of parking lots fronting NW 39th Avenue.~~

~~(a) All parking not located to the rear of buildings shall be screened from the right of way by a minimum 25 foot landscaped setback along NW 39th Avenue, including a continuous shrub hedge or combination shrub hedge and earth berm providing a three foot high screen within two years.~~

~~(b) Outparcels which propose drive thru windows shall locate such windows to the side or rear of buildings.~~

~~vi. Landscape shrubs and small trees may be located within the utility easement upon agreement and approval of Gainesville Regional Utilities. When the utility easement is smaller in width, the landscape treatment shall be moved closer to the roadway.~~

~~**b. Streetscape Treatment Types 2 and 3**~~

~~i. A nine foot minimum landscaped setback measured from the edge of the pavement shall be planted with Live Oaks of two inch DBH. The oaks shall be planted 55 feet on center. Where parking is adjacent to the right of way, additional shade trees shall be planted along such right of way at a spacing not to exceed 30 feet on center.~~

~~ii. Sidewalks shall be set back from streets and roads a minimum of seven feet measured from the edge of the pavement.~~

~~(a) When located along nonresidential streets and roads a buffer treatment consisting of a combination of canopy and understory trees and shrubs shall be located between the sidewalk and the street.~~

~~(b) Plantings within utility easements shall be consistent with any such easement agreement dictating type and height of such plantings at maturity.~~

~~**c. Streetscape Treatment Type 4 (Located Along I-75)**~~

~~i. A 15 foot wide landscape treatment shall be planted with naturalistic clusters of pine trees approximately 50 feet on center.~~

~~(a) The pine clusters shall contain a minimum of three pine trees each with a height of 8-10 feet.~~

~~(b) Low screening shrubs shall be provided around the pine trees to help buffer the views to parking lots but allow glimpses of commercial, hotel, or office uses which may lie beyond.~~

~~ii. A continuous shrub hedge or combination shrub hedge and earth berm shall be required to provide a three foot high screen within two years to visually screen a minimum of 75 percent of any parking areas as viewed from the right of way.~~

~~**d. Streetscape Treatment Type 5 (Traditional Neighborhood Area)**~~

~~Detailed design of the streetscape shall be accomplished in concert with the architectural design and shall incorporate the following standards:~~

~~i. Parking Standards~~

~~**(a)** Parking lots shall be located at the rear or side of street front uses and shall be screened from the streets, sidewalk, and open spaces by low walls, fences, vegetation, low berms, or any combination providing at least a three foot high screen. Walls or fences may be softened through use of vegetation.~~

~~**(b)** On street parking shall be allowed and encouraged to fulfill parking requirements.~~

~~**(c)** Parking lots and parking garages shall not abut street intersections, be adjacent to squares or parks, or occupy lots that terminate a vista, except when specifically designed to incorporate massing, scale, and detail that contributes to the adjoining public space.~~

~~**(d)** Adjacent parking lots shall have vehicular connections and shared street access wherever possible.~~

~~**(e)** All shopfront and workplace streets shall have parallel or diagonal parking on the street, as well as parking behind or to the side.~~

~~**ii.** Land Use Standards~~

~~**(a)** Open spaces, including public, conservation, and community spaces, shall be a focal element around which other land uses are organized.~~

~~**(b)** Provisions for alternative transportation shall be included in the overall design. Accommodation for mass transit facilities shall be provided and integrated into the overall design plan.~~

~~**(c)** Development shall be divided into an interconnected grid system.~~

~~**iii.** Streets~~

~~**(a)** Streets and roads shall be fronted by land uses which define and contribute to the street character, including buildings, buffers, and setbacks, not by uses which ignore or negate the street character, such as high walls, building service areas, etc.~~

~~**(b)** All major interior streets shall have termination with either a specifically designed building facade or a transition to an ensuing space.~~

~~**(c)** All major streets shall have clearly defined edges created by the use of building facades or landscaped buffers.~~

~~**(d)** Streets shall terminate at other streets within the development or connect to existing and projected through streets outside the development.~~

~~**(e)** Steady and even build to lines, within minimum and maximum variation limits, shall be established along all streets and public~~

space frontages to determine the desired width for each street or public space.

(f) All pedestrian/bicycle access shall connect to existing pedestrian/bicycle access or be appropriately located so as to encourage a continuous system of pedestrian/bicycle access.

iv. Landscaping

(a) Trees shall be planted within right of ways parallel to the streets along all streets, and coordinated with planned utility infrastructure, or in such a way that shall not interfere with existing utility infrastructure.

(b) Tree spacing shall be determined by species type.

405.11 Lighting Standards

(a) Purpose and Intent

It is the intent of the lighting standards to encourage lighting practices and systems that will:

1. minimize glare, light trespass, and light pollution;
2. conserve energy and resources while maintaining nighttime safety, utility, security and productivity; and
3. curtail the degradation of the nighttime visual environment.

(b) Lighting Intensity

Lighting shall be designed to prevent light spillage and glare on to adjacent streets, public areas, sites, and toward the sky.

405.12 Signage Control

(a) Purpose and Intent

The following signage control criteria are intended to improve the overall aesthetic quality of individual buildings as well as the entire Springhills development. With respect to signs advertising business uses, it is specifically intended to prevent excessive competition and clutter among sign displays. Signage design and placement shall be incorporated in the overall architectural design and theme of buildings.

(b) General Sign Criteria

1. The scale of signs in relation to buildings is of critical importance and shall be subject to ARB review and the Development Review Committee approval.
2. Signs shall not interfere with traffic control signs or with vehicular and pedestrian sight lines. Signs shall not disrupt vehicular ingress or egress.
3. Only one temporary development sign will be permitted per development parcel.
   a. These signs will be maintained in good condition.
   b. Temporary development signs are intended to display pertinent project or development information associated personal and/or financial companies.
   c. All temporary development signs shall be reviewed by the ARB.

~~**(c) Permit Requirements**~~

~~**1.** Signs shall not be erected or altered without prior review by the ARB. Development plans shall be submitted to the ARB for review including a sign location plan, elevations showing sizes, dimensions, materials, color, proposed lighting, and character of all proposed signage.~~

~~**2.** Signs shall not be installed without the prior approval of an Alachua County sign permit.~~

~~**3.** All permanent signs must be designed, sited and detailed by a licensed architect, landscape architect, graphic designer or sign manufacturer.~~

~~**4.** Developers/owners shall provide, install and maintain, at their own cost individual site signage.~~

~~**5.** All signs on public streets shall comply with Florida Department of Transportation and Alachua County standards.~~

~~**(d) Definitions**~~

~~**1. Banner Signs**~~

Any signs having characters, letters, illustrations, or ornamentations applied to cloth, paper or fabric of any kind.

~~**2. Directional Signs**~~

See Article 3 of Chapter 407, Signs, §407.31(d).

~~**3. Flat Wall Signs**~~

A sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the principal portion of the building.

~~**4. Ground Signs**~~

Any sign supported by structures or supports placed on, or anchored in, the ground and that is independent from any building or other structure.

~~**5. Portable Signs**~~

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, included but not limited to:

~~**a.** Signs designed to be transported by means of wheels.~~

~~**b.** Signs converted to A or T frames.~~

~~**c.** Menu and sandwich board signs (except in traditional neighborhood area).~~

~~**d.** Balloons or umbrellas used as advertising.~~

~~**e.** Searchlight stands.~~

~~**f.** Signs attached or painted on vehicles parked and visible from the public right of way, unless said vehicles is used in the normal day to day operations of the business.~~

~~**6. Sign Face**~~

The part of the sign that is or can be used for communication or advertising purposes.

~~**7. Sign Face Area**~~

~~The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the display area, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.~~

~~**8. Temporary Development Sign**~~

~~A sign to display pertinent project or development information associated personal and/or financial companies.~~

~~**(e) General Sign Features**~~

~~**1. Project Typeface Lettering**~~

~~All lettering is to be reviewed by the ARB.~~

~~**a.** Lettering for any one structure or at any single complex is to be consistent in color, material, and style classification for the entire complex.~~

~~**b.** All signs in a complex shall be of the same case configuration. The letter case is to be determined in the criteria for a center.~~

~~**2. Copy/Content**~~

~~All copy and content is to be reviewed by the ARB.~~

~~**a.** Not more than five items of information are permitted in any one sign. For the purpose of this Section, an item of information may be one word, logo or symbol.~~

~~**b.** Standard graphic symbols shall be used instead of extensive verbiage where possible.~~

~~**3. Manufacturing/Installation**~~

~~**a.** All signs shall be installed in a workmanlike manner, consistent with the requirements of the Florida Building Code as revised on June 30, 2003, and incorporated by reference in Rule 9B-3.047(1), F.A.C., and available from the Florida Department of Community Affairs.~~

~~**b.** Hand painted signs will not be permitted, except temporary signs.~~

~~**c.** All conduits, ballasts, transformers, circuit breakers, etc. are to be concealed from public view.~~

~~**d.** All manufacturer labels are to be concealed from public view.~~

~~**e.** Signs that are installed violating the design control guidelines or without specific written approval of the Development Review Committee shall be removed at the developer's expense.~~

~~**f.** After installation of the sign or signs, the installation sites are to be cleaned of all debris and prepared for landscape installation.~~

~~**4. Maintenance**~~

~~**a.** All signs and sign structures shall be maintained in a safe and attractive condition by the developer or property owner, except signs that shall be maintained by the appropriate public jurisdiction.~~

~~**b.** Owners of signs that no longer serve the purpose for which they were intended, have been abandoned, or have not been maintained, shall be directed to remove or maintain the signs.~~

~~**c.** In case of noncompliance within five business days of written notice from the Department of Growth Management to remove or maintain the signs, they may be removed or cause to be removed, or maintained, at the expense of the person, firm or corporation that erected the signs, or on whose premises they were erected, affixed or attached.~~

~~**(f) Permanent Signs/Building Identification**~~

~~All permanent and building identifications signs must be reviewed by the ARB.~~

~~**1. Ground Signs**~~

~~**a. Quantity**~~

~~Only one ground sign shall be allowed per parcel with 400 feet or less of road frontage. If a parcel's road frontage exceeds 400 feet then a maximum of two ground signs shall be allowed, provided the signs are not less than 300 feet apart.~~

~~**i.** NW 39th Avenue Commercial Center. Only one ground sign shall be allowed for the commercial center on NW 39th Avenue.~~

~~**b. Location**~~

~~**i.** Ground signs may be located within property limits, preferably near an entrance with a minimum setback of 15 feet from an established public or private street, highway or roadway right of way line.~~

~~**ii.** In no event, shall a sign or advertising structure be placed in such a way as to obstruct the vision of vehicular traffic or pedestrians.~~

~~**iii.** A sign may not obstruct the sight distance area at entrances and intersections.~~

~~**c. Size**~~

~~**i.** A commercial ground sign base structure shall not exceed eight feet six inches wide by five feet six inches high and 18 inches deep. A sign face mounted on the base shall not exceed five feet eight inches wide by three feet six inches high.~~

~~**ii.** An office ground sign base structure shall not exceed five feet two inches wide by four feet four inches high. A sign face mounted on the base shall not exceed three feet eight inches wide.~~

~~**iii.** The NW 39th Avenue commercial center ground sign structure shall not exceed ten feet wide by 10 feet high.~~

~~**iv.** Commercial center ground sign columns shall be constructed of brick with pre cast cap and base.~~

~~**d. Copy Area**~~

~~**i.** The maximum allowable sign face area for commercial ground signs shall be 1 1/2 square feet per one linear foot of building~~

~~frontage but shall not exceed 42 square feet on both sides. In no case shall the sum of total wall sign square footage plus total ground sign square footage exceed two square feet per one linear foot of building frontage on any given parcel.~~

~~**ii.** The maximum allowable office ground sign copy area shall be ten square feet per sign face for a total of 20 square feet per ground sign.~~

~~**iii.** For the NW 39th Avenue commercial center ground sign the maximum allowable sign face copy area shall be 40 square feet per sign face for a total of 80 square feet per ground sign.~~

~~**e. Illumination**~~

~~**i.** Any external above ground light source shall be located and hidden within a planter bed.~~

~~**ii.** Light sources located outside the planter bed shall be in a burial fixture.~~

~~**iii.** Sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways.~~

~~**iv.** Flashing or pulsating lights shall not be permitted on any sign.~~

~~**f. Movement**~~

~~A ground sign, including its parts, shall not move, rotate or use flashing lights.~~

~~**(g) Flat Wall Signs--Individual Tenant Identification**~~

~~**1. Quantity**~~

~~Each building with frontage on a roadway may have a flat wall sign on each of the two elevations of the building facing street frontage.~~

~~**2. Location**~~

~~In multi tenant buildings, signs shall be confined to a defined architectural graphic band.~~

~~**a.** The tenant sign shall not be closer than two inches from the top and bottom of the graphic band.~~

~~**b.** In no instance may a tenant sign extend beyond a line three feet in from both sides of the line between the tenant and its neighbor.~~

~~**3. Letter Size**~~

~~**a.** Individual channel letters shall not exceed 24 inches tall.~~

~~**b.** Graphics or logos are acceptable when proportional to the building scale. If used in conjunction with printed copy, they shall be secondary in scale.~~

~~**c.** Sign proportions shall be in keeping with the overall scale of the building structure and architectural style.~~

~~**d.** Commercial buildings shall have similar lettering size and configuration.~~

~~4. Sign Copy~~

~~a. Copy shall be limited to a maximum of two lines per occupant, preferably one.~~

~~b. The sign copy is to be limited to tenant or occupancy identity, service or merchandise as defined by the type of sign used.~~

~~5. Illumination~~

~~a. All externally illuminated signs shall have the light source concealed in the same structure unless the light source is approved as part of the building design.~~

~~b. All internally illuminated signs shall be channel cut letters.~~

~~c. There shall be no exposed raceways, transformers, ballast boxes, crossovers, or conduit to signs.~~

~~d. A required architectural feature of all retail centers to provide access behind a defined graphic band to service sign wiring and transformers or ballast.~~

~~e. Flashing, oscillating and moving signs are not permitted.~~

~~6. Window Signs~~

~~Window signs are not permitted other than for store name, street number, store hour, credit card decals and security decals.~~

~~a. Canopy/Awning Signs~~

~~A canopy with signage may be located at a tenant's main entry. In multi-tenant buildings, use of canopy for signage shall be consistent with all tenants.~~

~~(h) Building Identification Signage~~

~~1. Quantity~~

~~Retail and office buildings may utilize a style of building identification that is consistent with the southeastern vernacular architectural style of the building.~~

~~2. Location and Positioning~~

~~Buildings may have one sign which extends perpendicular to their business in lieu of a flat wall sign or ground sign.~~

~~a. Wall-mounted signs that are perpendicular to the face of the building should not extend more than three feet.~~

~~b. A clear area, measured from the finished grade to the bottom of the perpendicular sign panel, shall be a minimum of seven feet six inches and shall not interfere with pedestrian or vehicular traffic.~~

~~3. Copy Area~~

~~A maximum seven square feet of copy area shall be allowed per sign.~~

~~(i) Community Entrance Signage--Commercial and Office Districts~~

~~A community signage plan shall be submitted to the Development Review Committee to implement either primary or secondary community entrance signs.~~

~~1. Quantity~~

~~a. Each designated community intersection may have one primary community entrance sign at each corner.~~

~~b. Each designated secondary roadway may have one secondary entrance signs on each side of the entrance.~~

~~2. Location~~

~~a. Primary community entrance signs may be located on each side of the roadway designated as a community entrance.~~

~~b. Secondary entrance signs may be located at designated entrances.~~

~~c. An entrance sign shall not be located at an intersection within an area defined by lines 30 feet back in each direction from the pavement line connected by diagonal lines.~~

~~d. Signs shall not be placed in a way that obstructs the vision of vehicular traffic or pedestrians.~~

~~e. In no case shall any sign overhang a public right of way.~~

~~3. Size~~

~~The main sign panel height for either primary or secondary entrance signs shall not exceed eight feet. Column height shall not exceed 18 inches above the top of the sign panel.~~

~~4. Copy Area~~

~~Primary community entrance signs shall have a maximum of 50 square feet of copy area per sign panel. Secondary entrance signs shall have a maximum of 45 square feet of copy per sign panel.~~

~~5. Illumination~~

~~Ambient, internal or detached external flood lighting may be used providing lighting does not create an undesirable glare and the exterior source is located below grade.~~

~~(j) Prohibited Signs~~

~~1. Bench signs.~~

~~2. Billboard signs and advertisements.~~

~~3. Painted wall signs.~~

~~4. Pennants.~~

~~5. Snipe signs.~~

~~6. Trailer signs.~~

~~7. Any sign that incorporates a beacon light or lights.~~

~~8. Solicitation signs.~~

~~9. Signs that in any way simulate emergency vehicles, traffic control signs and devices, directional, information and warning signs.~~

~~10. Any sign containing statements, words or pictures of an obscene or pornographic nature.~~

11. Any vehicle with a sign or signs attached thereto or placed thereon shall be prohibited unless parked and not visible from a public right of way, unless said vehicle is used in the normal day to day operations of the business.

12. Any sign that obstructs any fire escape or any window door or opening used as means of ingress or egress or to prevent free passage from one part of a roof to any other part thereof shall be prohibited.

13. Any sign attached in any form, shape or manner to any opening required for ventilation.

14. Any sign that incorporates or consists of banners, ribbons, streamers, spinners or wind operated devices shall be prohibited.

15. Any advertisement that uses a series of two or more signs placed in a line parallel to a public roadway or in a similar fashion and carrying a single advertising message, part of which is contained on each sign.

16. Changeable copy signs, either mechanical or electronic.

17. Roof signs.

18. Open frame signs.

19. Roof mounted signs will not be permitted unless incorporated into the structure.

20. Animated, moving, flashing or sound emitting signs are prohibited.

405.13 Architectural Review Board

(a) Establishment

An Architectural Review Board (ARB) is hereby established for the Springhills development.

(b) Composition

The Architectural Review Board shall be composed of the Director of Growth Management (Director) or designee, an architect, a landscape architect, an engineer, a representative from the community appointed by the County Commission, and an individual appointed to represent the Springhills Development of Regional Impact.

1. Alternate members may be appointed jointly by the Director and a representative from the Springhills Development of Regional Impact on an as needed basis.

2. Members with professional expertise shall be residents of Alachua County, or own a firm based in Alachua County, or work for a firm based in Alachua County.

3. Members with professional expertise shall be jointly selected by the Director and a representative for the Springhills Development of Regional Impact.

4. Members with professional expertise shall be licensed in their appropriate field.

5. If the Board of County Commissioners establishes a Countywide Architectural Review Board, that Board shall function as the Springhills ARB.

(c) Rules of Procedure

The ARB may adopt rules of procedure necessary to its governance and the conduct of its affairs provided that they are consistent with the applicable provisions of

~~Florida law and the current version of Guidelines for Advisory Boards and Committees published by the Board of County Commissioners.~~

~~(d) Meetings~~

~~The ARB shall meet to take action on design plans within 21 days of receipt of those design plans.~~

~~(e) Powers and Duties~~

~~Generally the ARB shall provide for the review process for all architectural renderings and design plans for the Springhills development. The ARB shall have the following powers and duties:~~

~~**1.** to review and make recommendation on design plan to the Development Review Committee approval; and~~

~~**2.** to perform such other functions as may be directed by the Board of County Commissioners as related to this Section.~~

~~(f) Design Plan Review Process~~

~~1. Submission Requirements~~

~~After preliminary development plan approval by the Development Review Committee and before submittal of plans for final development plan review, the following plans shall be submitted for review by the ARB.~~

~~**a.** Development plan with preliminary approval by the Development Review Committee.~~

~~**b.** Architectural elevations.~~

~~**c.** Landscape plan.~~

~~**d.** Signage plan at a scale of 1/2 inch = one foot.~~

~~**e.** Lighting plan.~~

~~**f.** Inter connectivity plan.~~

~~(g) Variances~~

~~Variances to the criteria set forth in this Section may be granted on a site specific basis by the Development Review Committee. For the purposes of granting a variance, the Development Review Committee shall use the criteria for considering a variance request as established in Article 26 of Chpater 402.~~

Article 4 Cross Creek Village Special Area Study

405.14 Cross Creek

(a) Purpose

The purpose of the Cross Creek Village Special Area Study is to establish general policies and development guidelines for future development in this study area so that future land development is designed to place the environmental integrity of this area in the forefront of all development proposals. These development regulations have the purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development called for in the Cross Creek Special Area Study. These regulations shall apply to all real property lying within the boundaries of the Cross Creek Special Area Study as defined by the map found in Section 8.2 of the Comprehensive Plan and attached to this ULDC.

(b) Preexisting Conditions

It is specifically the policy of this Article that existing land uses, buildings, and structures not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Section. The destruction or discontinuation of any such use, building, or structure shall not prohibit the renewed use or reconstruction of the building or structure in its preexisting form. This policy shall not, however, affect the operation of other sections of the adopted Comprehensive Plan or of duly adopted development regulations. The burden shall be on the property owner to demonstrate that existing land uses, buildings, and structures qualify as preexisting conditions.

(c) Valid Existing Rights

The Special Area Study and these development regulations shall not apply to deny valid existing rights of landowners to continue the current use of land in the study area. If the provisions of the Cross Creek plan and these development regulations restrict valid existing rights of landowners, such landowners may be eligible to preserve valid existing rights through the general vested rights provisions contained in Article 27 of Chapter 402 of this ULDC.

(d) Cross Creek Special Area Study Zones

The Cross Creek Special Area Study has been divided into <u>six</u>~~seven~~ resource protection zones: Wetlands, Exceptional Upland Habitat, Hammocks, Active Use, Lake Buffer, Historic Preservation Area, and <u>specific guidelines for</u> Bald Eagle Nesting Areas. In addition, the Cross Creek Special Area Study has established two development areas: the Village Center and Village Periphery.

(e) Transfer of Density

1. Residential Densities and Transfer of Density

a. Except for the Village Center area, a maximum residential density of one dwelling unit per five acres shall be permitted in the study area.

b. A property owner may transfer permitted density in a resource protection area to appropriate contiguous property under the same ownership through the Development Plan Review process. The densities that may be transferred are established in Table 405.14.1.

c. A property owner may transfer permitted density in a resource protection area to appropriate adjoining property not under the same ownership if all of the affected properties are presented for development as a Planned Development (PD). The densities that may be transferred are established in Table 405.14.1.

d. In the Village Periphery area, a maximum density of one dwelling unit per acre shall be permitted where the development involves a transfer of permitted density from a resource protection area.

Table 405.14.1.
Permitted Transfers of Density

Resource Protection Area	Transferable Densities
Wetlands Zone	1 dwelling unit per 5 acres
Lake Buffer Zone	2 dwelling units per 5 acres
Exceptional Upland Habitats Zone	2 dwelling units per 5 acres
Hammock Zone	2 dwelling units per 5 acres
~~Bald Eagle Nesting Secondary Zone~~	~~2 dwelling units per 5 acres~~
Bald Eagle Nesting ~~Primary~~ Zone	3 dwelling units per 5 acres

2. Transfer of Density from the Cross Creek Area

Transfer of density from property in the Cross Creek Special Area Study to appropriate noncontiguous property not under the same ownership in the unincorporated area of the County shall be subject to development agreement approved by the Board, in accordance with the Florida Local Government Development Agreement Act, F.S. § Chapter 163.3220, Florida Statues, et seq., and the County's implementing ordinance.

(f) Site Clearing and Tree Removal

1. Development Plan Approval Required

a. In the Cross Creek Study Area, except as specifically provided herein, all site clearing, tree removal, and removal of the existing indigenous vegetation, including clearing and removal for forestry and agricultural purposes in areas identified as wetlands, exceptional upland habitat, hammocks, lake buffer zones, historic preservation areas, and ~~primary and secondary~~ bald eagle nesting zones, shall be prohibited without development plan approval as provided in Article 10, Development Plan Review, of Chapter 402. Any violations to regulated natural resources shall require corrective action as provided in Chapter 406, § 406.115.

b. All applications for development plan approval shall specify the location and extent of the site proposed for clearing, tree removal, and removal of indigenous vegetation, and the reasons for the proposed site clearing, tree, and vegetation removal.

c. In all cases involving site clearing and tree and vegetation removal, the burden shall be on the applicant to demonstrate that the clearing or removal is for bona fide agricultural purposes, or associated with an approved development plan or building permit.

2. Exemptions from Requirement for Development Plan Approval

a. For purposes of this Section, normal tree farming activity or clear cutting and replanting in the active use zone, where the owner has signed an agreement with the Florida Division of Forestry to utilize best management practices and to reforest the parcel for the purpose of silviculture, shall not require development plan approval.

b. In addition, site clearing for valid agricultural purposes in the active use zone, not exceeding one-half acre per calendar year and not involving removal of trees with a diameter at breast height (DBH) equal to or exceeding two inches, shall not require development plan approval.

405.15 Resource Protection Regulations

(a) Delineation of Zones in Cross Creek Special Area Study

Each zone within the Cross Creek Special Area Study requires special protective regulations dictated by its unique characteristics, as follows:

1. Wetlands Zone

This zone includes a variety of shore zone and interior wetland areas that are distributed throughout the study area and comprise approximately 24 percent of the total land area. Because of the important functions performed by wetlands, including, but not limited to functions related to water quality and drainage, they should be left undisturbed. The following regulations shall apply in this zone.

a. A gross density of one dwelling unit per five acres shall apply to all land in the wetland zone.

b. The permitted density shall be transferred to appropriate contiguous property under the same ownership, or as set forth in §405.14(e).

c. Minor accessory uses such as boat docks shall be permitted by special use permit provided that the natural function of the zone is not altered.

2. Exceptional Upland Habitats Zone

a. Exceptional upland habitats zone shall mean that part of the study area which supports essentially complete natural associations of plants and animals native to uplands in the area (natural upland communities).

b. This zone is characterized by large areas of relatively undisturbed associations of native vegetation generically called hammocks or pine flatwoods.

c. This zone serves important habitat functions for a variety of animals in the study area. The following regulations shall apply:

i. Residential densities for this zone are permitted at a rate of one dwelling unit per five acres. Where development of these areas occurs, building impact areas shall be reduced to no more than one acre and major portions of the area thereby protected in their natural state.

ii. Residential density may be transferred to appropriate contiguous property under the same ownership at a rate of two dwelling units per five acres, or as set forth in §405.14(e).

3. Hammock Zone

Hammock zone shall mean that part of the study area which retains a predominance of the natural hardwood hammock vegetation that is characteristic of the uplands of the Cross Creek area. The hammock zone represents that portion of the study area that retains a predominance of the hammock vegetation but does not meet other criteria for classification as an exceptional upland habitat zone. The following regulations shall apply within this zone.

a. In the Village Center area, a maximum residential density of one dwelling unit per two acres shall be permitted on a gross basis.

i. However, in order to preserve the character of the zone, building impact area of all future residential development shall occur on a maximum of one-half acre.

ii. Development shall be clustered in such a fashion as to preserve the most sensitive or unique areas of the property under consideration.

b. In the Village Periphery area, a maximum residential density of one dwelling unit per five acres shall be permitted on a gross basis.

i. However, in order to preserve the character of the zone, building impact areas shall be a maximum of one acre.

ii. Development shall be clustered in such a fashion as to preserve the most sensitive or unique areas of the property under consideration.

4. Active Use Zone

This zone represents that portion of the study area that has been most significantly altered from its natural state and includes all areas in the study not classified as wetlands, exceptional upland habitats, and hammocks. The following regulations shall apply within this zone.

a. In the Village Center area, a maximum residential density of two dwelling units per acre shall be permitted. All residential development shall occur on a minimum of one-half acre lot per unit.

b. In the Village Periphery area, a maximum residential density of one dwelling unit per five acres shall be permitted.

(b) Water Quality

Orange Lake, Lochloosa Lake, and Cross Creek have been designated as Outstanding Florida Waters. The County recognizes the sensitivity of these waters to pollution. The following regulations shall apply:

1. Activity Within Lakeshore Buffer Area

a. No filling, tree removal, clearing, or building construction shall be permitted within 75 feet of the creek or within the lakeshore buffer area without development plan approval.

b. Development plan approval shall require minimum standards for development consistent with state regulations regarding Outstanding Florida Waters.

2. Lake Buffer Zone

The lake shore buffer varies in width depending on the characteristics, including slope, soil, vegetation, etc., of the land along the shore line. The following regulations shall apply within this zone.

a. The width of the buffer shall be determined on a case-by-case basis; however, the average width of the buffer shall be 150 feet, with a minimum width not less than 100 feet. The Board shall consider four factors to determine buffer width. These four factors are:

i. wildlife habitat requirements;

ii. soil erodibility;

iii. depth to water table; and

iv. other site specific considerations such as aesthetics and water quality.

b. A jurisdictional line separating sovereign lands of the state and private property shall be determined. In addition to the determination of sovereign lands of the state, the jurisdictional line for demarcation of the landward extent of waters of the state shall also be determined and the lake buffer area shall be measured landward from this jurisdictional line.

c. Within this area, principal buildings shall not be constructed.

i. Accessory structures that are necessarily constructed only adjacent to a lake, such as boardwalks or docks, may be permitted subject to development plan review.

ii. Disturbance of natural vegetation shall be prohibited, except as may be necessary to construct approved facilities, and only subject to development plan approval.

(c) Historic Preservation Area

The house of Marjorie Kinnan Rawlings is listed as a national historic site. In order to preserve the area surrounding this site, a historic area is established and shall include all land one-eighth mile north and south of the Rawlings House property and within 300 feet of the centerline of County Road 325. A map of the historic area is attached hereto as Exhibit 405.15.2. The following regulations shall apply in this historic area.

1. Construction, Reconstruction and Similar Improvements

No new construction, exterior reconstruction, exterior remodeling, or exterior repair shall be permitted within the Historic Preservation Area until a plan for such work has been reviewed and approved by the Board of County Commissioners.

2. Review Criteria

a. The Board of County Commissioners should consider materials, signage, and landscaping, and the compatibility of these factors with the architectural and cultural heritage of the historic site, as well as that of the historic district in general.

b. The review should also consider the practical effect of any regulation and the potential for such a regulation to create a hardship for the individual seeking approval of an activity within the historic area.

c. Demolition of an historic building or a building or facility that is integrally related to an historic building shall not be permitted until after the property is offered for sale at assessed value or fair market value to a governmental unit or to an organization committed to the preservation and restoration of the building. Any such offer should permit a minimum of 180 days for acceptance by the governmental unit or other organization.

d. These policies will not affect the use of land, but may affect the arrangement of uses, the arrangement of vehicular and pedestrian circulation, landscaping, screening, and buffering, as well as the height, style, and character of buildings and other structures, including signs.

e. These policies shall not be applicable to mobile homes, and shall not be interpreted as affecting the replacement of a mobile home that exists on the date of adoption of this Section.

(d) Bald Eagle Nesting Zones

The purpose of these regulations is to maintain and/or improve environmental conditions existing in the study area and required for the survival and well-being of bald eagles in the study area. The purpose of these regulations also is to avoid or minimize detrimental human-related impacts on bald eagles, particularly during the nesting season, and to preserve and enhance the present population. The following regulations are designed to establish protection for eagles, eagle nests, and eagle habitat.

1. Intent

The regulations are designed to establish protection for eagles, eagle nests, and eagle habitat. Some flexibility may be available in the implementation of these regulations, under the federal guidelines, and may be considered by the Board of County Commissioners on a case-by-case basis.

2. Deviation from Standards

Any deviation from the standards contained in this Section should only be considered where the property is proposed for development under the Planned Development zoning category and only after consultation with the Florida Fish and Wildlife Conservation Commission.

3. Extent of Bald Eagle Nesting~~Primary~~ Zone

Except under unusual circumstances, the nesting~~primary~~ zone should encompass an area extending approximately 660~~750~~ feet outward from the nest tree.

a. The precise radius distance will be dependent upon the proximal and spatial configuration of the critical elements, including but not limited to nest trees, feeding area, roost trees, etc., within a particular nesting area or other compelling factors.

b. The exact radius distance, area, and contours of the nesting~~primary~~ zone shall be determined prior to development approval or a transfer of density.

4. Bald Eagle Nesting~~Primary~~ Zone Restrictions

a. Excluding existing bona fide agricultural use of land in the nesting~~primary~~ zone, the following land uses shall be prohibited in the nesting~~primary~~ zone without a special use permit issued by the Board consistent with Article 18, Special Use Permits, of Chapter 402:

i. logging;

ii. land clearing;

iii. construction;

iv. seismographic activities employing explosives;

v. mining;

vi. well drilling;

vii. residential subdivisions, commercial, or industrial development;

viii. tree cutting;

ix. use of chemicals toxic to wildlife such as herbicides and pesticides; and

x. helicopter or fixed-wing aircraft operation within 500 feet vertical distance or 1,000 feet horizontal distance from an eagle's nest.

b. The special use permit may further limit specific activities as necessary and appropriate to protect the function and value of bald eagle nesting zones, including but not limited to additional restrictions during the eagles' nesting period, usually from October 1 to May 15.

c. An individual single-family residence on a lot of record, including associated well, septic system, land clearing, and tree removal shall be exempt from the special use permit requirement provided in paragraph a above. Alternatively, such development shall be required to obtain development plan approval from the Development Review Committee prior to application for a building permit. Mailed and posted notice shall be provided in accordance with Article 4, Notice of Hearings, of Chapter 402.

~~**5. Extent of secondary zone**~~

~~The secondary zone should encompass an area extending approximately 750 to 1,500 feet outward from the nest tree. The precise distance will be dependent upon site specific circumstances.~~

~~**a.** The secondary zone should be arranged so as to be contiguous with feeding areas and provide a protected access between nests and the feeding areas.~~

~~**b.** The exact radius distance, area, and contours of the secondary zone shall be determined prior to development approval or a transfer of density.~~

~~**6. Secondary zone restrictions**~~

~~**a.** Excluding existing bona fide agricultural use of land in the secondary zone, the following land uses shall be prohibited in the secondary zone without a special use permit issued by the Board consistent with Article 18, Special Use Permits, of Chapter 402 of these regulations:~~

~~**i.** logging;~~

~~**ii.** land clearing;~~

~~**iii.** construction;~~

~~**iv.** seismographic activities employing explosives;~~

~~**v.** mining;~~

~~**vi.** well drilling;~~

~~**vii.** low level aircraft operation;~~

~~**viii.** development of new commercial and industrial sites;~~

~~**ix.** construction of multi story and high density housing developments between the nest and the eagle's feeding area;~~

~~**x.** construction of new roads; trails, and canals which would tend to facilitate access to the nest; and~~

~~**xi.** use of chemicals toxic to wildlife such as herbicides or pesticides.~~

~~**b.** The special use permit may further limit specific activities as necessary and appropriate to protect the function and value of bald eagle nesting zones, including but not limited to additional restrictions during the eagles' nesting period, usually from October 1 to May 15.~~

~~**c.** An individual single family residence on a lot of record, including associated well, septic system, land clearing, and tree removal shall be exempt from the special use permit requirement provided in paragraph a above. Alternatively, such development shall be required to obtain development plan approval from the Development Review Committee prior to application for a building permit. Mailed and posted notice shall be provided in accordance with Article 4, Notice of Hearings, of Chapter 402.~~

405.16 Alternative Compliance

Except as otherwise provided in this Article, requests for alternative compliance from any provision of this Article may be made as follows:

(a) An applicant may submit a proposal that varies from the strict application of the requirements of the provisions of this Article in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, promote the overriding public interest or general public welfare, or because the provisions of this Article do not apply or are unnecessary. Diminished value or inconvenience is not considered extraordinary hardship.

(b) The applicant shall have the burden of demonstrating the existence of the necessary conditions or reasons for alternative compliance. In any case where alternative compliance is granted, the alternative compliance shall be the

minimum necessary to permit reasonable use or access. Mitigation measures may be required as a condition of granting the alternative compliance.

(c) Requests for alternative compliance shall be submitted as part of an application for development plan approval and shall be received and approved, approved with conditions, or denied by the Development Review Committee or Board of County Commissioners.

(d) An alternative compliance plan shall be approved only upon a finding that it fulfills the purpose and intent of this Article as well as, or more effectively than, would adherence to the strict requirements.

Article 5 Idylwild/Serenola Special Area Study

405.17 Intent

It is the intent of these regulations to establish development regulations in the Idylwild/Serenola area so that future land development adequately addresses environmental, archaeological and historical issues as a part of the development process. These regulations shall apply to all real property lying within the boundaries of the Idylwild/Serenola special area as defined in the Future Land Use Element of the Alachua County Comprehensive Plan, and attached hereto as Exhibit B.

405.18 Barriers for Environmental Resources Protection

Where these regulations require the protection of an environmental resource, the following standards shall be used:

(a) Construction of Barriers

Barriers shall be constructed of nominal two-inch by four-inch or larger wooden posts, two inches or larger diameter pipe, or other post material of equivalent size and strength and shall be implanted deep enough in the ground to be stable, with at least three feet of the post visible above the ground.

(b) Tree Protection Barriers

Barrier posts shall be placed at the drip line of any tree to be protected or an area based on a ratio of two feet for each inch of tree diameter measured at breast height (DBH).

(c) Posts and Fencing

All protective posts shall be linked together by lumber fencing at a height of three feet. Each section shall be clearly flagged with flagging tape or other readily visible markers. The substitution of 36-inch-wide reusable polyethylene barrier fencing for the lumber fencing is acceptable.

(d) Installation of Barriers

Required barriers shall be erected prior to the construction of any structure, utility service, or other improvement and shall remain in place until such time as completion of construction dictates that removal will not harm the resource.

(e) Waiver of Barrier Requirement

The Development Review Committee may grant a waiver to the barrier requirement provided that reasonable alternatives are taken.

405.19 Environmental Resources

The Idylwild/Serenola area contains numerous environmentally sensitive areas. These areas have been generally identified on the environmental resources map in the Future Land Use Element. Each area requires special protective regulations as indicated in the study. Where site specific analysis or verification is required to determine the presence of environmental resources protected herein, the cost of such analysis or verification shall be borne by the applicant. Environmentally sensitive areas may overlap and all applicable regulations shall apply.

(a) Significant Uplands Habitat

These provisions shall apply to the development of all lands identified as significant uplands after determination of designation in accordance with the Conservation policies of the Alachua County Comprehensive Plan.

1. Upland Habitat

Uplands habitat shall be indicated on all development plans and subdivisions.

2. Maximum Lot Coverage for Nonresidential Development

Each nonresidential development shall be designed so that the total mass of all buildings, parking and loading areas shall not occupy in excess of 50 percent of the total site area. The remainder of each development site shall retain the existing undisturbed vegetation.

3. Residential Development Requirements

Each residential development shall use planned development zoning or cluster development that retains 50 percent of the area as common open space. The common open space shall retain the existing undisturbed vegetation. The selection of the common open space shall be based upon:

a. retention of sinkholes, surface waters and wetlands; and

b. proximity to other upland habitats.

4. Protection of Undisturbed Vegetation

The undisturbed vegetation shall be protected during construction by barriers.

5. Violations

Violations to regulated significant uplands habitat shall require corrective action as required in Chapter 406, § 406.115 of this ULDC.

(b) Wetlands

Connected and isolated wetlands shall be protected in accordance with the provisions of Chapter 406 Article 6 of this ULDC~~Code~~.

(c) Bald Eagle Nesting Zones

These provisions shall apply to any property located within ~~the primary or secondary zone surrounding~~ a bald eagle nesting zone~~nest~~ in order to maintain and improve the environmental conditions required for the survival of bald eagles. These regulations shall apply to apparently "abandoned" nests for a period extending through five consecutive breeding seasons of non-use after notification to the United States Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and the Alachua County Environmental Protection Department.

1. Definitions

For the purposes of this Section Bald Eagle Nesting~~, the following definitions are applicable.~~

~~**a.**~~ ~~Primary~~ Zone means the area of eagle habitat situated immediately around the nest. The boundary for this zone is a 660~~750~~-foot radius around the nest tree.

~~**b.** Secondary Zone means an area that may provide suitable eagle habitat in the future. The secondary zone shall be outside and adjacent to the primary zone and shall be circular with a boundary of 1,500 feet from the nest tree.~~

2. Development Plans

All development plans and subdivisions shall show the location of the property in relation to the eagle nesting~~nest, primary zone, and secondary~~ zone.

3. Development Standards

a. There shall be no development activity within the nesting~~primary~~ zone.

b. Land use within the nesting~~primary~~ zone shall be limited to passive recreation, farming, grazing, nurseries or gardening.

i. The use of property for any other activity shall require a special use permit.

ii. The burden shall be on the applicant to demonstrate that the proposed use will not weaken the integrity of the nesting~~primary~~ zone.

iii. The special use permit may further limit specific activities as necessary and appropriate to protect the function and value of bald eagle nesting zones, including but not limited to additional restrictions during the eagle's nesting period, usually from October 1 to May 15.

iv. Development within the nesting~~secondary~~ zone shall cluster units away ~~from the primary zone~~ and shall not include buildings in excess of 35 feet in height or the construction of new roads providing increased access to the nest.

(d) Paynes Prairie

The State of Florida's Paynes Prairie State Preserve shall be protected from activities on adjacent lands through the review of all activities within 660 feet of the Preserve, in accordance with Article 8 of this Chapter.

(e) Tree Preservation

1. Purpose

The purpose of this Section is to preserve and retain areas containing extensive tree canopies. Due to the exceptional quality of the tree canopy found within the study area, where these provisions are more restrictive than those found in Article 2, Trees and Native Vegetation, of Chapter 406 relating to tree protection, these restrictions shall be applicable and shall apply to all real property, including publicly owned lands, lying within the active use residential, tree canopy or significant upland habitats identified on the environmental resources map of the Idylwild/ Serenola Special Area Study.

2. Definitions

For the purposes of this Section, the following definitions shall apply.

a. Initial Canopy means the tree canopy of the regulated trees on the property prior to any development.

b. Regulated Tree means any self-supporting woody plant of a species which normally grows to an overall minimum height of 15 feet in the Alachua County area and which has attained a diameter of eight inches

or more at a point 4.5 feet above the existing grade. In order to retain smaller native trees, the definition shall also include the species listed in Table 405.19.1 that have attained a diameter of six inches as measured at a height of 4.5 feet above the existing grade.

Table 405.19.1
Trees Included in the Regulated Tree Definition

Latin Name	Common Name
Carpinus caroliniana	Blue-beech
Cercis Canadensis	Redbud
Chionanthus virginica	Fringe tree
Cornus florida	Flowering dogwood
Crataegus marshallii	Parsley haw
Ostrya virginiana	Eastern hophornbeam
Prunus umbellata	Flatwoods plum

c. Tree Canopy means the aerial extent of the tree as determined by a perpendicular line from the ground to the outer edge of the tree's foliage.

3. Removal Permit Required

A regulated tree shall not be removed without a removal permit as provided for hereinafter and in Article 2, Trees and Native Vegetation, of Chapter 406.

4. Development Plan Approval Requirements

a. Tree Survey Required

At the time of permit application, a tree survey shall be submitted to the Department. The survey shall locate all regulated trees, specifying species, to be protected or removed and the location and extent of initial canopy.

b. Tree Removal Permit Issuance

Issuance of a permit for tree removal and/or relocation shall be based upon the criteria:

i. That the tree is an immediate safety hazard, either to persons or to domestic animals, or to buildings, or to other constructions, or to motor, or bicycle, or pedestrian traffic.

ii. That the tree is infected with an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to trees not so infested.

iii. That the tree by its location prevents reasonable use or development of the site, and that no other reasonable alternative to such use or development is possible. In determining the reasonable use or development of the site, the following criteria shall be considered:

(a) the need for driveway and site access;

(b) locating the proposed structures and parking areas to minimize tree removal;

(c) location of utilities and surface water drainage; and

(d) essential grade changes; or

That the tree, by the normal growth of its branches and roots, is causing progressive damage to existing buildings or other facilities, and that no reasonable correction or prevention is possible other than removal of the tree.

c. As a condition of the granting of a permit, in order to meet canopy requirements, the Development Review Committee may require the relocation of trees proposed for removal or replacement of the removed trees with other trees planted elsewhere on the site. Replacement trees may be required on a more than one-for-one basis if the replacement trees are smaller than the tree being removed. The tree list established in Table 405.19.2 shall be used as a reference for selecting replacement trees.

d. Regulated trees shall not be removed after the issuance of a Certificate of Occupancy without securing another permit.

Table 405.19.2
Permitted Replacement Trees

Acceptable Tree Species	
Latin Name	**Common Name**
Quercus michauxii	Swamp chestnut oak
Quercus sinicata	Bluff oak
Q. shumardii	Shumard oak
Q. falcata var. falcata	Southern red oak
Q. hemisphaerica	Laurel oak
Q. laurifolia	Diamond-leafed oak
Q. nigra	Water oak
Q. virginiana	Southern live oak
Pinus taeda	Loblolly pine
Pinus glabra	Spruce pine
Acer rubrum	Red maple
A. negundo	Box elder
A. saccharum var.	Florida maple
Fraxinus Americana	White ash
Taxodium distichum	Bald cypress
Tilia americana	Basswood
Carpinus caroliniana	Blue beech
Nyssa biflora	Blackgum
Carya glabra	Pignut hickory
Juniperus silicicola	Southern red cedar
Cercis canadensis	Redbud
Celtis laevigata	Hackberry
Chionanthus virginicus	Fringe tree
Cornus florida	Flowering dogwood
Crataegus marshallii	Parsley haw
Gordonia lasianthus	Loblolly bay
Ostrya virginiana	Eastern hophornbeam
Liquidambar styraciflua	Sweetgum
Magnolia grandiflora	Southern magnolia
Persea borbonia	Upland red bay
Persea palustris	Swamp red bay
Prunus umbellata	Flatwoods plum
Ulmus alata	Winged elm
Ulmus americana var. florida	Florida elm

e. All replacement trees or additional required trees shall be in place prior to the issuance of a Certificate of Occupancy.

f. The Department may conduct periodic inspections of the site prior to and during clearing and construction to ensure compliance.

g. Selective harvesting of regulated trees or tree removal for agricultural purposes, excluding bona fide commercial forestry operations with a forest management plan in effect as required in Chapter 406, Article 2 regarding tree removal permits, shall be prohibited without development plan approval from the Development Review Committee.

i. Not more than five percent of the initial tree canopy may be removed in any given year.

ii. All applications for selective harvesting shall include a management plan that includes a replanting schedule and buffering provisions.

h. All applications for development plan approval shall specify the reason for the tree removal and demonstrate that the tree removal is necessary.

5. Canopy Requirements in Single-Family Residential Districts

These requirements shall apply to any property located within a single-family residential zoning district.

a. Retention of Regulated Trees

All regulated trees shall be retained within the front, side, and rear yard setback areas; except as provided for in subsection 405.19(e)4.

b. Development Location

Development shall be located on a site in such a way to maintain as many regulated trees as possible.

6. Canopy Requirements for Multifamily and Nonresidential Districts

These requirements shall apply to any development located within a multifamily or business/commercial district.

a. All developments shall be designed so as to retain at least 40 percent of the initial canopy.

b. All development shall be designed so that, in 20 years' time, 50 percent of the property will be underneath tree canopy. In areas identified as significant uplands habitat, this canopy requirement can be satisfied by the 50 percent open space requirement in subsection (a)2. In other areas, existing trees may be relocated or additional trees planted in the appropriate areas to meet this criterion.

c. The additional trees shall conform to the characteristics specified by the publication *"Standards for Nursery Stock"* available from the State of Florida Department of Agriculture and Consumer Services. All replacement trees shall be Florida Nursery Grade No. 1 or better and shall have a minimum height of eight feet and a minimum tree caliper of three-fourths inch at the time of planting. Acceptable tree species are listed in the Table 405.19.2.

d. Other tree species may be added to this list based upon whether or not the species is a naturally occurring tree in the Idylwild/Serenola area.

7. Protection of Existing Trees

a. Protection of Trees During Construction

i. The Development Review Committee shall determine during development plan review whether existing trees will require protection during construction. This decision shall be based upon the proximity of the area of construction activity and the location of the trees relative to the structure and other facilities. All trees approved for removal shall be exempt from protection requirements.

ii. Existing regulated trees may be required to be protected by barriers as provided for in §405.18.

iii. Grade changes shall not be made within the protective barriers without prior approval by the Development Review Committee. Where roots greater than one inch in diameter are damaged or exposed, the roots shall be cut cleanly and covered with soil.

iv. Landscape preparation within the protective barriers shall be limited to hand clearing or shallow disking in the area. Disking shall be limited to a depth of two inches unless specifically approved otherwise by the Director.

v. Attachments or wires other than those of a protective or non-damaging nature shall not be attached to any protected tree.

vi. Trees that have been destroyed or received major damage during construction shall be replaced prior to the issuance of the Certificate of Occupancy. Replacement trees may be required on a more than one-for-one basis if the replacement trees are smaller than the tree being removed.

(f) Archaeologically Significant Areas

1. Purpose and Intent

A number of Archaeologically Significant Areas have been identified within the Idylwild/Serenola study area. These areas are not mapped, but have been generally located during field surveys by representatives of the State of Florida, Division of Historical Resources.

2. Archaeological Survey Required

If Archaeologically Significant Areas are present on a site, then the exact location and extent of the archaeologically significant site shall be surveyed by a professional archeologist and coordinated with the State of Florida Division of Historical Resources.

3. Historical Resources Preservation Criteria

In order to preserve these important historical resources, the criteria listed below shall apply to the development of parcels containing archaeologically significant areas.

a. In-situ preservation of a site is the preferred method of avoiding damage to an archeological resource.

b. Preserving the site is more important than preserving the artifacts alone because the relationship of the artifacts to each other in the site provides valuable information that can be lost when artifacts are removed. Further, preserving the site keeps it available for more sophisticated future research techniques.

c. When a residential parcel contains an archaeologically significant site, any development on that site shall be located and designed in such a way that preserves the archaeologically significant areas as common open space.

d. When a nonresidential parcel contains an archaeologically significant site, construction shall avoid damage to the site by planning construction to avoid the site. If development planning constraints preclude avoiding the site altogether, then easily removed facilities such as parking lots, tennis courts, or other similar nonpermanent construction may be allowed above the site provided there is "capping" or covering of the archeological site first with a layer of soil to protect the site. Capping may be used where:

i. the soils to be covered will not suffer serious compaction;

ii. the covering materials are not chemically active;

iii. the site is one in which the natural processes of deterioration have been slowed; and

iv. the site has been recorded.

e. A buffer may be required between the development and the archeological site. The width of the buffer shall be determined on a case-by-case basis by the professional archeologist after consultation with representatives of the State of Florida Division of Historical Resources.

f. The archeological site, if preserved in-situ, shall be protected from construction activity by the use of barriers, as provided for in §405.18.

g. If deemed appropriate after consultation with representatives of the State of Florida Division of Historical Resources, the site may be mitigated through data recovery.

h. If, during the construction phase of a development, an archeological find is made on a parcel not previously identified as an archaeologically significant site, the developer shall cease work within 20 feet in all directions of the find and within five working days shall notify by writing the Department and representatives of the State of Florida. The developer shall engage a professional archeologist to have an archeological and historical survey prepared. Within ten working days, the archeologist shall determine, after consultation with the State of Florida Division of Historical Resources, whether or not the find is significant and, if so, the actual dimensions of the site. A significant archeological find is one which:

i. is associated with an event or person of recognized significance in Florida or American history or recognized scientific importance in prehistory;

ii. can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archeological research questions;

iii. has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind;

iv. possesses substantial stratigraphic integrity; or

v. involves important research questions that historical research has shown can be answered only with archeological methods.

i. If the find is not determined to be significant, the developer may resume construction without amendment to the development plan.

j. If the find is determined to be significant, the developer shall have the option of revising the development plan so as to comply with this Section or mitigating through data recovery.

k. If a determination is not made within the ten-working-day time period, then the find shall not be considered significant and the developer may resume construction without amendment to the development plan.

(g) Scenic Roads

Crown Road (56th Avenue and 17th Terrace) has been identified as a scenic road. Development activities occurring along Crown Road shall be consistent with the Chapter 405, Article 9, Scenic Road Corridors Overlay of this ULDC.

405.20 Land Use

(a) Density

Within the boundaries of the Idylwild/Serenola Special Area Study, the limitations listed below on allowable residential density shall apply to properties that are adjacent to parcels designated as Residential 0-2 units per acre or 2-4 units per acre on the Idylwild/Serenola Future Land Use Map.

(b) Parcels within 150 Feet

1. For that portion of those adjacent properties within 150 feet of parcels so designated, the residential density shall not exceed two units per acre above the maximum zoned density of the designated parcel.

2. The 150 feet shall be measured from the boundary of the zoning district of the parcels so designated, referred to henceforth as the zoned boundary.

3. Adjacent properties shall mean abutting properties or properties that are separated by a private or County right-of-way or easement, but properties that are separated by an arterial road shall not be considered adjacent.

4. Within those 150 feet, the character of the proposed development shall be the same as the character of development in that adjacent residential zone with regard to the building height and housing type.

5. The density may be increased by an additional two units per acre for every additional setback of 150 feet from the zone boundary.

6. Increases in density may be permitted for development of a planned unit development shown to be sufficiently similar in character and intensity so that compatibility is maintained.

7. The planned unit development shall use such techniques as screening and buffering and building height and design restrictions.

405.21 Infrastructure

Any new development, subdivision or PD shall be connected to a public water supply and a centralized sewer facility.

(a) Application

This Section shall not apply to the development of single-family lots of more than three acres in size or existing lots of record of less than three acres in size, either of which receive approval by the Health Department for well or septic permits.

(b) Burden of Proof

1. The burden shall be on the property owner to demonstrate that a lot of record was existing prior to February 7, 1989.
2. In both cases, the well and/or septic permits shall be considered temporary and shall be valid only until such time as central water and/or sewer capacity is made available. Such development shall then be required to tie into the central system(s).

405.22 Alternative Compliance

Except as otherwise provided in this Article, requests for alternative compliance from any provision of this Article may be made as follows:

(a) An applicant may submit a proposal which varies from the strict application of the requirements of this Article in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, promote the overriding public interest or general public welfare, or because the provisions of this Article do not apply or are unnecessary. Diminished value or inconvenience is not considered extraordinary hardship.

(b) The applicant shall have the burden of demonstrating the existence of the necessary conditions or reasons for alternative compliance. In any case where alternative compliance is granted, the alternative compliance shall be the minimum necessary to permit reasonable use or access. Mitigation measures may be required as a condition of granting the alternative compliance.

(c) Requests for alternative compliance shall be submitted as part of an application for development plan approval and shall be received and approved, approved with conditions, or denied by the Development Review Committee.

(d) An alternative compliance plan shall be approved only upon a finding that it fulfills the purpose and intent of this Article as well as, or more effectively than, would adherence to the strict requirements.

Article 6 13th Street Corridor Design Standards

405.23 Design Standards for Non-Residential Construction

(a) Purpose

1. These standards are intended to ensure that proposed non-residential development, change of use, new sign or any proposed redevelopment requiring development plan review within the 13th Street Corridor is integrated into the community through design that is human-scaled, that provides for efficient and safe vehicular and non-vehicular access and that contributes to the quality of life in Alachua County. These standards include guidelines for creating safer, efficient, pedestrian friendly projects that will benefit the citizens of Alachua County, improve the visual appearance and character of the area and provide for efficient land use and promote choice in transportation and access within the 13th Street Corridor.

2. The boundaries for the 13th Street Corridor design standards are depicted in Exhibit 405.23.1 and are generally described as those lands abutting SW 13th Street from the Gainesville City Limit (north boundary) to Paynes Prairie (south boundary).

(b) Development Standards

1. Building Design

a. Facades and Exterior Walls

i. Primary facades (those that face SW 13th Street or Williston Road (Main Street) shall incorporate wall plane projections and recesses for architectural relief. In no case shall a primary facade have an uninterrupted length greater than 20 feet.

ii. Primary facades shall have a minimum transparency requirement of 25 percent of their horizontal length. Where multiple structures are built that face SW 13th Street or Williston Road, each structure shall have a designated primary facade that meets the requirements of this Section. This may be achieved through the use of windows or glazed entry areas. Entry areas for non-residential structures shall be clearly delineated and include at least two of the following features:

(a) canopies/porticoes

(b) overhangs

(c) recesses/projections

(d) raised above-the-doorway cornice parapets

(e) arches

(f) peaked roof forms

(g) integrated architectural details such as tile work, moldings, planters, wing walls and/or landscaped seating areas.

b. Roofs

i. All roof-mounted heating, ventilating and air conditioning (HVAC) and mechanical equipment shall be located so as to be screened from public view at ground level. In addition, roofs shall have at least one of the following features:

(a) parapets concealing flat roofs and roof-mounted equipment. The height of such parapets shall not at any point exceed one-third (1/3) of the overall wall height measured from the finished floor line to the roof line. Such parapets shall feature a three-dimensional cornice treatment;

(b) sloping roofs shall have an average slope greater than or equal to 4:12 but not to exceed 12:12.

c. Materials and Colors

i. Primary facades shall have one of the following as their primary building material: brick, sandstone, limestone, other native stones, tinted/textured concrete masonry units (e.g. 'split-face block'), exterior insulation systems or stucco surfaces. Exterior building materials on primary facades shall not include exposed smooth-faced concrete block.

ii. The use of metallic, black or fluorescent colors for facades shall be prohibited.

iii. Building trim and accent areas may feature contrasting colors that complement those of the rest of the building.

2. Site Design and Relationship to the Surrounding Community

a. Adjacency to Residential Uses

Connectivity between non-residential development and adjacent residential uses shall be encouraged except where not appropriate based on safety concerns. Where these connections occur, safe pedestrian crossings shall be provided as part of the overall development plan.

b. Fencing

Fencing shall be screened by vegetation directly in front of the fence on the side of the right-of-way.

3. Pedestrian Circulation

a. Sidewalks

Sidewalks at least five feet in width shall be provided along all sides of lots that abut a public right-of-way.

b. Crosswalks

All pedestrian crosswalks shall be distinguished from driving lanes through one of the following methods to enhance pedestrian safety: use of contrasting surface materials such as pavers, brick or scored concrete or crosswalks painted using high durability paints. All crosswalks shall be subject to the requirements of the American with Disabilities Act (ADA).

4. Landscaping

In addition to the landscaping requirements found in the Unified Land Development Code, the following landscaping standards shall apply:

a. Vehicular Access Driveways

Primary access driveways from the public rights-of-way into the proposed development shall be completely separated from any parking area and/or pedestrian walkway provided such separation does not constitute a safety hazard. Such separation shall consist of a landscaped island, berms or vegetation.

b. Stormwater Management

Stormwater management areas shall be incorporated into the overall landscaping plan for the development and shall be designed to take on a natural appearance.

c. Trash and Recycling Receptacles

All solid waste and recycling containers shall be placed at the rear or side of the building. The container shall be enclosed with screening so that it is not visible from the street or adjacent property from ground level. The enclosing screening shall be painted and/or finished with the same material as is used on the building. The enclosing screening shall also be fitted with an opaque sliding or hinged door and working latch.

d. Ground Mounted HVAC Equipment

All ground mounted exterior HVAC equipment shall be placed at the rear or side of the building. All HVAC equipment shall be screened from ground level public view by one of the following methods:

i. a vegetative screen, or

ii. a walled enclosure whose materials complement the main building.

5. Signs

Signs shall be designed to be integrated with the character of the building architecture and shall be reviewed and approved as part of the overall development plan approval process by the Development Review Committee. In addition to other sign requirements found within the Article 3, Signs, Chapter 407, the following standards shall apply:

a. Free Standing Signs

Site identification signs shall be monument ground mounted signs no taller than eight feet above the natural grade. Free standing identification signs may be externally illuminated provided the surface of the sign is a non-glare material such as wood, stucco or textured surface. Any external above ground light source shall be located and hidden within a planter bed or in a burial fixture. Sign lights shall be focused, directed and arranged as to prevent glare or cause a traffic hazard. Light from illuminated signs shall not spill over onto adjoining properties or roads. No flashing or pulsating lights or internally illuminated signs shall be permitted.

b. Building Signs

Building signs may be externally illuminated provided the surface of the sign is a non-glare material such as wood, stucco or is textured. Building signs may also be internally illuminated only if they consist of individually cut letters that do not exceed 24" in height.

c. Design and Color

Building signs shall be consistent with the architecture, design and color of their respective building. The use of contrasting colors that are not consistent with the overall development shall be limited to corporate logo building signs (in the case of non-residential development) that identify individual tenants.

d. Neon Lighting

Except for channel letter building signs, neon signs and neon accent features on structures shall be prohibited.

e. Application Procedures for Sign Permits

When applying for a sign permit within the 13th Street Corridor, the applicant shall submit, in addition to their application, two copies of all sign elevations at a scale of 1/2" = 1' with one copy showing dimensions and specifications and one copy showing the sign only with a human and automobile scale figure.

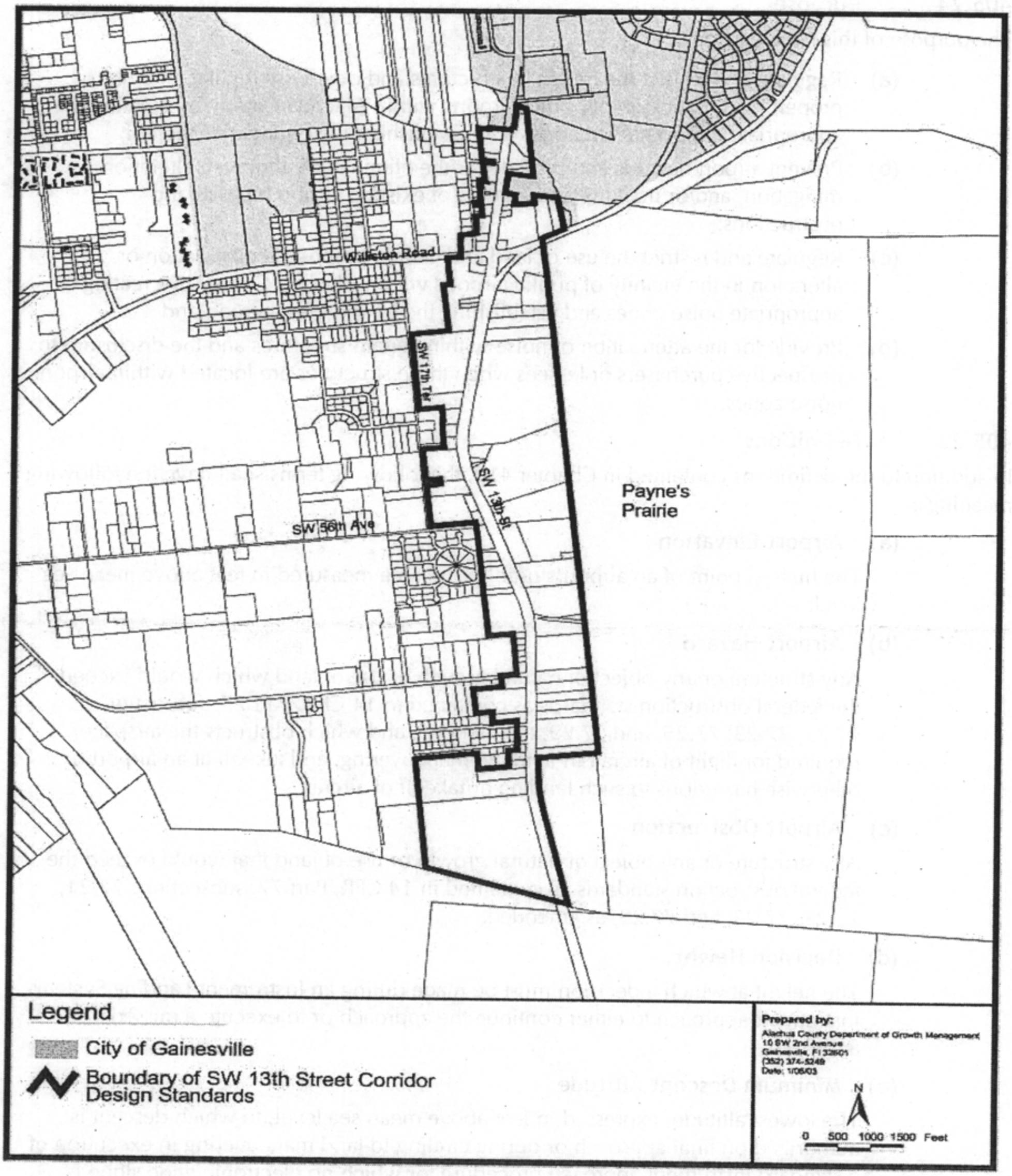
6. Development Review Submittal

In addition to the requirements of this code, colored elevation drawings of all primary facades at a scale of 1/8" = 1'-0" shall be included with all DRC applications to ensure compliance with these development standards.

7. Alternative Compliance

An applicant may submit site or building plans that vary from the requirements of this Section in order to accommodate unique site features or utilize innovative design. The applicant shall provide a justification statement as to why such an alternative is warranted. The Development Review Committee will approve alternative plans only if it finds that the alternative plans are needed to accommodate unique site features or utilize innovative design, and fulfill the purpose and intent of this Section more effectively than strict adherence to the requirements of this Section.

Exhibit 405.23.1
13th Street Corridor Map



Article 7 Airport Impact Regulations

405.24 Purpose

The purpose of this Article is to:

(a) Regulate and restrict the height of structures and otherwise regulate the use of property in the vicinity of public airports within Alachua County by creating the appropriate airport hazard zones and establishing the boundaries thereof;

(b) Prevent airport hazards and provide for the elimination, removal, alteration, mitigation, and/or marking and lighting of existing airport hazards and obstructions;

(c) Regulate and restrict the use of land and certain proposed construction or alteration in the vicinity of public airports within Alachua County by creating appropriate noise zones and establishing the boundaries thereof; and

(d) Provide for the attenuation of noise within certain structures and the disclosure to prospective purchasers or lessees when these structures are located within airport noise zones.

405.25 Definitions

In addition to the definitions contained in Chapter 410, the following terms shall have the following meanings:

(a) Airport Elevation

The highest point of an airport's usable land area measured in feet above mean sea level.

(b) Airport Hazard

Any structure or any object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended, and which obstructs the airspace required for flight of aircraft in landing, maneuvering, and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

(c) Airport Obstruction

Any structure or any object of natural growth or use of land that would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended.

(d) Decision Height

The height at which a decision must be made during an Instrument Landing System instrument approach to either continue the approach or to execute a missed approach.

(e) Minimum Descent Altitude

The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure for which no electronic glide slope is provided.

(f) Minimum Obstruction Clearance Altitude

The lowest published altitude in effect between radio fixes on Very High Frequency Omni Directional Range Station (VOR) airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

(g) Nonprecision Instrument Runway

A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

(h) Precision Instrument Runway

A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on a FAA-approved airport layout plan, a military service's approved military airport layout plan, any other FAA planning document, or a military service's military airport planning document.

(i) Utility Runway

A runway that is constructed for and intended to be used only by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.

(j) Visual Runway

A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indication on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

405.26 Hazard Zones

Zone sizes and height limitations established in this Section conform to the standards for determining obstructions to air navigation of 14 CFR Part 77, Section 77.23. To carry out the provisions of this Article, there are hereby created and established certain airport hazard zones as they apply to the Gainesville Regional Airport and Flying Ten Airport. Such zones are defined hereinafter and are shown on the Official Zoning Map. Any area located in more than one of such zones is considered to be in the zone with the more restrictive height limitation. Except as otherwise provided herein, no structure will be erected, altered, or maintained in any zone created by this Section in excess of the applicable height limits for such zones.

(a) Primary Zone

The primary zone is an area longitudinally centered on a runway, extending to each end for turf or sod runways or extending 200 feet beyond each end of a hard-surface runway, with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off area, or

is of a greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

1. **Gainesville Regional Airport**
   a. 1,000 feet for precision instrument and nonprecision instrument runways (Runways 10 and 28).
   b. 500 feet for nonprecision instrument runways having visibility minimums greater than three-quarters statute mile (Runway 24).
   c. 500 feet for visual runways having only visual approaches (Runway 6).
2. **Flying Ten Airport**
   250 feet for utility runways having only visual approaches (Runways 18 and 36).

(b) Horizontal Zone

The horizontal zone is the area around each airport identified herein with an outer boundary, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone to each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is as follows:

1. **Gainesville Regional Airport**
   a. 10,000 feet for all runways not designated as utility or visual (Runways 28, 10, and 24).
   b. 5,000 feet for all runways designated as utility or visual (Runway 6).
2. **Flying Ten Airport**
   5,000 feet for all runways designated as utility or visual (Runways 18 and 36).

(c) Height Restriction

No structure or obstruction will be permitted in the horizontal zone at either the Gainesville Regional Airport or Flying Ten Airport that has a height greater than 150 feet above the airport elevation.

(d) Conical Zone

The conical zone is the area extending outward and upward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport elevation at the inner boundary of the conical zone, with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport elevation at the outer boundary.

(e) Approach Zone

An approach zone is the area longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary zone. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

1. **Inner Edge**
   The inner edge of the approach is the same width as the primary zone and it expands uniformly to a width of:

a. **Gainesville Regional Airport**

i. 16,000 feet for precision instrument runways (Runway 28).

ii. 3,500 feet for nonprecision instrument runways (Runways 10 and 24).

iii. 1,500 feet for that end of a runway other than a utility runway with only visual approaches (Runway 6).

b. **Flying Ten Airport**

i. 1,250 feet for that end of a utility runway with only visual approaches (Runways 18 and 36).

2. Approach Surface

The approach surface extends for a horizontal distance of:

a. **Gainesville Regional Airport**

i. 50,000 feet for all precision instrument runways (Runway 28).

ii. 10,000 feet for all nonprecision instrument runways other than utility runways (Runways 10 and 24).

iii. 5,000 feet for all utility or visual runways (Runway 6).

b. **Flying Ten Airport**

5,000 feet for a utility and visual runway (Runways 18 and 36).

3. Permitted height

Permitted heights within the approach zones are the same as the runway end height at the inner edge of each approach zone, and increase with horizontal distance outward from the inner edge as follows:

a. **Gainesville Regional Airport**

i. Permitted height increases one foot vertically for every 50 feet horizontal distance for the first 10,000 feet and then increases one foot vertically for every 40 feet horizontal distance for an additional 40,000 feet for all precision instrument runways (Runway 28).

ii. Permitted height increases one foot vertically for every 34 feet horizontal distance for all nonprecision instrument runways other than utility runways (Runways 10 and 24).

iii. Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways (Runway 6).

b. **Flying Ten Airport**

Permitted height increases one foot vertically for every 20 feet horizontal distance for all utility and visual runways (Runways 18 and 36).

(f) Transitional Zone

The transitional zone is the area extending outward and upward from the sides of the primary zones and approach zones. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where they adjoin and increase at a rate of one foot vertically for every seven feet horizontally,

with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the approach zone that extends beyond the conical zone.

405.27 Exception to Height Limitations

Except as required in §405.26 nothing in this Article shall be construed as prohibiting the construction or maintenance of any structure to a height of 45 feet above ground level at the site of the structure.

405.28 General Height Restriction

Structures or obstruction shall not be permitted within the unincorporated area of Alachua County outside of the zones created by §405.26 that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised, or impose either the establishment of restrictive minimum climb gradients or nonstandard takeoff weather minimums for any runway at the Gainesville Regional Airport or the Flying Ten Airport. Structures or obstructions not exceeding 75 feet in height above ground level shall be excluded from the provisions of this subsection only.

405.29 General Use Restrictions

In addition to other provisions of this Article, the following requirements shall apply to the entire unincorporated area of Alachua County.

(a) Lights and Illumination

All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in vicinity thereof.

(b) Visual Hazards

No operations from any type of use shall produce smoke, glare, or other visual hazards within three statute miles of any usable runway of a public airport.

(c) Electronic Interference

No operations from any type of use shall produce electronic interference with navigational signals or radio communication between the airport and aircraft.

(d) Marking and Lighting of Nonconforming Structures

Any owner of any nonconforming structure or airport obstruction is hereby required to permit the installation, operation, and maintenance thereof of such markers and lights as shall be deemed necessary by the County, in accordance with FAA Advisory Circular 70/7460-1 entitled "Obstruction Marking and Lighting," as incorporated by 14 CFR, Part 77, subsection 77.11(b)(3), as amended, to indicate to the operators of aircraft in the vicinity of airports the presence of such airport hazards or obstructions. Such markers and lights shall be installed, operated, and maintained at the expense of the owner or operator of such structure or airport obstruction.

405.30 Noise Contour (Ldn) Lines

(a) Purpose

The purpose of this subsection is to restrict the use of land in this overlay district to those uses that are compatible with the high ambient noise levels created by low flying aircraft following prescribed flight paths in landing or takeoff from Gainesville Regional Airport, in order to:

1. protect Gainesville Regional Airport against encroachment of land uses which might affect the operational capacity of the airport; and
2. limit new or redeveloped land uses to those uses that are compatible with the noise environment around the airport.

(b) Description of Noise Contour (Ldn) Lines

The existing noise contour (Ldn) lines as adopted in the Transportation Mobility Element of the Alachua County Comprehensive Plan shall serve as the general boundaries for these areas and shall be shown on the Official Zoning Map.

(c) Restrictions and Standards

All new dwelling construction shall comply with the standards, requirements, and guidelines on noise abatement and control, as set forth in 24 CFR Part 51, Subpart B, Environmental Criteria and Standards, of Title 24 CFR, as existing or amended, and shall also conform with The Noise Guidebook (U.S. Department of Housing and Urban Development, Office of Community Planning and Development), where applicable.

(d) Prohibited Uses

Residential structures within the 70 Ldn line shall be prohibited.

(e) Uses Requiring Attenuation of Noise

1. Uses within the 65-70 Ldn Area

The following uses located within the 65–70 Ldn area shall be required to incorporate noise level reductions of 25 decibels (dB) in the design and construction of enclosed structures:

a. institutional uses; and
b. residential structures.

2. Uses within the 70 Ldn Area

The following uses located within the 70 Ldn line shall be required to incorporate noise level reductions of 25 dB in the design and construction of enclosed structures:

a. commercial;
b. manufacturing; and
c. recreation (those portions where the public is received, office areas; or where the normal noise level is low).

3. Noise Level Reduction for Institutional Uses

Institutional uses located within the 70 Ldn line shall be required to incorporate noise level reductions of 30 dB in the design and construction of enclosed structures.

(f) Special Exceptions

Special exceptions may be granted, pursuant to the provisions of these regulations, for:

1. Uses similar to the permitted uses listed above and whose internal activities create such high noise thresholds that they are not likely to be affected by high external noise thresholds created by low-flying aircraft following prescribed flight paths in landing or take-off from Gainesville Regional Airport; or
2. Uses similar to the permitted uses listed above and that by nature would not be affected by high external noise thresholds.

405.31 Variances

Any person desiring to erect any structure or use property in a manner that is not in conformance with this Section may apply to the Board of Adjustment for a variance from the provisions of this Section. A variance shall be requested as provided in Article 25 of Chapter 402. Variances shall comply with the requirements of F.S. § 333.07(2) regarding notification and action on the part of the Board of Adjustment. In addition:

(a) Each applicant for variance shall show documentation of compliance with Federal Notice of Construction under 14 CFR part 77, Subpart B, and a valid aeronautical evaluation of the proposed construction;

(b) Consideration of criteria in F.S. § 333.025(6) shall be used to determine whether to issue or deny a variance;

(c) A variance shall not be approved solely on the basis the proposed structure will not exceed federal obstruction or any other federal aviation regulation.

405.32 Disclosure Statement Required

A disclosure statement shall be given by any person selling, leasing, assigning, or otherwise conveying any interest in any real property located in the noise contour (Ldn) lines as described herein to the other party or parties to the transaction. The disclosure statement is required for the purpose of informing any person considering obtaining any such interest in said real property that the property is located in an area or district as defined herein as affected by noise generated by operations of the Gainesville Regional Airport. The disclosure statement shall be on such form as prescribed by the County.

Article 8 Preservation Buffer Overlay District

405.33 Description

The Preservation Buffer Overlay District includes all real property within 660 feet of lands that are designated as Preservation according to the Future Land Use Map of Alachua County, or an equivalent category designated on the Future Land Use Map of any adjacent jurisdiction or any other public park or preserve established for the purpose of preserving natural habitats.

(a) Intent

The intent of the Preservation Buffer Overlay District is to protect the quality and integrity of Preservation lands from impacts of adjacent development on wildlife, including listed species, wildlife habitat, water quality and quantity, native vegetation, and human use and enjoyment of Preservation lands, while protecting the rights of property owners. The intent is also to provide the appropriate management entities of the identified Preservation areas an opportunity to review and provide recommendations on development activities within the overlay district.

(b) Application and Administration

1. Development Plan Review Required

a. Development Plan Review, as provided in Article 10 of Chapter 402, shall be required for all development activity within the Preservation Buffer Overlay District.

b. The construction or alteration of a single-family residence on an individual lot of record that otherwise meets the requirements of this Article shall not require Development Plan Review.

2. Notification of Affected Agencies

a. The Florida Department of Environmental Protection; the applicable water management district; or any other relevant state, regional, or local public agencies with management responsibility for the adjacent Preservation lands shall be notified of each development application within the district and requested to provide written comments and recommendations regarding:

i. the recommended width of the buffer area to be established based on the proposed development activity and on the standards and criteria contained in this Article; and

ii. the development limitations which should apply within such buffer area.

b. Where listed species are identified on lands within the Preservation Buffer Overlay District proposed for development, or on adjacent Preservation lands, the Florida Fish and Wildlife Conservation Commission shall be notified of a development application and requested to provide written comments and recommendations.

3. Development Location

All development on lands within the Preservation Buffer Overlay District shall be located on the portion of the site that results in the least adverse impact on adjacent Preservation lands.

4. Required Buffer Width

A minimum buffer width of 100 feet shall be required from the boundary of any Preservation lands, unless otherwise provided in this subsection.

a. A buffer width of less than 100 feet may be approved, in conjunction with the construction of a public park or a single-family residence on an individual lot of record, through the Development Plan Review Process. The Development Review Committee or Board of County Commissioners may include conditions to ensure that the reduced buffer width is consistent with the intent of the Preservation Buffer Overlay District regulations and the recommendations of the managing entity for the adjacent Preservation lands.

b. A buffer width of more than 100 feet may be required through the Development Plan Review Process if scientific evidence indicates it is necessary to protect habitat of listed species whose range includes any lands within the Preservation Buffer Overlay District and adjacent Preservation lands, or to address water quality or quantity concerns.

c. For existing lots of record less than or equal to three acres in size, the Director may grant a reduction in buffer width as it applies to placement of single family residential structures and related improvements only, according to the following provisions. If the following provisions cannot be met, an applicant may request a reduction from the Development Review Committee in accordance with subsection a above.

i. For lots smaller than one acre the buffer width for placement of single family residential structures and related improvements may be no less than 25 feet. Activities listed in §405.33(c)3 are still prohibited activities within the entire 100 foot buffer area, with the exception of the activities listed in item b and the placement of any fill necessary for construction of the residential structure.

ii. For lots one acre in size to three acres in size the buffer width for placement of single family residential structures and related improvements may be no less than 50 feet. Activities listed in §405.33(c)3 are still prohibited activities within the entire 100 foot buffer area, with the exception of the activities listed in item b and the placement of any fill necessary for construction of the residential structure.

d. The determination for a reduction or increase in the width of the buffer shall be based on the following general factors:

i. type of development proposed and associated potential for adverse site-specific impacts;

ii. type of development proposed and associated potential for adverse off-site impacts;

iii. natural community type and associated hydrologic or management requirements of the adjacent preservation lands;

iv. characteristics of the overlay zone, such as vegetation, soils, and topography;

v. required buffer function (e.g., water quality protection or wildlife habitat requirements); and

vi. presence of rare, threatened, or endangered species of plants and animals; and

vii. recommendations of the managing entity of the adjacent Preservation area.

(c) Development Standards for Buffer Area

Within the buffer area, the standards listed below shall apply:

1. Maintenance in Natural State

The buffer area shall be maintained in its natural undisturbed state. No activity shall occur within the required buffer area, except as expressly provided in this Article or as approved by Alachua County. The above shall not be interpreted to prohibit the removal of non-native, dead, or fallen vegetation or the planting of non-invasive native vegetation that is compatible with site characteristics and with the vegetation and wildlife requirements of adjacent properties.

2. Firewise

If the required buffer is located in an area identified as a high wildfire hazard, selective thinning or clearing of dead, diseased, and fire-prone vegetation may be permitted within the buffer area in order to comply with the Firewise Requirements identified in §407.43(i) of this ULDC. A landowner must receive administrative approval from the County prior to such thinning or clearing of vegetation. The following information must be submitted with a request for administrative approval:

a. an analysis of the wildfire hazards as influenced by existing vegetation and topography;

b. a map showing the location of the areas to be cleared of dead, diseased, or fire-prone vegetation or trees;

c. a map showing the location of areas where vegetation or trees will be thinned to reduce the interlocking canopy; and

d. proposed methods of clearing or removal.

3. Prohibited Activities

The following activities shall be prohibited within the buffer area:

a. septic tanks and drainfields;

b. placement of any roads, utilities, or structures except as provided in subsection (e) of this Article;

c. planting of invasive, nonnative vegetation;

d. excavation or fill;

e. maintaining livestock, except as specifically allowed by an approved management plan;

f. storage or parking of equipment, supplies, materials, machinery, and portable or temporary buildings; and

g. application, use, or storage of herbicides, pesticides, fertilizers, or chemical agents, except any application of herbicides which may be specifically allowed by an approved management plan for the purpose of controlling the spread of existing invasive vegetation onto Preservation lands.

4. Permitted Activities

Within the setback area, the following uses are permitted:

a. elevated walkways and stairs;

b. elevated decking, not to exceed a total of 200 square feet;

c. post and rail fencing not to exceed four feet in height and not to have opacity greater than ten percent; and

d. public trails.

5. Protective Barriers

Prior to the commencement of any construction activity within the developable area, placement of temporary barriers may be required to protect existing vegetation within the setback area.

6. Damage to Buffer Area

Any damage resulting from development activities to existing vegetation, soils, or topographic features within the buffer area shall be repaired using equivalent native materials. Any damage shall be repaired prior to the issuance of a Certificate of Occupancy for any portion of the development site.

7. Compliance with Management Plan

Any other conditions contained in an approved management plan, other than continuing maintenance responsibility, shall be carried out prior to issuance of a Certificate of Occupancy for any portion of the development site.

(d) Management Plan

A management plan may be required in order to provide for protection of natural and historic resource values and characteristics in the buffer and adjacent preservation areas, in accordance with Article 20, Management Plans, of Chapter 406.

(e) Exemptions

The following sites and activities shall be exempt from the provisions of this article:

1. All exemptions identified in Chapter 406 of this Code, Natural and Historic Resources Protection, §406.06.

2. Upon notice to the County, emergency repairs on public or private projects necessary for the preservation of life, health or property.

3. Maintenance of publicly or privately owned portions of a structural stormwater or drainage control system that does not constitute major construction or rebuilding.

Article 9 Scenic Road Corridors Overlay

405.34 Objectives of Article

The objectives of this Article are as follows:

(a) To promote the convenience and enjoyment of public travel on the highways, roadways, and other travel corridors of the county.

(b) To protect the natural and cultural heritage scenic road corridors of the county and to enhance their resource values for the enjoyment of future generations.

(c) To protect the public investment in scenic road corridors from activities, land uses, signs, etc., which impair both the integrity of the corridor, its capacity for traffic, and its visual qualities.

(d) To provide safe facilities for leisure driving, hiking, and biking.

(e) To provide access to and protect outstanding visual experiences representative of the county's variety of landscape resources and cultural attractions.

(f) To contribute to the environmental and historical appreciation of the county and education of the residents and visitors.

(g) To attract visitors to the county by preserving natural beauty along the scenic road corridors.

(h) To expose scenic views and vistas along the travel corridor.

405.35 Guidelines for Designation

To measure the significance of the scenic, historical, and cultural value of scenic road corridors, the following guidelines shall apply:

(a) The quality of its scenic, historic, or cultural resources is unique and/or of sufficient magnitude to merit regional or county recognition;

(b) A variety and diversity of visual experience created by land form, changes in terrain, natural vegetation, type of landscape and/or land use activity is provided;

(c) Access between or to recreation areas or points of scenic, cultural, historical, or scientific interest occur as part of the system;

(d) The immediate roadside or corridor is relatively free of commercial or other development restrictive of scenic quality; and

(e) The scenic road corridor's natural, scenic, and cultural resources are not damaged beyond their recognition and it is relatively easy to restore their initial resource value.

405.36 Specific Criteria for Designation

To receive the designation of scenic road corridor, one or more of the following criteria must apply:

(a) Scenic Resource Significance

1. Interesting geomorphic formations.
2. Type of natural vegetation.
3. Presence or nearness of water bodies (by type).
4. Overall landscape composition.

(b) Archaeological Resource Significance

Area of archaeological importance.

(c) Historical Resource Significance

1. Road developed prior to era of interstate development.
2. Sites of historical importance.

(d) Cultural Resource Significance

1. Unspoiled character of resource (no adverse land uses and structures).
2. Amenability for multiple recreational uses for pedestrian, equestrian, or bicycle paths, and passive recreation.

(e) Priority of Criteria

1. Scenic quality.
2. Variety of recreation experience.
3. Compatibility with other corridor users.
4. Harmony with other land use.
5. Access to parks and other recreation.
6. Popular demand.
7. Degree of urgency if the corridor is to be protected.
8. Protection of ecology.
9. Suitability for use by other transportation modes (bus, pedestrian, equestrian, bicycles).
10. Type of developmental possibilities.
11. Resource vulnerability to incompatible land use.

405.37 Protected Area Along Scenic Road Corridors

The area within 100 feet of the right-of-way lines or the limits of the County's prescriptive use on any road designated as a scenic road corridor shall be the protected area of the corridor.

405.38 Restrictions Along Scenic Road Corridors

The County Commission may designate by resolution or ordinance scenic road corridors for purposes of preservation. In preserving a scenic road corridor, the County Commission shall have the power to impose restrictions along the corridor, including, but not limited to, the following:

(a) Providing and erecting markers designating Scenic Road Corridors.

(b) Prohibition of outdoor advertising signs within the protected area except small (7 1/2-square-foot maximum) signs advertising residential development or homes for sale on lots or parcels of property immediately adjacent to the corridor and subdivision entryway signs constructed in accordance with Article 3 of Chapter 407.

(c) The setting and posting of speed limits.

(d) The setting and posting of maximum weight limits and classes of vehicular travel.

(e) Prohibiting the removal of trees which have attained a diameter of eight inches or more at a point 4 1/2 feet above average ground level within the protected area except under circumstances where trees have died or the over-grown trees have hindered sight lines and safety factors creating traffic hazards in accordance with

the requirements of §406.12(b) of this ULDC, or where no access to the property is available without removal of such trees.

(f) Providing for preservative maintenance to protect and enhance scenic quality in accordance with §405.39.

(g) Prohibiting structures within the protected area except for the following:

1. Fences with opacity of not more than 50 percent when viewed along a line of sight perpendicular to the fence shall be permitted with an approved administrative permit.

2. Traffic signals shall be permitted.

3. Street lights shall be permitted within 25 feet of intersecting right-of-way lines.

4. Subdivision entryway signs, decorative walls, and fences built as entryway features and permitted in accordance with this ULDC shall be permitted according to the following:

a. The line of sight is to be viewed as perpendicular to the centerline of the Scenic Roadway;

b. The entryway structure is not to exceed six feet in height except for columns and posts, which may not exceed eight feet in height. Structures may be allowed to extend to eight feet in height and columns and posts to ten feet in height at pedestrian and bicycle access points;

c. The width of the entryway structure is not to exceed 50 feet in a perpendicular direction from the entrance road edge of pavement;

d. The entryway structure shall be designed in a manner that is consistent with the intent of this Chapter and blend with the natural surroundings and aesthetics of the scenic road corridor. Materials and colors utilized shall be in earth tones or natural woods;

e. Landscaping shall be provided and maintained along those areas that are visible from the scenic road corridor line of sight to "soften" the appearance of the entryway structure; and

f. The use of high-intensity lighting for any of these features is prohibited.

(h) Prohibiting any commercial activity within the protected area

(i) Prohibiting overhead utilities within the protected area, except for the following:

1. Utility drops may be installed to previously existing buildings within the protected area.

2. Primary electrical transmission lines carrying 25,000 volts or more may be exempted from this restriction by the County Commission after development plan approval when such transmission lines propose to cross the protected area perpendicular to the scenic road corridor.

3. Utility lines carrying less than 25,000 volts shall be installed underground when making a perpendicular crossing to service new development; however, the installation of an attractively landscaped electric transformer to the buildings or structures in such new development from an underground electric connection shall be permitted within the protected area.

(j) Providing for the mapping and description of all designated scenic road corridors in the Comprehensive Plan as part of the Conservation and Open Space Element.

(k) Nothing herein shall be construed as otherwise denying the use of the protected area as yard space.

405.39 Maintenance of Corridors and Scenic Quality

The County Engineer shall implement the following guidelines for scenic road corridor maintenance:

(a) Conserve and restore the high quality of natural resources and unique features such as tree canopy, ground cover, animals and geological features in their natural state.

(b) Preserve cultural and historical character.

(c) Clear cutting of vegetation in the scenic road corridor right-of-way shall not be permitted, except as authorized in subsection (d) of this section, and except under such circumstances where the sight lines are obstructed and contributing to traffic hazards after fulfilling procedures in §405.41(b)3; provided, however, that one annual clear cutting shall be permitted, if necessary, to restore scenic vistas along a corridor.

(d) Selective vegetation cutting may be permitted to open up and enhance views and vistas within the scenic road corridor right-of-way upon recommendation of the staff and approval of the County Commission.

(e) Where proper permits have been obtained controlled burning may be practiced where necessary to encourage vegetation growth and control insect and pest occurrence.

(f) Mowing shall be permitted in drainage ditches to prevent clogging and overflow.

(g) Trees and other vegetation damaged beyond the restoration stage, either by natural causes or accidents, should be removed. Attempts should be made to replant such areas to bring them to their original state.

(h) In cases where recreation access and/or facilities (scenic overlook, picnic areas, multi-purpose trails, unpaved parking) are provided, they shall be maintained on a regular basis.

405.40 Variances

The County Commission may grant variances from the terms of this Chapter if serving the public interest and where, due to special conditions, a literal enforcement of the provisions would result in unnecessary and undue hardship or a safety hazard. Public notice shall be provided in accordance with Article 4 in Chapter402 of this ULDC. In granting variances, the County Commission shall make a finding that:

(a) Special conditions and circumstances exist which are peculiar to the land, such as size, shape or topography, which are not applicable to other lands in the protected area;

(b) The special conditions and circumstances do not result from the actions of the applicant;

(c) The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(d) The variance is necessary to promote public safety.

405.41 Procedure for Designation

(a) Method of Designation

1. Once a request has been received to designate a particular road as a scenic road corridor, staff will review the proposal and prepare a report and recommendation to be presented to the County Commission.
2. Should staff's report be favorable, the County Commission shall give public notice of a hearing to consider designation as a scenic road corridor, in accordance with the requirements of Article 4, Chapter 402 of this ULDC. The notice shall include the following:
   - **a.** Description and location of the corridor and popular name;
   - **b.** Maximum weight limit to be set, if any;
   - **c.** Speed limit to be set, if any;
   - **d.** Description of the protected area; and
   - **e.** Any other special limitation, restriction or use not covered above which may be imposed along the scenic road corridor.

(b) Modification or Revocation of Designation

1. Addition of Right-of-Way Width

The addition of right-of-way width along a designated scenic road corridor shall have no effect upon the reservation and protection of the full designated protected area unless and until the County Commission approves an improvement plan that encroaches into the full designated protected area and financing of construction for the reclassified designated scenic road corridor has been established. In such instance, the scenic nature of the road shall be preserved to the maximum extent possible. This may include replanting of similar types of vegetation, including native vegetation, if available.

2. Change in Character

In the event of change in character of a designated scenic road corridor, whether due to natural disaster or degradation, except for man-made disaster or degradation, the same procedure specified in subsection (a) of this Section shall be utilized to consider continuing designation of the road as a scenic road corridor. In no case shall a change in character, where due to natural or man-made causes (such as incorporation in municipal limits), result in revocation unless a study report of the staff clearly shows that restoration to the original character of the scenic road corridor is impracticable. The same procedures specified in subsection (a) of this Section shall be used to modify designated scenic road corridors.

3. Revocation

No designated scenic road corridor shall be revoked for any reason whatsoever except by the procedure specified in subsection (a) of this Section. A designated scenic road corridor may be revoked by the procedures specified in subsection (a) of this Section when:

- **a.** Its character has been adversely altered by natural causes, rendering it irretrievable as a scenic road corridor; or

b. Imminent construction due to reclassification as provided in paragraph 1 above, when such construction irrevocably destroys the scenic character of the protected area.

(c) Public Hearing

1. At the time of hearing, the proof of publication of the required notice shall be filed with the County Commission.

2. Mailed notice shall be provided to all property owners located along the proposed corridor no later than 15 days prior to the public hearing.

3. At the hearing, the County Commission shall hear all interested parties and, should it determine that a road should be designated, modified, or revoked as a scenic road corridor, it shall adopt an appropriate resolution or ordinance stating the same.

4. Each such resolution or ordinance by the Board of County Commissioners shall have the effect of designating, modifying, or revoking, as the case may be, a road as a scenic road corridor.

5. Such designation, modification, or revocation as a scenic road corridor shall become effective when a certified copy of such resolution or ordinance has been filed by the Board in the office of the Clerk of the Circuit Court and duly recorded in the public records of the County.

Article 10 Eastside Activity Center Overlay District

405.42 Eastside Activity Center Overlay District

(a) Description of District

This district includes all properties within the Eastside Activity Center boundaries as shown on Map 12 (Eastside Activity Center Master Plan – Future Land Use) in the map series of the Future Land Use Element, Alachua County Comprehensive Plan.

(b) Intent

The intent of this district is to implement the Eastside Activity Center Master Plan as well as the Objectives, Goals and Policies for the Activity Center as provided in Policy 2.5.10 of the Comprehensive Plan's Future Land Use Element. The Eastside Master Plan is intended to create a mixed-use activity center with neighborhood-oriented retail, institutional, residential and office uses.

(c) Zoning

The following zoning districts shall be implemented as shown on Map 12 (Eastside Activity Center Master Plan) of the Future Land Use Element and shall supercede all existing zoning designations found within the Activity Center:

1. Mixed Use
2. Mixed Use – Neighborhood Convenience Center
3. Mixed Use Employment
4. Mixed Use Residential (1-4du/acre)
5. Mixed Use Residential (4-8 du/acre)
6. Mixed Use Residential (8-14 du/acre)
7. Institutional

(d) Permitted Uses

The following permitted uses shall be allowed within each of the Activity Center zoning districts:

Table 405.42.1
Permitted Uses in Eastside Activity Center Zoning Districts[1]
~~Zoning District[1]~~

	Mixed Use	Mixed Use - Neighborhood Convenience Center	Mixed Use - Employment	Mixed Use - Residential[2] (1-4du/ac)	Mixed Use - Residential[2] (4-8du/ac)	Mixed Use - Residential[2] (8-14du/ac)	
Commercial	Convenience store, drug store, grocery store, laundry, dry cleaning, day care center	Retail sales and services	Retail sales and services	Retail sales and services	Retail sales and services	Retail sales and services	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities
Office	Business & professional offices, business and professional services, technology based firms	Business & professional offices, technology based firms	Business & professional offices, technology based firms	Business & professional offices, technology based firms	Business & professional offices, technology based firms	Business & professional offices, business and professional services, technology based firms	
Residential	Single family attached and detached, multi-family dwellings (8-14 du/acre)	Single family attached and detached, multi-family dwellings (maximum 8 du/acre)[43]	Single family attached or detached (maximum 2 du/acre)[54]	Single family attached and detached, multi-family dwellings (1-4 du/acre)	Single family attached and detached, multi-family dwellings (4-8 du/acre)	Single family attached and detached, multi-family dwellings (8-14 du/acre)	
Institutional	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	Public and private educational facilities, business incubators, job training centers, cultural facilities, libraries and health care facilities	

Notes

1. Public Civic Uses (as defined in FLUE Policy 2.5.10.8) are allowed in all districts
2. Non-residential uses are allowed only within mixed-use buildings in the 'Mixed Use - Residential' zoning districts
3. Uses in the Institutional area identified for Civic Open Space may be established in accordance with FLUE Policy 2.5.10.7.
4. In order for this density to occur, there must be a minimum of 1,000 square feet of non-residential uses for each dwelling unit
5. In order for this density to occur, there must be a minimum of 2,000 square feet of non-residential uses for each dwelling unit

(e) Development Standards

The following development standards shall be allowed within each of the Activity Center zoning districts:

Table 405.42.2
Development Standards in Eastside Activity Center Zoning Districts
~~**Zoning District**~~

	Mixed Use	Mixed Use - Neighborhood Convenience Center	Mixed Use - Employment	Mixed Use-Residential (1-4du/ac)	Mixed Use-Residential (4-8du/ac)	Mixed Use-Residential (8-14du/ac)	Institutional
Building Height	Maximum 60 feet	Maximum 45 feet	Maximum 35 feet	Maximum 35 feet	Maximum 45 feet	Maximum 55 feet	Maximum 55 feet
Floor Area Ratio (F.A.R.)	Non-residential only - 0.20 Mixed use - 0.25	Non-residential only - 0.15 Mixed use - 0.20	No-residential only - 0.40	None	None	None	None
Setbacks	None	None	None	None	None	None	None
Building Limitations	Retail uses shall not exceed 60% of total allowed non-residential floor area	At least 50% of residential dwelling units shall be located above non-residential uses within mixed use buildings	Retail uses must be located mixed use buildings that also contain non-retail uses. No more than 5% of the total floor area may be used for retail	Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building[1]	Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building[1]	Non-residential uses within mixed use buildings shall not exceed 30% of the useable floor area of the building[1]	None

Notes
Individual retail uses within mixed use buildings shall not exceed 3,000 square feet per storefront

(f) Public Civic Uses

Public civic uses that are~~shall be~~ open to the general public shall be permitted in all zoning districts within the activity center. Permitted uses shall include educational facilities, cultural, social, active recreation, community centers and libraries. A density bonus of 1 dwelling unit per 500 square feet of indoor public civic use and 1 dwelling unit per 5,000 square feet of outdoor public civic use shall be permitted.

(g) Transportation and Traffic Circulation

An internal traffic circulation system shall be implemented in coordination with Future Land Use Policy 2.5.10.4 and the East Side Activity Center Community Facilities Map. All transportation corridor and traffic circulation improvements shall be made as conditions of development plan approval. All improvements shall connect to existing roads and rights-of-way except where this is precluded by existing development or environmental features.

(h) Natural Resource Protection

New development within the Activity Center shall take into account the Eastside Greenway Strategic Ecosystem as identified on the Eastside Activity Center Community Facilities Map. The primary purpose of the Strategic Ecosystem Wildlife Corridor identified on the Facilities Map is to preserve the integrity of the Eastside

Greenway Strategic Ecosystem. Therefore, all proposed development activity shall be designed to ensure the continued viability of the Ecosystem as well as providing for a wildlife corridor within the ecosystem with an average width of 300 feet. This shall include, but is not limited to, providing an appropriate set aside for the corridor that is integrated into all proposed development plans. Where the requirements in this section exceed those found under the general policies and requirements for Strategic Ecosystems found elsewhere in the Plan and the ULDC, these requirements shall prevail.

(i) Urban Design

Development within the activity center shall employ a mix of uses, both vertically and horizontally. No minimum setbacks for the activity enter are established. Projections into public rights-of-way and easements may be permitted for porches, stoops, balconies and bay windows with approval by the DRC. On street parking shall be accommodated and shall be counted toward required parking provided the space is within 300 feet of the supported use.

1. Design of streets and public rights-of-way shall accommodate mass transit as well as bicycle and pedestrian corridors.
2. Buildings shall front major streets and primary entrances shall open to the street. Sidewalks, signage, street trees and street furniture shall be used to promote the pedestrian character of the activity center.
3. Development in the Activity Center shall be in the form of streets and blocks.
4. Parking structures shall be permitted in all zoning districts.
5. On street parking spaces shall be counted toward parking requirements provided the space is within 300 feet of the supported use. On-street parking shall count toward only one required space except in those instances where shared parking is approved.

Article 11 Urban Service Area

405.43 Applicability

The Urban Service Area includes those areas defined within the Comprehensive Plan in Future Land Use Element Objective 8.6. All new development and redevelopment within the Urban Service Area is subject to this Article.

405.44 Design Standards

(a) All new development and redevelopment within the Urban Service Area shall develop, at a minimum, consistent with the design standards for a Traditional Neighborhood Development in Chapter 407, Article 7. New development shall not be required to meet the standards in §407.64(d) and §407.64(c)1.

(b) Any new development on 25 or more acres or including 150 or more residential units shall be required to develop as either a Traditional Neighborhood Development or Transit Oriented development consistent with the standards in Chapter 407, Article 7.

(c) Any new development proposing 1,000 or more new dwelling units or 350,000 square feet or more of non-residential uses and is located on a planned Rapid Transit Corridor shall be required to develop as a Transit Oriented Development consistent with the standards in Chapter 407, Article 7.

(d) Notwithstanding the acreage requirements of §407.64(c)1, all development within the Urban Service Area shall have the option of developing consistent with the Traditional Neighborhood Development standards in Chapter 407, Article 7, as allowed by Policy 8.6.1 of the Future Land Use Element of the Comprehensive Plan.

405.45 Exceptions to Design Standards for Certain Development Types

(a) Parcels less than 5 acres

Where it can be demonstrated that development on parcels less than 5 acres can not strictly adhere to the urban design standards in Chapter 407, Article 7, those parcels shall develop consistent with the design standards in §405.07.

(b) Institutional Uses

The following types of institutional development when developed outside a TND or TOD, shall not be required to meet the design standards for a TND or TOD. However, these uses shall be encouraged to locate within areas designed as TNDs or TODs where feasible:

1. Public and private educational facilities
2. Community services as identified in the Use Table in Chapter 404
3. Public utility, communications, or infrastructure services

(c) Industrial Development

Industrial development within the ML, MS, MP, or BW zoning districts shall not be required to meet the standards for a TND or TOD. However, these developments shall continue to provide for an interconnected multi-modal transportation system consistent with the standards in Chapter 407.

405.46 Developments of Regional Impact

~~5.~~ Within the Urban Service Area, all new development and redevelopment shall be exempt from the State of Florida Development of Regional Impact (DRI) process in accordance with Florida Statute 380.06(29)(c)3.

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Chapter 406 Natural and Historic Resources Protections

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Article 1 General

406.01 Purpose

It is the purpose of this Chapter to:

(a) Preserve, protect, and improve the public health, safety, general welfare, and quality of life of the citizens of Alachua County, by conserving, managing, restoring, or enhancing natural and human-related resources that provide potable water, clean air, productive soils, and a healthful array of human, plant and animal life;

(b) Implement the Comprehensive Plan, with particular emphasis on preserving and protecting biodiversity and the ecological values and functions of uplands, wetlands, open bodies of water and flowing streams, floodplains, groundwater, springs, caves, and other significant geologic features, soils and slopes, and flora and fauna; and

(c) Protect the natural resources, open spaces, and historic character of the community in a manner that preserves and cultivates a unique sense of place while fostering economic well-being, maintaining adequate quality and quantity of water and land, and minimizing the present and future vulnerability to natural and man-made hazards.

406.02 Natural and Historic Resources Regulated

It is unlawful for any person to adversely impact any natural or historic resource regulated under this Chapter without first obtaining the required natural or historic resources review and approval. In addition to the protections identified in this Chapter, there may be other regulations in the Alachua County Code that are applicable. References to other potentially applicable regulations are provided below.

(a) Water Quality Code – See Chapter 77.

(b) Hazardous Materials Management Code – See Chapter 353.

(c) Murphree Wellfield Protection Code – See Chapter 355.

(d) Groundwater Protection Code – See Chapter 358.

(e) Commercial Dairies – See Chapter 404.

(f) Local Public Lands Historic Preservation Code – See Chapter 116.

406.03 Use of Sound Environmental Practices

The provisions in this Chapter are intended to accommodate development while also protecting and preserving valuable natural and historic resources. In furtherance of this objective, applicants shall be required to use sound environmental practices, to plan for proposed activities and projects in the context of natural systems and historic features of the landscape. Applicants are encouraged to use conservation design techniques such as clustering and density transfer to produce marketable projects while protecting natural and historic resources.

(a) Satisfaction of Open Space Requirements

When land development involves a parcel that contains regulated natural or historic resources, the County's open space requirements shall be fulfilled first with regulated natural or historic resources. These areas shall be protected as conservation management areas in accordance with Article 17.

(b) Minimized Impact within Upland Conservation Areas

Avoidance or minimization shall be required for all conservation areas in accordance with §406.113 of this Chapter. Where the applicant demonstrates that all reasonable steps have been taken in the attempt to avoid significant adverse impact to regulated natural and historic resources, and proposed impact is consistent with upland habitat limitations under Article 3, Article 4, and Article 5 of this Chapter, development in regulated upland resource areas may be authorized as follows and shall not constitute a significant adverse impact:

1. Density will be calculated within the regulated upland resource area at the rate of 1 unit per 5 acres in the Rural/Agricultural land use.

2. In other land use designations, density will be calculated within the regulated resource area at the lowest density allowed by the established zoning district.

3. For residential uses, reasonable access shall be allowed as follows:

a. A driveway shall not exceed twenty feet in width (excluding roadways serving multiple parcels); and

b. Location and design of the driveways and roadways shall be designed to avoid or minimize adverse impacts on the resource(s) protected under the management plan for the subdivision, balancing such resource protection with the need for safe access to the site.

4. For nonresidential uses, building impact limitations shall be determined on a case-by-case basis.
5. Parcels, lots, building areas, and driveways shall be configured to minimize overall impact to ecosystem integrity.
6. No impact shall be allowed to wetlands or associated wetland buffer areas, except as consistent with the requirements of Article 6 of this Chapter.

(c) Eligibility for Cluster Bonus

A parcel may be eligible to receive cluster bonus units for Rural/Agriculture Clustered Subdivisions under Table 407.78.2 where there are areas determined through ground-truthing to be non-conservation areas that are suitable for development to which density may be transferred, and protection of regulated natural and historic resources is provided in accordance with an approved management plan that identifies measures taken to conserve, maintain, and enhance ecological integrity and resource value while avoiding or minimizing adverse impact.

(d) Eligibility for Planned Development with Transfer of Development (PD-TDR)

1. Planned Developments with Transfers of Development Rights (PD-TDR) may be proposed for two or more noncontiguous tracts of land to facilitate transfers of development rights from regulated conservation areas as defined in Conservation and Open Space Element Policy 3.1.1, to less sensitive areas designated as Rural/Agriculture on the Future Land Use Map. The PD-TDR will allow units of density to be transferred from one parcel (sending area) to another (receiving area) and both parcels shall be rezoned as PD-TDR-S and PD-TDR-R, respectively. As a result of the transfer, receiving parcels may be developed at a gross density that exceeds that provided on the receiving parcel by the Rural/Agriculture land use category. The process and standards for Planned Developments in Article 14 of Chapter 402, and rural cluster subdivisions in §407.77and 407.78 of this ULDC shall apply to the combined PD-TDR Master Plan for both areas with the following additional requirements:
   a. The Planned Development must be implemented as a unified development plan including both the sending and receiving parcels. The sending parcel shall be so designated in perpetuity unless both the sending and receiving parcels are considered for rezoning simultaneously and the overall density in the rural areas is not increased.
   b. The sending parcels must be at least 50% field verified conservation areas.
   c. The maximum number of units that can be transferred from the sending parcel shall be the lesser of:
      i. The number of units that could be developed on the sending parcel(s) under the Rural/Agriculture maximum gross density of 1 unit per 5 acres, plus bonus units consistent with Future Land Use Element Policy 6.2.10.4; or
      ii. The number of upland acres, excluding wetlands and wetland buffers, on the sending parcel(s).

d. If not all available units are transferred initially, they may remain with the sending parcel(s). The remaining units may only be transferred to an additional receiving parcel at a later time by way of a major amendment to the approved PD-TDR Master Plan. All sending and receiving parcels shall be identified on the PD-TDR Master Plan.

e. Sending parcels shall be designated as conservation management areas on the PD Master Plan and shall be protected as conservation management areas in accordance with Article 17 of this Chapter.

f. Residential densities of one dwelling unit per 200 acres may be retained on the sending parcel. Higher retained densities of up to one unit per 40 acres may be allowed where it can be demonstrated that there is no impact on resource protection and where consistent with the Conservation Area Management Plan. The amount of density to be retained shall be based on what is necessary to protect the integrity of the ecological system and conservation resources. Retained density must be developed in a manner so as to minimize impact to the ecosystem integrity.

g. Development of receiving parcels shall be consistent with COSE Policies 3.1.1-3.1.3 and the objectives and policies in COSE 3.6.

h. A minimum of 50 percent of the combined acreage of the sending and receiving parcels shall be permanently set aside as open space on the sending parcel. Additionally, at least 20 percent of the receiving parcel shall be designated as open space on the PD Master Plan consistent with COSE Policy 5.2.2.

i. The receiving area shall be evaluated for its viability as an area of increased development. The maximum density allowed on the receiving parcel will be the number of units based on the Rural/Agriculture land use designation for the receiving area, plus the additional units transferred from the sending area, subject to the minimum lot size requirements for developed areas of rural clustered subdivisions specified in Policy 6.2.13. Allowance of this maximum density shall be subject to an evaluation of factors that include availability and capacity of public infrastructure and services, environmental suitability and the land uses and development patterns of the surrounding areas.

j. Notice of hearings and neighborhood workshops shall be sent for both the sending and the receiving areas. Two neighborhood workshops may be required if the two sites are not proximate to each other.

k. All of the sending and receiving areas shall be identified on the PD/TDR Master Plan.

2. The County, or a stakeholder organization of private landowners who owns not less than 10,000 acres within Alachua County may propose development of areas designated on the Future Land Use Map as Rural Land Stewardship Areas in accordance with this Section and the provisions of Section 163.3177(11)(d), Florida Statutes.

406.04 Resources Assessment Requirements

All applications for proposals with potential adverse impact to natural or historic resources, including but not limited to applications for land use change, zoning change, and development plan approval, shall include an assessment of natural and historic resource information. The assessment shall be complete at or before the preliminary development review stage where applicable. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications, and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County.

(a) Methodology

The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day, and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.

(b) Minimum Contents

The assessment shall include site-specific identification, mapping, and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:

1. Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
2. Maps drawn to scale, including a north arrow and scale showing the following:
   - **a.** Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.
   - **b.** Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.
   - **c.** Identification of all regulated natural and historic resources, labeled by resource type.
   - **d.** General vegetation characteristics and quality.
   - **e.** General soil types.
   - **f.** Proposed location of protected conservation resources and open space.
   - **g.** Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.
3. Data and analysis that includes assessment and evaluation of the following:
   - **a.** Existing quality and characteristics of regulated natural or historic resources.

b. Impact of the proposal on each individual natural resource and on the ecosystems in which they function.

c. Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.

d. Methods of stormwater pollution prevention.

(c) Additional Information

Additional data and analysis may be required as appropriate to the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:

1. Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.

2. Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.

3. Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Association.

4. Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Department of Natural Resources, Florida Natural Areas Inventory, Florida Department of Environmental Protection, or North Central Florida Regional Planning Council.

5. Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.

6. Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.

7. Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.

8. A mitigation and monitoring plan.

9. A resource management plan.

(d) Use of Assessment

The County shall review and evaluate the natural and historic resources assessment to determine whether the proposal is consistent with the Comprehensive Plan and ULDC and to identify appropriate site designs and strategies that maintain and protect the functions and values of natural and historic resources.

406.05 Relation to Other Approval Processes

(a) Federal, State, and Water Management District

An applicant for any approval subject to this ULDC shall provide to Alachua County copies of permit applications, approvals, and compliance and enforcement issues, with water management districts and state and federal environmental permitting agencies. Applicants are encouraged to coordinate site inspections between the

County and other relevant agencies in order to streamline review and approval. Upon request by the County, an agricultural or silvicultural operation shall provide copies of permit applications, notice of intent of BMP implementation, approvals, and compliance with water management district, state and federal environmental permitting agencies. Ongoing agriculture and silviculture farming operations that are not part of a development application and that meet the provisions and criteria pursuant to F.S. Chapter 163.3162, the Agricultural Lands and Practices Act, or F.S. 823.14(6), the Right to Farm Act, shall be exempt from any provisions of this Chapter that were not in existence as of July 1, 2003.

(b) Administrative Approvals

Building permits, construction permits, certificates of occupancy, and other administrative permits and approvals shall not be issued until documentation of all appropriate approvals has been received by the County. This includes but is not limited to copies of all applicable federal, state, and water management district permits, as well as local permits, natural and historic resource inventories and assessments.

(c) Bona Fide Agricultural Activities

1. Best Management Practices Required

The most recent federal, state, and water management district best management practices (BMPs) shall be required, as applicable, to all agricultural and silvicultural activities including but not limited to the following:

a. Best Management Practices for Silviculture (2003), incorporated in Rule 5I-6.002, F.A.C., and available from the Florida Department of Agriculture and Consumer Services (FDACS).

b. BMPs for Agrichemical Handling and Farm Equipment Maintenance (1998), published by FDACS and FDEP.

c. Water Quality BMPs for Cow/Calf Operations (1999), published by the Florida Cattleman's Association.

d. Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (2005), available from FDACS.

e. Protecting Natural Wetlands: A Guide to Stormwater BMPs (1996), published by the U.S. EPA.

2. Verification of Best Management Practices

Where use of best management practices provides the basis for exemption to, or compliance with, any federal or state law or regulation, local regulation, code, or requirement, the owner or operator shall submit to the County a signed statement identifying and verifying the use of current applicable best management practices. Alternatively, verification may be satisfied by participation in one or more of the following programs:

a. Non-silvicultural Activities

Notice of Intent filed with Department of Agriculture and Consumer Services as outlined in the Florida Administrative Code.

b. Silvicultural Activities

i. Notice of Intent filed with Division of Forestry, as outlined in Rule 5I-6.004, Florida Administrative Code; or

ii. Certification by one of the following:

(a) Forest Stewardship Council (FSC, www.fscus.org)

(b) American Forest and Paper Association's Sustainable Forestry Initiative (SFI, www.aboutsfi.org)

(c) American Forest Foundation's American Tree Farm System (www.treefarmsystem.org)

(d) Green Tag Forestry (www.greentag.org)

(e) Forest Stewardship Program (FSP, www.foreststeward.org); or

iii. Participation in one of the following cost-share programs:

(a) Conservation Reserve Program (CRP).

(b) Environmental Quality Incentives Program (EQIP).

(c) Wildlife Habitat Incentives Program (WHIP).

(d) Forest Land Enhancement Program (FLEP).

(d) Public Projects

Public projects, including utilities, public facilities, new travel corridors, and travel corridor modifications, shall meet the same standards as private projects. In the case of a public project for which it is demonstrated that there is no prudent and feasible alternative that avoids adverse impacts to regulated natural and historic resources, the project shall incorporate appropriate design features that enhance habitat connectivity, provide for safe wildlife passage and other significant environmental benefits.

(e) Other Permits Not Determinative

The issuance of a dredge and fill permit, environmental resource permit, consumptive use permit, taking permit, or other such permit or approval by a federal or state agency, water management district, or other governing body shall not obligate Alachua County to grant approval pursuant to this chapter, and shall not be deemed to satisfy the requirements of this Chapter.

406.06 Exemptions

The following activities are allowed subject to the specific limitations, restrictions and conditions. Persons shall submit a natural resource inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities:

(a) Removal of Invasive Vegetation

Projects for which a plan has been approved by a federal, state, or local agency or water management district for the removal of undesirable invasive or non-native vegetation on lands owned, controlled, or managed for conservation purposes, excluding vegetation in surface waters and wetlands.

(b) Parks and Recreation

Alteration of vegetation pursuant to an adopted management plan for government maintained parks, recreation areas, wildlife management areas, conservation areas and preserves.

(c) Activities Authorized by County Approved Management Plan

Activities consistent with a management plan adopted by, or reviewed and approved by Alachua County, provided that the activity furthers the natural values and functions of the ecological communities present, such as clearing firebreaks for prescribed burns or construction of fences.

(d) Existing Utility Installations and Road Right-of-Way

Alteration of vegetation within an existing utility easement post installation, where the vegetation is interfering with services provided by a utility or alteration of vegetation within an existing road right-of-way for normal maintenance activities. Alteration associated with new construction, or with the acquisition or transfer of easements or right-of-way, is not an exempt activity.

(e) Fencing

The minimal removal of trees or understory necessary to install a fence or wall, provided that no regulated tree is removed, the path cleared for the fence does not exceed ten feet in width, no equipment heavier than a one-ton pick-up truck, hand-held outdoor power equipment or a standard farm tractor is used in clearing for the fence or installing the fence, no dredge or fill activity is required other than the installation of posts and fence materials, and navigational access will not be impaired by the fence construction.

(f) Survey or Other Test Required

The necessary removal of vegetation by, or at the direction of, a State of Florida licensed professional surveyor and mapper, professional geologist, or professional engineer to conduct a survey or other required test, provided that no regulated tree is removed and the path cleared does not exceed five feet in width.

(g) Miscellaneous

Those other projects for which the Alachua County Environmental Protection Department determines, in writing, that there will be no significant adverse impacts based on the factors and criteria set forth in this Chapter.

406.07 Recapture Prior to Submitting an Application

Regulated natural and historic resources that have been cleared after May 2, 2005 and within three (3) years prior to the submittal of a development plan, rezoning or land use change application shall be required to restore or mitigate that portion of the parcel that would have otherwise required protection in accordance with the standards of this Chapter.

406.08 Alternative Compliance for Natural or Historic Resources

An applicant may submit a proposal which varies from the strict application of the requirements of this Chapter to accommodate an extraordinary hardship or to utilize innovative design. Requests for alternative compliance from any natural or historic resource provision shall be decided by the body responsible for reviewing a proposed development.

(a) Extraordinary Hardship

The applicant shall have the burden of demonstrating the existence of an extraordinary hardship due to unique site characteristics and the reasons for alternative compliance. The application shall set forth facts demonstrating each of the following:

1. Inability to establish a reasonable economic use that is not the result of actions taken by the applicant in a way that makes the property unable to be developed. Diminished value or inconvenience is not considered extraordinary hardship.
2. There are no feasible onsite alternatives to the proposal. Feasible onsite alternatives include, but are not limited to:
   a. Reduction in density or intensity;
   b. Reduction in scope or size;
   c. Change in timing, phasing, or implementation; or
   d. Layout revision or other innovative site design considerations.

(b) Innovative Designs

The applicant shall have the burden of demonstrating that an innovative site design may be utilized that better protects the natural resources for alternative compliance. The application shall set forth facts demonstrating that the proposed innovative design can be shown to protect natural resources and will not jeopardize the ecological integrity of natural resources on or adjacent to the proposed property.

(c) Granting a Request for Alternative Compliance

1. Where granted, the alternative compliance shall be the minimum deviation from the requirements necessary to permit reasonable use or access.
2. Mitigation may be required as a condition of granting the alternative compliance.
3. An alternative compliance plan shall be approved only upon a finding that it fulfills the intents and purposes of the Alachua County Comprehensive Plan and of this Chapter as well as or more effectively than would adherence to the strict application of this Chapter.

Article 2 Trees and Native Vegetation

406.09 Purpose

The purpose of this Article is to implement policies contained in the Alachua County Comprehensive Plan to preserve, protect, and encourage the proliferation of trees and native vegetative cover within Alachua County, as well as relocation or replacement where necessary, and to control and eliminate invasive non-native species. Protection of trees and native vegetation is intended to promote carbon dioxide absorption, oxygen production, dust filtration, reduction of wind, noise, and glare, soil stabilization and enrichment, erosion prevention, surface drainage improvement and aquifer recharge, water pollution reduction, wildlife habitat, energy conservation, temperature moderation, the economic enhancement of improved and vacant lands, scenic beauty, quality of life, and the health, safety, welfare and well-being of the community.

406.10 Applicability

(a) Regulated trees include Champion trees, Heritage trees, woody native tree species 8" or more in diameter at breast height (dbh), specimen trees and those small specimen trees identified on Table 406.16.1 that are of significant value to the natural system. Additional requirements are included in other portions of this ULDC, including but not limited to the special area studies, activity centers and special planning districts in Chapter 405 and for single family lots 2 acres or less.

(b) Except as specifically provided in this Chapter, all land clearing and regulated tree removal in all land uses and zoning districts shall be prohibited without prior approval.

(c) Regulated trees shall not be removed after the issuance of a certificate of occupancy without securing another permit.

(d) Existing native vegetation on a development site shall be protected in accordance with the following requirements in this ULDC:

1. Provision of Open Space in accordance with Article 5 of Chapter 407;

2. Protection of Significant Plant and Wildlife Habitat in accordance with Article 3 of this Chapter;

3. Protection of all other Conservation and Preservation areas as identified in this Chapter; and

4. Protections required by an adopted special area plan as identified in Chapter 405 of this ULDC.

(e) The planting of non-native vegetation listed in F.A.C. 5b-6462C-52.011, ~~Florida~~ Prohibited Aquatic Plants~~ List~~, and F.A.C. ~~Rule~~ 5B-57.007,~~ Florida~~ Noxious Weed List, shall be prohibited. The planting of non-native vegetation listed in Table 406.16.2 shall be discouraged. The removal or control of all non-native invasive species shall be encouraged where not required by this Section.

(f) For the purposes of this Section, a qualified professional includes a landscape architect, or environmental professional, or arborist.

406.11 Exemptions

(a) Residential Lots Two Acres or Less

Residential lots two acres or less in gross size shall be exempt from the provisions of this Article, provided that no champion or heritage trees shall be removed. All

regulated trees and native vegetation identified for protection on lots subject to a previously approved development plan, plat, special area study, or preservation buffer overlay shall be retained.

(b) Agricultural and Silvicultural Activities

For purposes of this Section, clearing and replanting or reestablishment of vegetation for bona fide agricultural purposes (including bona fide forestry) shall be exempt subject to the following provisions:

1. Activities shall be conducted in accordance with all applicable federal, state, and water management district best management practices, and verified in accordance with §406.05(c).

2. Written notice of activity shall be provided as follows:

a. No notice of activity is required for participants in one or more of the programs listed in §406.05(c).

b. Written notice to the County shall be provided no less than seven days prior to the commencement of land clearing, mechanical site preparation, or timber harvesting. The notice shall include:

i. Owner's name;

ii. Parcel number;

iii. Parcel acreage;

iv. Acreage affected;

v. Type of activity;

vi. Vendor name and address;

vii. Estimated date of commencement of activity;

viii. Identification of applicable best management practices; and

ix. Verification of use of best management practices

3. Permit exemption shall not apply to the following:

a. The removal of champion trees.

b. For bona fide agricultural purposes other than forestry, the removal of heritage trees within 50 feet of property ownership boundaries or within 100 feet of all publicly owned parks.

406.12 Permitting

A tree removal permit is required for the removal of trees and alteration of associated native vegetation as set forth below.

(a) Development Applications

All development applications including those for single-family residences on lots greater than two acres shall be subject to the permit conditions for tree removal set forth below.

1. Applicants for development plans shall be required to have a pre-design on-site meeting with the County Forester/Landscape Inspector, Codes

Enforcement Director, or their designee, to locate any regulated trees and to discuss protection methods for retention or relocation.

~~1.~~**2.** Removal or eradication of prohibited and discouraged non-native vegetation, identified in §406.10(e) shall be completed for the entire parcel concurrent with the permitted tree removal and prior to final inspection unless a phasing plan has been approved in writing by the County. This requirement shall not apply for an application involving one single-family residence.

3. Development plans~~plan~~ and subdivision plats shall be designed such that a minimum of 20 percent of the tree canopy shown on the most recent aerials of the property available at the time of the application is retained. Traditional Neighborhood and Transit Oriented Developments shall be designed such that~~tat~~ a minimum of 5 percent of the tree canopy~~treencanopy~~ shown on the most recent aerials of the property available at the time of application is retained.

~~2.~~**4.** Development plans shall be designed such that 30 percent of the site will be under mature canopy within 20 years. For the purposes of demonstrating this canopy coverage, a residential development may count up to 400 square feet of canopy coverage per platted lot where it can be demonstrated that a homeowner's association will require the planting and maintenance of trees on lots. In such case, the development plan shall include a list of trees that may be planted to satisfy the requirement..~~The landscape plan for the development shall also demonstrate that within 20 years, 30 percent of the site will be under mature canopy.~~

~~3.~~**5.** Development plans shall incorporate each regulated tree and associated native vegetation within the area of the drip line in its original location to the greatest extent possible. In creating a plan to minimize the removal of regulated trees and associated native vegetation, consideration shall be given to preserving non-invasive trees that exhibit the following characteristics.

a. Are located within regulated natural resource areas or significant habitat which may be protected as conservation management areas.

b. Help to create, provide, or extend connectivity or linkages to other natural areas in the form of tree and vegetation corridors.

c. Are champion, heritage, specimen trees, or small specimen trees listed in Table 406.16.1.

d. Exist in natural groupings.

e. Complement the project design including enhancement of the architecture, landscape architecture, and streetscape appearance.

f. Are located in required buffer areas.

g. Screen unpleasant views or augment desirable views.

h. Provide shade to structures, areas, or activities within or associated with the lot.

i. Complement stormwater design.

j. Are disease and insect resistant.

k. Have strong branching and root patterns.

(b) Additional Permit Conditions

A tree removal permit may also be issued for the removal of regulated trees in the following circumstances, provided the County determines that there will be no significant adverse environmental impacts.

1. Tree is under attack from an infestation of harmful insects or fungi that are not generally present on other trees of the species and may reasonably be expected to spread to trees not so infested.
2. Tree constitutes an immediate safety hazard, either to persons or to domestic animals, or to buildings, or to other constructions, or to motor, or bicycle, or pedestrian traffic.
3. Tree that, by the normal growth of its branches or roots, is causing progressive damage to buildings or structures, where no reasonable correction or prevention is available other than removal.

(c) Application Requirements

At the time of permit application, and prior to any land clearing or alteration, all applicants for a tree removal permit shall submit information necessary to fully understand the extent, nature and potential impacts of the proposed project.

1. Permit Applications

The following information shall be required for all permit applications involving the removal of regulated trees:

a. A completed application signed by the parcel owner or legally authorized agent of the parcel owner, including the name, address and telephone number of the property owner and of the applicant, if other than the property owner.

b. Parcel information including street address, parcel number, and location map as necessary.

c. Description of project, identification of location and extent of all areas proposed for tree removal or clearing of areas of associated native vegetation, including offsite areas such as water, sewer or utility easements, and methods to be used for removal.

2. Development Plan Approval

In addition to the common application requirements in Article 2, Common Development Application Elements, Chapter 402, the following information shall be required with applications for development plan approval:

a. A recent aerial photograph with the parcel clearly delineated, and representative color photographs;

b. A certified development plan or survey, where applicable, showing all easements (both plan view and cross-sectional view sketches may be required);

c. Identification of the type and location of native vegetation in the vicinity of, and likely to be affected by the project;

d. A vegetation plan which graphically depicts the location and field tag number for each native tree to remain undisturbed on the parcel during

construction; the vegetation plan may also be required to be incorporated as a feature of a development plan;

e. A numbered tabular list of all regulated native trees surveyed by a licensed landscape architect, or arborist, or similarly qualified professional, indicating the species of tree, the diameter at breast height, and whether the parcel owner proposes to keep the tree in place, relocate it, remove it or mitigate for its removal; and

f. Location, extent, and calculation of the initial tree canopy based on aerial photographs, survey data, or other acceptable methods approved by the County; Evaluation by a qualified professional as to the health of trees and native vegetation and their ability to provide long-term benefits, i.e. 20 year shade requirements.; ~~and~~

~~**g.** Methods of stormwater pollution prevention if construction of the project may result in an area of exposed soil greater than one acre subject to Federal National Pollution Discharge Elimination System (NPDES) stormwater regulations. A copy of the on-site Stormwater Pollution Prevention Plan shall be submitted as part of the permit application.~~

(d) Physical Protection during Construction

1. Undisturbed Area

The area to be protected shall be equal to the area of the drip line of the tree.

2. Reduction of minimum undisturbed area

Where the applicant demonstrates sufficient protection, the required minimum undisturbed area may be reduced with County approval, taking into consideration the type of activity, and the species, health, and location of trees and native vegetation within the landscape.

3. Barrier Placement and Usage

a. Any required protection area within 50 feet of any construction activity or area used for storage of construction materials shall be enclosed within a protective barrier to limit access to the protected area, prevent the compaction of soil and the destruction or damage of the trees.

b. Prior to any construction activity, the installation of the barriers shall be approved by the County Forester/Landscape Inspector.

c. The protective barriers shall not be relocated without the approval of the County Forester/Landscape Inspector.

d. The protective barriers shall remain in place and intact until construction is completed.

4. Barrier Construction

a. The posts shall be wood posts, angle iron fence posts, or other post material of equivalent size and strength.

b. The posts shall be placed not more than twelve feet apart, and implanted deeply enough in the ground to be stable with at least three feet of the post visible above the ground.

c. The posts shall be linked together by a brightly colored net fence fabric.

d. The barrier shall not be located in such a way as to cause harm to the protected vegetation.

5. Alternative Fencing Requirement

The County may require alternative fencing materials, such as chain link fencing, on a case by case basis where additional protection is necessary due to intensity of construction activity, vulnerability of trees or native vegetation to be protected, or similar circumstance.

6. Restrictions within the Undisturbed Areas

a. All construction activities shall be prohibited within the undisturbed area including all digging, trenching, construction lay-down areas, placement of hazardous materials, including fuels and solvents, placement of fill or soils, and parking of construction vehicles or employee vehicles.

b. No attachments or wires other than those of a protective and non damaging nature shall be attached to any tree.

c. No grade changes shall be made within any undisturbed area without prior approval of the County Forester/Landscape Inspector. If a grade change is made and roots larger than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.

d. Landscape preparation in the undisturbed area shall be limited to shallow discing of the area. Discing shall be limited to a depth of two inches unless specifically approved otherwise by the County Forester/Landscape Inspector. Landscaping shall be limited to placement of sod, mulch, or other ground covers.

7. Repair of Damage

Trees that have been destroyed or received major damage during construction shall be replaced prior to the issuance of the Certificate of Occupancy, in accordance with §406.15.

406.13 Relocation, Replacement and Mitigation Required

Relocation, replacement, or mitigation shall be required for the alteration of regulated trees as set forth below.

(a) Relocation

1. The preferred response to alteration of regulated trees shall be on-site relocation.

~~**(a)**~~**2.** A regulated tree may be relocated ~~in a manner to ensure survivability~~ if there is no reasonable alternative that allows incorporation of the tree into the parcel design, as determined by the project's landscape architect in consultation with the County Forester/Landscape Inspector.

~~**(b)**~~**3.** The parcel owner shall provide irrigation, mulch, and other practical means to ensure survival of any relocated tree. If a relocated tree does not survive within a period of two years, it shall be replaced with a native tree of similar size.

(b) Mitigation by Replacement

~~(c)~~**1.** If a regulated heritage tree cannot be retained or relocated, the parcel owner shall install replacement plantings subject to the following.~~pursuant to §406.14(a).~~

~~**(d) If on-site planting is not feasible due to physical constraints such as limited space or unsuitable soils, off-site replacement may be allowed on public lands, within common areas or native upland areas.**~~

~~**(e) If the above alternatives are not feasible, a fee may be paid to Alachua County in lieu of replacement planting, in accordance with §406.14(c).**~~

~~**(f)**~~**2.** ~~**At least 50 percent of the trees planted as mitigation for the removal of native heritage trees shall be the same species as the trees removed, provided that the mitigation tree is locally available. Where species removed are deemed problematic, such as water oaks, laurel oaks, and loblolly pines, they may be replaced by preferred native species.**~~

~~**406.14 Mitigation or Restoration**~~

~~Monitoring time frames shall be established for mitigation and replacement trees, as needed. Native trees identified in §407.50 of this ULDC that are planted to meet the requirements for landscaping in Article 4 of Chapter 407 may count toward mitigation requirements for tree replacement.~~

~~**(a) Heritage Trees**~~

3. Replacement of~~trees for~~ regulated trees greater than or equal to 20 inches diameter at four and a half feet above ground level, other than laurel oaks and water oaks, shall be replaced with native trees with cumulative diameter of stems greater than or equal to the diameter of the tree being replaced. At the determination of the County Forester/Landscape Inspector, replacement trees for heritage trees found to be of suboptimal health, habit or condition, or for the abundant species of loblolly pine, slash pine and sweetgum, may not be required on an inch-for-inch basis but shall be at a replacement ratio of no less than 1:1 using preferred native species. Laurel Oaks and Water Oaks greater than 20 inches shall be replaced at a ratio of 1:1 using preferred native species.

~~**(b) Size and Type of Replacements**~~

4. Replacement trees shall be at least 10 feet in height, two caliper inches and shall consist of native vegetation, indigenous to the area, and be Florida Grade No 1 or better in quality according to the current, most recent edition of "Grades and Standards for Nursery Plants", 2nd edition, published by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry, and available from the Florida Nursery, Growers, and Landscape Association (FNGLA). Nursery invoices or labels shall clearly specify that Grade #1 or better were purchased and installed on the site.

~~**(c) Alternative to Replacement**~~

~~**(d)**~~**5.** At least 50 percent of the trees planted as mitigation for the removal of native heritage trees shall be the same species as the trees removed, provided that the mitigation tree is locally available. Where species removed are deemed problematic, such as water oaks, laurel oaks, and loblolly pines, they may be replaced by preferred native species.

6. Native trees identified in §407.50 of this ULDC that are planted to meet the requirements for landscaping in Article 4 of Chapter 407 may count toward mitigation requirements for tree replacement.

7. If on-site planting is not feasible due to physical constraints such as limited space or unsuitable soils, off-site replacement may be allowed on public lands, within common areas or native upland areas.

8. Monitoring time frames shall be established for mitigation and replacement trees, as needed.

(c) Mitigation by Fee in Lieu Payment

1. If relocation or mitigation by replacement are not feasible, a fee may be paid to Alachua County in lieu of replacement planting.

2. Replacement trees may be satisfied by a fee-in-lieu payment to the County for the purchase and relocation of a like tree. The payment amount shall be based on the average cost of the purchase, installation and maintenance for one year of an equivalent number of replacement trees or actual cost of removing and replanting regulated trees.

406.14 RESERVED

406.15 Unauthorized Removal

When regulated trees are removed or damaged without a permit or when trees that were to be preserved in place or relocated are damaged or destroyed during activities conducted with a permit, they shall be replaced at double the rate identified in §406.13~~§406.14~~ for heritage trees, and at the rate shown below in Table 406.15.1 for all other regulated trees.

Table 406.15.1
Tree Mitigation Table

Diameter at Breast Height	Number of Replacement Trees
>17 inches to 20 inches	6
>14 inches to 17 inches	5
>11 inches to 14 inches	4
>8 inches to 11 inches	3
Less than 8 inches	2

406.16 Tree Lists

(a) Small Specimen Tree List

The list of trees identified in Table 406.16.1 includes those small specimen trees identified by the County to be of notable interest or high value for their species because of their age, size, condition, historic association or uniqueness. As part of the development review process, protection of these species through preservation or relocation will be determined on a tree-by-tree basis by the County Forester/Landscape Inspector.

(b) Discouraged Non-Native Vegetation List

The list of non-native vegetation identified in Table 406.16.2 includes those species for which planting is discouraged in addition to the prohibited species identified in §406.10(e).

Table 406.16.1
Small Specimen Tree List

Latin Name	Common Name	Latin Name	Common Name
Acer negundo	boxelder	*Morus rubra*	red mulberry
Acer saccharum subsp. floridanum	Florida sugar maple	*Myrica cerifera*	wax myrtle
Aesculus pavia	red buckeye	*Nyssa ogeche*	ogeechee tupelo
Alnus serrulata	hazel alder	*Osmanthus americanus*	devilwood
Aralia spinosa	devil's-walkingstick	*Ostrya virginiana*	eastern hophornbeam
Betula nigra	river birch	*Persea borbonia var. humilis*	silk bay
Carpinus caroliniana	ironwood; blue beech	*Planera aquatica*	planer-tree
Castanea pumila	chinquapin	*Prunus americana*	American plum
Catalpa bignonioides	southern catalpa	*Prunus angustifolia*	Chickasaw plum
Cephalanthus occidentalis	buttonbush	*Prunus caroliniana*	laurel cherry
Cercis canadensis	redbud	*Prunus umbellata*	flatwoods plum
Chionanthus virginicus	fringe tree	*Ptelea trifoliata*	common hoptree
Cliftonia monophylla	black titi	*Quercus chapmanii*	Chapman oak
Cornus asperifolia	roughleaf dogwood	*Quercus incana*	bluejack oak
Cornus florida	flowering dogwood	*Quercus leavis*	turkey oak
Cornus foemina	swamp dogwood	*Quercus margaretta*	sand post oak
Crataegus aestivalis	may haw	*Quercus myrtifolia*	myrtle oak
Crataegus crus-galli	cockspur hawthorn	*Rhamnus caroliniana*	Carolina buckthorn
Crataegus flava	yellowleaf hawthorn	*Rhus copallinum*	winged sumac
Crataegus marshallii	parsley hawthorn	*Salix caroliniana*	coastal plain willow
Crataegus michauxii	Michaux's hawthorn	*Salix floridana*	Florida willow
Crataegus uniflora	dwarf hawthorn	*Salix nigra*	black willow
Crataegus viridis	green hawthorn	*Sambucus nigra subsp. canadensis*	elderberry
Cyrilla racemiflora	red titi	*Sapindus saponaria*	Florida soapberry
Diospyros virginiana	persimmon	*Sassafras albidum*	sassafras
Forestiera acuminata	swampprivet	*Sideroxylon alachuense*	silver buckthorn
Fraxinus caroliniana	Carolina ash; pop ash	*Sideroxylon lanuginosum*	gum bumelia
Gleditsia aquatica	water locust	*Sideroxylon lycoides*	buckthorn bully
Halesia carolina	Carolina silverbell	*Sideroxylon tenax*	tough bumelia
Hamamelis virginiana	witch-hazel	*Styrax americanus*	American snowbell
Ilex ambigua	Carolina holly	*Symplocos tinctoria*	horse sugar/sweetleaf
Ilex cassine	dahoon	*Tilia americana var. caroliniana*	basswood
Ilex cassine var. myrtifolia	myrtle-leaved holly	*Vaccinium arboreum*	sparkleberry
Ilex coriacea	large gallberry	*Viburnum nudum*	possumhaw viburnum
Ilex decidua	possumhaw	*Viburnum obovatum*	Walter's viburnum
Ilex opaca var. arenicola	American holly	*Viburnum rufidulum*	rusty blackhaw
Ilex vomitoria	yaupon	*Zanthoxylum clava-herculis*	Hercules-club
Lyonia ferruginea	tree lyonia		

Table 406.16.2
Discouraged Non-Native Vegetation List

Latin Name	Common Name	Latin Name	Common Name
Abrus precatorius	rosary pea	*Livstonia chinensis*	Chinese fan palm
Albizia julibrissin	silktree; mimosa	*Lonicera japonica*	Japanese honeysuckle
Albizia lebbeck	woman's tongue	*Macfadyena unguis-cati*	catclaw vine
Aleurites fordii	tungoil tree; tung tree	*Melia azedarach*	chinaberry tree
Anredera vesicaria (A. leptostachys)	Texas medeira vine	*Merremia dissecta*	cutleaf morning glory; wood rose
Antigonon leptopus	coral vine	*Morus alba*	white mulberry
Ardisia crenata (A. crenulata misapplied)	scratchthroat; coral ardisia	*Nandina domestica*	sacred bamboo; heavenly bamboo
Aristolochia littoralis	elegant Dutchman's-pipe	*Nephrolepis cordifolia*	tuberous sword fern
Asparagus densiflorus	Sprenger's asparagus-fern	*Oeceoclades maculata*	monk orchid
Begonia cucullata	wax begonia	*Panicum repens*	torpedograss
Broussonetia papyrifera	paper mulberry	*Pennisetum purpureum*	elephantgrass
Cinnamomum camphora	camphor tree	*Pteris vittata*	Chinese ladder brake
Clematis terniflora	sweet autumn virginsbower	*Rhynchelytrum repens*	rose natalgrass
Clerodendrum bungei	rose glorybower	*Ricinus communis*	castorbean
Colocasia esculenta	wild taro; dasheen	*Ruellia brittoniana (R. tweediana in Wunderlin)*	Mexican bluebell
Cyperus involucratus (C. alternifolius)	umbrella plant	*Sansevieria hyacinthoides (syn. = S. trifasciata)*	bowstring hemp; mother-in-law tongue
Cyperus prolifer	flatsedge	*Senna pendula (syn. = Cassia coluteoides)*	valamuerto; Bahama or Christmas senna
Eleagnus pungens	silverthorn	*Sesbania punicea*	rattlebox
Eriobotrya japonica	loquat	*Solanum diphyllum*	twoleaf nightshade
Hedera helix	English ivy	*Syngonium podophyllum*	American evergreen
Ipomoea cairica	mile-a-minute vine	*Tradescantia fluminensis*	basketplant; white-flowered wanderingjew
Koelreuteria elegans (K. formosana; K. paniculata misapplied)	flamegold; golden raintree	*Urena lobata*	Caesarweed
Lantana camara	lantana; shrub verbena	*Urochloa mutica (syn. = Brachiaria mutica)*	paragrass
Leucaena leucocephala	white leadtree	*Wedelia trilobata*	creeping oxeye
Ligustrum lucidum	glossy privet	*Wisteria sinensis*	Chinese wisteria
Ligustrum sinense	Chinese privet	*Xanthosoma sagittifolium*	arrowleaf elephantear

Article 3 Significant Plant and Wildlife Habitat

406.17 Purpose

The purpose of this Section is to implement the Alachua County Comprehensive Plan, to protect natural upland plant communities which have the potential to maintain healthy and diverse populations of plants or wildlife, to preserve the ecological values and functions of significant plant and wildlife habitats, to provide for habitat corridors and minimize habitat fragmentation, in order to maintain and enhance the diversity and distribution of plant and animal species which are of aesthetic, ecological, economic, educational, historical, recreational, or scientific value to the county and its citizens.

406.18 Applicability

Development activities on all parcels greater than or equal to two acres in size shall be evaluated for the protection of significant habitat prior to clearing, grading, or other alteration of the habitat.

406.19 Development of Planning Parcel

Planning parcels containing significant plant and wildlife habitat or listed species habitat shall not be disaggregated, processed in piecemeal fashion, reviewed or developed in any manner that results in lesser natural resources protections than would otherwise be required if all land under common ownership or control were considered as a single proposal. To this end, where development or alteration of only a part of a planning parcel is proposed, the following shall be required:

(a) The applicant shall provide documentation identifying all contiguous properties within Alachua County not separated by a public road that are under common ownership or control extending to the more recent of either May 2, 2005, or five years before submittal of the application.

(b) A detailed natural resources assessment shall be provided for the proposed project area pursuant to §406.04. Regulated natural and historic resources shall be inventoried using the best available data for the remainder of the planning parcel, and all significant plant and wildlife habitat and listed species habitat shall be identified in accordance with §406.20.

(c) Where regulated significant habitat or listed species habitat is identified, in order to proceed, the applicant must demonstrate that the proposed project does not result in lesser protection than would otherwise be required if the entire planning parcel were considered as a single proposal. If the applicant cannot demonstrate such protection, they must complete one of the following:

1. A master plan shall be completed for the planning parcel subject to approval by the Development Review Committee. The resource master plan shall identify the location of significant habitat and listed species habitat including both the area set aside for permanent protection and any remaining habitat area subject to minimization requirements, and shall include a signed affidavit from each property owner within the planning parcel identifying their willingness to participate in the master plan process; or

2. If any property owner within the planning parcel is unwilling to participate in the master plan process, a special area plan shall be authorized by the Board

of County Commissioners, initiated either by the applicant or the County, subject to the requirements of Article 16 of Chapter 402 of this ULDC.

(d) Each application submitted subsequent to an approved master plan or special area plan shall provide for significant habitat and listed species habitat protection that is either consistent with, or greater than, the protection afforded under the approved plan.

406.20 Identification

~~**(a) General Mapping**~~

~~The locations and general extent of natural communities that comprise significant habitat have been mapped on a state wide basis by a variety of public agencies and non profit private organizations, available from the Florida Geographic Data Library, Version 3, http://www.fgdl.org.~~

~~(b)~~(a) Site-specific Identification

1. The County shall review and analyze applications using various digital data sources, including but not limited to the following:

a. Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.

b. Florida Natural Areas Inventory maps of areas of potential conservation interest and element occurrences.

c. Water Management District land cover maps.

d. Various digital aerial photographic series.

2. Where map review indicates the likelihood of impact to significant habitat, ground-truthing shall be required in accordance with §406.20(c~~d~~) in order to identify the existence, scope and extent of significant habitat associated with the application. If map review indicates the likelihood of listed species habitat, the requirements of Article 4 of this Chapter shall apply.

3. Significant habitat shall be delineated based on consideration and assessment of at least the following factors:

a. Quality of native ecosystem.

b. Overall quality of biological diversity.

c. Wildlife habitat value.

d. Presence of listed or uncommon species.

e. Grouping, contiguity, compactness of native vegetation.

f. Proximity to other natural preserve areas and corridors.

g. Impact by prohibited and invasive non-native vegetation.

~~(c)~~(b) Applications for Administrative Permits

At the applicant's request, the County shall conduct a habitat survey for administrative applications involving significant habitat. The applicant shall not be required to submit a habitat survey where: the habitat is readily observable in the field and may be sufficiently delineated by County staff, impact to significant habitat is avoided and minimized, management can be provided without further study, and a habitat survey is not otherwise required under federal or state law.

~~(d)~~(c) Habitat Survey

1. When survey is required

A habitat survey shall be required prior to vegetation removal on any portion of a planning parcel for which development plan approval is sought, where either direct or indirect impact to significant habitat is known or reasonably likely to occur.

2. Pre-application conference

Applicants are encouraged to arrange a pre-application conference with County staff prior to undertaking a habitat survey, and are required to arrange a pre-application conference prior to submittal of an application where adverse impact to significant habitat is likely.

3. Professional standards and methodology

The habitat survey shall be conducted in accordance with the requirements for a natural resources assessment under §406.04 and must also meet the following standards:

a. Non-destructive techniques designed to minimize disturbance of species shall be required, except where destructive or disruptive techniques (such as capture studies) are the preferred means to document species use given the size of the site and complexity of the resource.

b. The survey shall include detailed descriptions and maps indicating:

i. Field methods, conditions, dates, times of day, observations and results.

ii. Transect locations, where applicable.

iii. Habitats or natural communities as field checked across the site.

iv. Representative color photographs taken at ground level.

v. Recent aerial photographs.

vi. Actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.

vii. Professional opinions and conclusions regarding ecological value of the site.

4. County Verification

The County shall be notified of the schedule for significant fieldwork and allowed the opportunity to observe or independently verify survey techniques. Results may be field verified by the County.

406.21 Required Protection

(a) Onsite Habitat Protection and Set-Aside Limitations

No more than 25 percent of the upland portion of a parcel may be required to be protected because it is or includes significant habitat unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

1. If any significant geologic features and associated buffers, wetland buffers or surface water buffers on the planning parcel are included in the 25 percent calculation; such features and buffers shall be established in accordance with the applicable provisions of this Chapter and may exceed 25 percent of the upland portion of the parcel.
2. If the significant habitat in combination with any of the features identified in §406.21(a)1 equal less than 25 percent of the planning parcel, the entire significant habitat shall be protected.
3. The County shall work with the applicant to select that portion of the significant habitat that will be included in the set-aside area, based on the limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.
4. Where the significant habitat alone or in combination with the features identified in §406.21(a)1is greater than 25 percent of the upland portion of the planning parcel, no additional upland set-aside of the significant habitat area shall be required. However, the County shall encourage the applicant to protect the significant habitat on the planning parcel through creative and flexible approaches to development of the property.

(b) Boundaries of Protected Significant Habitat

If a master plan or special area plan is not required, the boundaries of the protected significant habitat shall be designated in a certified survey submitted to the County for approval prior to issuance of the development order. Significant habitat shall be permanently protected and managed in accordance with the standards in Article 17 of this Chapter for Conservation Management Areas.

406.22 Alternatives to Onsite Habitat Protection

(a) When Considered

Alternatives to onsite habitat protection may be considered in the following circumstances:

1. When physical constraints of the parcel preclude maintenance of ecological integrity of preserved vegetation, given considerations as to size of the development site, habitat quality, connectivity, adjacent uses, and feasibility of management;
2. When opportunities exist for long-term protection and management of significant habitat of equal or greater habitat value than would not have otherwise been protected; or
3. When establishment of conservation management areas within a project would result in small, fragmented areas with limited habitat value compared to available alternatives.

(b) Standards

If protection of the existing significant habitat area is not feasible due to one of the circumstances identified in this Section, an applicant may pursue one of the following options:

The applicant may relocate existing vegetation to another portion of the site or establish a new area of native vegetation on another portion of the site, as

part of an approved management plan in accordance with the requirements of Article 20 of this Chapter; or

1. The applicant may provide as a conservation management area at least two acres of comparable habitat area for every one acre of onsite significant habitat that would have otherwise required protection by this Chapter. The County may consider alternative proposals that provide equal or greater protection.
2. Alternatives to onsite protection shall be evaluated by the Board of County Commissioners in accordance with the criteria of this Chapter. If listed species are determined to be on the parcel, the criteria of Article 4 of this Chapter shall also apply.

406.23 Violations

For the purposes of this Section, the alteration or removal of any significant habitat up to 500 square feet without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of significant habitat or portion thereof in violation of this Chapter may constitute a separate and additional violation.

Article 4 Listed Plant and Animal Species Habitat

406.24 Purpose

It is the purpose of this Section to implement the Alachua County Comprehensive Plan, to preserve and protect the habitat in Alachua County sufficient to maintain and enhance viable populations of plants and animals that are listed by the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services, and the Florida Natural Areas Inventory because of their status as endangered, threatened, of special concern, or imperiled, to provide recently documented feeding, breeding, nesting or repetitive use areas.

406.25 Applicability

Development activities on all parcels greater than or equal to two acres in size shall be evaluated for the protection of listed species habitat prior to clearing, grading, or other alteration of the habitat. Where only a portion of a planning parcel is presented as part of an application, the planning parcel shall be evaluated in accordance with §406.19.

406.26 Identification

(a) Listed Species Habitat

Listed plant and animal species include those species identified in 50 CFR 17.11 and 17.12, Endangered and Threatened Wildlife and Plants, F.A.C. 5B-40.0055, Regulated Plant Index, F.A.C. 68A-27, Rules Relating to Endangered or Threatened Species, and those identified as S1, S2, or S3 by the Florida Natural Areas Inventory (available at www.fnai.org). Charts of the habitats with which these species are commonly associated are maintained by the Alachua County Environmental Protection Department and are available in a variety of written and electronic formats.

(b) Site-specific Identification

1. The County shall review and analyze applications using various digital data sources, including but not limited to the following:

- **a.** Florida Fish and Wildlife Conservation Commission maps of land cover, strategic habitat conservation areas, and biodiversity hot spots.
- **b.** Florida Natural Areas Inventory maps of areas of potential conservation interest and element occurrences.
- **c.** Water Management District land cover maps.
- **d.** Various digital aerial photographic series.

2. Where map review indicates the likelihood of listed species habitat, ground-truthing shall be required in accordance with §406.26(d) in order to identify the existence, scope and extent of significant habitat associated with the application.

3. Listed species habitat shall be delineated based on consideration and assessment of at least the following factors:

- **a.** Quality of native ecosystem.
- **b.** Overall quality of biological diversity.
- **c.** Habitat value.

d. Presence of listed species.

e. Grouping, contiguity, compactness of native vegetation.

f. Proximity to other natural preserve areas and corridors.

g. Impact by prohibited and invasive non-native vegetation.

(c) Applications for Administrative Permits

At the applicant's request, the County shall conduct ground-truthing for administrative applications involving listed species habitat. The applicant shall not be required to submit a habitat survey where: the habitat is readily observable in the field and may be sufficiently delineated by County staff, impact to significant habitat is avoided and minimized, management and any required mitigation can be provided without further study, and a habitat survey is not otherwise required under federal or state law. When a habitat survey is not provided, presence of listed species may be presumed and habitat protected in accordance with the standards outlined in this Section, in any of the following circumstances:

1. A listed species individual has been recently documented on the planning parcel;

2. A portion of the planning parcel is within the known or suspected range of certain listed species; or

3. The land by itself, or in connection with other lands, meets the minimum habitat needs for a viable population, nesting pair, or nesting colony of listed species.

(d) Habitat Survey

1. When Survey is Required

A habitat survey shall be required prior to vegetation removal on any portion of a planning parcel for which development plan approval is sought, where either direct or indirect impact to the listed species habitat area is known or reasonably likely to occur.

2. Pre-application Conference

Applicants are encouraged to arrange a pre-application conference with County staff prior to undertaking a habitat survey, and are required to arrange a pre-application conference prior to submittal of an application where adverse impact to listed species habitat is likely.

3. Professional Standards and Methodology

The habitat survey shall be conducted in accordance with the requirements for a natural resources assessment under §406.04 and must also meet the following standards:

a. Non-destructive techniques designed to minimize disturbance of species shall be required, except where destructive or disruptive techniques (such as capture studies) are the preferred means to document species use given the size of the site and complexity of the resource.

b. The survey shall include detailed descriptions and maps indicating:

i. Field methods, conditions, dates, times of day, observations and results.

ii. Transect locations, where applicable.

iii. Habitats or natural communities as field checked across the site

iv. Representative color photographs taken at ground level.

v. Recent aerial photographs.

vi. Actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests, evidence of feeding, etc.), population estimates, and occupied habitat boundaries.

vii. Professional opinions and conclusions regarding ecological value of the site.

4. County Verification

The County shall be notified of the schedule for significant fieldwork and allowed the opportunity to observe or independently verify survey techniques. Results may be field verified by the County.

406.27 Management Plan

If the habitat survey identifies the presence of listed species or listed species habitat, or potential for adverse impacts to any listed species habitat, the applicant shall submit to the County for review and approval a management plan that ensures protection of the habitat with no adverse effect on species survival. The management plan shall meet the requirements of Article 20 of this Chapter and the standards set forth in this Section.

406.28 Intergovernmental Coordination

Where listed species are regulated by the state or federal government, the applicant shall complete and submit to the County the habitat survey and associated management or mitigation plans prior to or concurrent with submittal of applications to the relevant state or federal agency. The County shall consult and coordinate with appropriate agencies to streamline the permitting process. All activities shall comply with applicable state and federal laws, regulations, performance standards, and management guidelines.

406.29 Onsite Protection

Listed species habitat shall be designated and protected onsite as a conservation management area in accordance with Article 17 of this Chapter and the following shall apply, except where onsite protection is determined to be infeasible under the criteria of §406.30:

(a) Onsite Habitat Protection and Set-Aside Limitations

No more than 25 percent of the upland portion of a parcel may be required to be protected because it is or includes listed species habitat unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

1. If any significant geologic features and associated buffers, wetland buffers or surface water buffers on the planning parcel are included in the 25 percent calculation; such features and buffers shall be established in accordance with the applicable provisions of this Chapter and may exceed 25 percent of the upland portion of the parcel.

2. If the listed species habitat in combination with any of the features identified in §406.29(a)1 equal less than 25 percent of the planning parcel, the entire listed species habitat shall be protected.
3. The County shall work with the applicant to select that portion of the listed species habitat that will be included in the set-aside area, based on the limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.
4. Where the listed species habitat alone or in combination with the features identified in §406.29(a)1is greater than 25 percent of the upland portion of the planning parcel, no additional upland set-aside of the listed species habitat area shall be required. However, the County shall encourage the applicant to protect the portions of the listed species habitat outside the set-aside area through creative and flexible approaches to development of the property, subject to the density and impact limitations of §406.03(b).

(b) Conditions of Approval

Development approval conditions may limit or preclude development of structures, impervious surfaces, and other uses within an appropriate distance of locations of protected habitat, if necessary for the continued viability of the protected habitat. Depending on the type of species, the following special design standards may be required adjacent to protected listed species habitat to minimize disturbance:

1. A minimum setback of 15 feet from the protected listed species habitat may be required for construction activities. Clearing, grading, and filling may be prohibited within the setback area unless the applicant can demonstrate that vegetation within the protected area will not be damaged.
2. Landscaping within associated buffers or construction setbacks may require utilization of native vegetation that is compatible with existing native plant communities, soils, and climatic conditions.
3. Habitat corridors may be required between protected habitat areas onsite, and between protected areas on and off-site, subject to the 25 percent limitation in (a) above.

(c) Boundaries of Protected Listed Species Habitat

If a master plan, special area plan or management plan is not required, the boundaries of the protected significant habitat shall be designated in a certified survey submitted to the County for approval prior to issuance of the development order. Listed species habitat shall be permanently protected and managed in accordance with the standards in Article 17 of this Chapter for Conservation Management Areas.

406.30 Alternatives to Onsite Protection

(a) Circumstances for Consideration of Alternatives

1. When scientific data demonstrates that onsite protection will not be conducive to the long term health of the listed species or listed species habitat;
2. When evidence presented by the applicant demonstrates that the protected habitat would be prohibitively difficult to manage adequately due to the management requirements of the habitat; or

3. When protected areas would be less than the smallest minimum territorial requirements of identified species individuals, and cannot be connected with other protected areas which would result in sufficient territorial requirements.

(b) Protected Habitat Standards

For every one acre of onsite listed species habitat not protected through avoidance or minimization, an offsite protection area shall provide two acres of comparable habitat as a conservation management area, in accordance with the mitigation requirements of Article 21 of this Chapter. The County may consider alternative mitigation proposals which provide equal or greater protection.

(c) Relocation of Listed Species

Relocation of listed species may be permitted only as a last resort in consultation with the appropriate state or federal agency, provided that the listed individuals are relocated prior to any site modifications, in accordance with an approved development plan.

406.31 Violations

For the purposes of this Section, the alteration or removal of any listed species habitat up to 500 square feet without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of listed species habitat or portion thereof in violation of this Chapter may constitute a separate and additional violation. Requirements for corrective action are provided in §406.115.

Article 5 Strategic Ecosystems

406.32 Purpose

The purpose of this Article is to implement the Alachua County Comprehensive Plan, to protect conserve, enhance, and manage the ecological integrity of natural systems in Alachua County that have aesthetic, ecological, economic, educational, historical, recreational, or scientific value due to the interrelationship of one or more landscape, natural community, or species scale characteristics. It is also the purpose of this Article to promote connectivity and minimize fragmentation of natural systems, and to protect wetlands, floodplains, and associated uplands in a broad systems context through resource-based planning, including inter-jurisdictional and inter-agency coordination, across multiple parcels rather than individual parcel planning.

406.33 Identification

Strategic ecosystems are identified in the KBN/Golder Associates report, "Alachua County Ecological Inventory Project" (1996), and mapped generally by the KBN/Golder Ecological Inventory Map, which is an overlay to the Future Land Use Map, adopted and made a part of this Chapter by reference. The specific location and extent of strategic ecosystem resources shall be determined through ground-truthing using the KBN/Golder Associates report as a guide to determine the location and extent of the ecological community or communities described, generically, in the KBN/Golder report or of other natural resources generally consistent with the pertinent site summary in the KBN/Golder report. The ground-truthing process shall be implemented either as part of the development review process, or the Special Area Planning Process detailed in Article 16 of Chapter 402. Variability of community quality shall not be a basis for the delineation, but may be a basis for determining the most appropriate locations for development and conservation, respectively. Those areas found not to contain strategic ecosystem resources shall be eligible for consideration for development as part of a development plan or Special Area Plan provided the ecological integrity of the strategic ecosystem as a whole will be sufficiently protected.

406.34 Agricultural and Silvicultural Activities

The County shall work with owners of agricultural and silvicultural lands to retain the ecological integrity and ecological value of strategic ecosystems through management plans and incentives.

(a) For bona fide agricultural activities, including silvicultural activities, identification and verification of best management practices shall be required in accordance with §406.05.

(b) A management plan shall be required before any activity occurs in a strategic ecosystem that has not been used for bona fide agriculture or silviculture within the last 20 years, consistent with §406.05(a) and in accordance with one of the following:

1. The management plan shall provide for retention of the ecological integrity and ecological value of the strategic ecosystem.

2. The management plan shall be submitted to Alachua County for review and approval by staff. Management plans not meeting the general template standards of §406.112(e) will require review and approval through the development review process.

3. The management plan may be satisfied by land acquisition, conservation easement, or participation in a conservation program sponsored by the United States Department of Agriculture Natural Resources Conservation Service.
4. The management plan may be satisfied by any agricultural or silvicultural certification program's required management plan, provided it demonstrates that the ecological integrity and value of the system is protected.

406.35 Onsite Habitat Protection and Set-Aside Limitations

No more than 50% of the upland portion of a parcel may be required to be preserved because it is or includes strategic ecosystem unless the landowner provides consent, or state or federal agencies require additional protection. This provision shall be applied as follows:

(a) Upland areas required to be protected pursuant to Comprehensive Plan policies or regulations for significant geologic features and wetland and surface water buffers shall be counted in the calculation of the 50% limitation, however the extent of protection of significant geological features and wetland and surface water buffers shall not be reduced by this limitation.

(b) If the strategic ecosystem in combination with any of the features identified in (a) above, equal less than 50 percent of the upland portion of the parcel, the entire strategic ecosystem shall be protected.

(c) The County shall work with the applicant to select that portion of the strategic ecosystem that will be included in the set-aside area, based on limitations and factors identified above and in accordance with criteria in §406.97, Site Selection and Design for Conservation Management Areas.

(d) Where the strategic ecosystem alone or in combination with the features identified in (a) above, is greater than 50 percent of the upland portion of the parcel, development densities on any portion of the strategic ecosystem outside of the set-aside area shall be governed by §406.03(b)1&2.

(e) For developments that comply with all applicable provisions of this Article, the set-aside limitations in this Section shall constitute full compliance with Conservation Element policies addressing avoidance, minimization and mitigation related to the protected resource.

(f) The County shall encourage the applicant to protect the portions of the strategic ecosystem outside of the set-aside area through creative and flexible approaches to development of the property, using the provisions of §406.38(c) for guidance.

406.36 Development Activities

The preferred planning mechanism for any new or expanded activity in, on or over a strategic ecosystem shall be a Special Area Plan. If an applicant seeks development prior to the County's adoption of the scope of work for a Special Area Plan within a particular strategic ecosystem, the applicant has three options:

(a) For all administrative activities, the applicant may proceed through the prescreening process for administrative permits in accordance with Article 2, Common Development Application Elements, of Chapter 402, subject to the development standards in §406.38(c), where applicable.

(b) A Special Area Study or Plan may be conducted at the applicant's expense, in accordance with Article 2 of Chapter 402. All subsequent development shall be in compliance with the adopted Special Area Plan.

(c) If the applicant demonstrates that the ecological integrity of the strategic ecosystem will be sufficiently protected, the applicant may proceed as set forth in §406.38.

406.37 Additional Development Application Submittal Requirements

The following information shall be submitted with an application for development within a strategic ecosystem in order to evaluate whether the development may proceed before a Special Area Plan has been adopted.

(a) All information required by §406.04 as part of a natural and historic resources assessment;

(b) General analysis of adjacent properties sufficient to provide resource context;

(c) Ownership and use information, including parcel numbers and acreage, for all land under common ownership or control within the strategic ecosystem or contiguous to the proposed development site; and

(d) All proposed protection and management strategies for the natural and historic resources on the site and on any properties under common ownership and control as identified in (c) above.

406.38 Alternative to Special Area Planning in Strategic Ecosystems

As part of the development review process, County staff shall evaluate whether a proposal is sufficiently protective of the ecological integrity of the strategic ecosystem and a finding shall be made by the appropriate review body as to whether a Special Area Study shall be required in accordance with Article 16 of Chapter 402 or development may proceed in accordance with the provisions of this Section. The evaluation shall be made using the information required in §406.37 that is based on consideration of natural resource and land use characteristics specific to the system as identified by the KBN/Golder Ecological Inventory Map and through ground-truthing in accordance with §406.33.

(a) Evaluation

The evaluation shall include an assessment as to whether the proposal protects resources within the project area and within the ecosystem as a whole, according to the following:

1. Features that define the strategic ecosystem;

2. Areas critical for system connectivity; important plant or wildlife habitat areas and characteristics;

3. Feasibility of important management strategies, such as prescribed burning;

4. Protection and management of additional resources for all properties under common ownership and control within the strategic ecosystem; and

5. Density transfer opportunities in accordance with §406.03(d).

(b) Equal to or Less Than 50% Strategic Ecosystem

Where the evaluation shows that the strategic ecosystem comprises no more than 50% of the upland portion of the subject property, development will be allowed to proceed prior to adoption of a Special Area Plan.

(c) More than 50% Strategic Ecosystem

Where the evaluation shows that the strategic ecosystem comprises more than 50% of the subject property, development may be allowed to proceed prior to adoption

of a Special Area Plan provided that the following development standards are applied:

1. Mechanisms to coordinate management activities with adjacent resources in the strategic ecosystem shall be provided, and management plans shall be required in accordance with Article 16 of Chapter 402.
2. Vegetation loss, grade change, and disturbance of the development site shall be minimized by careful site design fitted to the topography and soil; removal of vegetation shall be limited to only that necessary to develop the site.
3. Access, infrastructure, stormwater management and utilities shall be sited with consideration to minimizing impacts across multiple properties, providing for wildfire mitigation, and maximizing opportunities for shared facilities such as common driveways, utility access, and building impact areas.
4. Natural and historic resource protections required elsewhere in this ULDC or by federal, state and regional permitting agencies shall be applied.
5. No development or other adverse impact to the set-aside portion of the property shall be allowed, except where no other access is available, in which case impact may be allowed in the least sensitive portion of the system in accordance with paragraph 3, subject to the mitigation requirements in Article 21 of this Chapter.
6. Where impact is proposed in the remaining conservation area outside the required set-aside, the following shall apply:
   a. The applicant shall locate development on buildable area outside of the strategic ecosystem to the greatest extent practicable.
   b. Parcels, lots, building areas and driveways shall be configured to minimize overall impact to ecosystem integrity.
   c. Subdivisions and non-residential development shall meet requirements for rural clustered subdivisions set forth in §407.77 and §407.78.

406.39 Violations

For the purposes of this Section, the alteration or removal of any portion of a strategic ecosystem without prior review and approval may be considered a violation unless expressly exempt under this Chapter. Alteration or removal of each additional 500 square feet of strategic ecosystem or portion thereof in violation of this Chapter may~~shall~~ constitute a separate and additional violation. Requirements for corrective action are provided in §406.115.

Article 6 Surface Waters and Wetlands

406.40 Purpose

It is the purpose of this Chapter to preserve, protect, and improve the public health, safety, and general welfare of the citizens of Alachua County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of Alachua County, and to implement the Alachua County Comprehensive Plan.

406.41 Applicability

(a) Waters Included

Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative, and soil criteria (see full definition in Chapter 410).

(b) Regulated Activities

Except as otherwise expressly provided in this section, no alteration shall occur in, on or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

406.42 Jurisdiction and Delineation

Alachua County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

(a) Delineation Methodology

Alachua County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and Water Management Districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.

(b) General Mapping

The locations and general extent of surface waters and wetlands in Alachua County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent of surface waters and wetlands. The provisions of this Chapter shall apply to all surface waters and wetlands, and adjacent areas, and shall not be limited to those depicted on maps described above.

(c) Site Specific Determination

1. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands, and buffers. Applicants are encouraged to arrange a pre-application conference with County staff prior to submittal of an application.
2. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five years.
3. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or a water management district, pursuant to a formal determination under Section 373.421(2), Fla. Stat., or pursuant to a permit issued under Chapter 373, Fla. Stat. in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.

(d) Final Drawings

All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:

1. A Florida registered professional engineer; or
2. A Florida registered professional surveyor; or
3. A Florida registered professional landscape architect; or
4. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

406.43 Water Resources Buffers

(a) Buffers are integral to the maintenance of surface water and wetland structure and function. A buffer shall be required between all proposed activity and the landward extent of the surface water or wetlands as established in this Chapter. The width of buffer shall be determined on a case-by-case basis after site inspection by the County, depending on what is demonstrated to be scientifically necessary to protect natural ecosystems from significant adverse impact.

(b) In determining the actual buffer width, the following factors shall be considered:

1. Type of activity and associated potential for adverse site-specific impacts;
2. Type of activity and associated potential for adverse offsite or downstream impacts;
3. Surface water or wetland type and associated hydrological requirements;
4. Buffer area characteristics, such as vegetation, soils, and topography;
5. Required buffer function (e.g. water quality protection, wildlife habitat requirements, flood control);
6. Presence or absence of listed species of plants and animals; and

7. Natural community type and associated management requirements of buffer.

(c) Absent scientific information which demonstrates that a larger or smaller buffer width is appropriate, the following buffer widths shall apply for the resources set forth in the table below.

Table 406.43.1
Surface Water and Wetland Buffers

Protected Resource	Buffer Distance (feet)*
Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	50 average, 35 minimum
Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	75 average, 50 minimum
Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within 300 feet of a surface water or wetland	100 average, 75 minimum
Outstanding Florida Waters (OFWs)	150 average, 100 minimum

* If the buffer precludes all economically viable use of a particular property, development may be allowed within the buffer in accordance with COSE policy 3.6.5., and where applicable, §406.45, COSE policy 4.6.6 and 4.7.4.

(d) The buffer shall retain the existing undisturbed vegetation. No activity shall occur within a buffer area, except as expressly provided in this Section or as approved by Alachua County in accordance with standards set forth in §406.46. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

(e) In the event that alteration to a surface water buffer or wetland buffer area occurs without first obtaining the approval required by this Chapter, restoration or other corrective action shall be required of the responsible party at a ratio of between 2:1 and 10:1 acreage of compensation area to impacted area, based on factors including but not limited to:

1. Nature, degree, and geographic extent of adverse impact;
2. Length of time necessary to restore buffer characteristics and function;
3. Rarity or uniqueness of vegetation altered;
4. Value and function of adjacent surface waters and wetlands.

406.44 General Approval Criteria

Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

(a) There shall be no net loss of wetland values and functions.

(b) The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats.

(c) The project is designed to control and will not cause excessive erosion.

(d) The project will not adversely affect commercial or recreational fisheries or their habitats.

(e) Listed species and/or their critical habitats will not be adversely impacted.

(f) The project will not adversely impact historic resources or paleontological resources.

(g) Project alternatives and modifications to lessen impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modifications available to lessen impacts.

(h) The project does not conflict with any other federal, state or local designated preserve or conservation area.

(i) Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, the structure must clearly demonstrate an overriding public purpose.

(j) There will be no violation of water quality standards; the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e), and the Alachua County Water Quality Code.

(k) In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

406.45 Permanent Protection

Applicants not exempted under this Section shall be required to designate and protect in conservation management area all surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed in accordance with Article 17 of this Chapter, except for those portions on which impact is authorized pursuant to §406.47 below. ~~Permanent protection, maintenance and monitoring shall be in accordance with Article 21 of this Chapter.~~

406.46 Mitigation and Monitoring Plan

For projects that do not meet the general approval criteria of §406.44, and are not specifically exempted by this Section, the County may evaluate proposals for mitigation. Mitigation plans shall be evaluated as part of preliminary plan review by the Board of County Commissioners.

406.47 When to Evaluate Mitigation Proposals

Where impact is allowed under one of the scenarios identified in this Section, mitigation shall be required in accordance with §406.48 of this Chapter.

(a) Impact may be allowed if all of the following criteria are met:

1. Mitigation may be permitted for new wetland loss only where the applicant demonstrates that the activity cannot practically be located on the upland portion of the parcel or contiguous parcels under common ownership or control. The applicant must show that one of the following applies:

a. Minimal impact activity; or

b. Overriding public interest; or

c. All economically viable use of the property is otherwise precluded;

2. An applicant may be permitted to mitigate for wetland loss only where the applicant has made all practicable project modifications to avoid and minimize wetland loss and degradation in accordance with Article 21;

3. An applicant may be permitted to mitigate for wetland loss where the applicant can demonstrate that the existing wetlands that are to be converted to upland uses are of minimal function and value based on their size, soils, hydrology, plant and animal life, and that the measures necessary to sustain or restore the existing wetlands would be less feasible than the proposed mitigation plan; and

4. Development impact area shall not exceed the rate of ½ acre per ten acres of wetland area, including the footprint of principal and accessory structures and parking, allowing for reasonable access.

(b) Impact may also be allowed to isolated poor quality wetlands as follows:

1. Impact may be allowed to any isolated poor quality wetland that is less than 0.25 acre in size, provided the total impact area is not greater than or equal to 0.25 acre per development.

2. For purposes of this Section, poor quality shall be defined as minimal function and value in accordance with criteria of §406.47(a)3 above.

3. Mitigation of adverse impact shall be required.

406.48 Standards for Accepting Mitigation Proposals

In order to be considered, a mitigation proposal must ensure the long-term viability of the mitigation project, advance the County's natural resources conservation objectives and policies, and meet the minimum standards for mitigation of conservation areas generally as set forth in §406.114. Specifically:

(a) Mitigation shall occur only within the boundaries of Alachua County. Whenever possible, mitigation shall occur in the same watershed in which the impacts occur. Alternatively, mitigation may occur in areas designated by the County.

(b) Mitigation shall be determined for individual projects by applying the Uniform Wetland Mitigation Assessment Method, pursuant to Chapter 62-345, Florida Administrative Code.

406.49 ~~Corrective Action for Unauthorized Impact~~RESERVED

~~406.49~~

~~In the event that alteration occurs to a wetland or surface water without first obtaining the appropriate review and approval required by this Article, the following corrective actions may be required:~~

~~(a) Onsite restoration of buffers, habitat, and hydrology of the original wetland area.~~

~~(b)~~(a) ~~In the event that damage is irreparable, purchase and permanent protection of comparable natural resource features, including natural communities, shall be required at a ratio of between 5:1 and 10:1 acreage of compensation area to impacted area, based on factors including but not limited to: habitat rarity, uniqueness, value, function and quality; and the nature, degree and extent of unauthorized impact.~~

~~(c) Payment of an environmental restoration fee calculated as follows: the cost to create or recreate lost function and value of the resource, multiplied by the number of years necessary to restore function and value to pre alteration levels.~~

406.50 Exemptions

The following activities are allowed on regulated surface waters, wetlands and wetland buffers, subject to the specified limitations, restrictions and conditions. Persons wishing to make use of an exemption shall submit a natural resources inventory or comparable administrative notice in order to demonstrate that they qualify for exemption prior to initiating any of the following activities in surface waters, wetlands, and buffers:

(a) Bona Fide Agricultural Activities

1. Silvicultural Activities

Forestry operations conducted in accordance with the practices outlined in *Best Management Practices for Silviculture* (October, 2003 edition published by the Department of Agriculture and Consumer Services, Division of Forestry). This exemption shall be available only to those operations which meet the criteria of §406.05(c).

2. Non-silvicultural Activities

a. Existing bona-fide agricultural activities that did not require approval prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42), provided that the activities are conducted according to applicable best management practices.

b. Operations that cannot qualify for an exemption pursuant to this subsection may apply for an administrative determination. The County may approve administratively the pursuit of agricultural activities in, on or over a surface water or wetland area or buffer, or adjacent to or connected to a surface water or wetland area, if it is determined that the proposal:

(a) Will have minimal impact on navigational access, water quality, fish, wildlife, exceptional associations of plant life, listed species or hydrologic characteristics critical to the support of the surface water and/or wetland system; and

(b) Will not result in the draining or permanent filling of a surface water or wetland area; and

(c) Will incorporate mitigating conditions where necessary to ensure minimal impact.

(b) Minor Nature Trails

Construction and maintenance of public or private nature trails no greater than ten feet in width, including boardwalks and foot bridges, provided that no more dredging or filling is performed than necessary to install, repair or replace pilings.

(c) Minor Docks and Boardwalks

The installation of a dock and/or boardwalk less than 1,000 square feet in total surface area, excluding walkways, provided that the requirements of §404.65 of this ULDC are met.

(d) Navigational Aids

The installation of aids to navigation, including but not limited to bridge fender piles, "No Wake" and similar regulatory signs, and buoys associated with such aids, provided that the devices are marked pursuant to F.S. § 327.40.

(e) Treatment Wetlands

In the case where specific permitted use(s) and associated required modifications are allowed in "treatment wetlands" or in a "wetlands stormwater discharge facility" pursuant to Chapter 62-611 and Rule 62-25.042, Florida Administrative Code, respectively. Failure to comply with operating conditions of such permit(s) shall nullify this exemption.

(f) Connection of Stormwater Facilities

Dredging or filling which is required to connect stormwater management facilities permitted by the St. Johns River Water Management District, the Suwannee River Water Management District, or the Alachua County Department of Public Works to nontidal wetlands and which is incidental to the construction of such stormwater management facilities. Incidental dredging or filling shall include:

1. Headwalls and discharge structures; and
2. Erosion control devices or structures to dissipate energy which are associated with discharge structures; and
3. Outfall pipes less than 20 feet in length, provided the pipe does not interfere with navigation; and
4. The connection of ditches dug through the uplands where the dredging or filling for the connection to wetlands extends less than 20 feet in length into the wetland; and
5. Other dredging or filling which the environmental protection department determines will have a similar effect as those activities listed above.

(g) Repair or Replacement

The repair or replacement of existing vehicular bridges, open-foot trestle bridges, functional piers, mooring piles, boat ramps, or stormwater discharge pipes, at the same location and of the same dimensions and configuration as the original being repaired or replaced, provided that no more dredging or filling is performed than necessary, and no debris from original structures shall be allowed to remain in jurisdictional wetlands.

(h) Emergency Repairs

Emergency repairs consistent with the requirements of Rule 62-312.090, Florida Administrative Code.

(i) Maintenance Dredging

The performance of maintenance dredging of existing man-made ditches, canals, channels, and intake and discharge structures, where the spoil material is to be removed and deposited on a self-contained, upland spoil site which will prevent the escape of the spoil material and return water from the spoil site into surface waters, provided no more dredging is performed than is necessary to restore the canals, channels, and intake and discharge structures to original design specifications, and provided further that control devices are used at the dredge site to prevent turbidity

and toxic or deleterious substances from discharging into adjacent waters during maintenance dredging. This exemption shall not apply to the removal of a natural or man-made barrier separating a canal or canal system from adjacent waters.

(j) Previously Approved Permits

1. Dredge and fill permits: Specifically permitted dredge and fill or surface water management activities that were approved by a federal or state agency or a water management district, prior to October 29, 1992, the adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42). Failure to comply with operating conditions of such permits shall nullify this exemption.

2. Other permits: Projects for which the applicant demonstrates that formal development approvals or permits have been issued by other regulatory agencies prior to October 29, 1992, the date of adoption of the Alachua County Surface Waters and Wetlands Ordinance (Ordinance No. 92-42).

(k) Altered Wetlands

In instances where the water regime of a wetland has been artificially altered, but the dominant vegetation of the area in question continues to be comprised of listed species, a feasibility of hydrologic restoration shall be made by county staff. Hydrologic restoration that can be accomplished by minor earth work or drainage controls, and would not be contrary to the public health, safety, and welfare, shall be viewed as the preferable alternative to the proposed development activity. This provision for exemption is not intended to apply in the case where a surface water and/or wetland has been filled or altered in violation of any rule, regulation, statute, or this Chapter.

(l) Artificial Wetlands

All man-made impoundments, lakes, streams, ponds, artificial or created wetlands, and all stormwater management facilities, provided that development activities in these areas will not adversely impact natural or mitigation surface waters and wetlands. If these facilities were required as a mitigation project they shall not be exempt from this Chapter. If any wetlands or surface waters are part of a stormwater management facility approved by the county, the same function must be provided and any modifications shall be subject to approval by the county engineer.

(m) Miscellaneous

Those other projects for which the Alachua County Environmental Protection Department determines, in writing, that there will be no significant adverse impacts based on the factors and criteria set forth in this Section.

406.51 Violations and Use of Awards

(a) A violation of this chapter shall be the alteration of surface waters or wetlands in any manner defined by this Chapter, up to 0.10 acre in extent. Alteration of each additional 0.10-acre tract of surface water or wetland or portion thereof in violation of this chapter may~~shall~~ constitute a separate violation of this chapter. Cumulative violations shall be determined by the addition of each 0.10-acre tract of surface water or wetland or portion thereof, whether altered in the same manner or in a different manner, as defined by this Chapter. ~~Damage to surface waters or wetlands may result in an order to restore to preexisting site conditions.~~

(b) In the event that alteration occurs to a surface water, wetland or buffer without first obtaining the appropriate review and approval required by this Article, corrective actions shall be required as outlined in §406.115 and may result in an order to restore to preexisting site conditions

~~(b)~~(c) All monies collected pursuant to this Section shall be deposited in an environmentally sensitive lands fund, hereby created, for the acquisition, restoration and management of environmentally sensitive lands.

Article 7 100-Year Floodplains

406.52 Purpose

It is the purpose of this Chapter to implement policies contained in the Alachua County Comprehensive Plan to protect and maintain the natural functions of floodplains, floodways, and all other natural areas having hydrological characteristics of the one hundred (100)-year flood elevation.

406.53 Protection and Maintenance of Natural Functions

The natural functions of floodplains, floodways, and all other natural areas having hydrological characteristics of the one hundred (100)-year flood elevation shall be protected and maintained. Natural functions include water purification, flood hazard mitigation, water supply, and wildlife habitat and connectivity. Protections applicable to conservation areas under this Chapter shall apply to 100-year floodplains and floodways. Specific protections may be required to prevent erosion and maintain the existing topography of slopes along natural banks and shores.

406.54 Disclaimer of Liability

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Floods greater than the base flood can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the County or by any officer or employee thereof for any flood damages that result from reliance on this Chapter or any decision lawfully made hereunder.

406.55 Designation of Areas of Special Flood Hazard

(a) The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Maps (FIRM), with accompanying maps and other supporting data, and any revisions thereto are hereby adopted by reference and declared to be a part of this Chapter. The County Engineer may also obtain, review, and reasonably utilize base flood elevation and floodway data from any source to determine areas of special flood hazard, including, specifically, the following:

1. The "Water and Flood Plain Management Study for the Gainesville Metropolitan Area," conducted by Sverdrup, Parcel and Associates, Inc., for the North Central Florida Regional Planning Council, 1974, including any update to such study;

2. The United States Geological Survey map series entitled "Map of Flood Prone Areas," which covers the County; and

3. Maps of the Suwannee River Water Management District or the St. Johns River Water Management District.

(b) In all instances, the more precise map shall take precedence over less precise maps, as determined by the Public Works Department. In the case of floodplain elevation differences between maps of the same relative precision, the highest floodplain elevation shall be used. The County Engineer shall have the right to require any applicant for a permit or variance to submit information to verify and/or establish the areas of special flood hazard. An applicant may also elect to submit information to verify and/or establish the areas of special flood hazard.

406.56 Flood Hazard Area Permit Required

Any development in an area of special flood hazard is hereby prohibited, unless a Flood Hazard Area permit is first obtained. All newly created lots shall include adequate buildable area above the 100-year floodplain and all new habitable structures on such lots must be outside the floodplain. Existing lots of record as of October 2, 1991 may only develop in conformance with the Flood Hazard Reduction Standards in §406.57.

(a) Administrative Approval

The Development Review Committee shall approve, approve with conditions, or deny all Flood Hazard Area permits, with the exception of the following uses which can be approved by the Local Flood Plain Administrator:

1. Boat docks less than 1,000 feet meeting the minimum standards of §404.65 of this ULDC.
2. Single family residence mobile or manufactured home on a legal lot of record.

(b) Flood Hazard Area Permitting Process

The following procedures shall be utilized to obtain a Flood Hazard Area permit:

1. Application

An application shall be made to the Director and the Flood Plain Administrator on a form prescribed and provided for this purpose. The application, at a minimum, shall provide the following information:

- **a.** The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones Al-A30, AE or AH, or Zone A if base flood elevation data are available or in any other areas determined to be flood prone in accordance with §406.55;
- **b.** Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;
- **c.** A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in §406.55;
- **d.** A description of the extent to which any surface water will be altered or relocated as result of proposed development;
- **e.** A technical analysis, by a licensed professional engineer, if required by the Flood Plain Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property;
- **f.** A flood elevation or floodproofing certification needs to be submitted after the lowest floor is completed. Within 21 calendar days of construction of the lowest floor elevation or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the Department of Growth Management and the Flood Plain Administrator a certification as to the elevation of the lowest floor or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer

and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the 21-calendar-day period and prior to submission of their certification shall be at the permit holder's risk. The Director and the Flood Plain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to any further work being allowed to proceed. Failure to submit the survey or failure to make said corrections required shall be cause to issue a stop work order for the project structure; and

g. When an applicant proposes a subdivision of land as regulated by Article 8, Subdivision Regulations, of Chapter 407, or when an applicant proposes to develop a manufactured or mobile home park not requiring approval under the subdivision ordinance, the areas designated as areas of special flood hazard shall be shown on the plat and development plan in accordance with the requirements of §407.87, Special Flood Zone Criteria, of this ULDC. Where flood zone designations conflict with established base flood elevations, the applicant shall apply to obtain a FEMA Letter of Map Revision.

h. For all properties located within special flood hazard areas, all supporting documents, including complete plans and a cost estimate shall be provided when an applicant proposes a substantial improvement.

i. In consideration for granting a Flood Hazard Area Permit for structures or structural additions that do not fully meet the requirements for human habitation, and that will only be used for access, storage or parking, a binding Non-Conversion Agreement shall be required to stipulate that the structure or addition will never be used for human habitation. Such agreement shall be recorded in the public records of Alachua County by the owner of the structure.

2. Review by Flood Plain Administrator

The Flood Plain Administrator shall review all applications for completeness; shall request additional information, if needed, as provided in this Chapter; and shall verify the accuracy of the information provided.

3. Stop Work Orders

a. The Flood Plain Administrator or the Director shall issue a stop work order for any floodplain development found ongoing without a Flood Hazard Area permit or in any way noncompliant with the provisions of this ULDC and/or the conditions of an approved permit. Disregard of a stop work order shall subject the violator to the penalties described in this ULDC.

406.57 Flood Hazard Reduction Standards

The Development Review Committee and the Flood Plain Administrator may grant a Flood Hazard Area permit to allow development in an area of special flood hazard, providing that the following minimum standards, where applicable, are met:

(a) Adverse Effects

The proposed development shall not adversely affect the flood-carrying capacity and/or flood storage capacity of an area of special flood hazard. For the purpose of this Section, "adversely affect" means damage to adjacent properties because of rises in flood stages attributable to physical changes of the stream or depression basin. Without limiting the foregoing, a development other than a stream crossing is presumed to adversely affect the flood-carrying and/or flood storage capacity if it involves the filling of land in an area of special flood hazard without simultaneously providing additional flood-carrying and flood storage capacities to compensate for that capacity which is lost because of such filling. The final verification of grades for compensation area purposes in a flood prone area must be certified by a professional land surveyor.

(b) Fill Within Depression Basin

Fill within a depression basin may be allowed, provided the lowest elevation of excavation for the compensating storage volume is above the normal wet season groundwater table. No permanent fill or other obstructions are to be placed above the natural grade of the ground except as provided for below:

1. Minor amounts of fill may be allowed for mounded on-site sewage disposal systems pursuant to Chapter 10D-6, Florida Administrative Code, when the mound is less than three feet in height as measured from the natural grade of the ground and when the top width of the mound is 20 feet or less and when the side slopes of the mound are no steeper than three feet horizontal to one foot vertical and the mound is planted with sod or other appropriate vegetation to prevent erosion.
2. Minor amounts of fill may be allowed for a structure or to establish a yard provided that compensation is provided within or adjacent to the floodplain and the lowest elevation of excavation for the compensating storage volume is above the normal wet season groundwater table.
3. Compensatory excavation volumes shall be provided at the same elevation as the fill volumes to the maximum extent possible.
4. If a private road or driveway is proposed to be placed within a depression basin, the final grade shall be at or above the 100 year base flood elevation or raised to an elevation of three feet above existing grade if a base flood elevation has not been determined provided that all other flood criteria contained in this Article are met. Equalizer pipes shall be provided to ensure unimpeded stormwater flow within the basin.

(c) Fill Within Stream Basin

Fill within a stream basin may be allowed where compensation for the flood-carrying capacity which is lost because of filling is provided or, in the case of a stream crossing, it will not cause more than a one-foot increase in headwater elevation above the base flood elevation immediately upstream from the fill and no more than a 1/100-foot increase 500 feet upstream, except as provided in §406.57. In no case shall filling be permitted in a designated floodway, except as provided in §406.57(c). All utility equipment and ductwork shall be installed at or above the permitted finished floor elevation which must be a minimum of one foot above the base flood elevation for the site. Where the base flood elevation has not been

established, all utility equipment and ductwork must be three feet above the highest natural ground.

(d) Minimum Elevation

All habitable residential structures on existing lots of record, except those exempted in §406.57(n), must have the lowest floor elevated a minimum of one foot above the base flood elevation for that site. This should be achieved by using an open foundation, such as pilings or stem wall designed with openings as described in §406.57(g). Where the base flood elevation has not been established, the lowest finished floor elevation of the structure must be three feet above the highest natural ground level.

(e) Utility Systems

Septic tanks and drain fields must be located outside the limits of the ten-year floodplain. Sewage treatment and collection systems shall be designed to prevent contamination of flood waters by infiltration and/or exfiltration up to one foot above the base flood elevation. Potable water supply systems shall be designed to prevent infiltration of flood waters into the system up to one foot above the base flood elevation. Electrical and communications utilities shall be designed to prevent flood damage up to one foot above the base flood elevation. All mechanical and utility systems shall be designed and/or elevated to prevent water from entering or accumulating within component parts or subsystems.

(f) Road Elevations

The pavement of all public roads will be elevated to or above the ten-year floodplain, but will be allowed within the area of special flood hazard, provided other flood criteria contained in this Chapter are met. Roads that provide the only means of ingress and egress to a subdivision or single family dwellings must be elevated to or above the 100-year floodplain.

(g) Anchoring

All structures shall be constructed so as to be protected from hydrostatic and hydrodynamic loads, including the effects of buoyancy. Fully enclosed floors below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum requirements:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

(h) Use of Flood Resistant Material

All structures shall be constructed with materials and utility equipment resistant to flood damage.

(i) Manufactured and Mobile Homes

In addition to meeting the other requirements provided herein, the following requirements shall apply to the placement, replacement, or substantial improvement of any manufactured or mobile home:

1. Tie-downs

All manufactured and mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

a. Installation standards for the set up of new or used manufactured homes shall be in compliance with manufacturer's installation instruction, or as per the Department of Highway Safety and Motor Vehicles standards;

b. In flood prone areas, the foundation shall comply with the requirements set forth in the "Manufactured Home Installation in Flood Hazard Areas" FEMA 85, 1985, published by the Federal Emergency Management Agency and herein incorporated by reference. All installations of mobile/manufactured homes shall be performed by either a licensed installer, dealer installer or manufacturer installer;

c. In the absence of the original manufacturer's installation, the anchoring system shall be designed by a professional engineer or architect, licensed in the State of Florida to comply with the aforementioned FEMA requirements for "Manufactured Home Installation in Flood Hazard Areas". The foundation and piers shall comply with Rule 15C-1.0103, F.A.C.;

d. All anchors, piers and tie down components used in the installation of a mobile home shall be tested, listed and approved in accordance with Rules 15C-1.10101 through 15C-1.0109, F.A.C. Installation of such anchors and components shall be in accordance with the manufacturer's instructions;

e. All utility equipment and ductwork shall be installed at or above the permitted finished floor elevation; and

f. Any additions to the manufactured or mobile home shall be similarly anchored or constructed on a foundation designed for floodproofing.

2. Foundations or Lots

The following standards shall apply to sites or locations, including spaces or sites within a mobile home park or subdivision, proposed for the placement, replacement, or substantial improvement of mobile homes:

a. Foundations or lots shall be elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be a minimum of one foot above the base flood level elevation;

b. Adequate surface drainage and access for haulers shall be provided; and

c. In the instance of elevation of pilings, (i) lots shall be large enough to permit steps; (ii) piling foundations shall be placed in stable soil no more than ten feet apart; and (iii) reinforcement shall be provided for pilings more than six feet above the ground.

(j) Development in Floodway

Within the floodway, development shall be prohibited. If this precludes all economically viable use of a legal lot of record, minimal development may be allowed in accordance with each of the following provisions:

1. Certification, with supporting technical data, by a registered professional engineer, shall be required for all encroachments, including fill, new construction, substantial improvements, and other developments. The certification shall include demonstration that encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.
2. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.
3. The development impact area shall not exceed the rate of ½ acre per ten acres of floodway, including the footprint of principal and accessory structures and parking, allowing for reasonable access.
4. The placement of any mobile home is prohibited. Development intended for recreational vehicles or travel trailers shall be prohibited.

(k) Other Rules

All other federal, state, water management district and local rules, standards, and permitting requirements must be satisfied.

(l) Development Adjacent to Outstanding Florida Waters

In addition to the minimum standards established in §406.56, all development in areas of special flood hazard adjacent to Outstanding Florida Waters (OFWs), including those uses and structures set out in §406.57(n), shall adhere to the following standards:

1. All development activities, except as expressly provided in this Chapter or as approved by Alachua County, must take place landward from the OFWs buffer distance for Outstanding Florida Waters found in Table 406.43.1.1 of this Chapter. Vegetation waterward of such buffer distance shall be preserved in a manner consistent with the requirements of this Chapter.
2. The appropriate water management district shall be notified of all development proposals within the 100-year floodplain along any Outstanding Florida Waters.

(m) Imposition of Additional Conditions

The development review committee may impose such additional conditions which it deems are in the public interest.

(n) Uses Allowed Without Permit

The following uses shall be allowed without a permit, to the extent they are not prohibited by any other ordinance, or any other provisions of this Article, unless any filling or structure associated with such use requires a Flood Hazard Area permit in accordance with this Article:

1. Agricultural and silvicultural uses conducted in accordance with all applicable best management practices, in accordance with the provisions of §406.05(c);

2. Private and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat ramps, natural swimming areas (excluding swimming pools), parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; or
3. Lawns, gardens, grassed parking, and play areas.
4. Notwithstanding that any of the foregoing uses are permitted within an area of special flood hazard, no use shall adversely affect the efficiency or unduly restrict the capacity of depression basins or stream basins, or of any stormwater management facility or system; and, to the extent any use would so adversely affect or unduly restrict, such use is prohibited unless a permit is obtained as required by §406.56.

(o) Duties of the Flood Plain Administrator

A representative of the Public Works Department shall serve as the Local Flood Plain Administrator to administer and implement this Chapter. The Flood Plain Administrator shall provide for the following:

1. Notify adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency;
2. Assure that maintenance is provided within the altered or relocated portion of said surface water so that the flood-carrying capacity is not diminished;
3. Record the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures in accordance with §406.56(b)1.f; and
4. Record the actual elevation in relation to mean sea level to which the new or substantially improved structures have been floodproofed, in accordance with §406.56(b)1.f.

(p) Variances to Flood Hazard Protection Standards

The development review committee, may grant a request for a variance to the standards in §406.56 or §406.57 where literal application of the provisions thereof would impose exceptional hardship because of unique topographic or other conditions of land involved, which are not the result of the actions of the landowner, provided that:

1. Conditions are attached to permit approval that assure compliance with the requirements of this Chapter insofar as practical and the modification granted is the minimum modification necessary to make possible a reasonable use of the land.
2. The purpose and intent of this Chapter are observed.
3. There is no increase in flood hazard or flood damage potential as certified by a registered Florida professional engineer.
4. The request shall be fully documented in writing and shall contain technical reasons and justifications explaining why the requirements cannot be met.
5. Neither the size of the parcel in question, nor the size or nature of development of adjacent lots (vis-a-vis these regulations) shall necessarily justify a request.

6. Requests for alternative compliance shall be considered on a case-by-case basis and not on the basis of an entire subdivision.
7. Staff review, including the review of alternatives to the proposed siting and/or methods of development, shall be considered.

Article 8 Springs and High Aquifer Recharge Areas~~- RESERVED~~

406.58 Purpose

The purpose of this section is to preserve, conserve, and protect springs, groundwater, and associated karst features in high aquifer recharge areas, those areas where stream-to-sink surface water basins occur and the Floridan aquifer is vulnerable or highly vulnerable as depicted in the Alachua County Floridan Aquifer High Recharge Area Map, from potential adverse impacts associated with land uses and activities so that regulations may be applied within these zones to minimize adverse impacts to water quality and quantity. Further, these provisions are intended to:

(a) Protect the Floridan aquifer and the ability of the aquifer to continue to supply adequate water to springs and associated aquatic ecosystems and to meet the needs of the public for clean, safe, potable water;

(b) Maintain and improve the quality and quantity of water recharging the Floridan aquifer and discharging from springs;

(c) Conserve water resources and promote environmentally responsible reuse of water; and

(d) Protect and preserve springs, springsheds, and associated karst features, including, but not limited to caves, sinkholes, karst windows, and swallets.

406.59 General Standards

The following generally applicable requirements of the Alachua County Code of Ordinances contribute to protection of springs and high aquifer recharge areas throughout the unincorporated portion of Alachua County:

(a) Chapter 78. Fertilizer Standards and Management Practices

(b) Chapter 79, Irrigation Conservation Standards and Management Practices

(c) Chapter 353, Hazardous Materials Management Code

(d) Chapter 404, Article 24, Mining or Excavation and Fill Operations

(e) Chapter 404, Article 14, Entertainment and Recreation

(f) Chapter 406, Article 2, Trees and Native Vegetation

(g) Chapter 406, Article 6, Surface Waters and Wetlands

(h) Chapter 406, Article 12, Wastewater Treatment Facilities

(i) Chapter 406, Article 16, Significant Geologic Features

(j) Chapter 407, Article 4, Landscaping

(k) Chapter 407, Article 5, Open Space

(l) Chapter 407, Article 9, Stormwater Management

406.59.1 Additional Protection Standards

The following additional standards apply to development activities within High Aquifer Recharge Areas.

(a) Outdoor Water Conservation for New Development

1. The following additional standards shall be incorporated into Homeowner Association CCR documents and apply to development activities for new subdivisions within high aquifer recharge areas. Outdoor water conservation for new development shall be maximized. Irrigation shall be minimized and

permanent high-volume irrigated areas shall not exceed 60% (Florida Water Star Silver basic prerequisite) of the landscaped area. This standard is applicable on new residential lots over 1/8 acre. The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed 0.5 acres (Florida Water Star standard). This requirement excludes agriculturally zoned lots and vegetable gardens and fruit or nut trees on individual lots.

2. TNDs, TODs and mixed use development shall utilize the standards in (a)1. above, excluding designated recreational areas.

(b) The use of rapid infiltration basins or percolation ponds for wastewater effluent disposal is prohibited. Use of wetland treatment systems, such as infiltrating wetlands, that are designed to lower nutrient concentrations by denitrification and promote aquifer recharge are allowed.

(c) New sites for land application of Class A and B residuals (biosolids) are not allowed in the high aquifer recharge areas.

(d) New sites for land application of septage are not allowed in high aquifer recharge areas.

(e) In addition to the golf course design and monitoring requirements of Chapter 404, golf courses shall be designed and operated to be protective of springs (for example, capture and recycle nutrient laden water or implement other nutrient reduction techniques) to minimize the potential for nutrients to degrade surface waters, springs, or the Floridan aquifer.

406.59.2 Alternative Compliance

Where avoidance of impacts is not feasible, strategies and designs that minimize the impact of development shall be implemented. Mitigation of development impacts may include design techniques, location requirements, additional buffering requirements or other site design standards.

Article 9 RESERVED~~High Aquifer Recharge Areas~~

~~406.58 Definition~~

~~High aquifer recharge areas are those areas in Alachua County where stream to sink surface water basins occur, and areas where the Floridan aquifer system is designated as unconfined or semi-confined in Florida Geological Survey Open File Report 21, "Geologic Interpretation of the Aquifer Pollution Potential in Alachua County, Florida."~~

~~406.59 Standards~~

~~The following planning and design principles shall control development on parcels containing high aquifer recharge areas to ensure both short and long term mitigation of impacts on groundwater created by activities occurring in high aquifer recharge areas.~~

~~(a) Stormwater~~

~~1. All new development or modifications to existing development shall provide stormwater treatment consistent with the Stormwater Element of the Comprehensive Plan and Chapter 407 of this ULDC.~~

~~2. All stormwater basins on parcels containing high aquifer recharge areas shall be designed and constructed to provide for at least three (3) feet of unconsolidated solid materials such as sand, silts, and clays between the surface of limestone bedrock and the bottom and sides of the stormwater basin.~~

~~(b) Hazardous Materials - see Chapter 353~~

~~1. Existing Facilities~~

~~a. Existing facilities shall meet the requirements of the Hazardous Materials Management Code pertaining to such facilities.~~

~~b. Corrective action to retrofit or upgrade facilities that handle or store hazardous materials consistent with standards applicable to new facilities shall be required.~~

~~c. Where existing facilities are proposed to be modified, development review and permitting activities shall include careful evaluation and implementation of engineering and management controls, setbacks and buffers, and monitoring.~~

~~2. New Uses and Activities~~

~~a. New development activities which involve handling or storing of hazardous materials may be prohibited in high aquifer recharge areas, and, where permitted, shall be subject to the general requirements, siting prohibitions, storage facility standards, secondary containment and monitoring requirements contained in the Hazardous Materials Management Code.~~

~~b. The following new uses shall be prohibited on parcels containing high aquifer recharge areas unless it can be demonstrated that the material, in the quantity and/or solution stored or the conditions under which it is to be stored, does not pose a hazard to human health or the environment:~~

~~i. Asphalt plant;~~

~~ii. Auto salvage or junk yard;~~

~~**iii.** Battery reclamation or manufacturing;~~

~~**iv.** Chemical manufacturing;~~

~~**v.** Electronics manufacturing using halogenated solvents;~~

~~**vi.** Pesticide distribution site (regional);~~

~~**vii.** Pesticide manufacturing;~~

~~**viii.** Portland cement manufacturing;~~

~~**ix.** Underground storage tank for the storage of hazardous materials;~~

~~**x.** Wholesale bulk fuel storage;~~

~~**xi.** Any hazardous waste transfer site; or~~

~~**xii.** Any site defined by the Resource Conservation and Recovery Act (RCRA) as a treatment, storage, or disposal (TSD) facility for hazardous waste.~~

Article 10 Wellfield Protection

406.60 Purpose

It is the purpose of this Section to promote the public health, safety and general welfare and to implement policies contained in the Alachua County Comprehensive Plan to protect and maintain the quality and quantity of groundwater in surficial, intermediate, and Floridan aquifers. The County hereby establishes a comprehensive wellfield protection program to protect current and future public water supply needs from potential adverse effects from incompatible land uses and activities.

406.61 Delineation of Protection Zones for Public Systems

(a) Fixed Zones of Protection

Except as otherwise expressly provided for a specific wellfield, the following zones of protection are established for each public water system in the unincorporated area of Alachua County. A map of public water supply wells shall be maintained and updated by the Environmental Protection Department.

1. Tertiary Wellfield Protection Zone

The tertiary wellfield protection zone includes the following: the land area surrounding the secondary wellfield protection zone; the land area within a 1,000 foot radius surrounding a public water supply well; and the land area within a springshed.

2. Secondary Wellfield Protection Zone

The secondary wellfield protection zone is the land area surrounding the primary wellfield protection zone, and the land area within a 500 foot radius surrounding a public water supply well.

3. Primary Wellfield Protection Zone

The primary wellfield protection zone is the land area immediately surrounding a public water supply well, and the land area within the 200 foot radius surrounding a public water supply well.

(b) Modification of Zones of Protection

Zones of protection may be revised for a specific public water system based on best available scientific data, including results of scientific modeling, which demonstrates that a larger or smaller zone of protection is necessary to protect water quality. Absent such demonstration, protections shall be applied based on the zones of protection defined above.

(c) Murphree Wellfield

Zones of protection and applicable requirements are defined specifically for the Murphree Wellfield in Chapter 355.

406.62 Protection Standards for Public Systems

Requirements that apply to each wellfield protection zone are presented below, in order of increasing restrictiveness by zone. Requirements for the tertiary protection zone are generally applicable to all wellfield protection zones. Requirements for the primary protection zone are most restrictive, and incorporate restrictions of both tertiary and secondary protection zones.

(a) Tertiary Wellfield Protection Zone

1. The following new uses or expansions of existing uses shall be prohibited:

- **a.** Solid waste disposal facilities, including landfills;
- **b.** Domestic and industrial wastewater treatment facilities, including wastewater treatment plants and percolation ponds, wastewater reuse and discharge facilities, except for expansions as part of facility upgrade;
- **c.** Any land applications of septage;
- **d.** Unlined storage and treatment of dairy waste, high intensity areas, and land applications of dairy waste;
- **e.** Feedlots or other animal feeding operations;
- **f.** Mines;
- **g.** Excavation of waterways or stormwater management facilities which intersect the water table;
- **h.** Stormwater retention and detention basins except pursuant to performance controls where configuration or topography of a lot of record precludes location of a required retention or detention basin outside the wellhead protection area;
- **i.** All uses prohibited in high aquifer recharge areas by §406.59(b)2.b.

2. The following standards shall apply:

- **a.** All new and existing wells and nonresidential septic tanks shall be registered, as set forth in Article 11 of this Chapter.
- **b.** No new wells shall be constructed in the surficial, intermediate, or Floridan aquifer system, except as set forth in §406.63(b).
- **c.** Existing wells posing a threat to groundwater quality, as determined by the county, shall be properly abandoned or repaired as set forth in §406.63(a)1. Wells allowed to remain shall meet the requirements which are set forth in §406.63(a)5.
- **d.** A hazardous materials storage license shall be required for regulated storage facilities with nonresidential septic tanks or wells, as set forth in the Hazardous Materials Management Code.

(b) Secondary Wellfield Protection Zone

The following provisions shall apply:

1. Expansion or construction of a new Class C or D storage facility, as defined in Section 353.31 of the Alachua County Code, shall be prohibited.

2. A hazardous materials storage license shall be required for all regulated storage facilities, as set forth in Section 353.38 of the Alachua County Code.

3. All nonresidential septic tank systems shall be registered, as set forth in Article 11 of this Chapter.

4. All provisions of §406.62(a), "Tertiary Wellfield Protection Zone."

(c) Primary Wellfield Protection Zone

The following provisions shall apply:

1. No new non-residential septic tank systems shall be allowed.

2. No uses of land which require or involve storage, use, or manufacture of hazardous materials are allowed.
3. No uses of land which involve storage or treatment of solid waste in tanks.
4. All provisions of §406.62(b), "Secondary Wellfield Protection Zone."

(d) Exemptions

1. The transportation of any hazardous material through a wellhead protection area provided that the transporting motor vehicle is in continuous transit.
2. The use of hazardous materials substances for maintenance and cleaning of existing residential, commercial or office buildings provided best management practices are followed.
3. Retail sales establishments that store and handle, for resale, hazardous materials in the original and unopened containers.
4. Storage tanks which meet the auxiliary power provisions of Rule 62-555.320(6), Florida Administrative Code.

406.63 Wells within Protection Zones

The following provisions are applicable within all wellfield protection zones.

(a) Existing Wells

1. All existing wells that are not in use or that pose a threat to groundwater quality shall be properly abandoned or repaired, as approved by the County, within 90 days of their identification. Wells that pose a threat to groundwater include, but are not limited to, wells with deteriorated casings, wells that interconnect aquifers allowing downward movement of poor quality water or contaminants, and other conditions, as determined by the county, that would allow water quality degradation.
2. The owner or operator of any well to be abandoned shall comply with the following requirements:
   a. Obtain any water management district or state permits required for proper well abandonment.
   b. Provide the County with 60 days written notice of the proposed abandonment.
   c. Properly abandon the well, using approved techniques to fill and seal the well, in accordance with Rule 62-532.500(4), F.A.C., or other applicable water management district requirements.
   d. Provide the County with a copy of the permit (if required) and a copy of the well completion report that has been submitted to the appropriate water management district.
3. The county may allow existing wells to remain for the following uses:
   a. Potable supply for domestic use;
   b. Groundwater monitoring;
   c. Water withdrawal or injection as part of a federal, state, or local approved groundwater assessment, remediation, or monitoring program;
   d. Irrigation;

e. Part of a system for air conditioning or for the exchange of non-contact cooling water;

f. Uses authorized by a valid water management district or state permit.

4. The County may require the property owner or agent for the owner to conduct testing of mechanical integrity and water quality monitoring. The owner or agent shall complete the required work within 14 days of notice by the county, and submit to the county a report of results within 45 days of notice. If the property owner does not conduct the required testing and monitoring, the County shall be allowed access to the well for testing and monitoring purposes.

5. If the County allows existing wells to remain, the owner shall comply with all of the following conditions:

a. Register the well, as set forth in Article 11 of this Chapter;

b. Within 90 days of termination of use, properly abandon the well, as set forth in §406.63(a)2 above;

c. Secure with a protective casing and lock all wells used exclusively for monitoring purposes; and

d. Install backflow prevention on all non-domestic production wells and where otherwise required to prevent contamination.

(b) New Wells

1. The county may allow the construction of new wells for the uses specified in §406.63(a)3, "Existing Wells."

2. New wells shall be constructed according to the requirements and standards set forth by the state and by the county, including, but not limited to, the following: Florida Administrative Code Chapters 40B-3, 40C-3 (including the Fairbanks Special Construction Criteria Areas A and B), 62-520, and 62-524.

3. New wells shall conform to all conditions for existing wells set forth in this Section.

4. Owners of new wells which are two inches or greater in diameter but do not require a water management district or state permit must show proof of economic hardship.

(c) Geotechnical Borings

Geotechnical borings greater than 20 feet in depth are exempt from the provisions of this Chapter, except that they must be properly abandoned.

406.64 Nonresidential Septic Tank Systems within Protection Zones

Registration of nonresidential septic tank systems within all wellhead protection zones shall be required pursuant to requirements for registration of wells in Article 11 of this Chapter. Proper abandonment of nonresidential septic tank systems shall be conducted according to the procedures set forth in section 64E-6.011, Florida Administrative Code.

406.65 Setback Table for Other Public, Limited Use and Private Systems

In addition, new uses or activities shall be set back from existing non-community public, limited use, and private potable water wells, in accordance with the minimum requirements of F.A.C. 62-532 (effective March 28, 2002), DEP Water Well Permitting and Construction Requirements, summarized generally in Table 406.65.1 below.

Table 406.65.1
Setbacks for Other Public, Limited Use and Private Water Wells

Use or activity	NC Public	Limited Use	Private
Slow rate land application restricted public access	500	500	500
Rapid rate land application	500	500	500
Overland flow systems	500	100	100
Transmission Facilities Conveying Reclaimed Water to Restricted Public Access Slow Rate Land Application Systems, Rapid Rate Land Application System, or Overland Flow Systems	100	100	
Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75	75	75
Transmission Facilities Conveying Reclaimed Water to Public Access, Residential Irrigation, or Edible Crop Slow-rate Land Application Systems	75	75	
Domestic Wastewater Residuals Land Application Areas	500	500	300
Phosphogypsum Stack Systems	500	500	
Aboveground or Underground Storage Tanks	100	100	100
Solid Waste Disposal Facilities	500	500	500
Yard Trash Disposal	200	100	100
Storage or Treatment of Solid Waste in Tanks	100	100	100
Onsite Sewage Disposal Systems	200	200	75 [1]
Sanitary Hazard	100	100	75
Pesticide Treated Slab		25	25
Dairy Farm Waste- Unlined Storage and Treatment, or High Intensity Areas	300	300	300
Dairy Farm Waste- Land Application	200	200	200

[1]This distance is reduced to 50 feet for irrigation wells.

Article 11 Wells and Septic Tanks

406.65.5 Territorial Jursidiction; Administration in Incorporated Areas

The terms and provisions of this Article apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida, located within the boundaries of the St. Johns River Water Management District. Where incorporated areas regulate construction, modification and abandonment of wells, Alachua County will coordinate registration activities.

406.66 Registration Required

Registration of wells and nonresidential septic tank systems is required for the following areas in Alachua County. Note that registration in accordance with these requirements does not satisfy water management district or health department registration and permit requirements.

(a) Wellfield Protection Zones

Registration is required prior to the construction, installation, replacement, operation, and abandonment of a well or nonresidential septic tank system within the wellfield protection zones identified in Article 10 of this Chapter.

(b) Wells in St. Johns River Water Management District

Registration is required prior to the construction, modification, or proper abandonment of any well less than six inches in diameter located within the SJRWMD boundaries in Alachua County.

1. Exemptions

The following are exempt from registration requirements of this Section:

a. The wells (existing installations) described in F.S. § 373.316;

b. A well constructed solely for the purpose of a test hole;

c. Wells for the purpose of temporary dewatering; and

d. Temporary monitoring wells installed in the surficial aquifer system as part of approved contamination assessment activities, per review and approval by St. Johns River Water Management District, United States Environmental Protection Agency, Florida Department of Environmental Protection, Alachua County Environmental Protection Department, and other appropriate agencies.

2. Sunset Provision

The registration requirement for wells in the St. Johns River Water Management District shall be deemed repealed at such time as rules of the SJRWMD that will require permitting of all wells of less than six inches in diameter within its jurisdiction become effective, or as delegated by the SJRWMD to the Alachua County Health Department. This shall not effect the requirement for registration in wellfield protection zones

406.67 Registration Procedures

(a) Application

The application for registration shall be completed and signed by the owner or agent, and submitted to the Alachua County Environmental Protection Department. The application shall contain:

1. The name, address, telephone number, and signature of the property owner or agent;
2. The name, address, telephone number, and signature of the licensed contractor constructing the well or nonresidential septic tank;
3. The method of construction for the new construction, modification, or proper abandonment and the proposed starting date;
4. The intended well use;
5. The proposed well casing type, diameter, and depth;
6. The proposed length and type of screen (if any) to be used;
7. The proposed pump capacity in gallons per minute;
8. The location of the well (to the nearest quarter section), including subdivision name, and a site map to scale depicting landmarks;
9. The contractor's and/or owner's agreement to comply with this Chapter; and
10. The property owner's Alachua County tax parcel number.

(b) Well Completion Report

A copy of the St. Johns River Water Management District well completion report will be sent to the County within 30 days of completion of construction, modification, or abandonment.

(c) Duration

Registration shall be valid for the time period the well or nonresidential septic tank system exists. Upon sale or legal transfer of a registered well or nonresidential septic tank system in a wellhead protection zone, the new owner or operator shall apply by letter to the county to change the registration.

(d) Abandonment

The owner or operator shall notify the department in writing within 45 days when a well or nonresidential septic tank system is no longer in use. Proper abandonment of nonresidential septic tank systems shall be conducted according to the procedures set forth in Section 64E-6.011, FAC. Wells shall be properly abandoned as set forth in §406.63(a), Existing Wells.

(e) Other Permits

Registration does not take the place of required local, state, or federal permits necessary to construct, operate, or properly abandon a well.

406.68 Well Construction Standards

All wells shall be constructed, modified, or properly abandoned by a licensed water well contractor following the rules of the water management district. In addition, the following rules apply in the areas below.

(a) State Areas of Contamination Concern

Contractors installing wells in areas delineated by the Florida Department of Environmental Protection for contamination concerns shall comply with requirements for well construction and water quality testing per Chapter 62-524 'New Potable Water Well Permitting in Delineated Areas'. State delineated areas in Alachua County are identified and mapped per Section 62-524.430 'Maps Containing Delineated Areas.' This includes areas within the St. Johns River Water

Management District in Gainesville East, Micanopy, and Orange Heights United States Geological Survey Topographic Quadrangle maps and areas within the Suwannee River Water Management District in the Archer, High Springs, High Springs SW, Monteocha, Newberry and Waters Lake United States Geological Survey Topographic Quadrangle maps. State delineated maps for areas in Alachua County are available at the Alachua County Environmental Protection Department and attached to this ULDC.

(b) Fairbanks Special Construction Criteria Area

Contractors installing wells in the Fairbanks area of Alachua County are required to follow well construction and water quality requirements per St. John's River Water Management District Fairbanks Special Construction Criteria in Chapter 40C-3, Florida Administrative Codes. Specific standards and construction methods required in the Fairbanks area are provided in Section 40C-3.502 and 40C-3.512. A copy of the Fairbanks Special Construction Criteria Area map is available at the Environmental Protection Department and as an attachment to these Land Development Regulations.

Article 12 Wastewater Treatment Facilities

~~406.68.5 Territorial Jurisdiction~~

~~The terms and provisions of this Article shall apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida.~~

406.69 Facility Design

Waste treatment facilities shall be planned and constructed at a scale that is compatible with the natural hydroperiod and the assimilative and hydraulic loading capacities of receiving surface waters, groundwater and associated wetlands in accordance with applicable state and federal requirements.

406.70 Wastewater Disposal Standards

Disposal of effluents of wastewater treatment processes shall be accomplished by environmentally sound procedures consistent with Florida Department of Environmental Protection regulations. The goal is to choose the disposal method most protective of natural resources. In addition, the following standards shall apply:

(a) High Aquifer Recharge Areas

All new wastewater treatment plants in high aquifer recharge areas ~~or in the unconfined and semiconfined portions~~ of Alachua County shall provide advanced waste treatment, including nutrient removal, prior to discharge. All existing wastewater treatment plants in high aquifer recharge areas shall be encouraged to upgrade to provide for advanced waste treatment.

(b) Discharges to Surface Waters and Wetlands

Wastewater discharges to surface waters and wetlands shall be allowed only if all applicable federal, state, and local permits have been issued and the following criteria are satisfied:

1. The quantity, timing, and quality of the discharge maintains or improves water quality, biological health, and the function of the natural ecosystem.
2. Downstream waters are not affected by nutrient loading.
3. The project owner or developer prepares and implements maintenance and monitoring plans acceptable to the county.
4. The project owner or developer corrects any failures in design or operation of the system that causes degradation of water quality, biological health, or the function of the natural ecosystem.
5. The owner or developer posts a performance bond or similar financial guarantee to assure implementation of the maintenance and monitoring plan.
6. New or expanded direct discharges treated effluent to surface waters are prohibited; wetland treatment systems for the disposal of treated effluent are allowed.

(c) Deep Well Injection

Expansion or renewal of existing deep well injection operations shall require a special use permit according to the process outlined in Chapter 402, Article 18, through which monitoring conditions will be established. New deep well injection

shall be prohibited, except for the injection of high-quality treated water (meeting state drinking water standards) for the purpose of aquifer recharge and storage.

(d) Spray Irrigation

All proposed sites for spray irrigation shall require development plan approval from the Development Review Committee, based on factors including but not limited to: sufficient land area for direct application, buffers from adjacent land areas, and emergency sites for adverse weather conditions. In addition, the following standards shall be met:

1. Surface water runoff resulting from spray irrigation that impacts groundwater or surface water shall not violate state water quality standards.
2. Spray irrigation sites shall be monitored monthly by the operator to identify such problems as, but not limited to, ponding of effluent, bad odors, vegetation problems, and damage to spray heads.
3. Perennial grasses shall be incorporated as a primary crop except where reclaimed water is used for agricultural purposes as defined by the Florida Department of Environmental Protection to implement water conservation strategies. Use of supplemental crops to enhance nutrient removal is encouraged.

(e) Infiltration Basins and Absorption Fields

The use of infiltration basins and absorption fields is discouraged unless the treatment process includes enhanced nutrient removal prior to discharge.

(f) Land Application of Biosolids

All proposed sites for land application of biosolids shall require a special exception according to the process in Article 17, Special Exceptions, in Chapter 402, subject to the following standards.

1. Minimum Lot Area

The minimum lot area shall be 50 acres.

2. Minimum Setback Distances

The minimum setback distance or buffer width for land application of biosolids shall be as indicated in Table 406.70.1 or as required by state or federal law if a greater setback is required. Any buffer designated as "to be determined" shall be established by the Board of County Commissioners and shall be dependent upon the existing or anticipated zoning and land uses within an activity center or adopted special area plan. Land application of biosolids shall not encroach into the required setback or buffer.

Table 406.70.1
Minimum Setback Distance for Land Application of Biosolids

From	Min Setback (feet)
Outstanding Florida Waters (OFWs)	1000[1]
Surface waters or wetlands	200
Private potable water supply well	300
Public potable water supply well	500
Significant geologic features	200
Adjacent Future Land Use Designation	**Min Buffer Width (feet) [2]**
Activity Center	TBD[3]
Commercial	300
Industrial	300
Institutional	500
Conservation	500
Recreation	500
Urban Residential	750
Rural/Agriculture	300
Rural Employment Center	300
Rural Community Employment Center	300
Special Area Plan	TBD[3]
Tourist/Entertainment	500

1. Based on minimum setbacks required by FAC 62-640 Domestic Wastewater Residuals.
2. Buffer type shall be high density, as described in Chapter 407.
3. To be determined by adopted Activity Center Master Plan or Special Area Plan.

3. Compliance with State Regulations

In addition to the requirements of this Section, the land application of biosolids shall comply with all federal, state and county laws. The facility generating or treating the biosolids must have a valid permit from the Florida Department of Environmental Protection (DEP) that includes an approved Agricultural Use Plan for the site.

4. Protection of Ground and Surface Water Resources

An applicant shall demonstrate methods for the protection of ground and surface water resources, including the potential for a permanent monitoring system. Surface water runoff resulting from land application of biosolids that impacts groundwater or surface water shall not violate state water quality standards. Runoff of biosolids to on-site and adjacent water bodies shall be prevented by not spreading during rainfall events or runoff periods. In areas where the Floridan aquifer is vulnerable~~unconfined~~ or highly vulnerable~~the confining unit is perforated~~, in stream-to-sink watersheds, or in springsheds, additional measures may be required to protect water resources.

5. Protection of Adjacent Uses

An applicant shall demonstrate methods for the protection of adjacent uses and properties from odor, dust, and other adverse impacts.

6. Protection of Public or Private Water Supplies

An applicant shall demonstrate, where applicable, the impacts of a land application program on public or private potable water supply systems.

7. Monitoring, Record Keeping, and Reporting

a. A specific monitoring plan and the reporting requirements shall be established in the conditions of the special exception. At a minimum, the monitoring plan shall be based on site-specific requirements, including the quantity of biosolids treated, historical variations in biosolid characteristics, the types of crops grown on the application site, the level of treatment of biosolids, and the compliance history of the facility. Records of application zones and application rates must be maintained and available for inspection. A summary of biosolids application activity shall be submitted on an annual basis.

8. Competency

An applicant may be required to demonstrate competency and experience in the development, management, operation and maintenance of all elements of a land application program.

9. Surety

As part of any development review of a land application of biosolids use, the Board of County Commissioners may require posting of an adequate surety to remedy damages to water resources and public or private potable water systems adversely affected by the operation of such use.

~~406.68.6~~ 406.70.5 Territorial Jurisdiction

The terms and provisions of §406.71 through 406.75 shall apply to all real property lying within the incorporated and unincorporated areas of Alachua County, Florida.

406.71 Inspection of Facilities

Inspections, which may include sampling and analysis of wastewater treatment plant effluent, shall be conducted by the Alachua County Environmental Protection Department as necessary and appropriate. Domestic wastewater treatment facilities with historical non-compliance issues may be inspected more frequently than facilities found to be in compliance.

(a) Inspections and effluent sampling shall be conducted in accordance with Florida Department of Environmental Protection Standard Operating Procedures for Field Activities (DEP-SOP-001/01), as amended, for the purpose of determining compliance with this Article, state permits, permit conditions, and consent orders.

(b) All domestic wastewater treatment facility owners or operators shall appoint one or more designated representative(s) who are capable of and shall provide an authorized representative of the county access to the premises within 24 hours of a verbal request from the county where the permitted activity is located or conducted for the purpose of:

1. Having access to and copying any records that must be kept under the conditions of the facility permit or the requirements of this Article;

2. Inspecting the facility, equipment, practices, or operations regulated or required by the facility permit or the requirements of this Article; and

3. Sampling or monitoring any substances or parameters at any location reasonably necessary to assure compliance with the conditions of the facility permit and to protect natural resources.

(c) Inspectors shall record relevant field observations concerning the facility and inform the owner, operator or designated representative of observations. Copies of laboratory analyses results from samples taken by the county shall be transmitted to the owner or operator. Laboratory analysis results from samples taken by the county shall not be utilized by the owner or operator for submittal to the State of Florida Department of Environmental Protection as part of the required self-monitoring program.

(d) Intentional obstruction or interference by any person with an inspection by a representative of the county shall be considered a violation of this Article.

406.72 Record Keeping

Copies of all records required to be maintained at the facility by state or county regulation shall be available for inspection at all times. An on-site operations and maintenance logbook required by the state shall be maintained and kept on-site in a weatherproof location. The owner or operator of each domestic wastewater treatment facility shall submit to the county a copy of all correspondence to the FDEP relating to permit violations, noncompliance, unauthorized discharges and monthly operating reports. The owner or operator will provide the county with a copy of other correspondence to FDEP if specifically requested, in writing, by the county.

406.73 Wastewater Discharges

It shall be unlawful and a violation of this code to discharge or cause the discharge of untreated wastewater from a wastewater treatment facility into surface water, groundwater or stormwater management systems within Alachua County. Additionally, any discharge of domestic wastewater from a wastewater treatment facility, which results in a violation of applicable Florida Administrative Code rules, shall be considered a violation. Discharges specifically authorized by, and in full compliance with, federal, state or local permits are not subject to the provisions of this Section unless the County can demonstrate a significant adverse environmental impact resulting from the permitted discharge.

(a) Reporting

All untreated wastewater discharges shall be reported by the owner or operator of the wastewater treatment facility to the county immediately upon discovery. Initial discharge reporting shall be followed up with a written or electronic notification within 72 hours of discovery. The notification shall contain at a minimum the following information:

1. Date, time, and location of discharge;
2. Amount of untreated wastewater discharged; and
3. A brief narrative, including description of impacted areas and any corrective actions and/or water quality samples collected; and
4. Water quality data from samples collected as a result of the discharge shall be forwarded to the department within 48 hours of receipt by the owner or operator of the wastewater treatment facility.

(b) Response

In the event of an untreated wastewater discharge, the owner or operator of the wastewater treatment facility must take appropriate immediate action to protect

human health and the environment. Appropriate immediate action may include, but is not limited to: wastewater recovery, lime application, water quality sampling and signage and notification.

406.74 Temporary Noncompliance

In the event the owner or operator of any domestic treatment plant, reuse, or disposal system is temporarily unable to comply with any of the conditions of a permit or this Article due to breakdown of equipment, power outages, floods or destruction by hazards of fire, wind or by other cause, the owner or operator shall notify the county in person or by telephone within 24 hours. The County may require the owner or operator to provide, within 30 days, an acceptable contingency plan for preventing the recurrence of similar events.

406.75 Adoption of State Regulations

(a) Alachua County hereby adopts the State of Florida Department of Environmental Protection's general and specific permit conditions placed on individual wastewater treatment facilities pursuant to Florida Administrative Code Chapter 62-4 excluding the delegation of permitting responsibilities unless and until a specific operating agreement is approved by the FDEP and Alachua County.

(b) Alachua County hereby adopts the State of Florida Department of Environmental Protection's minimum effluent treatment standards, regulations controlling the treatment, management and disposal of domestic wastewater residuals and the operation and maintenance of domestic wastewater treatment facilities pursuant to the Florida Administrative Code Chapters 62-302, 62-520, 62-522, 62-528, 62-600, 62-601, 62-602, 62-603, 62-604, 62-610, 62-611, 62-625, 62-640, 62-650,62-550, and 62-699.

(c) Any violation of any general or specific permit condition, effluent standard, domestic residuals regulation or operation or maintenance regulation shall be considered a violation of this Article. Any activity, which results in a violation of state water quality standards (Florida Administrative Code Chapters 62-302, 62-520, and 62-550), shall be considered a violation of this Article. The County will comply with the state interpretations of state rules.

Article 13 Historic Structures and Sites

406.76 Applicability

Historic resource is a comprehensive term that refers to both historic structures and sites, and archaeological resources and properties. For the purposes of this Article only, historic structures and sites, and archaeological resources, are treated as two distinct categories.

(a) Purpose

It is the purpose of this Section to implement the Alachua County Comprehensive Plan; and to preserve, protect, restore, rehabilitate, and encourage adaptive use consistent with preservation of historic character of structures, sites, travel routes, cemeteries, districts, buildings, objects, or other real or personal properties with intrinsic historical or architectural value relating to the history, government, and culture of the State and County.

(b) Significant Historic Structures and Sites

Significant historic structures and sites are those historic structures and sites that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; www.cr.nps.gov/places.htm).

406.77 Identification

(a) General Mapping

Maps of known historic structures and sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File, and by the Alachua County Department of Growth Management. Historic structures and sites have been inventoried in Alachua County, "Historic Structures Survey of Unincorporated Alachua County," by Sherry Anderson, M.H.P. June 2000.

(b) Site Specific Determination

Surveys and analyses for historic structures and sites shall be required prior to alteration of a property known or likely to contain structures or sites of historical significance.

1. Where historic structures or sites are mapped, surveys and analyses shall be required by the County without recommendation of the Department of State, Division of Historical Resources.
2. Where historic structures or sites are not mapped, surveys and analyses may be required by the County upon recommendation of the Department of State, Division of Historical Resources, or qualified professional.

(c) Standards for Authorized Investigation

Surveys and analyses for historic structures and sites shall be conducted in accordance with standards and methodology for the natural and historic resources assessment, §406.04. Authorized investigations and reporting of historic structures and sites shall, at a minimum, conform to Chapter 1A-46, Florida Administrative Code, and the provisions and standards contained in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation", Sept. 29, 1983 (see www.cr.nps.gov/local-law/arch_stnds_0, prepared under the authority of Sections 101(f), (g), and (h), and Section 110 of the National Historic Preservation Act of 1966, as amended. These documents are adopted and made part of this

Chapter by reference. Copies are available from the county environmental protection department.

406.78 Prohibited Activities

Except as otherwise expressly provided in this Section, no activity shall occur on a property that contains, or has reasonable potential to harbor, structures or sites of historical significance, without the appropriate analysis and opportunity for mitigation, as specified under §406.79 below.

406.79 Standards for Protection

(a) Preservation, restoration, or rehabilitation of historic structures shall be encouraged and incentives provided where possible.

(b) The demolition of a historic structure or a structure that is integrally related to a historic structure shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the structure(s).

(c) Adaptive use of historic structures consistent with preservation of their historic character shall be encouraged. Where possible, variances to building codes and regulations shall be made to facilitate the rehabilitation and maintenance of historic structures. Historic structures originally built for residential use shall be maintained as residential dwellings to the greatest extent possible, but may be adapted to other uses.

Article 14 Archaeological Resources

406.80 Purpose

It is the purpose of this Article to implement the Alachua County Comprehensive Plan, and to preserve, protect, and restore archaeological resources. These resources constitute the physical evidences of past human activity, as well as evidences of the effects of that activity on the environment, including but not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic archaeological value.

406.81 Significant Archaeological Resources

Significant archaeological resources are those archaeological resources that are listed, or are eligible for listing, on the National Register of Historic Places (see 36 CFR Ch. I, Part 60; www.cr.nps.gov/places.htm).

406.82 Identification

(a) General Mapping

Maps of known archaeological sites are maintained by the Florida Department of State, Division of Historical Resources, Master Site File. Areas of known or probable archaeological resources have been modeled in Alachua County, "An Archaeological Survey of Unincorporated Alachua County, Florida (Phase I and Phase 2), by Southeastern Archaeological Research, Inc., October 2001.

(b) Site-specific Determination

Surveys and analyses for archaeological resources shall be required prior to alteration of a property known or likely to contain resources of archaeological significance, as set forth for historic sites and structures in §406.77(b).

(c) Standards for Authorized Investigation

Surveys and analyses for archaeological resources shall be conducted in accordance with standards and methodology appropriate to archaeological resources, as set forth for historic sites and structures in §406.77(c).

406.83 Prohibited Activities

Except as otherwise expressly provided in this Section, no development activity involving ground disturbance shall occur on a property containing, or having reasonable potential to harbor, resources of archaeological significance, without the appropriate analysis and opportunity for mitigation as specified in §406.84.

406.84 Standards for Protection

(a) Avoidance, minimization, and mitigation (in that order of preference) of adverse impacts on significant archaeological resources shall be required as appropriate to the scale and significance of the resource.

(b) Development orders for parcels containing known or suspected areas of archaeological significance shall be conditioned, where appropriate based on recommendation from qualified professional, to accomplish the following:

1. Insure proper archaeological investigation prior to construction; and, where appropriate, avoidance, minimization, and mitigation of impacts.

2. Preserve and provide perimeter buffering around significant archaeological sites in order to maintain the security and integrity of the resource. This may include, if necessary, alteration to the proposed or originally approved development plan.
3. Where archaeological sites are to be preserved, incentives to encourage retention of these areas may be provided.

(c) Mitigation of archaeological resources may include but is not limited to the following:

1. The excavation of an archaeological resource or an object or property that is integrally related to a significant archaeological resource shall be prohibited without allowing an opportunity for the acquisition of fee or less-than-fee interest in the property by a governmental unit, an organization, or by any other entity committed to the preservation, restoration, or rehabilitation of the resource(s).
2. Adaptive use of archaeological landforms or properties consistent with preservation of their archaeological character shall be encouraged.

(d) When unmarked human remains are discovered during excavation, construction, development or any other circumstances, such discovery must be reported to the State Archaeologist (850-245-6322), or to the County Medical Examiner, District 8 (see www.fdle.state.fl.us/cjst/mec/DMElist.pdf), as appropriate. Any activities on the site that may disturb the remains shall not be resumed until authorized in writing by such offices. This requirement is enforced under Florida Statutes, Sections 872.02 and 872.05, and is a violation of this Code (see also www.flheritage.com/archaeology/FS872/procedure.cfm).

Article 15 Paleontological Resources

406.85 Purpose

It is the purpose of this Section to implement the Alachua County Comprehensive Plan, and to preserve, protect, and restore paleontological resources through recovery concurrent with onsite ground disturbing activities. Paleontological resources constitute the physical evidences of non-human life forms which lived in the past, generally 7,000 years ago or more, i.e. during and prior to the Rancholabrean glaciation, the most recent glaciation which earth has experienced. These resources may include, but are not limited to: fossils, traces, imprints, objects, sites, or other real or personal property of paleontological value.

406.86 Significant Paleontological Resources

Significant paleontological resources include but are not limited to scientifically significant fossil finds, as well as those resources determined to be significant in the field based on number, type, and context of the resource.

(a) A "scientifically significant fossil find" is a fossil or fossils consisting of at least one of the following:

1. two or more teeth attached to a jawbone (mandible or maxilla);
2. half or more of a skull;
3. six or more bones of a skeleton arranged as they were in the living animal (articulated);
4. fifty or more bones and teeth found in close proximity, not necessarily from the same species, excluding shark, fish, and ray teeth, spines, and scales;
5. three-fourths or more of an articulated exoskeleton of a crab, shrimp, insect, or other arthropod;
6. an articulated skeleton of a starfish or sea star (but excluding finds of the more common sea urchins or sand dollars [echinoids]);
7. impressions or fossilized remains of leaves, fruit, nuts, or other macrobotanical structures.

(b) Specifically excluded are the most common types of fossils found in Alachua County, listed below:

1. isolated teeth of sharks, rays, fish, dolphin, sperm whale, horse, bison, llama, or peccary;
2. isolated spines and vertebrae of sharks, rays, and fish;
3. dugong ribs and vertebrae;
4. isolated dolphin and whale ear bones and vertebrae;
5. isolated vertebrae, ribs, and leg bones of horse, llama, peccary, bison, and other mammals;
6. shells of clams, oysters, snails, and other mollusks;
7. sea urchins and sand dollars;
8. foraminifera ("coin fossils");
9. any fossils of marine or aquatic animals, plants, and protists whose total size is less than 0.1 inch; and
10. fossil pollen or phytoliths (microscopic-sized remains of plants).

406.87 Public Projects

When significant paleontological resources are encountered in the course of construction or maintenance of any public project, or on any publicly owned land, the County Manager shall be notified within 24 hours of the discovery, and further activity within 100 feet of the resource shall be postponed to allow proper paleontological investigation. The County Manager shall report the discovery to the Florida Museum of Natural History, and reasonable opportunity shall be provided for Museum personnel to investigate and excavate the resource prior to further disturbance. The following practices are specifically prohibited:

(a) No person shall conduct field investigations on, or remove or attempt to remove, or deface, destroy, or otherwise alter any paleontological resource or property, except in the course of activities authorized by the County Manager.

(b) No person shall offer for sale or exchange any object with knowledge that it has been collected or excavated in violation of this Section, or procure, counsel, solicit, or employ any other person to violate any prohibition contained herein, or to sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any paleontological resource or property excavated or removed, except with the express written consent of the County Manager.

(c) In the instance that specimens, objects, and materials are removed or attempted to be removed, or defaced, destroyed, or otherwise altered, each item may constitute a separate violation. In addition, all such specimens, objects and materials, together with all photographs and records relating to such materials, shall be forfeited to the County.

406.88 Private Projects

When significant paleontological resources are encountered in the course of construction or maintenance of any private project, notification to either the County Manager or the Florida Museum of Natural History is encouraged. Upon notification, Museum personnel will perform appropriate paleontological investigations and excavations concurrent with site grading, installation of utilities, stormwater construction, or other land disturbing activities, in a manner that minimizes disruption to the construction activity and project schedule.

Article 16 Significant Geologic Features

406.89 Purpose

It is the purpose of this Section to promote the public health, safety, and general welfare of the citizens of Alachua County; to implement the Alachua County Comprehensive Plan; and to preserve, protect, and improve geologic features which are significant due to the interrelationship of natural resource values, characteristics, and hazards with land capability and suitability. Significant geologic features include but are not limited to: point source features such as sinkholes, caves, and limestone outcrops; lineal features such as lineaments, ridges, escarpments, and springs; and areal features such as steep slopes and springsheds.

406.90 Protection Strategies

Strategies for protection shall be based on the unique characteristics of the resource and shall be tailored to address diverse geometries, connections to surface water and ground water, habitat functions and values, and the dynamics of natural systems processes. Avoidance, minimization, and mitigation of significant adverse impacts shall be required. Strategies may include but are not limited to the following.

(a) Onsite Protection

1. Significant geologic features shall be designated and protected as conservation management areas in accordance with the requirements of Article 17 of this Chapter. Significant geological features that are capable of being managed onsite shall be identified on development proposals and protected during construction and after development.
2. Features may be incorporated as aesthetic elements into the project design for a site.
3. Natural topographic features may be retained through lot layout and infrastructure siting within the context of significant geologic features.

(b) Buffers for Significant Geologic Features

Perimeter edge buffering shall be required around protected significant geologic features in order to maintain natural context, edge vegetation, and structural protection. Absent scientific information which demonstrates that another buffer width is appropriate, the following default buffer widths shall be applied:

1. Sinkholes: an average of 50 feet, but no less than 35 feet away from the outermost closed contour.
2. Caves, lineaments, ridges, and escarpments: an average of 75 feet, but no less than 50 feet, away from the outermost contour associated with the feature.
3. Springs, and significant geologic features located within springsheds: an average of 150 feet, but no less than 100 feet, away from the outermost contour associated with the feature.
4. Sinkholes, swallets, quarries, karst windows, or other water containing features that are surface expressions of the Floridan aquifer shall have an average buffer width of 150 feet, but no less than 100 feet, away from the outmost contour associated with the feature.

(c) Habitat Functions

In instances where geologic features function as habitats for listed species, special protection will be provided commensurate with the character of the habitat and needs of the species.

(d) Use of Best Management Practices

Use of best management practices may be required to minimize erosion and maintain water quality, as provided in the Alachua County Water Quality Code, including but not limited to: Chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988) (see Rules 40C-4.381(1)(d), 40C-42.032(2)(a)7, 40B-400.115(1)(d), F.A.C.)

(e) Mitigation

Alternatives to onsite protection may be considered when physical constraints of the parcel preclude maintenance of the integrity of the resource, given considerations as to size of the development site, resource quality, connectivity to the Floridan Aquifer, adjacent uses, and feasibility of management. Any activity permitted within or affecting a significant geological feature onsite or adjacent to the site (same or contiguous tax parcel) causing a significant adverse impact shall be mitigated at the expense of the landowner. Mitigation proposals must maintain or improve the level of resource functions and values, in accordance with the standards of §406.114.

406.91 Sinkhole Management

Management strategies for sinkholes and sinkhole-prone areas shall be applied as part of the development approval process to protect water quality, hydrologic integrity, and ecological value. Management strategies may include, among other techniques, filling and development restrictions, buffers, runoff diversion, muck and debris removal, berm and weir construction, and filtration.

(a) Sinkholes

Open sinkholes and sinkholes with stream inflow shall be identified and protected as conservation management areas. The sinkhole shall be fully protected or restored as a natural area as required in subsection 1 below. Where the applicant seeks to continue access or make improvements to existing access, a special exception shall be sought as provided in subsection 2 below.

1. Restoration Plan

The applicant shall submit a plan that demonstrates the elimination of access and the restoration of the land to a natural condition, including stabilization of erosion channels, limiting drainage from non-natural areas, and restoration of buffer areas that have been disturbed.

2. Access

If there are (or were) points of access to the sinkhole's bottom or if access is proposed, all the conditions in (a) above shall be met. In addition, an applicant for development shall demonstrate the following in the proposed management plan, or if access to the sinkhole is proposed after a management plan has been approved, a revised management plan must be submitted for review, demonstrating the following:

a. That there is a recreational or scientific benefit that the public derives from the retention or creation of access. If access exists, show that use of the area is such that closing the access would not be practical based on the current level of use.

b. That all sources of erosion or pollution within the sinkhole buffer and the sinkhole are mitigated to eliminate or reduce erosion and pollution to the lowest reasonable level.

c. That the access is the minimum needed to meet the needs. The route chosen shall be the least damaging and least vulnerable to erosion.

d. That a plan for the maintenance of the access, stormwater controls, waste collection, and landscaping has been submitted, approved by the County, and funded.

(b) Sinkhole Buffer

The buffer areas around sinkholes or other karst surficial features are intended to protect the feature and groundwater by providing areas where surface or subsurface flows into the features are preserved or restored to a natural condition, allowing vegetation and soil dwelling life to clean the water and trap surface debris, and restoration of tree canopy to maintain microclimate conditions within the feature.

(c) Drainage Area of Sinkhole

The drainage area is the surface drainage shed of the sinkhole. The management objective is to limit impervious surfaces and design drainage to ensure that sediments or contaminated water does not reach the feature. The following should govern the design of development within the drainage area:

1. Recharge

The stormwater management facilities for any development should be located as far from the feature as possible, including outside the drainage area so that stormwater flows toward the feature are reduced.

2. Professional geologic study

A professional geologic study may be required to assess subsurface conditions for avoiding recharge over significant solution channels.

406.92 Other Karst Features

(a) Karst Sensitive Areas

Retention areas constructed in karst sensitive areas (where rock surfaces are within 10 feet of land surface) shall be designed and constructed to minimize the potential to allow water to flow directly into the aquifer. Minimally, this shall require three feet of unconsolidated soil material between the surface of limestone bedrock and bottom and sides of stormwater basin. More stringent requirements may apply based on potential for contamination to the Floridan aquifer.

(b) Water Bodies

Lakes and ponds in the County are often old sinkholes. ~~A~~ hydrogeological study may be required to determine the degree to which the lake or pond basin is connected to the aquifer or providing flow to nearby springs.

1. Where the water body is an open sinkhole, a periodically drained water body, or otherwise hydraulically connected water bodies (ex. where water

level fluctuates in response to climatic or groundwater conditions), it shall be treated as an open sinkhole (see above).

2. Where the water body is connected erratically, it shall be treated as a sinkhole unless geological studies and water quality studies can show that other techniques can be used to ensure recharge is meeting the pre-development standard.

(c) Subsurface Channels

A professional geologic study may be required to determine locations that are likely to drain to subsurface channels or conduits. The protection area for subsurface channels is 100 feet on both sides of the channel.

1. Stormwater

Stormwater facilities should be located outside the subsurface channel area where possible. If not possible, stormwater facilities shall be located to minimize any threat that the increased level of recharge will open or enlarge sinkholes or weaken areas so that new channels are opened.

2. Impervious Surfaces

Maximize the disconnection of impervious surfaces with green roofs, rain barrels, vegetated swales, or retention with vegetative uptake or irrigation.

3. Excavation

All permitted excavations shall be conducted in areas where there is the lowest risk of encountering sand-filled sinkholes or where rock is riddled with small channels or has a high porosity. No mining shall be permitted.

4. Septic Systems

No septic systems shall be permitted in the subsurface channel area.

(d) Closed Depression

Closed depressions are areas where there is a significant probability that there are sand-filled sinkholes that have no surface indication. A professional geologic study may be required with the express objective of locating any sinkholes that are not visible from the surface. The study shall map all sinkholes and their buffers. Any land remaining in the closed depression that is not a sinkhole or sinkholes buffer will continue to be treated as a closed depression.

406.93 Steep Slopes

Where steep slopes greater than or equal to five percent are found adjacent to watercourses, existing vegetation shall be substantially retained to minimize erosion consistent with best management practices and surface water and wetland buffers.

406.94 Seepage Slopes and Shallow Groundwater Tables

Development shall be designed to include retention of the natural character of seepage slopes and shallow ground water tables.

Article 17 Conservation Management Areas

406.95 Purpose

The purpose of this Article is to provide for the conservation and management of natural resources when obtaining approval~~undergoing review as part~~ of a development order~~application~~. Regulated natural and historic resources shall be protected onsite in the form of conservation management areas as set forth below.

406.96 Size

The amount of land to be protected within a conservation management area shall include the entire regulated natural or historic resource, as well as additional areas such as buffers, setbacks and linkages that preserve natural systems functions.

406.97 Site Selection and Design

Conservation management areas shall be designed and maintained in areas with intact vegetation, including canopy, understory and groundcover where applicable, in functional, clustered arrangement, with logical contiguous boundaries to eliminate or minimize fragmentation to the greatest extent practicable. Where alternative sites exist, the site or sites selected for onsite protection shall be the best suited to preserve ecological integrity, maximize use by wildlife and maintain the long-term viability of natural plant or animal communities. The selection shall be based upon the following:

(a) Function and value of natural resources;

(b) Quality and condition of natural resources;

(c) Protectability and manageability;

(d) Size and shape (emphasis should be on avoiding enclaves of development or areas fragmented by development; and, on providing, where appropriate, adequate buffers from the secondary impacts of development and adequate wildlife corridors);

(e) Contiguity with adjacent existing habitat, functional wetland system, floodplain, or habitat corridor;

(f) Existing species population sizes and life history requirements;

(g) Proximity and accessibility to other populations of the same species;

(h) Compatibility of conservation with adjacent land uses; and

(i) Recommendations from the Florida Fish and Wildlife Conservation Commission and other appropriate agencies.

406.98 Location

Conservation management areas shall be located in one or a combination of the following configurations:

(a) Common open space;

(b) Entirely within the boundaries of a single individual lot; or

(c) Across multiple agricultural lots greater than 200 acres in size, designed to minimize impact to conservation resources and allowed as part of an approved Special Area Plan.

406.99 Permitted Uses

The use of conservation management areas shall be limited to that which is compatible with protection of the ecological integrity of the protected resources. The following uses may be permitted as part of an approved management plan, provided they do not adversely affect natural resource function and ecological integrity:

(a) Nature trails (mulched walking paths, elevated wooden walkways);

(b) Low intensity, passive recreational activities such as wildlife viewing and hiking;

(c) Scientific and educational activities (interpretive trails, observation points);

(d) Site investigative work such as surveys, soil logs, and percolation tests;

(e) Scenic, historic, wildlife, or scientific preserves;

(f) Ongoing agricultural and silvicultural activities that:

1. are consistent with the protection of the natural resource(s) identified on the site for protection under the management plan; and

2. to the extent consistent with the protection of such resources, follow certification programs or Best Management Practices as set forth in §406.05(c);

(g) Single-family residential dwellings established as part of an approved management plan, special area plan, or as adopted within a Rural Lands Stewardship Area;

(h) Constructing fences where no fill activity is required; and

(i) Other uses demonstrated to be compatible with natural resource protections as outlined in the management plan.

406.100 Prohibited Activities

The following activities are prohibited unless part of an approved management plan:

(a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.

(b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.

(c) Removal or destruction of native trees, shrubs, or other vegetation.

(d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.

(e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.

(f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.

(g) Acts or uses detrimental to such retention of land or water areas.

(h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

406.101 Discharges to Protected Areas

Wastewater and stormwater discharges to conservation management areas are generally prohibited. If discharges are ~~Discharges may be~~ allowed ~~only~~ in conservation management areas~~surface waters, wetlands and significant geologic features if~~ the following criteria shall be~~are~~ satisfied:

(a) The quantity, timing, and quality of discharge maintain or improve water quality, biological health, and function of the natural ecosystem.

(b) Downstream waters are not affected by nutrient loading.

(c) The project owner or developer prepares and implements an operation, ~~a~~ maintenance and monitoring plan acceptable to the County.

(d) The project owner or developer corrects any failures in design or operation of the system that cause degradation of water quality, biological health, or the function of the natural ecosystem.

(e) The owner or developer posts a performance bond or similar financial guarantee to assure implementation of maintenance and monitoring consistent ~~in conjunction~~ with the provisions of §406.114(h).

(f) Treatment is provided in accordance with the requirements of §407.94, Water Quality Criteria, ~~in Chapter 407 of this ULDC~~ and the requirements of the appropriate water management district.

406.102 Protection During Construction

Prior to and during parcel alteration, the conservation management area boundaries shall be clearly marked and appropriately protected as follows.

(a) Physical protection barriers shall be installed around the outer extent of the set aside portion of conservation management areas as necessary to prevent disturbance by individuals and equipment. Protective barriers must be installed and approved prior to commencement of permitted activities and maintained in place until activities are complete.

(b) Erosion and turbidity control measures shall be required in order to prevent runoff of turbid water into conservation management areas.

(c) In addition to mitigation required pursuant to this Chapter, the developer shall completely restore any portion of a protected conservation management area damaged during the proposed activity. Certificates of occupancy shall not be issued until restoration activity has been completed.

406.103 Permanent Protection

Conservation management areas shall be permanently protected as follows:

(a) Dedication

All areas protected under this Section shall be restricted from further subdivision, and protected in perpetuity using a legal instrument that runs with the land, in a form acceptable to the County and duly recorded in the public record which assures the preservation and continued maintenance of the conservation management area.

1. The preferred legal instrument shall be a conservation easement in accordance with F.S. 704.06, to be recorded in the public records of Alachua County, which shall restrict the use of the land in perpetuity to non-development uses and be expressly enforceable by the County.

2. Other forms of dedication may be considered by the County if comparable protection is demonstrated which assures the preservation and continued maintenance of the conservation management area.

3. For building permits on undeveloped lands that contain regulated natural or historic resources, or other administrative approvals as described in §402.48

that impact regulated natural or historic resources, perpetual deed restrictions or other forms of dedication shall be the preferred method of protection, notwithstanding Section 406.103(a)1.

4. The County may issue development approval subject to the recording of the approved legal instrument. Issuance of construction and building permits shall be withheld until proof of recordation is provided to the County.

(b) Plat Notations

The boundaries of designated conservation management areas, including any required buffers, and the building area limitation as required by §406.03(b) for lots located within the conservation management areas shall be clearly delineated on development plans, plats, and deed restrictions, and a legal description of the boundaries shall be included. A plat shall identify express prohibitions preceded by the following statement:

The activities/acts/uses identified below are prohibited in designated "conservation management area(s)" unless part of an approved management plan without express written permission from the Alachua County Environmental Protection Department. Violation of any one of these provisions without such written permission shall be considered a discrete violation of a Development Order issued by the Alachua County Board of County Commissioners. Development Order terms are enforceable by the Alachua County Codes Enforcement Board. Violations may result in monetary penalties of up to $15,000 and/or order to restore conservation area(s) to preexisting conditions at the expense of the owner(s). Failure to comply with Codes Enforcement Board orders may result in liens against the property.

Prohibited activities/acts/uses in "conservation management area(s)":

i. *Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.*

ii. *Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.*

iii. *Removal or destruction of native trees, shrubs, or other vegetation.*

iv. *Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.*

v. *Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.*

vi. *Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.*

vii. *Acts or uses detrimental to such retention of land or water areas.*

viii. *Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.*

(c) Field Markers

Permanent survey markers using iron or concrete monuments to delineate the boundary between conservation management areas and contiguous land shall be set, according to current survey standards. Markers shall be installed prior to issuance of the initial certificate of occupancy or other final approval, and shall be maintained by the owner in perpetuity.

(d) Signs

1. The perimeter of conservation management areas shall be permanently identified with uniform signs that identify the area as protected conservation area.

2. When signage is required by another governmental agency and coincides with County requirements, the alternate signage shall satisfy this requirement.

(e) Identification on Zoning Map Atlas

Areas protected as conservation management areas may be rezoned to a conservation zoning category with landowner approval at the County's expense.

406.104 Management Requirements

Conservation management areas shall be maintained in compliance with standards set forth in this Chapter and any required management plan.

(a) Responsibility

Unless otherwise agreed by the County, the cost and responsibility of managing the protected area shall be borne by the owner or responsible entity.

(b) Minimum Requirements

Management shall maintain or enhance the ecological value of the protected area and support the survival of listed species. Management shall include but not be limited to the following:

1. Non-native vegetation shall not be introduced into the protected area. Invasive vegetation shall be removed if possible, or reduced to a level of non-interference with the growth of native vegetation. Removal shall be accomplished utilizing ecologically sound techniques, including manual removal, hand-held power equipment, and prescribed burning. Trees which are actually used as nest or perch trees shall be retained but controlled. All vegetative debris must be disposed of outside the protected area.

2. Dead trees that are not a hazard to humans and that provide habitat for wildlife shall remain in the protected area.

3. Where removal occurs, replacement with appropriate native species may be required.

4. Future owners, tenants, or other users of the protected area and resource shall be informed of the specific requirements of the approved management plan, and relevant state and federal laws. Information shall consist of tangible materials, including but not limited to deed or title notes, brochures and signage.

5. Fencing may be required to control access to the protected area.

(c) Management Plan

A management plan may be required in order to provide long-term protection and maintenance of the values and functions of the conservation management area, in accordance with Article 20 of this Chapter. The parcel owner shall maintain the protected area in accordance with the management plan. Adequate financial resources to maintain and manage the protected area may be required. Modifications to the management plan are prohibited without prior written approval by the County.

(d) Failure to Maintain

If the conservation management area is not properly maintained or managed, the County may assume responsibility of maintenance and may charge the property owners or responsible entity a fee which covers maintenance and administrative costs.

406.105 Ownership of Conservation Management Area

(a) The conservation management area may be owned by one or a combination of the following:

1. Landowner;

2. Homeowners' association;

3. Established land trust;

4. Non-profit conservation organization;

5. Alachua County, with approval;

6. Other public agency with conservation responsibilities and expertise (e.g. Water Management District).

(b) If the conservation management area is not properly maintained in accordance with the approved management plan, the County may assume responsibility of maintenance and charge the property owner or homeowners' association a fee which covers maintenance and administrative costs.

Article 18 Preservation Management Areas

406.106 Purpose

It is the purpose of this Section to implement policies in the Alachua County Comprehensive Plan to protect lands within the Preservation category on the Future Land Use Map of the Comprehensive Plan. Preservation areas shall consist of publicly owned lands, including lands owned and managed by non-profit conservation organizations which are intended for use as natural reserves or managed conservation lands for the preservation of natural resources in perpetuity.

406.107 Natural and Historic Resources Protections Applicable

The provisions of this Chapter shall apply to the regulated natural and historic resources that are included within publicly and privately owned preservation areas, in addition to other regulations applicable under this ULDC.

406.108 Preservation Buffer Overlay District

The provisions of Chapter 405, Article 8, shall apply to lands adjacent to public parks or preserves established for the purpose of preserving natural habitat, or lands designate as Preservation according to the Future Land Use Map of Alachua County, or an equivalent category designated on the Future Land Use Map of any adjacent jurisdiction.

406.109 Intergovernmental Coordination

Where adjacent lands are not located within unincorporated Alachua County, the following shall apply:

(a) Alachua County shall make available maps of all preservation management areas to adjacent municipalities and counties, so that adjacent jurisdictions have knowledge of the existence and location of these areas.

(b) Alachua County shall seek to enter into agreements with adjoining jurisdictions, under which the adjoining jurisdictions shall adopt or otherwise implement the standards of the preservation buffer overlay to protect the natural resources within County preservation management areas.

(c) Alachua County shall request the local government authority with jurisdiction for development approval to notify Alachua County upon receipt of any application for development or land clearing within the preservation buffer overlay, and to provide reasonable opportunity for the County to provide written comments and recommendations.

(d) Alachua County shall pursue all appropriate judicial and administrative remedies to prevent or compensate for adverse impact to preservation management areas due to activities on lands in adjacent jurisdictions.

Article 19 **Wildfire Hazard Mitigation - RESERVED**

Article 20 Management Plans

406.110 When Required

A management plan shall be required for all development applications involving properties with greater than or equal to four acres of regulated natural or historic resources areas whether or not impact is proposed; and may be required for properties with less than four acres of regulated natural resources where impact is proposed. The management plan shall be submitted for review and approval concurrent with submittal of the application. Applications for administrative permits that require a management plan may use the template provided by the County identified in §406.112(f).

406.111 Professional Standards

The management plan shall be prepared at the expense of the applicant by person(s) qualified in the appropriate fields of study, and conducted according to professionally accepted standards.

406.112 Contents

The management plan shall provide for the following:

(a) Description of goals and objectives based on type of natural resources to be managed;

(b) Description of all proposed uses, including existing and any proposed physical and access improvements;

(c) Description of prohibited activities, such as mowing in wetland buffers, or removal of native vegetation in protected habitat areas;

(d) Descriptions of ongoing activities that will be performed to protect, restore, or enhance the natural resources to be protected. This may include:

1. Removal or control of invasive vegetation and debris;

2. Replanting with native vegetation as necessary;

3. Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive foraging, breeding, roosting, and nesting areas;

4. Fencing or other institutional controls to minimize impact of human activities on wildlife and vegetation, such as predation by pets;

5. Prescribed burning, thinning, or comparable activities performed in an environmentally sensitive manner to restore or maintain habitat;

6. Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting;

7. Any additional measures determined to be necessary to protect and maintain the functions and values of conservation areas in conjunction with wildfire mitigation in accordance with the requirements of Article 19 of this Chapter;

8. Set of schedules, estimated costs, staffing requirements, and assignments of responsibility for specific implementation activities to be performed as part of the management plan, and identification of means by which funding will be provided;

9. Performance standards with criteria for assessing goals and objectives;

10. Five-year monitoring plan with schedule and responsibility;

11. Ownership and party responsible for management activities;
12. Provision for changes to be reviewed and approved by the County; and
13. Contingency plans for corrective measures or change if goals not met, and recognition of County enforcement authority.

(e) Revision of an Approved Management Plan

Modifications to an approved management plan that do not result in lesser protection of the resource(s) present may be allowed, subject to approval by the County development review body that approved the original management plan.

(f) Management Standards in lieu of Plan

The agreement to use management practices in accordance with a standard management plan template provided by the County may satisfy the requirement of a management plan.

(g) Enforceability

The existence of the management plan shall be noted on plans and plats, covenants and restrictions, conservation easements and other documents as appropriate to the type of development and manner of protection provided. The management plan shall be specifically enforceable by the County.

Article 21 Avoidance, Minimization, Mitigation, Corrective Action and Monitoring

406.113 Applicability

Approval shall only be granted for proposed activities that are located, designed, constructed, and maintained to avoid, minimize, and, where necessary, mitigate adverse impacts on regulated natural and historic resources, consistent with upland habitat limitations under Article 3, Article 4 and Article 5 of this Chapter, the requirements for surface waters and wetlands found in Article 6 of this Chapter and the requirements for tree preservation in Article 2 of this Chapter.

(a) Avoidance Measures

Specific measures for avoidance which will be required prior to authorization of any adverse impact may include, but are not limited to, the following:

1. Limiting the scope, degree or magnitude of the proposed activity.
2. Using appropriate and best available technology.
3. Sensitive site design, siting of facilities, and construction staging activities.
4. Exploring alternative on-site locations to avoid or reduce impacts of activities.
5. Scheduling proposed activities at times of minimum biological activity to avoid periods of migration, rearing, resting, nesting and other species-specific cycles and activities.
6. Managing the access to conservation management areas, such as fencing designed to separate wildlife and pets or to exclude humans from sensitive denning or breeding areas.

(b) Minimization Measures

The following special design standards may be required to minimize disturbance caused by activities adjacent to natural resources:

1. Minimum setbacks for clearing of native vegetation adjacent to regulated natural resources, or for construction of impervious surfaces greater than 100 square feet in base coverage.
2. Limiting native vegetation removal to the minimum necessary to carry out the proposed activity or to meet fire hazard standards. Protection of tree crowns and root zones may be required for all trees planned for retention.
3. Roads and other development features located to follow existing topography and minimize cut and fill.
4. Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales; multi-purpose use of stormwater management systems; use across or for multiple properties.
5. Using performance-based treatment systems, or siting septic tanks and drainfields to prevent discharges that adversely impact the environmental quality of regulated natural and historic resources.
6. Limiting residential density and building area in accordance with §406.03(b) of this Chapter.
7. Other reasonable protective measures necessary to minimize adverse effects may be required depending on conditions specific to a particular site.

(c) Mitigation Measures

Where impacts to regulated natural resources cannot be avoided, mitigation may be required subject to the requirements of §406.114 below. Mitigation of significant adverse impacts to Conservation or Preservation areas within the County shall be required for both public and private projects, in accordance with criteria specific to the resource and criteria generally applicable to mitigation proposals as set forth herein.

406.114 Mitigation

Mitigation of significant adverse impacts on conservation and preservation areas shall include funding for the acquisition and management, preservation, replacement, or restoration of significant ecological resources. A proposal for mitigation of significant adverse impacts must meet the following general mitigation standards. Mitigation of impact to wetlands and wetland buffers is provided in Article 6 of this Chapter. Mitigation of impact to regulated trees is provided in Article 2 of this Chapter.

(a) Determination of Impact

Significant adverse impacts to a conservation or preservation area shall be evaluated based on the terms of the natural function and value of the resource. Mitigation shall be acceptable only where it is determined that mitigation will result in no actual net loss of the resource function and value.

(b) Characteristics of Mitigation Proposals

A mitigation proposal shall provide compensation for all functions and values of impacted resources by protecting two times the area of comparable resource type, and good or superior resource quality, as the area being impacted, except where no other access is available and impact is allowed in the least sensitive portion of the resource, in which case mitigation shall be reduced to a replacement ratio of 1:1. The following characteristics shall be included in the proposal:

1. The hydrologic, soil, slope, and other basic characteristics of the proposed project must be adequate to achieve proposed project goals.
2. The mitigation area must be at least as persistent as the existing natural resource it is intended to replace.
3. The size of the mitigation area shall be based on the quality of habitat or vegetation on both the area of impact and the area of proposed mitigation.

(c) Resource-Based Mitigation

Where mitigation is required by this Chapter, resource-based mitigation may be provided on or adjacent to the site, or offsite. The order in which mitigation will be considered shall be:

1. Onsite Restoration or Enhancement

An applicant may mitigate for impacts onsite by replanting on or adjacent to the parcel, relocating movable resources from one portion to another portion of the parcel, or other measures to restore the quality, function and value of the resource. An easement may be required to ensure the continued viability of the area to be restored or enhanced.

2. Offsite Preservation

The applicant may provide offsite mitigation through the preservation of land through offsite dedication, transfer of fee or less than fee simple title to a land conservation agency, non-profit conservation organization, or other entity approved by the County. Portions of offsite conservation management areas requiring protection under this ULDC shall not be used as credit towards a mitigation proposal. Mitigation of impacts to a regulated plant or animal species or its habitat that is required by a State or federal agency (such as the water management districts) shall be applied towards offsite mitigation if it is for the same development project and meets the following requirements:

a. Offsite protection sites shall meet all appropriate size, site selection and design, protection, ownership and maintenance, and other provisions of this Chapter applicable to onsite conservation management areas. Fencing may be required to control access to the mitigation area.

b. Offsite conservation management areas shall be located in Alachua County and may include:

i. Sites composed of addition of land to existing publicly managed areas held for conservation purposes, such as State or County parks or preserves;

ii. Sites recommended for preservation or restoration by a State or local governmental land conservation agency; or

iii. Other suitable sites within an ecosystem or watershed in proximity to the conservation or preservation area being adversely impacted by development.

(d) Fee-in-Lieu of Land

As an alternative to the protection of land, the County may allow contribution of a fee-in-lieu-of-land to the environmentally sensitive lands fund, under which the County shall purchase or manage land to protect natural resources in accordance with standards of this Chapter. Where fee-in-lieu of land is allowed, the cash payment shall be equivalent to 150% of the average per acre-appraised market value, at the time of permit application, multiplied by the number of acres of regulated natural resource for which mitigation is required, plus estimated total cost of management required to establish the viability of that type of resource.

(e) Submittal of Proposal

A mitigation proposal shall be submitted in conjunction with the requirements for resource assessment requirements under §406.04. The mitigation proposal shall require the same assessment and specify the same details for mitigation areas as required for areas otherwise protected under this Chapter. The cost and timing of any monetary contribution or offsite acquisitions shall be specified. A management plan shall be required in accordance with Article 20 of this Chapter, and shall include contingency plans for corrective measures or change if goals are not met.

(f) Mitigation before Alteration

The initial construction, earthwork and planting for mitigation, or payment of fee-in-lieu, shall be completed prior to the permitted alteration of regulated natural resources. However, in special situations where the County determines that this

requirement will place an unreasonable scheduling hardship on the applicant, the applicant shall post double the required performance guarantee to ensure that the mitigation project will be completed.

(g) Management and Monitoring

For all mitigation projects, the County shall require management and monitoring for a minimum of two years. This period may be extended as necessary, based on the complexity of the resource or type of mitigation proposed, in order to demonstrate substantial establishment and success of mitigation. In conjunction with a management plan per Article 20 of this Chapter, the following shall apply:

1. Where plantings are required, success shall be measured by maintenance of at least 80 percent survivorship of all plantings. Semiannual replantings shall be required to maintain required survivorship.
2. Non-native or invasive vegetation shall be eliminated or controlled.
3. Monitoring reports of the status of the mitigation area shall be submitted to the Environmental Protection Department no less than annually. Indicators appropriate to the resource shall be tracked and evaluated. Such indicators may include water quality chemistry, number of surviving plantings and any plantings made to maintain required survivorship.

(h) Performance Guarantee

A performance guarantee shall be required in an amount equal to 110% of the estimated cost of mitigation, management and monitoring activities, to ensure the adequate monitoring and long-term viability of mitigation activities. The guarantee shall be provided for the duration of the time period required for maintenance and monitoring, but in no case less than two years.

1. Execution

The performance guarantee shall be executed by a person with a bonafide legal interest in the parcel. The performance guarantee shall be kept in full force until all obligations are satisfied.

2. Form of guarantee

The guarantee shall be:

a. Cash deposit or certificate of deposit assigned to the County;
b. Escrow agreement for the benefit of the County and on a County-approved form;
c. Performance bond issued by a State of Florida registered guarantee company which shall be listed the U.S. Department of Treasury Fiscal Services, Bureau of Government Financial Operations, and on a County-approved form;
d. Irrevocable letter of credit on a County-approved form; or
e. Similar security acceptable to the County.

3. Certification

Within six months of the completion of the period established for management and monitoring, the applicant shall submit a final report that includes, at a minimum, the following:

a. Discussion of the projected relative success or failure of the project in mitigating for lost natural resource area value and function;

b. Analysis of measures undertaken during the project that contributed to success;

c. Analysis of problems encountered during the project that decreased success;

d. Recommendations to increase the success of similar, future projects; and

e. Summary of data collected.

4. Failure to Mitigate, Manage or Monitor

The County may exercise its option on the guarantee in the event that mitigation, management or monitoring is not in compliance with proposed plan. In the event the County exercises its option on the guarantee, all obligations of the applicant under the mitigation and monitoring plan shall cease.

406.115 Corrective Action for Unauthorized Impact to Natural Resources

In the event that alteration occurs within a regulated natural resource and associated buffers without first obtaining the appropriate review and approval required by this code, the following corrective actions may be required unless specifically addressed elsewhere in this chapter:

(a) The preferred action is for onsite restoration of the resource to as close to preexisting site conditions as possible and with permanent protection of the remaining regulated resources where applicable.

~~(i)~~**(b)** In the event that damage is irreparable, purchase and permanent protection of comparable natural resource features, including natural communities, shall be required at a ratio of between 5:1 and 10:1 acreage of compensation area to impacted area, based on factors including but not limited to: habitat rarity, uniqueness, value, function and quality; and the nature, degree and extent of unauthorized impact.

(c) Payment of an environmental restoration fee, calculated as follows:

cost to create or recreate lost function and value of the resource

multiplied by

the number of years necessary to restore function and value to pre-alteration condition

(d) Permanent protection instruments as provided in §406.113 for onsite and offsite locations shall be utilized to record and provide added protection to regulated resources.

(e) For multiple violations and/or repeat offenses, additional monetary penalties shall be required.

(f) The County may enter into consent agreements, assurances or voluntary compliance documents establishing an agreement with any property owner responsible for noncompliance. Such documents shall include specific action to be taken by the property owner to correct the noncompliance within the time period as specified in the document. Such documents may provide for judicial enforcement.

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Chapter 408 Nonconformities

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Article 1 General

408.01 Scope

The regulations of this Article govern uses, structures, lots, signs and other situations that came into existence legally but that do not conform to one or more requirements of this unified land development code. These are referred to in this code as "nonconformities."

408.02 General Policy

In order to encourage development consistent with this Unified Land Development Code and provide owners with reasonable use of their land, it is the general policy of the County to allow uses, structures, signs, lots and other situations that came into existence legally, in conformance with then applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of such situations into compliance with existing regulations as is reasonably possible in a manner consistent with the Comprehensive Plan.

408.03 Intent

The regulations of this Article are intended to:

(a) recognize the interests of owners in continuing to use their property;

(b) promote reuse, ~~and~~ rehabilitation, and redevelopment of existing buildings and sites; and

(c) prohibit the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

408.04 Authority to Continue

Any nonconformity that existed on January 30, 2006, or that becomes nonconforming upon the adoption of any amendment to this ULDC, may be continued in accordance with the provisions of this Article.

408.05 Determination of Nonconformity Status

The burden of proving that a nonconformity exists rests with the subject owner.

408.06 Repairs and Maintenance

(a) Incidental repairs and normal maintenance necessary to keep a nonconforming structure in sound condition are permitted unless such repairs are otherwise expressly prohibited by this ULDC.

(b) Nothing in this Article will be construed to prevent structures from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

408.07 Change of Tenancy or Ownership

Nonconformity status runs with the land and is not affected by changes of tenancy, ownership, or management.

408.08 Change in Permitted Uses Under Previous Zoning Regulations

A use permitted by temporary use permit, or a use permitted by special use permit or special exception under previous zoning regulations; and which is a permitted use under the current ULDC shall be allowed to continue, extend, enlarge, expand, rebuild, or repair consistent with the requirements of the current ULDC, subject to voluntary termination of the previous approval in accordance with Section 402.126.5 of this ULDC. So long as the existing permit remains valid, the use may continue, extend, enlarge, expand, rebuild, or repair consistent with the conditions of the existing development order.

Article 2 Nonconforming Structures

408.09 Nonconforming Structures

(a) Definition

A nonconforming structure is any building or structure, other than a sign, that was legally established but no longer complies with the standards of this ULDC. Nonconforming structures may remain, subject to the regulations of this Section.

(b) Structural Alterations

1. Structural alterations are permitted if the structural alteration does not increase the extent of nonconformity.

2. When a structure is nonconforming because it encroaches into a required zoning district setback, this provision will be interpreted as allowing other portions of the structure to be expanded as long as there is no greater encroachment into a required setback.

(c) Moving

A nonconforming structure may be moved in whole or in part to another location on the subject parcel only if the movement or relocation decreases or eliminates the nonconformity.

408.10 Loss of Nonconforming Structure Status

When a building or structure does not conform to the provisions of this ULDC and is damaged to the extent of more than two-thirds of its fair market value immediately prior to the time of destruction, as determined by the Property Appraiser of Alachua County, Florida, it may not be restored except in conformity with the regulations of the applicable zoning district. This provision does not apply to single-family dwellings.

Article 3 Nonconforming Uses

408.11 Definition

A nonconforming use is any use of a structure or use of land that is not a permitted use in the zoning district or Comprehensive Plan land use designation in which the structure or parcel of land is located, but was legally established by permit or required no permit at the time it was established.

408.12 Nonconforming Use of Structures

(a) The use of any building or structure not in conformance with the current regulations pertaining to permitted uses in the zoning district or the adopted Comprehensive Plan land use designation shall not be:

1. Changed to another nonconforming use except where it is determined by the Board of County Commissioners in accordance with the review process identified in Chapter 402, Article 13, Rezoning, that:

a. the design, construction, and character of the building is unsuitable for uses permitted in the district in which such nonconforming use is situated;

b. it is further determined that the proposed nonconforming use, including its customary accessory uses, is equally or more appropriate to the district than the existing nonconforming use; and

c. that the relation of the structure to the surrounding properties is such that adverse effects on occupants of neighboring properties will not be greater than if the existing nonconforming use is continued.

2. Extended, enlarged, or expanded; unless under one of the following exceptions:

a. Structural alterations to single family residences shall be permitted if the cost of the structural alteration does not exceed 50% of the market value of the structure.

b. Existing lawful nonconforming manufactured or mobile homes placed and maintained on a lot or parcel and deemed to be a legal use as a permanent residence prior to September 28, 1992, which are no longer a permitted use under the current zoning regulations. If the nonconforming use is discontinued for more than 180 days, the use of the property thereafter shall be used in conformity with all provisions of current zoning regulations. An existing lawful nonconforming manufactured/mobile home may be repaired, rebuilt, or replaced only in accordance with the following requirements:

i. The repaired, rebuilt, or replaced manufactured or mobile home meets the requirements and limitations in Chapter 404; and

ii. The Zoning Administrator determines that:

(a) The replacement mobile home or manufactured home is newer than the unit being replaced;

(b) The replacement mobile home or manufactured home is not any larger than the unit being replaced, unless the existing home is less than 1,000 square feet in which case it may be replaced by a mobile home or manufactured home up to 1,000 square feet;

(c) The condition of the replacement mobile home or manufactured home is as good as or better than the condition of the unit being replaced; and

(d) The replacement of the mobile home or manufactured home is compatible with surrounding residential development and does not increase the extent of the existing nonconformity.

(b) Burden of Proof

The burden of demonstrating compliance with these requirements shall rest with the applicant. In permitting such change, appropriate conditions and safeguards in accordance with the intent and purpose of these regulations may be imposed by the Board of County Commissioners.

408.13 Loss of Nonconforming Use Status

(a) Once a nonconforming use is abandoned, the use's nonconforming status is lost lost and any subsequent use of the property shall comply with the regulations of of the zoning district in which it is located. A nonconforming use will be considered abandoned when any of the following occurs:

1. the intent of the owner to discontinue the use is apparent;

2. the use has been discontinued for a period of 18 months or more;

3. a demolition permit has been applied for;

4. the characteristic equipment and furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts show intention to resume the nonconforming use;

5. the nonconforming use has been replaced by a conforming use; or

6. a building permit to reconstruct a damaged nonconforming use has not been secured within 12 months of the date of occurrence of such damage or construction has not been diligently pursued.

(b) When a building or structure, the use of which does not conform to the provisions provisions of this unified land development code, is damaged to the extent of more than two-thirds of its fair market value immediately prior to the time of destruction, as determined by the Property Appraiser of Alachua County, Florida, Florida, the use may not be restored except in conformity with the regulations of

of the applicable zoning district. This provision does not apply to single-family dwellings.

408.14 Discontinuance of Nonconforming Uses of Land

The following nonconforming uses of land, not contained within principal buildings, including but not limited to open storage; building supplies; vehicle, implement and machinery storage, either on the same lot or on another lot with a plant, factory or sales facility; junkyards; kennels; commercial dairies that did not exist prior to October 2, 1991; commercial animal raising and similar uses shall comply with this ULDC or be discontinued within 18 months following notice by the County unless determined to be vested under the provisions of Chapter 402, Article 27, Vested Rights, of this ULDC. Any open use of land that becomes nonconforming because of subsequent amendments to this ULDC shall also comply with this ULDC or be discontinued within 18 months of the effective date of the amendment that renders the use nonconforming following notice by the County.

408.15 Accessory Uses and Structures

A use accessory to a principal nonconforming use or structure may not be continued after the principal use or structure has been abandoned.

Article 4 Nonconforming Lots

408.16 Nonconforming Lots

(a) Merger

Where two or more contiguous lots are under the same ownership as of October 2, 1991, the adoption date of the 1991 Comprehensive Plan, and one or more of those lots is nonconforming, such lot or lots shall be combined to form one or more building sites meeting the lot requirements of the zoning district or the Comprehensive Plan land use designation in which they are located as best possible, except in cases where such nonconforming lots are determined to be vested under the provisions of chapter 402, Article 27, Vested Rights, of this ULDC. Legal lots of record created from a parent tract as a lot split in accordance with Section §407.73(f) and prior to October 2, 1991, shall be exempt from this merger provision provided that the lot or lots are located in the Rural/Agriculture land use designation and were not part of a recorded plat.

(b) Dwellings on Nonconforming Lots

A building permit may be issued for a single-family dwelling or a manufactured home on any legally created nonconforming lot provided that such use is permitted, and that the requirements of the zoning district in which the lot is located are met.

(c) Exception for Legally Created Nonconforming Agricultural Lots

An administrative exception to the current standards of the zoning districts found in these regulations may be granted by the Zoning Administrator for dwellings (including manufactured homes and mobile homes meeting inspection and certification requirements found in Chapter 404) and any associated accessory buildings on Agricultural zoned lots that became legally nonconforming on September 28, 1992, the date of the previously amended land development code, or residential lots administratively rezoned to Agriculture, subject to the following standards:

Table 408.16.1
Nonconforming Agricultural Lot Dimensional Standards

Lot size	< 1 acre	1 acre > 3 acres
Setbacks		
Front, min (ft)	25	40
Rear, min (ft)	20	40
Interior side, min (ft)	10	10
Street side, min (ft)	15	15
Rear lot line setback - accessory buildings, min (ft)	7 1/2	25

(d) Development on Nonconforming Lots Due to Eminent Domain or Dedication of Street Right-of-Way

A development order may be administratively issued for development of a use not meeting the minimum area, setbacks or other standards of the zone, provided that the lot was made nonconforming by reason of the exercise of the power of eminent domain or through dedication of street right-of-way to the adjacent road system as requested by a governmental entity, and the remedies set forth in subsection (a) of this Section cannot be exercised; all other requirements of the zone must be met unless a variance has been granted by the Board of Adjustment. A building permit for nonresidential development, except as provided in subsection (a) of this section, shall not be issued for any nonconforming lot unless the appropriate variances have been approved by the Board of Adjustment and it is a permitted use in the zoning district.

Article 5 Other Nonconformities

408.17 Nonconforming Sexually Oriented Business

A nonconforming sexually oriented business shall have the right to continue only as the sub-category of sexually oriented business to which it has established its nonconforming status. These sub-categories are: sex shop; sexually oriented motion picture theater; sexually oriented media store; or sexually oriented cabaret. A retail store that has carried an inventory of sexually oriented products that equaled less than 40 percent of its total inventory and that occupied less than 40 percent of its retail floor area is simply a retail store, subject to the restrictions on retail stores under Chapter 404 and shall not have nonconforming status as a sexually oriented business.

408.18 Additional Standards for Nonconforming Sexually Oriented Businesses

(a) Purpose and Intent

On the date of adoption of new standards for the location of sexually oriented businesses, there are sexually-oriented businesses that already exist but that fail to conform to the location requirements imposed in the new standards. In each case, the nonconformity involves proximity to residential neighborhoods or other sensitive uses. To balance the interests of these established businesses with the interests of the affected neighborhoods and other sensitive uses, the County Commission has determined that such uses should be allowed to continue to operate but should be subject to additional standards to mitigate the impacts of their proximity to these sensitive uses.

(b) Standards

Any sexually oriented business that is a lawful nonconforming use because it is located in a zoning district that does not permit such use or because it does not conform with the separation requirements of Chapter 404 shall be subject to the following additional standards:

1. Operating Hours

Each such business that offers on-premises entertainment (including live entertainment, motion pictures, videos, arcade booths, modeling or any other form of on-premises entertainment) shall be closed from 2:00 a.m. to 9:00 a.m. each day. This restriction on operating hours shall not apply to a nonconforming business that simply offers retail goods for sale or rental.

2. Restrictions on Signage

Any sign on such a business, including both those that have on-premises entertainment and those that do not, shall be oriented so that it is not legible from any lot occupied by a single-family residence, a school or a house of worship. If it is impracticable to reorient the sign to preclude its legibility from such locations, the affected sexually oriented business may either install a landscaped or other screening device to accomplish the same purpose or remove the sign.

408.19 Motion Picture Arcade Booths

Motion picture arcade booths that were legally installed or constructed prior to February 1, 2004, and that were in existence on February 1, 2004, may continue at the same location, subject to the following requirements.

(a) Continuous Requirements

1. Management shall post on each booth and enforce a requirement that only one person is allowed in each booth at one time; and
2. Management shall ensure that there are no openings in walls between booths and shall immediately patch with permanent opaque material any opening that is found; and
3. Floors, walls, seats and any other surfaces in arcade rooms shall be non-porous; and
4. Lighting in the hallways leading to the booths and in other parts of the establishment open to the public shall at all times be maintained at a no less than ten footcandles at floor level; and
5. There shall be no doors, curtains, shutters or other visual obstructions in the door or entrance to each booth.

(b) Additional Requirement Effective February 1, 2005

From and after February 1, 2005, motion picture arcade booths shall be arranged or configured so that the interior of each booth is at all times clearly visible from a space of at least 500 square feet that is open to customers generally and from the cash register or other station in the establishment normally occupied by the manager or clerk on duty.

408.20 Nonconforming Parking Areas

Existing developments that contain parking areas that are not in conformance with Chapter 407 shall be required to bring such areas into compliance if a change in use occurs that requires more parking spaces than the existing use. Where a change in use is proposed for buildings classified by state or local jurisdictions as historical buildings, and the change in use will not increase parking beyond those of the existing use, the nonconforming parking will not be required to be brought into compliance as long as parking is provided to the extent that sufficient land is available on the site.

408.21 Nonconforming Signs, Sign Structures and Advertising Structures

(a) All lawful nonconforming signs shall be permitted to continue as nonconforming uses with the following limitations:

1. On-site Signs

a. Neither the overall size nor the sign area of a nonconforming sign may be increased, nor may the location be changed, nor may the use of the property on which it is located be changed, nor may illumination be added to the nonconforming sign, unless the sign is made to conform to to the current requirements of this ULDC. The face of a nonconforming nonconforming sign may be changed in accordance with §407.29(b),

provided that any signs with existing illumination must be made to conform with the standards for illumination of signs in Article 3, Signs, of of Chapter 407 of this ULDC.

b. A sign, or at least any advertising message of a sign, now or hereafter existing, which no longer advertises a bona fide business conducted, or a product sold, on the premises shall be taken down and removed by the owner, agent or person having beneficial use of the building, structure or land upon which such sign shall be found, within 30 days after written notice by the Department of Growth Management.

2. Off-site Signs

a. A sign which is a lawful nonconforming off-site sign or billboard shall be be allowed to continue if located within 660 feet of a federal aid primary road.

b. A sign that is a lawful nonconforming off-site sign located on a non federal aid primary road shall be removed or made to conform to the requirements of this ULDC within seven years of receipt of notice to the the property owner of record by the Department of Growth Management Management notifying said owner of the nonconforming sign.

(b) Whenever any revision or modification is made to a building or to site improvements, which revision or modification requires the submission of a development plan, or a revised development plan, all signs, sign structures, or advertising structures on the parcel of land in question shall be made to conform with the current requirements of this Unified Land Development Code, or shall be removed, except for signs meeting the off-site provisions of paragraphs a and (a)b.

408.22 Nonconforming Number of Dwellings on a Lot

(a) A legal lot of record containing more than one principle dwelling that does not conform to the requirements of Section 407.01(a) may remain, subject to the following provisions:

1. The property owner must demonstrate the dwelling(s) were established by issuance of a valid building permit or were constructed or placed prior to December 8, 1964.

2. The dwelling(s) must be occupied and meet the minimum housing requirements of the Standard Housing Code. If a dwelling is occupied but does not meet the minimum requirements, permits may be issued to bring the dwelling up to minimum housing standards.

3. The dwelling(s) may be replaced, but shall not be enlarged or expanded.

4. If a dwelling is a mobile or manufactured home it may be replaced upon a determination by the Zoning Administrator in accordance with the provisions of §408.12(a)2.b.ii.

5. Once the dwelling is deemed abandoned in accordance with §408.13(a), the dwelling may not be reestablished except in conformity with the regulations of this ULDC.

(b) Where the original owner of the lot of record divided the parcel into lots as part of an estate to family members that included the existing dwellings, such lots shall not be recognized as separate parcels and the dwellings shall be treated as multiple dwellings on a lot. The existing dwellings may be repaired or replaced in accordance with subsection (a) and the following additional provisions:

1. The family members listed as recipients with the estate, or their immediate family members must occupy the dwellings on the divided parcels. An affidavit must be recorded in the public record stating that the parcels cannot be sold as separate parcels before any permits can be issued for the property.

2. The affidavit must be agreed upon and signed by all family members occupying the dwellings on the lots created from the estate.

3. Any permits must be issued on the original lot of record.

Chapter 409 Violations, Penalties and Enforcement

Contents

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Article 1 Violations Defined

409.01 Types of Violations

Unless otherwise expressly stated by this ULDC or State law, any violation of this ULDC, including but not limited to the following, will be subject to the remedies and penalties provided for in this Article:

(a) to use land or buildings in any way not consistent with the requirements of this ULDC;

(b) to engage in development activity in any way not consistent with the requirements of this ULDC;

(c) to install or use a sign in any way not consistent with the requirements of this ULDC;

(d) to engage in the use of land, buildings, signs, natural resources or historic resources, or any development activity under this ULDC without obtaining all required permits or approvals;

(e) to engage in the use of land, buildings, signs, natural resources or historic resources, or any development activity in any way inconsistent with a permit or approval granted under this ULDC;

(f) to operate any business subject to specific use or operating conditions under this ULDC except in accordance with this ULDC; or

(g) any other failure to comply with the provisions of this ULDC.

409.02 Liability

The owner, tenant or occupant of any land or structure, shall be presumed to know of activity occurring on such land or in such structure and thus may be charged with a violation of this Code for any violation found on any premises subject to this Code. Where an architect, contractor, builder, agent or other person appears to have participated directly in a violation of this Code, such person may also be charged with a violation of this ULDC. The presumption established by this Section shall be rebuttable as part of the enforcement proceeding.

409.03 Deed Restrictions

These regulations shall not affect any private deed restrictions or restrictive covenants recorded with any deed, plat, or other legal document relating to the use or lot and setback requirements except those that state or reinforce requirements of this ULDC or development approvals thereunder. No person or agency in the capacity of administering or enforcing these regulations shall be responsible for enforcing private deed restrictions or restrictive covenants.

Article 2 Penalties and Remedies

409.04 Remedies and Enforcement Powers

The County may use any of the following remedies and enforcement powers:

(a) Referral to Codes Enforcement Board

Violations of this ULDC may be referred to the Alachua County Codes Enforcement Board for enforcement in accordance with F.S. ch. 162 and Chapter 24 of the Alachua County Code of Ordinances.

(b) Referral to Florida Department of Environmental Protection

Violations of this ULDC may also be referred to the Florida Department of Environmental Protection.

(c) Referral to State Attorney's Office

Violations of this ULDC may also be referred to the State Attorney's Office.

(d) Citations

A citation may be issued for violations of this ULDC in accordance with F.S. ch. 162 and Chapter 24 of the Alachua County Code of Ordinances.

(e) Withhold Permits & Approvals

The County may deny or withhold all permits, certificates or other forms of authorization on any land, or structure or improvements thereon:

1. upon which there is an uncorrected violation of a provision of the Alachua County Code or of a condition or qualification of a development order, permit, certificate, approval or other authorization previously granted by the County; or

2. that is owned or being developed by a person who owns, developed or otherwise caused an uncorrected violation of a provision of the Alachua County Code or of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County.

(f) Approval of Permits & Approvals with Conditions

Instead of withholding or denying a permit or other authorization, the official with authority to approve the permit or authorization may grant such authorization only if adequate assurances are in place to ensure correction of the violation and provided that granting the permit or authorization will not compromise the public health, safety or general welfare.

(g) Revoke Permits & Approvals

Development approval, including but not limited to rezonings, plats, site plans, development plans, certificates of level of service compliance for concurrency requirements, vested rights determinations, and construction and building permits, permits, may be revoked, modified, or suspended by the Board of County Commissioners, at a public hearing upon due public notice, when it has been demonstrated and found that the development approval was granted on the basis of

basis of a clear and material misrepresentation of fact by the applicant or on the basis of a clear and material error of law, or there has been clear and material noncompliance with the conditions for approval. A proposed action to revoke, modify, or suspend a development approval may only be initiated by county staff. Upon discovery of such an erroneous development approval or noncompliance or or deficiency of development activity with respect to the development approval, the the county shall notify the owner, developer and other responsible parties, such as as the engineer of record, the contractor or any known holders of any mortgages, by by certified mail within five working days of discovery of the error or deficiency. The responsible parties shall bear all risks and responsibility for any work undertaken after notification of the error or deficiency. Upon determining that the the error or deficiency poses an immediate threat to public health or safety, the director of the agency granting the development approval shall have the power to to authorize or issue stop work orders. The responsible parties shall respond to the the error or deficiency notice by certified mail within 15 working days with a proposal for corrective action to remedy the error or deficiency. The county shall evaluate and respond to the responsible parties within 10 working days with either either an acceptance of the responsible parties' proposal or with an alternative recommendation for corrective action. If the responsible parties' recommendation is recommendation is not accepted within ten working days, the responsible parties shall have an additional 15 working days to negotiate an acceptable resolution with with the county. If resolution cannot be reached, the county may proceed with revocation, modification, or suspension procedures as outlined in this section. At least 15 days prior to the public hearing before the Board, notice shall be provided provided by certified mail to the applicant for the development approval, all owners owners of record of property within the portions of the development approval to be be revoked, and to other property owners to the same extent as was required for the the subject development approval setting forth specific allegations to support the proposed action.

~~Any permit or other form of authorization required under this ULDC may be revoked by the Board of County Commissioners in accordance with §402.177.~~

(h) Stop Work

1. Whenever a Building or part thereof is being constructed, reconstructed, altered or repaired or any natural or historic resource is being altered in violation of this ULDC, the Codes Enforcement Director or any other qualified building or code inspector may order the work to be immediately stopped.

2. The stop work order shall be in writing and directed to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed.

3. Violation of a stop work order constitutes a misdemeanor.

(i) Forfeiture and Confiscation of Signs

Any sign installed or placed on public property, except in compliance with the regulations of Chapter 402, Article 3, will be subject to forfeiture to the County and to confiscation. In addition to other remedies and penalties of this Section, the County has the right to recover from the sign owner or person who placed the sign, the full costs of sign removal and disposal.

(j) Legal Relief

1. The County may commence a civil action or proceeding to stop any violation of this ULDC or of a permit, certificate, plan or other form of authorization granted hereunder, to remove a violation, or to restore the Premises in question to the condition in which they existed prior to violation. The relief sought may include:

a. an injunction or other equitable relief;

b. a mandatory injunction requiring specific performance of the requirements of a site plan, development plan, landscaping plan, environmental remediation plan or any development order, approval or permit requiring specific site improvements as a remedy under this ULDC or as a condition of approval of such development order, approval or permit;

c. an order in the nature of mandamus or abatement;

d. a civil action in a court of competent jurisdiction to establish liability and to recover damages to property including animal, plant, and aquatic life, caused by any violation;

e. a judgment or order enforcing any requirement of, or under, this ULDC to pay a fee or reimburse or compensate the County, including when the County is required or authorized to take specified action at the expense of the Landowner; or

f. any other judgment or order available under Florida law.

2. It shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the County has failed to exhaust its administrative remedies, or has failed to hold an administrative hearing prior to the institution of a civil action.

(k) Consent Orders

The County Manager has the authority to enter into consent orders on behalf of Alachua County to settle code violations, either before or after initiating formal enforcement action. The settlement may include a penalty amount different from the penalties provided by code, including the payment of administrative costs and expenses. Proposed consent orders shall be reviewed by the County Attorney's Office prior to signature by the parties.

(l) General Penalties

1. Violation of the provisions of these regulations or failure to comply with any of the requirements, including violations of conditions and safeguards established in connection with grants of variance, special use permits or special exceptions, may be punishable as provided by general law for violation of County ordinances. All monies collected related to surface waters, wetlands, strategic ecosystems or other regulated natural resources shall be deposited in an environmentally sensitive lands fund, hereby created, for the acquisition and management of environmentally sensitive lands.

2. The County may seek such other penalties and remedies, and employ such other enforcement powers, as are provided by Florida law for violations of zoning, subdivision, sign, or related provisions.

409.05 (RESERVED)

409.06 Continuation of Previous Enforcement Actions

Nothing in this ULDC prohibits the County's continuation of previous enforcement actions, undertaken by the County pursuant to previous and valid ordinances and laws.

409.07 Remedies Cumulative

The remedies and enforcement powers established in this ULDC are cumulative, and the County may exercise them in any order.

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Chapter 410 Definitions

Contents

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Article 1 General

410.01 Construction of Words and Phrases

(a) Terms not defined in this Chapter shall be construed in accordance their customary usage and meaning.

(b) The following general rules of construction shall govern the interpretation of words and phrases used in this ULDC.

1. May

The term "may" is permissive.

2. Shall and Will

The terms "shall," "will" and "must" are mandatory.

3. Singular and Plural

The singular word or number includes the plural, and the plural word or number includes the singular.

4. Tenses

The present tense includes the future tenses.

Article 2 Abbreviations

EPD: Alachua County Environmental Protection Department

AASHTO: American Association of State Highway and Transportation Officials

TND: Traditional Neighborhood Development

TOD: Transit Oriented Development

FDEP: Florida Department of Environmental Protection

BOCC: Alachua County Board of County Commissioners

DRC: Development Review Committee

BOA: Board of Adjustment

ADT: Average daily traffic

WB30': 30-foot wheel base

VPH: Vehicles per hour

TDR: Transfer of development rights

Article 3 Defined Terms

10-Year Storm Event: A rainfall event having a 10 percent probability of occurrence during any given year.

25-Year Storm Event: A rainfall event having a four percent probability of occurrence during any given year.

100-Year Storm Event: A rainfall event having a one percent probability of occurrence during any given year.

100-Year Floodplain: Areas subject to inundation by a flood having a one percent probability of occurrence in any given year. The 100-year flood elevation is the highest elevation of flood waters during the 100-year storm event and is calculated or estimated from the best available information.

Access: Ingress and egress to land bordering on public streets.

Accessory dwelling~~living~~ unit: An additional dwelling unit, including a separate entrance and permanent provisions for living~~kitchen~~, sleeping, eating, cooking and sanitation~~bathroom facilities~~, attached or detached from the primary residential unit, on a single family lot. Accessory dwelling~~living~~ units are subordinate in size and location to the primary unit.

Accommodations, overnight: Any hotel, motel, bed and breakfast, rooming house, RV park or campground that is intended to be used for overnight lodging, rented for a period of no more than thirty days.

Activity Center: Area designated on the Future Land Use Map where higher intensity and density land uses are concentrated.

Administrative permit: Any permit that may be granted by Alachua County staff without a public hearing before a development review body, including but not limited to building permits, construction permits, sign permits, and tree removal permits.

Adult day care: Any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator, and who require such services.

Advanced treatment: Effluent that has received high level disinfection and contains not more, on an annual average basis, than the following concentrations:

(1) Biochemical oxygen demand (CBOD5): Five mg/l.

(2) Suspended solids: Five mg/l.

(3) Total nitrogen, expressed as N: Three mg/l.

(4) Total phosphorus, expressed as P: One mg/l.

Adverse impact (upon a natural resource): Direct contamination, alteration, or destruction, or that that which contributes to the contamination, alteration, or destruction of a natural resource, or

portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or or impaired.

Adverse stormwater impacts: Runoff from heavy precipitation that can result in flooding outside of normal floodplains, erosion and loss of property or life.

Adverse visual impact: As used in Chapter 404, Article 12, the negative visual effect of a PWSF on on its surroundings. Being able to see a PWSF does not necessarily equate to a negative visual effect. Whether the visual effect of a PWSF is adverse is based on the existence of relevant negative negative factors for that facility, the number of those negative factors, and the degree that the facility evidences those negative factors. Relevant negative factor may include: a large amount of the PWSF is visible from normal views; the PWSF is of a design, material, location, or size that readily catches and holds a viewer's eye when viewed from normal views; the PWSF is in the normal view of a person in a moving vehicle for more than a short period of time; the PWSF is to be lighted and in an area with few or no other lights; the PWSF is readily identifiable as a PWSF by by the average viewer; the PWSF, when viewed from normal views, appears out of place in the area; there is an absence of existing visual impact from other uses in the area surrounding the PWSF; there is an absence of vegetation, structures or other screening between the PWSF and normal views; the scale (height and bulk) of the PWSF is significantly greater than other uses existing or allowed in the surrounding area; the facility is proposed in an area visually protected by by adopted view protection corridors or generally applicable aesthetic regulations that heighten the the protection of the overall aesthetics of the area; and a large amount of the available view is occupied by the PWSF, relative to all available views.

~~**Advertising structures:** Any structure erected or intended for advertising purposes with or without advertisement display thereon, situated upon or attached to real property, or upon which any poster, bill, printing, painting, or device is or may be fastened, affixed, or displayed; provided, however, said term shall not include "building."~~

Affordable housing: Affordable means that monthly rent or monthly mortgage payments including insurance and property taxes generally do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross income for households qualifying under the definitions for low-income, moderate-income and very low-income. This does not preclude participation in federal or state programs that allow for a higher percentage of income to be devoted to rent or mortgage payments.

Affordable Housing Development (concurrency): A development where at least 50% of the units meet the definition for affordable housing for low-income households, or where at least 20% of the units meet the definition for affordable housing for very low-income households.

Aggrieved or adversely affected party: Any person or local government that will suffer an adverse adverse effect to an interest protected or furthered by the local government comprehensive plan, plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or or services and environmental or natural resources. The alleged adverse interest may be shared in in common with other members of the community at large but must exceed in degree the general general interest in community good shared by all persons. The term includes the owner, developer or applicant for a development order.

Agriculture: The use of land predominantly for the cultivation of crops and livestock including: cropland, pastureland, orchards, vineyards, nurseries, ornamental horticulture areas, groves, confined feeding operations, specialty farms, and silviculture.

Agriculture, Bona Fide: Good faith commercial agricultural use of the land, provided the land is classified for assessment purposes by the property appraiser as "agricultural" pursuant to Chapter 193, Florida Statutes.

Agriculture, intensive: Includes off-premises agricultural processing, agricultural warehousing and distribution, and concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens

~~**Agricultural animal:** Livestock (horses, cows), barnyard animals (goats, sheep, pigs, chickens, ducks, rabbits), rattites (ostrich, emu), or camelidae (llama) kept on site for agricultural purposes.~~

Agricultural processing, off-premises: A facility that processes, packages and sells agricultural products or byproducts (such as compost) that are not produced on the property or as part of the same farming operation.

Agricultural services: Service industries supporting agricultural production and processing, including, but not limited to, landscape materials and service, tree-trimming and horticultural services, irrigation services, veterinary and other animal services; soil preparation services, crop services, farm labor and management services; well-drilling services, and related retail sales for permitted agricultural services only.

Agricultural supply: Materials, goods, and equipment directly related to agricultural activities and services, such as animal feed and supplies, fertilizers, landscape materials, farm equipment and supplies, and horticultural or garden items.

Agricultural uses: Activities including silviculture, livestock and poultry raising, cattle and animal grazing, cultivation crops and other commercial production for sale to others, including apiculture, aquaculture, floriculture, groves and orchards, horticulture, pasturing of animals, training or instruction of animals, sod farming, tree farming, viticulture, on-farm composting and similar activities. Preparation and sale of value added goods made in part from products produced on site shall be considered an agricultural use~~and similar activities~~.

Agricultural warehousing or distribution: Any activity that provides for the warehousing, storage, or distribution of agricultural supplies and equipment, including~~included~~ such items as animal feed and supplies, fertilizers, farm equipment and farm supplies, horticultural or gardening~~garden~~ items, and bulk food products.

Agritourism activities: Activities relating to the preserving, processing, packaging or sale of locally grown agricultural products such as farm tours, farm meals, "u-pick" opportunities, cooking classes, agricultural workshops or agricultural education activities.

Airport elevation: the highest point of an airport's usable land area measured in feet above mean sea level.

Airport hazard: any structure or any object of natural growth or use of land which would exceed exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23,

77.23, 77.25, and 77.29, as amended, and which obstructs the airspace required for flight of aircraft in landing, maneuvering, and takeoff at an airport or is otherwise hazardous to such landing landing or takeoff of aircraft.

Airport obstruction: any structure, object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR, Part 77, subsections 77.21, 77.23, 77.25, and 77.29, as amended.

Airport noise zone: The area within the noise zone of public airports as established by Alachua County after a public hearing and depicted on the Official Zoning Map.

Alley: Any public or private right-of-way, primarily designed to serve as primary or secondary access to the side or rear of properties and less than 30 feet in width.

Alteration: Human-caused activity that modifies, transforms, or otherwise changes the land and/or vegetation, including, but not limited to: removal, displacement, mowing, or disturbance (severe pruning, hatracking or internodal cutting, or poisoning) of vegetation excluding permitted prescribed burns; removal, displacement, demucking or disturbance of soil, rock, minerals or water within a plant's root zone; introduction of livestock; placement of vehicles, structures, debris, fill or other material objects thereon, including introduction or injection of water and other substances; use of mechanical equipment, including vehicle rutting, within a plant's root zone; dredging or excavation of land; construction of new structures or expansion of existing structures; installation of utilities, roads, stormwater management systems, septic tanks, bulkheading, fencing, agricultural activities, site preparation, land clearing, tree cutting, mechanized vegetation removal, contouring, placement of bridges or culverts, extraction of stumps or submerged logs, and the disposal of solid or liquid waste.

Animal sanctuary: A place of refuge where one or more non-domestic animals are kept for the purposes of protection, rehabilitation, and care for the extent of their lives.

Antenna: A whip (omni-directional antenna), panel (directional antenna), disc (parabolic antenna) or similar device used for transmission and/or reception of radio frequency signals. Unless the context indicates otherwise, as used in Chapter 404, Article 12, the term 'antenna' also means 'antenna array'.

Antenna array: An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs).

Aquifer: A geologic formation, group of formations, or part of a formation that contains sufficient saturated, permeable material to yield significant quantities of water to wells and springs.

Aquifer, Floridan system: The thick carbonate sequence which includes all or part of the Paleocene Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate

rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system; but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer system is present throughout the county and is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydrite beds that lie near the top of the Cedar Keys Limestone.

Aquifer, intermediate system: All rocks that lie between the overlying surficial aquifer system and the underlying Floridan Aquifer system. These rocks in general consist of fine-grained clastic deposits interlayered with carbonate strata belonging to all or parts of the Miocene and younger series. In places, poorly water-yielding to non-water-yielding strata mainly occur; there the term "intermediate confining unit" applies. In other places, one or more low- to moderate-yielding aquifers may be interlayered with relatively impermeable confining beds; there the term "intermediate aquifer system" applies. The aquifers within this system contain water under confined conditions. The top of the intermediate aquifer system or the intermediate confining unit coincides with the base of the surficial aquifer system. The base of the intermediate aquifer is the top of the vertically persistent permeable carbonate section that comprises the Floridan Aquifer system, or, in other words, that place in the section where clastic layers of significant thickness are absent and permeable carbonate rocks are dominant. Where the upper layers of the persistent carbonate section are of low permeability, they are part of either the intermediate aquifer system or intermediate confining unit, as applicable to the area.

Aquifer, surficial system: The permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer system where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene series. It contains the water table and water within it is under mainly unconfined conditions; but beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations in water-bearing properties.

Aquifer, unconfined: An aquifer that has no impermeable layer between the zone of saturation and water table.

Architecture: The art and science of designing a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures.

Art gallery: An establishment engaged in the display and sale or loan of paintings, sculpture or other works of art.

Artifact: Any object manufactured or altered by human workmanship with intrinsic historical or archaeological value. Generally, this term shall apply to objects equal to, or greater than, 50 years in age.

Assisted living facility: Any building or buildings, section ~~of a building,~~ or distinct part of a building, ~~residence,~~ private home, boarding home, home for the aged, or other residential facility~~place~~, whether operated for profit or not, which undertakes through its ownership or management to providehousing, meals, and one or more personal services~~provide,~~ for a period exceeding 24 ~~consecutive~~ hours to one~~, housing, food service, and one or more personal care for four~~ or more adults who are~~,~~ not relatives of~~related to~~ the owner or administrator. (Chapter 429, Part I, F.S.)~~operator, who require such services. Personal care, for the purposes of this definition, may include ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks.~~

~~**Attention-attracting device:** Any device or object visible from any public street which is primarily primarily designed to attract the attention of the public to a business(s), Community Facility, sign, or sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects may incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices devices may or may not convey a message. Such devices may include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent translucent canopies or panels, electronically controlled message boards (time/temperature signs, signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers propellers and inflatable objects (including strings of balloons) or other device/objects designed to to attract attention. Approved traffic control devices are not considered to be attention-attracting attracting devices.~~

Automotive sales and services: The sale or storage of new and used automobiles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any automotive component.

Average daily traffic (ADT): The number of vehicles traveling in all directions over a segment of a road during a 24-hour period.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same development site as the light source; also, any light with one or more beams that rotate or move.

Bed and breakfast: An owner-occupied dwelling unit where lodging, with or without meals, is provided for compensation, and including customary accessory uses in connection with the principal use.

~~**Beneficiation:** The process whereby Matrix is washed to separate the mineral from the earthen materials with which it is naturally combined, and specifically, in phosphate mining, means the Processing of Matrix to separate phosphate rock from the sand and clay soils in which it exists in a natural state.~~

Best Management Practices (BMPs): A series of guidelines or minimum standards adopted for for areawide application, typically associated with agricultural, silvicultural, golf course, and similar

similar operations, designed primarily to prevent soil erosion and water pollution, and to protect certain wildlife habitat values in riparian and wetland areas.

Bicycle lane: A bicycle lane is a lane dedicated for the use of bicycles. A bicycle lane shall be a minimum of four feet wide and shall be measured from the edge of a vehicular traffic lane to the beginning of the shoulder or gutter line. The shoulder or gutter shall not be used in calculating the four foot dimension. Bicycle lanes shall be striped and marked according to AASHTO Standards.

~~**Billboard:** An off site sign located within 660 feet of the right of way of Interstate Highway I-75.~~

Biodiversity (Biological diversity): The variety, distribution and abundance of living organisms in an ecosystem. Maintaining biodiversity is believed to promote stability, sustainability and resilience of ecosystems.

Biosolids: The solid, semisolid, or liquid residue generated during the treatment of domestic wastewater in a domestic wastewater treatment facility or domestic septic tank. Not included is the treated effluent or reclaimed water from a domestic wastewater treatment plant. Also not included are solids removed from pump stations and lift stations, screenings and grit removed from the preliminary treatment components of domestic wastewater treatment facilities, Class AA residuals as defined in Rule 62-640, F.A.C., other solids as defined in Rule 62-640.200(24), F.A.C., and ash generated during the incineration of residuals.

Block: An area composed of private/public lots and alleys surrounded by public streets.

Block Face: Any segment of a block fronting a public street.

Borrow pit: Subsurface excavation of earth materials such as sand, clay or limerock for use as fill material in any type of construction activity.

Buffer: An area of planted or natural vegetation or open space maintained for various purposes, including reduction of erosion and siltation along surface waters and wetlands, reduction of poaching and wind erosion along roads and field edges, provision of wildlife travel corridors and habitat, and for separation of adjacent land uses or properties from one another.

Building: Any structure constructed or used for residence, business, industry, or other public or private purposes or accessory thereto and including tents, ~~lunch wagons, dining cars, trailers,~~ mobile homes, sheds, garages, carports, animal kennels, storerooms, gasoline pumps, solar panels and similar structures, whether stationary or movable.

Building, accessory: A subordinate building, the use of which is incidental to that of the principal building on the same lot. Accessory screened enclosure structures, whether or not attached to the principal building, shall be considered an accessory building if the roof and all sides of the enclosure not attached to the principal building are made of the screening material. In such cases the accessory building setback for the respective zoning district shall apply.

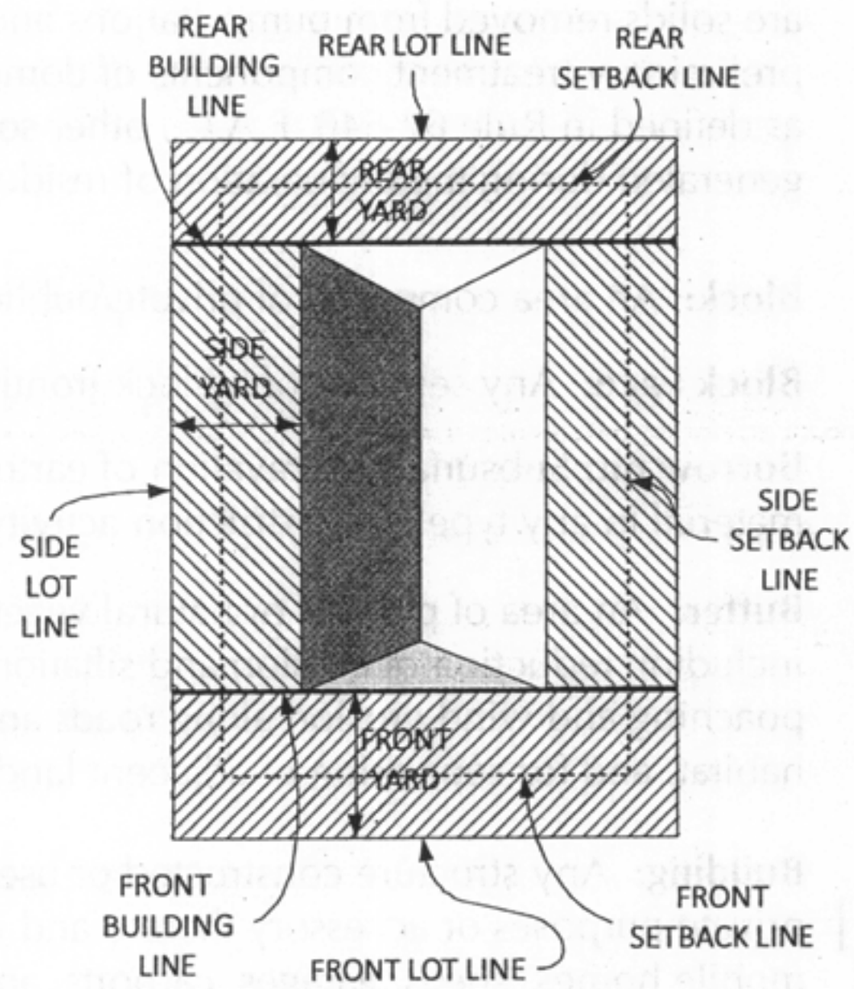
Building, principal: A building in which is conducted the principal use or uses of the lot on which which it is situated. ~~In a residential district any dwelling, other than an accessory living unit, shall be deemed to be the principal building on the lot which the same is situated.~~ Any attached carport, shed, garage, or any other structure with one or more walls or a part of one wall being a part of the principal building and structurally dependent, totally or in part, on the principal building, shall

comprise a part of the principal building and be subject to all regulations applicable to the principal building. A detached and structurally independent garage, carport, or other structure shall conform to the requirements of an accessory building. A detached and structurally independent garage, carport, or other structure conforming as an accessory building may be attached to the principal building by an open breezeway not to exceed six feet in width.

Building area: That area within and bounded by the building lines established by required yards and setbacks, or that area illustrated on an approved plat.

Building coverage: The gross area of a lot or parcel of land occupied by the ground floor of a building (principal and accessory) which is under roof. As a percentage, the relationship between ground floor area of the building under roof and the total area of the site.

Building height: The height of a building with a gabled or hip roof shall be the vertical distance measured from the average elevation of the finished building site to the eve line of the principal portion of the uppermost story. The height of a building with a flat or nearly flat roof shall be measured from the footing as stated above to the highest point of the roof. A flat roof shall be considered a roof that has a slope of less than seven degrees with the horizontal. No projection in excess of 10 10 feet above the roof line shall be permitted for any building.



Building line: A line formed by the face of a building that that is used to establish a yard for a building or structure. structure. Building lines may be defined as front, rear, interior side, or street side.

~~**Building marker:** Any sign indicating the name of a building and date and Instructional information about its its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.~~

Building permit: A final approval to build or install a structure.

Building wall: An exterior load-bearing or non-load-bearing vertical building component that is used as an enclosing wall for a building, other than a party wall or fire wall, including a parapet wall (as defined by the Florida Building Code), extending to a height necessary for screening of rooftop mechanical equipment but not more than 25 feet above the roof.

Bulb-out: Curb extensions that reduce roadway width curb to curb and provide for a shorter crossing distance for pedestrians.

Bus shelter: A structure used as a shelter for the convenience of passengers of a transportation system.

Business services: Any commercial activity primarily conducted in an office, not involving the sale sale of goods or commodities available in the office, and not dispensing personal services, but including such businesses as insurance agencies, stockbrokers, counselors, consultants,

accountants, collection agencies, title and abstract companies, income tax services, travel agencies, advertising agencies, and any similar office-type use.

Capital improvements element: The capital improvements element in the county comprehensive plan or its most recent amendment.

Capital improvements program: The list of capital projects updated annually and adopted in the capital improvement element by the Alachua County Board of County Commissioners that is used to identify capital improvements that will contribute to the maintenance of level of service standards adopted in the capital improvements element for each public facility.

Carrier: A company licensed by the Federal Communications Commission (FCC) that provides wireless services. A tower builder or owner is not a carrier unless licensed to provide personal wireless services.

Cartway: A roadway generally designed for two way traffic that has no center stripe

~~**Cellular:** A mobile telephone service operating in the 800 MHZ spectrum.~~

Certificate of level of service compliance (CLSC): A statement from the county that the public facilities required to serve the proposed development are or will be available with adequate capacity based on adopted level of service standards when the impacts of the development occur.

Child Care Center: any center or arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

~~**Certificate of level of service compliance extension:** An extension of the expiration date of a CLSC, issued by the concurrency management officer.~~

~~**Changeable copy:** The portion of a sign designed so that letters or numbers attached to the sign sign can be periodically changed to indicate a different message. Changeable copy includes letters letters or numbers that are changed manually as well as electronically.~~

~~**Chemical processing:** All processes and associated processes required in the manufacture, storage and transportation of chemicals derived from the mineral extraction.~~

Church: see "Place of Worship".

Civic organization: A private, non-profit entity existing to serve one or more community functions, including educational, cultural, social, service, and religious activities.

~~**Civic use:** A facility serving a community function, including educational, cultural, social, service, and religious activities; police stations, libraries, day cares, fire stations, meeting halls, recreational facilities, governmental buildings, museums, schools, performing arts centers, religious buildings, etc.~~

Clean debris: Any solid waste which is virtually inert and which is not a pollution threat to groundwater or surface waters and is not a fire hazard and which is likely to retain its physical and and chemical structure under expected conditions of disposal or use. The term includes

uncontaminated concrete, including embedded pipe or steel, brick, glass, ceramics, and other wastes designated by the FDEP.

Close-mount: Antenna arrays mounted within three feet of the mounting structure.

Closed system: An enclosed stormwater conveyance system associated with roadways constructed with curb and gutter.

~~**Clustering:** The grouping together of structures and infrastructure on a portion of a development site.~~

Cocktail lounge, bar, tavern, or nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises.

Co-location: The use of a common mount by two or more wireless carriers.

Colonnade: A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers.

Commencement of construction: Issuance of a construction or building permit by Alachua County and commencement of infrastructure or building construction activities.

Commercial animal boarding facility: A facility that provides the service of temporary care of domestic animals.

Commercial animal raising: A commercial activity whose principal use is the breeding of non-domestic animals, both native and exotic, and which are not considered livestock by the Florida Department of Agriculture, as for wholesale and/or retail sales.

Commercial Mobile Radio Services (CMRS): Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Common open space: see "Open space, common".

Common ownership or control: The same or overlapping ownership or control, in that one or more person in a position of ownership or control is overlapping (i.e. owners, shareholders, directors, partners, principals, and other individuals that make up the corporations, partnerships, limited liability companies, professional associations, joint ventures, and other legal entities that own, that hold options to purchase, or that develop property).

Community green space: Pervious open spaces designed as active or passive recreation areas intended primarily for recreational or pedestrian use, such as community fields, greens, and pervious areas of plazas or squares.

Community residential home, small: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for 6 or fewer unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community residential home, large: A dwelling unit licensed to serve clients of the Department of Children and Family Services, which provides a living environment for 7 or more unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Community services: Governmental or private uses that provide a function for the community, including nonprofit or voluntary organizations and clubs engaged in civic, charitable, and related activities.

Comprehensive Plan: The Alachua County Comprehensive Plan, adopted in 2011~~2003~~, as amended.

Concealed PWSF: A PWSF that is not readily identifiable as such and that is not aesthetically incompatible with nearby uses. There are two types of concealed PWSFs:

1. Concealed PWSF tower: A style of PWSF tower designed to obscure from view the antennas and the ancillary appurtenances that directly relate to the antennas. Concealed PWSF towers include, but are not limited to, structures that are or look like the following: a church steeple, a bell tower, spire, clock tower, cupola, light standard, flagpole with or without a flag, tree, etc.

2. Concealed PWSF antenna: Antenna either located wholly within the structure so as not to be visible, located behind screening, or otherwise locating them in such a manner that the antenna and ancillary appurtenances are not readily identifiable as such.

Concentrated animal feeding operation: A lot or building or combination of lots and buildings buildings intended for the confined feeding, breeding, raising or holding of animals and specifically specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. enclosure. Pastures shall not be considered concentrated animal feeding operations.

Concurrent: That the public facilities necessary to maintain the level of service standards adopted in this chapter will be available when the impacts of development occur on the public facilities affected by the development.

Concurrency management official (CMO): The Director of Growth Management, or his designee.

Concurrency management system: The procedures and/or process that Alachua County will utilize to assure that development orders and permits are not issued unless facilities will be available concurrent with the impacts of development.

Connections: Driveways, streets, turnouts, accessways or other means of providing for the movement of vehicles, pedestrians or bicycles to or from the public street system.

Connectivity: An interlinked system of transportation paths providing multiple routes, based on principles of efficient land use and transportation infrastructure.

Conservation areas: Natural resources that, because of their ecological value, uniqueness and particular sensitivity to development activities, require stringent protective measures to sustain their

their ecological integrity, including wetlands, surface waters, 100-year floodplains, listed species habitat, significant geologic features, and strategic ecosystems.

Conservation easement: Conservation easement shall mean a perpetual, undivided interest in real property as described in 704.06, Florida Statutes.

Conservation management area: An area that contains the entire regulated natural or historic resources, as well as additional areas such as buffers, setbacks and linkages that preserve natural system functions.

Construction and demolition debris: Discarded materials generally considered to be not water-soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber, from the construction or destruction or demolition of a structure as part of a construction or demolition project or from the renovation of a structure and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project, including such debris from construction of structures at a site remote from the construction or demolition project site. The term also includes: clean cardboard, paper, plastic, wood and metal scraps from a construction project; except as provided in Section 403.707(12)(j), Florida Statutes, relating to recycling, waste reduction, and resource recovery, non-treated wood scraps from facilities manufacturing materials used for construction of structures or their components and unpainted, non-treated wood pallets provided the wood scraps and pallets are separated from other solid waste where generated and the generator of such wood scraps or pallets implements reasonable practices of the generating industry to minimize the commingling of wood scraps or pallets with other solid waste; and de minimums amounts of other non-hazardous wastes that are generated at construction or destruction or demolition projects, provided such amounts are consistent with best management practices of the industry.

Continuing in good faith: The final development order for a project has not expired, and no period of one year passes without the occurrence, on the land, of development activity which significantly moves the proposed development toward completion of construction. However, a one year lapse in development activity due to factors beyond the developer's control shall not constitute a failure to continue in good faith.

Convenience store: An establishment engaged in the retail sale of a variety of merchandise and food, such as canned and dry goods, beverages, dairy products, and bakery products not produced on the premises.

Corner clearance: At an intersecting street or highway, the dimension measured along the edge of the travelled way between the return radius point and the nearest point of the driveway.

Corridor Design Manual: Alachua County Corridor Design Manual, adopted November 2002.

County: Alachua County, a charter county and political subdivision of the State of Florida.

County Commission: The Board of County Commissioners of Alachua County, Florida.

County Engineer: The Alachua County Engineer or his designee.

County facility: Any public street, sidewalk, place or building owned or controlled by or under the jurisdiction of the County, located throughout Alachua County, and includes, but is not limited to, County parks and recreation facilities.

Courtyard: A common open space surrounded wholly or partly by walls or buildings where people may congregate.

Critical-duration: The duration of a specific storm event (i.e., 100-year storm) which creates the largest volume or highest rate of net stormwater runoff (post-development runoff less pre-development runoff) for typical durations up through and including the 10-day duration event (1-hour, 2-hour, 4-hour, 8-hour, 24-hour, 3-day, 7-day and 10-day events). The critical duration is determined by comparing various durations of the specified storm and calculating the peak rate and volume of runoff for each. The duration resulting in the highest peak rate or largest total volume is the "critical-duration" storm.

Cul-de-sac: A street terminated at the end by a vehicular turnaround.

Dairy, commercial: An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities.

Dam: A barrier to the flow of surface waters, constructed of earthen or other suitable materials.

De minimis impact: An impact of not more than ten average daily trips on the affected transportation facility. A de minimis impact shall not exceed a cumulative impact of ten (10) average daily trips for an existing parcel of record, contiguous commonly held parcels or per development proposal. Further, no impact shall be de minimis if it exceeds the adopted level of service of a designated hurricane evacuation route.

Decision height: The height at which a decision must be made during an Instrument Landing System approach to either continue the approach or to execute a missed approach.

Department: The Department of Growth Management.

Detention: The collection and temporary storage of stormwater in such a manner as to provide for treatment through physical, chemical or biological processes with subsequent gradual release of stormwater.

Developer: The owner of land to be subdivided or the owner's representative who is responsible for any undertaking that requires review and/or approval.

Developer's agreement: An enforceable agreement entered into between Alachua County and a developer to provide for exactions or implementation of mitigation strategies or other provisions necessary to address impacts caused by development.

Developed area: That portion of a plot or parcel upon which a building, structure, pavement, gravel, landscaping or other improvements have been placed.

Developed recreation: Facilities designed to provide for active recreation as their primary use, including swimming pools, playing fields, paved courts and skating areas, etc.

Development agreement: An enforceable agreement between Alachua County and a developer which meets the requirements of F.S. §§ 163.3220 163.3243 and 163.3177(10)(h).

Developer's engineer: A professional engineer, registered in Florida, who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Engineers, engaged by the Developer to prepare engineering plans for the development and to review the construction of capital improvements.

Development: Any new subdivision or expansion of an existing subdivision, or any new residential, commercial, industrial, institutional or mixed use project, or expansion of such an existing project, where approval is required by the Development Review Committee and/or the Board of County Commissioners.

Development, zero lot line: A residential or mixed use development where the buildings, either attached or detached, are positioned on a lot in such a manner that one or more of the building's sides rest directly on a lot line or within a required setback and that all buildings utilize the same side of the lot.

Development activity: Any dredging, filling, excavation, construction of new structures, expansion of existing structures, installation of utilities, roads, personal wireless service facilities, stormwater management systems, septic tanks, bulkheading, land clearing, tree cutting, mechanized vegetation removal and the disposal of solid or liquid waste.

Development order: Any order granting, denying, or granting with conditions a building permit, construction permit, rezoning, subdivision approval, special use permit, special exception, variance, or any other official action by Alachua County having the effect of permitting the development of land.

Development order, final: The approval by the county of a proposal containing a specific plan for development, including the densities and intensities of the proposed development. It includes the final approval given by the development review committee (DRC) in accordance with the requirements of the land development regulations or other permits such as excavation permits which have an impact on one or more public facilities that are subject to concurrency.

Development Review Committee (DRC): A committee, established for the review and approval process for development in the unincorporated area of Alachua County.

Developments of Regional Impact: Any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county and which is required to undergo Development of Regional Impact review in accordance with the standards and guidelines adopted by the state land planning agency pursuant to F.S. § 380.06(2).

Diameter breast height (DBH): The diameter of a tree measured at four and a half feet above ground level.

Director: The Director of the Growth Management Department, except where the context clearly indicates the director of another Alachua County Department.

Distance between driveways: The distance measured along the right-of-way line between the tangent projection of the inside edges of adjacent driveways to the same frontage.

Documented: The existence of a scientifically credible occurrence record, including surveys, scientific publications, or other information from a developer or landowner, local, regional, state or federal agencies, or other credible source.

Dormitory: A structure used for sleeping accommodations related to an educational facility.

Domestic animals: Animals that are customarily kept for personal enjoyment, including domestic dogs, cats, ferrets, and other animals recognized as domestic by the Alachua County Health Department.

Drainage structure: Culverts, storm drains, and stormwater retention or detention ponds with side slopes that must be stabilized by artificial means.

Dwelling: A building or part of a building used for residential purposes, including dormitories, fraternity or sorority houses, and community residential homes, but not overnight accommodations such as hotels, motels, tourist courts, and rooming houses, recreational vehicles or other living facilities.

Dwelling, single family attached: A building and accessories that is principally used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that is constructed in a series, row, or group ~~but on separately platted lots,~~ with one or more other dwelling units, which share not less than 50 percent of one or more exterior walls and are located on separately platted lots.

Dwelling, single family detached: A building and accessories that are principally used, designed, or adapted for use by a single household, containing all the essential elements of a single housekeeping unit, and that are constructed on a single lot of record~~separately platted lots~~.

Dwelling, multifamily: A dwelling~~building that is principally used, designed,~~ or group of dwellings on one lot, containing separate living units~~adapted~~ for two or more families, having separate or joint entrances, and including apartments, row houses, and condominiums~~use by a multiple households that are not located on separately platted lots~~.

Easement: Any strip or piece of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation.

Eaves: The extension or overhang of a roof measured from the outer face of the supporting wall or column to the farthest point of the overhanging structure.

Ecological integrity: The condition of an ecosystem having the biotic communities and physical environment with structure, composition, and natural processes that are resilient, self-sustaining, and able to accommodate stress and change. Its key ecosystem processes, such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability.

Ecological value: The value of functions performed by uplands, wetlands, and other surface water water to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage,

natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization.

Ecosystem: A community of all plants and animals and their physical environment, functioning together as an interdependent unit.

Ecosystem management: The conservation, restoration or enhancement of, and planning for the maintenance of, parts or whole natural systems inter-related or associated with particular resources. Ecosystem management is an approach to natural resources that integrates ecological, economic, and social principles to manage biological and physical systems in a manner that safeguards the ecological sustainability, natural diversity, and productivity of the landscape. Examples of ecosystem management practices include: using fire to restore longleaf pine forests, leaving buffer zones to protect water quality, and using harvesting techniques that enhance forest productivity and provide critical wildlife habitat.

Ecotourism activities: Activities involving travel to areas of natural or ecological interest to observe wildlife and support conservation efforts such as nature tours, birding activities, ecological workshops, canoeing, hiking, biking, and other ecological education activities.

Edge clearance: The distance measured along the edge of the travelled way between the frontage boundary line of adjacent properties and the nearest point of the connection, flare or radius.

Educational facility, college/university: A post-secondary institution for higher learning that grants associate or bachelor degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor degrees or certificates of completion in business or technical fields.

Educational facility, private: A non-public~~private~~ elementary~~, or~~ secondary, business, technical, or trade school below college level serving students in grades Kindergarten through twelfth. These institutions may also include early learning opportunities for students three (3) years of age or older provided the programs are staffed ~~with an academic course of study approved~~ by the school and meet age-appropriate standards. A school that includes only grades below kindergarten shall be considered a 'child care center'. This shall also include charter schools that are not considered 'conversion charter school' by Florida Statute~~Department of Education~~.

Educational facility, public: A public elementary or secondary school serving students in grades Kindergarten through twelfth with an academic course of study approved by the Florida Department of Education. These institutions may also include early learning opportunities for students three (3) years of age or older provided the programs are staffed by the school and provide and meet age-appropriate standards. This shall also include 'conversion charter schools' as defined in Florida Statute.

Educational Facility, vocational: A specialized instructional establishment that provides on-site training or professional, commercial, and/or trade skills. Incidental instructional services in conjunction with another primary use shall not be considered a business and trade school. Indoor Indoor training and instruction for professional sports shall be considered an "Indoor Sports Training Facility".

Element: Any exemplary or rare component of the natural environment, such as a species, natural community, bird rookery, spring, sinkhole, cave, or other ecological feature.

Element occurrence: A single extant habitat that sustains or otherwise contributes to the survival of a population or a distinct, self-sustaining example of a particular element.

Encroachment: The part of a structure that intrudes into a setback.

Enhanced Specialized Mobile Radio (ESMR): Private land mobile radio with telephone and data services.

Entertainment and recreation: Recreation and entertainment uses, which include amusement arcades, pool halls, bowling lanes, skating rinks, miniature golf, and carnival-type concessions and rides~~, and boating and fishing facilities~~. Coin-operated amusement machines (excluding motion picture viewers or video arcades) of ten or fewer machines shall be allowed as an accessory use to a restaurant in those zoning districts where restaurants are permitted and shall not be considered commercial recreation and entertainment, provided that the machines are authorized by the Florida Department of Revenue and an amusement machine certificate is posted in a conspicuous place at the machine location.

Environmental quality: The character or degree of excellence or degradation in the total essential natural resources of the area as measured by the findings and standards of the physical, natural, and social sciences, the arts and technology, and the quantitative guidelines of federal, state and county governments.

Equipment cabinet/shelter: An unoccupied, enclosed structure at the base of the mount within which is housed the equipment for the PWSF such as batteries and electrical equipment.

Excavation: The removal and transport of earth materials (sometimes referred to as "borrow" activities). This definition excludes commercial mining operations (such as limerock and sand mining operations), excavation associated with construction of storm water management facilities, excavation activities governed by the Alachua County Subdivision Regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Exactions: A requirement of a developer to dedicate land or construct or pay for all or a portion of the costs of capital improvements needed for public facilities as a condition of development approval. For purposes of this chapter, this does not include improvements on the site of the development or to provide safe access to and from the development to meet the needs of the occupants or users of the development, except for those improvements provided for a public purpose. These improvements may include transit enhancements, public sidewalks or public parks. The CMO shall have the authority to make the final determination of the public purpose associated with any exaction.

Excavation and fill operation: An operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris or construction and demolition debris.

Existing deficiency: A deficiency in a public facility caused when the existing and reserved demand (from approved development through the issuance of a CLSC) exceeds the capacity of said facility at the adopted LOS standards.

Extraction: The removal of soil, sand, minerals, etc., from the earth through mining or excavation (borrow) activities.

Façade: The exterior wall of a building, parallel at the frontage line.

Fall zone: The area on the ground within a prescribed radius from the base of a PWSF, broadcasting or communications towers. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.

Family: One or more persons occupying a living unit as a single, nonprofit housekeeping unit.

Family homestead exception: A family homestead exception is an exception to the density or intensity of a parcel in certain zoning districts as specified in Article 23, Family Homestead Exceptions, in Chapter 402.

Farmworker housing: Residential dwellings constructed or installed to provide housing for farmworkers and their families when employed on a fulltime basis by the owner or operator of an intensive agricultural activity occurring on the property on which the housing is located.

Federal Communications Commission (FCC): An independent federal agency charged with licensing and regulating wireless communications at the national level.

Fill: Raising the surface level of the land with suitable soil or other material as specifically permitted for the site.

Fitness Center: A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. Fitness Center may also include incidental accessory uses such as child care for patrons, professional physical therapy services, and incidental food and beverage sales.

Fixture, cutoff: Intensity at 80 degrees from nadir does not exceed 100 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 25 candela per 1000 lamp lumens.

Fixture, full cutoff: A luminaire light distribution where no candlepower occurs at or above an angle of 90 degrees from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Fixture, fully shielded: Constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Fixture, partially shielded: Shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from any part of the fixture is projected above the horizontal.

Fixture, semicutoff: Intensity at 80 degrees from nadir does not exceed 200 candela per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candela per 1000 lamp lumens.

Flag: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

Flood Insurance Rate Map (FIRM): Insurance and floodplain management map issued by the Federal Emergency Management Agency (FEMA) that identifies, based on detailed or approximate approximate analysis, areas of 100-year flood hazard.

Flood Insurance Zone Designations: The zone designations that appear on the Flood Insurance Rate Map. Each designation indicates the magnitude of the flood hazard within a specific area.

Floodplain: Lowland adjoining the channels of rivers, streams or other watercourses, or lakes or other bodies of standing water. Includes the floodway and floodway fringe.

Floodway or Regulatory Floodway: The channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the 100-year flood elevation more than a designated height.

Floor area ratio: The square foot amount of total floor area (all stories) for each square foot of land area of the site of the proposed development. For purposes of this definition, total floor area shall be all of that area encompassed within the outside edges of all exterior walls of all buildings and each level thereof on the site. Open porches, balconies and carports are specifically excluded from the calculation of total floor area.

Fraternity or sorority house: A structure used as group living quarters for students of an educational facility who are members of a fraternity or sorority that has been officially recognized by the educational facility.

Front building elevation area: The area found by multiplying the length of the front wall of the principal building on a lot or parcel of record by the distance between the entry level and the eave line of this building.

~~**Front porch:** A front porch is an open, roofed structure attached to the front of the unit.~~

Frontage: The distance or width of a parcel of land abutting a public right-of-way and as measured upon such right-of-way. Corner property at a highway intersection has a separate frontage along each highway.

Frontage road: A street or road auxiliary to and normally located alongside and parallel to a highway for purposes of maintaining local road continuity and for control of access.

Functionally Equivalent Services: Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

Garage~~Garage, community:~~ ~~A structure or series of structures under one roof and under one ownership, for the storage of vehicles by three or more owners or occupants of property in the vicinity where said structure has no public shop or mechanical services in connection therewith.~~

~~**Garage, private:**~~ A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities facilities for mechanical service or repair of a commercial or public nature.

Geodetic marker: Any second order Class I geodetic control corner monument or third order Class Class I traverse point established by the Alachua County Horizontal Control Densification Survey of

of 1988/89 or any marker that is established and accepted by the National Geodetic Survey and/or Florida Department of Environmental Protection. Information on geodetic markers may be obtained from the Property Appraiser's office and/or the County Engineer's office.

Geologic features: A prominent or conspicuous characteristic of earth materials in the landscape. In Alachua County, prominent geologic features include sinkholes, caves, stream bluffs, escarpments, outcroppings, and springs.

Good cause: Impediments to submission of final development plan such as delays in securing permits from other agencies in a timely manner. Good cause does not include adverse market conditions, delays in securing financing, or self-imposed hardships resulting from the actions, or inaction, of the developer.

Greenway: A corridor of protected open space that is managed for conservation, recreation purposes. Greenways follow natural land or water features or abandoned railroad corridors or canals, and link natural reserves, parks, cultural and historic sites.

Green roof: A roof of a building that is partially or completely covered with vegetation and a growing medium, planted over a waterproofing membrane. It may also include additional layers such as a root barrier and drainage and irrigation systems.

Groundcover: Low growing plants planted in such a manner as to form a continuous cover over the ground, such as liriope, low growing varieties of honeysuckle, confederate jasmine, English ivy or like materials.

Groundwater: Water occurring beneath the surface of the ground or in the zone of saturation, whether or not flowing through known or definite channels.

Ground truthing: Verification on the ground of conditions on a site.

Guyed tower: A type of mount that is anchored to the ground or to another surface by diagonal cables.

Gym: see "Fitness Center".

Habitat: The natural abode of a plant or animal that contains the arrangement of food, water, cover and space required to meet the biological needs of a given species. Different species have different requirements, and these requirements vary over the course of a year.

Habitat corridors: A naturally-vegetated transportation route for plants and animals that connects larger natural areas. Wild plants and animals typically require avenues for dispersal to different feeding and breeding sites in order to survive.

Habitat diversity: The variety of habitat features and types in a specific area. Habitat diversity takes many forms: the variety of plants and animals on a site; structural diversity or the vertical arrangement of vegetation from canopy to forest floor; horizontal diversity or the distribution of habitat types across the landscape; and temporal diversity or habitat changes over time. Generally, areas with substantial habitat diversity will support more wildlife species than areas with less habitat diversity.

Hard core [pornography]: Depictions of specified sexual activities that include one or more of the the following: erect male organ; contact of the mouth of one person with the genitals of another;

another; penetration of a finger or male organ into any bodily orifice in another person; open female labia; penetration of a sex toy or other device into a bodily orifice of any person, sometimes sometimes assisted by another person; actual male ejaculation; or the aftermath of male ejaculation.

ejaculation.

Hardscape features: Hardscape or hardscaping consists of the inanimate elements of landscaping, especially any masonry work or woodwork. For example, stone walls, concrete or brick patios, tile paths, walkways, wooden decks and wooden arbors shall be considered part of the hardscape.

Hazardous material: The liquid, solid, and gaseous materials designated in Section 353.26, "materials regulated," of the Hazardous Materials Management Code. This includes but is not limited to:

(a) Petroleum products as defined in section 353.23, "definitions." Aboveground petroleum product storage tank systems are subject to the provisions of the county hazardous materials management code.

(b) Wastes listed or characterized as hazardous wastes by the Administrator of the United States Environmental Protection Agency pursuant to the Solid Waste Disposal Act, as amended. This list is provided in title 40 (Protection of the Environment) of the Code of Federal Regulations, part 261, Identification and Listing of Hazardous Waste.

(c) Pesticides registered by the Administrator of the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(d) Substances for which a material safety data sheet is required by the United States Department of Labor, Occupational Safety and Health Administration, pursuant to title 29 of the Code of Federal Regulations, part 1910.1200; however, only insofar as they pose a hazard to human health or the environment.

(e) Any material not included above which may present similar or more severe risks to human health or the environment. Such determination must be based upon competent testing or other objective evidence provided by the department.

Hazardous waste: Any solid waste as defined in 40 CFR, section 261.1, which is considered a hazardous waste pursuant to 40 CFR, section 261.3, and exhibits the characteristics identified in 40 CFR, part 261, subpart C, or is listed in 40 CFR, part 261, subpart D, or designated as provided in Section 353.03.

~~**Heavy industry:** Establishments engaged in manufacturing, processing, storage and warehousing, wholesaling, and distribution.~~

Heavy machinery and equipment: Machinery and equipment used for commercial, industrial and agricultural operations, including vehicles used for construction and demolition.

Height AGL (above ground level): For Personal Wireless Services Facilities, this is the distance measured from ground level to the highest point of a PWSF, broadcast including the antenna array. array. For purposes of measuring height, all antennas, lightning rods, or other attachments

mounted on a structure shall be included in the measurements to determine overall (i.e. combined) height.

High aquifer recharge areas: Those areas where stream-to-sink surface water basins occur, and those areas where the Floridan Aquifer system is unconfined or semiconfined.

Historic preservation: the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic resources or properties.

Historic resource or historic property: Any historic district, site, building, object, or other real or personal property of historical, architectural or archaeological value. These properties or resources may include, but are not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other objects or features with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state and Alachua County.

Home-based business: Business or commercial activity conducted on a residential property which is accessory to the residential use of that property.

Home-based business, general: An accessory use of a dwelling unit in an area designated residential or agricultural on the Future Land Use Map for gainful employment involving a vocation, trade, or profession carried on by the occupant.

Home-based business, rural: An accessory use of a dwelling unit in an area designated agricultural on the Future Land Use Map for gainful employment involving a vocation, trade, or profession carried on by the occupant.

Homeless shelter: A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for the mentally ill, or a public or private building not ordinarily used for residential purposes, including accessory uses of places of worship or civic organizations.

Homeowners' association: A private, nonprofit corporation, association, or other legal entity established by the developer for the benefit and enjoyment of the residents of a cluster development for the use, maintenance, operation and protection of common open space areas within such developments. This term also shall include condominium associations.

Hospital: An institution providing services of a medical nature to human patients, allowing for extended overnight care of such patients, and including related facilities such as laboratories, out-patient departments, training facilities, staff offices, and food services.

Hotel or Motel: A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, with provisions for cooking in such rooms only in accordance with Alachua County fire regulations, and including customary accessory uses in connection with the principal use.

Household: A family whose relationship is of a permanent and distinctly domestic character, rather rather than resort or seasonal (occupancy of a dwelling for purposes of attending a college or university shall not be considered seasonal).

Hunting camp: A recreational facility established for the purposes of hunting and/or fishing which may provide overnight accommodations, food, transportation, guides, and other customary accessory uses and facilities.

Hydroperiod: Period of time in which soils, waterbodies and sites are wet.

Imminent deficiency: An approaching deficiency in a public facility caused when the existing demand and capacity reserved for approved development through the issuance of a CLSC reaches 95 percent of the capacity of said facility at the adopted LOS standards.

Impervious surface: Land surfaces which do not allow, or minimally allow, the penetration of water; included as examples are building roofs and normal concrete and asphalt pavements.

Incidental food and beverage sales: Sales, storage, preparation, and service of food and/or beverages that occurs as an accessory use to an established commercial or industrial use, which may or may not be directly associated with that use.

Indoor Sports Training Facility: An indoor facility that provides training of amateur or professional athletes in a particular sport. These facilities typically operate on a by-appointment basis and provide very small student-instructor ratios. Programs at these facilities are designed to enhance the skills necessary to succeed in a particular sport rather than for general exercise as at a "Gym" or "Fitness Center".

Industry: Industrial developments are characterized by the fabrication, manufacturing, transporting, warehousing or distribution of goods and any activity involving the manufacturing or treatment of any commodity including the assembly, packaging, canning, bottling, or processing of any item. To change any commodity in composition, form, size, shape, texture, or appearance is deemed to be an industrial process.

Industry, heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light: Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semifinished products from previously prepared materials, which activities are conducted wholly within an enclosed building and do not generate a noticeable amount of noise, dust, odor, smoke, glare or vibration outside the building in which they are conducted.

Infrastructure Capacity Report for Alachua County: The report issued once each quarter as a supplement to the Alachua County Monthly Development Report and assessing the impacts of the approved development listed in the Alachua County Monthly Development Report upon the adopted level of service standards for those public facilities subject to concurrency management.

Inside radius: The inside or smaller curve radius connecting the edge of the driveway to the travelled way when the driveway angle is less than 90 degrees.

Invasive, nonnative vegetation: Any plant not indigenous to Florida, which exhibits, or has the potential to exhibit, noncontrolled growth and invasion or alteration of the natural qualities and functions of any native habitat.

Island: A physical barrier or separation to direct the flow of traffic and/or to separate highway traffic from the activity on the adjacent property.

Junk: Any litter, debris, waste materials of any kind, dead or decaying vegetation or vegetative refuse, dead animals, used or unserviceable automobile and machinery parts, used and nonfunctional furniture and appliances, and used and nonfunctional tools, equipment, and implements, but shall not include compost piles for normal, personal, noncommercial use.

Karst: Landforms that have been modified by dissolution of soluble rock (limestone or dolostones), dolostones), and which may be characterized by sinkholes, sinking streams, closed depressions, subterranean drainage, and caves.

Land application: The act of disposing of sewage effluent and/or sludge on the earth's surface. There are three primary types of land application: (1) overland flow, which includes depository sludge in landfills, (2) rapid rate infiltration, such as in percolation ponds, and (3) slow rate infiltration such as spray irrigation.

Landfill, Class I: A landfill facility that receives an average of twenty tons or more of solid waste per day.

Landfill, Class III: A landfill facility that receives only yard trash, construction and demolition debris, waste tires, asbestos, carpet, cardboard, paper, glass, plastic, furniture other than appliances, and other materials approved by the Florida Department of Environmental Protection (FDEP) which are not expected to produce leachate which poses a threat to public health or the environment. Class III landfills do not accept putrescible household waste.

~~**Landscape development:** Trees, shrubs, ground cover, vines or grass installed in planting areas for the purpose of fulfilling the requirements of this chapter.~~

Landscape materials: Horticultural items such as plants, shrubs and trees, and accessory materials such as fertilizer, sod, pots and liners, mulch, wood chips, and irrigation systems.

Large-scale comprehensive plan amendment: An amendment to Alachua County Comprehensive Plan<u>that</u>~~Plan: 2001-2020 that~~ does not meet the criteria of a small-scale comprehensive plan amendment pursuant to F.S. § 163.3187.

Lattice tower: A type of PWSF mount that consists of multiple legs and cross-bracing of structural steel.

Level of service (LOS) standard: The LOS standard adopted in the Alachua County Comprehensive Plan that will be used to determine whether adequate capacity will be available for a particular public facility to accommodate the impacts of a proposed development on the facility.

~~**Light industry:** Establishments engaged in light manufacturing, processing, storage, and office uses and limited warehousing, transportation and distribution.~~

Listed species: Those species of plants and animals listed as endangered, threatened, rare, or species of special concern by an official state or federal plant or wildlife agency, or the Florida Natural Areas Inventory (FNAI, includes species ranked as S1, S2, or S3). These species are targeted for protection for a number of reasons, e.g. they are in imminent danger of extinction, are

are rapidly declining in number or habitat, or have an inherent vulnerability to habitat modification, environmental alteration, or human disturbance which puts them at risk of extinction.

Littoral zone: In reference to stormwater management systems, that portion which is designed to contain rooted aquatic plants.

Livestock: Includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals as recognized by the Florida Department of Agriculture.

Living area: That area of a dwelling unit which is enclosed, protected from the elements, and is heated, including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, unenclosed and unheated areas.

Lot: A piece, parcel, tract, or plot of land occupied or intended to be occupied by at least one use permitted in this ULDC, ~~principal building and its accessory buildings~~ and including the required yards and shall include all lots of record included in such piece, parcel, tract, or plot of land, and all lots otherwise designated.

Lot, corner: Any lot situated at the intersection of two streets and abutting such streets on two adjacent sides.

Lot, interior: Any lot bounded on both sides by other lots.

Lot coverage: That percentage of the plot area covered or occupied by buildings or roofed portions of structures.

Lot of record:

A. A lot which had been assigned a parcel number by the Alachua County Property Appraiser's Office prior to May 7, 1992, and which met the applicable regulations of Alachua County at the time the lot was created;

B. A lot that was created by a deed or by a contract for deed executed prior to May 7, 1992, and which met the applicable regulations of Alachua County at the time the lot was created;

C. A lot created by a separate legal description where a building permit has been issued for residential purposes;

D. Lots created by either the County Commission or Board of Adjustment of Alachua County.

Lot line: The property line, abutting the right-of-way line, or any line defining the exact location and boundary of the lot or property.

Low Impact Development (LID): An approach to land development that preserves and protects natural-resource systems using various site planning and design approaches and technologies to simultaneously conserve and protect natural resource systems while managing stormwater runoff. The approach includes using engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime through infiltrating, filtering, storing, evaporating, and detaining runoff close to its source.

~~**Low Impact Development (LID):** A site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and distributed micro-micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other LID strategies include, but are not limited to, the the preservation of environmentally sensitive site features such as natural upland habitat, wetlands, wetlands, wetland buffers, and floodplains~~

Low-income: One or more natural persons or a family that has a total annual adjusted gross income for the household that does not exceed 80 percent of the median annual gross income for households, adjusted for family size, within the metropolitan statistical area.

Management plan: A plan which addresses conservation and management of native vegetation occurring within a specific area, as approved by the landowner or applicant on behalf of the landowner, the Alachua County Office of Environmental Protection, the Florida Department of Natural Resources or other public entity with maintenance responsibility for the adjacent Preservation lands, and the Florida Game and Fresh Water Fish Commission in cases where listed species are present or affected.

Manufactured building, DCA-approved: Any factory built structure, building assembly, or system of subassemblies that is manufactured or constructed under the authority of F.S. §§ 553.35–553.42, known as the Florida Manufactured Building Act of 1979. All such manufactured buildings must meet the requirements of, and bear the insignia of approval of, the State of Florida Department of Community Affairs.

Manufactured home: A mobile home fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

Manufactured or mobile home park: A lot or parcel of land under single ownership or management upon which is operated a business engaged in providing for the parking of manufactured and mobile homes to be used for both living and storage purposes, and including the customary accessory uses such as owners' and managers' living quarters, restrooms, laundry facilities, utility areas, and facilities for parks and recreation.

Marina: A recreational facility established for the purposes of fishing or boating, which may provide in-water or dry storage of boats, food services, transportation, guides, boat rentals, and other customary accessory uses and facilities. Overnight accommodations may be provided at these facilities only by special exception.

Marquees and canopies: Any shelter, cover, or protection extending beyond the outer face of the building wall, of either rigid or nonrigid construction, designed and intended to be used for the purpose of shelter or protection for entrances and walkways.

Massage: Touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure pressure to the body (excluding an osseous tissue manipulation or adjustment).

Massage therapy: The profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use hand held tools or devices designed as t-bars or knobbies, and (iii) instruct self care care and stress management. "Manual" means by use of hand or body.

Materials recovery facility: A solid waste management facility where recyclable materials are extracted from mixed, municipal solid waste. Nonrecyclable materials are transferred from the materials recovery facility and disposed of as solid waste.

~~**Matrix (geological):** The combination of natural earth materials in which any mineral resource is embedded.~~

Maximum service volume: The maximum capacity of a public facility based on the adopted LOS standard. For the purposes of roadway capacity, maximum service volume shall be determined by the latest Florida Department of Transportation (FDOT) generalized tables, a more detailed analysis such as FDOT's Arterial Planning software, or the Highway Capacity Manual. Any such detailed analysis shall be subject to acceptance/approval by the Alachua County Public Works Department.

Media: Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything which is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media, and undeveloped pictures.

Median: The portion of a road separating the travel lanes for traffic.

Medical clinic: An institution providing services of a medical nature to human patients, and including related facilities such as out-patient departments and staff offices, but not including facilities for extended overnight care.

Mineral resource: The subsurface deposits of economic value, including but not limited to clay, limestone, peat, phosphate and sand.

Minimal Impact Activities: Activities that will have no significant adverse impact on the resource. Such activities may include installation of navigational aids marked consistent with the requirements of Section 327.40, Florida Statutes; construction and maintenance of public or private nature trails not more than ten (10) feet in width; installation of docks not in excess of one thousand (1,000) square feet in size, subject to performance standards, and other similar activities.

Minimum Descent Altitude: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure for which no electronic glide slope is provided.

Minimum Obstruction Clearance Altitude: The lowest published altitude in effect between radio radio fixes on Very High Frequency Omni Directional Range Station (VOR) airways, off-airway routes, or route segments which meet obstruction clearance requirements for the entire route

segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Mining: The extraction of natural deposits from the earth which are regulated by the State of Florida under Part II of Chapter 211 and Chapter 378, Florida Statutes, and by Alachua County Ordinance 68, as may be amended or superseded by this ULDC.

Mining operation: A collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining permit: A valid operating permit for the conduct of mining operations.

Mining unit: Specified areas of land from which minerals are extracted in a specified period of time.

Minor Plan: A Final Development Plan including Limited Uses, Change of Use, Rural Home Based Businesses and similar development plans not requiring extensive engineering as deemed by the Director of Growth Management.

Mitigation: An action or series of actions that offsets adverse environmental impacts. Mitigation may consist of any one or a combination of monetary compensation, or acquisition, restoration, enhancement, or preservation of wetlands, other surface waters or uplands.

Mixed use: A building or an area that contains a mix of uses. This may include uses such as retail, office, and residential.

Mobile home: A transportable, factory-built structure designed to be used as a year-round single-family residential dwelling and built prior to the enactment of the federal Manufactured Housing Construction and Safety Standards of 1974, which became effective for all mobile home construction on June 15, 1976 (previously known as the federal Mobile Home Construction and Safety Act).

Moderate-income: One or more natural persons or a family that has a total gross income for the household that is less than 120 percent of the median annual gross income for households, adjusted for family size, within the metropolitan statistical area.

Monitoring wells: Strategically located wells from which groundwater samples are drawn for water quality analysis.

Monopole: One type of self-supporting mount consisting of a single shaft of wood, steel or concrete and antennas at the top and/or along the shaft.

Mount: The structure or surface to which antennas are attached.

Motion picture arcade: Any booth, cubicle, stall or compartment which is smaller than 500 square feet in floor area, which is designed, constructed or used to hold or seat customers, and which is used for presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, cd-rom, books, magazines or periodicals) for observation by customers therein.

Multifamily dwelling: See "Dwelling, multifamily".

Museum: An establishment serving as a repository for a collection of natural, scientific, technological, artistic, or literary objects of interest, designed to be viewed by the public with or without an admission charge.

Native vegetation: Vegetation occurring naturally in the north central Florida region without the influence of humans. Native vegetation is a comprehensive term that encompasses all plant life, including groundcover, grasses, herbs, vines, shrubs and trees that, based on current knowledge, are known to have been present regionally before the time of documented European contact (~1500 A.D.).

Natural ground: The surface of the earth as it exists prior to initiation of mining operations and includes the surface of any land previously mined in earlier operations, whether reclaimed or not.

Natural resources: Alachua County's biological, physical, geological and hydrological components of the environment.

Neighborhood convenience centers: A planned commercial center consisting of a store or group of stores or shops under single ownership or management, not exceeding 20,000 square feet of gross leasable floor area, with common parking facilities, ingress and egress, loading and unloading facilities.

Non-native Vegetation: Vegetation not natural to the north central Florida region, including prohibited non-native vegetation listed in F.A.C. 62C-52.011, Florida Prohibited Aquatic Plants List, List, and F.A.C. Rule 5B-57, Florida Noxious Weed List, as well as discouraged non-native vegetation listed in Table 406.08.4.

Nonconforming building: Any building or structure which existed lawfully at the time it was permitted, but that does not comply with the current regulations of the zoning district or the Comprehensive Plan land use designation in which it is located.

Nonconforming lot: Any lot of record which does not meet the minimum area required by this ULDC or the density requirements of the Comprehensive Plan land use designation in which the lot is located.

Nonconforming structure: Any building or structure, other than a sign, that was legally established but no longer complies with the standards of this ULDC or the Comprehensive Plan.

Nonconforming use of building: The lawful use of any building or structure for other than a use specifically permitted in the zoning district or the Comprehensive Plan land use designation in which the building is located.

Nonconforming use of land: The lawful use of any land other than a use specifically permitted in the district in which the lot or parcel of land is located.

Nonprecision instrument runway: A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved approved or planned, and for which no precision approach facilities are planned or indicated on a a Federal Aviation Administration (FAA) planning document or military service's military airport planning document.

Non-profit conservation organization: Any private organization, existing under the provisions of Section 501(c)(3) of the Internal Revenue Code, which has among its principal goals the conservation of natural resources or protection on the environment.

Notice of activity: Written or oral communication to the Department of Growth Management regarding the commencement of certain silviculture activities

Nursing home facility: Any facility which provides nursing services as defined in Part I of Chapter 464, F.S. and which is licensed in accordance with Chapter 400, Part II, F.S. For the purposes of this definition a facility is defined as any institution, building, residence, private home, or other place, whether operated for profit or not, including a place operated by a county or municipality, which undertakes through its ownership or management to provide for a period exceeding 24-hour nursing care, personal care, or custodial care for three or more persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity, or advanced age require such services, but does not include any place providing care and treatment primarily for the acutely ill. A facility offering services for fewer than three persons is within the meaning of this definition if it holds itself out to the public to be an establishment which regularly provides such services. (Chapter 400, Part II, F.S.)

~~**Nursing home:** An institutional operation designed to provide full- or part time supervision and assistance to those persons not able to care for themselves, and shall include convalescent homes, homes for the elderly, and similar facilities.~~

Obstruction: Any fill, structure, work, appurtenant work, or surface water management system placed in a floodway which may impede the flow of water or otherwise result in increased water surface elevations.

Old Florida Heritage Highway: Roads designated as a scenic highway pursuant to Section 335.093, Florida Statutes, which provides that the purpose for such designation is to preserve, maintain, and protect a part of Florida's cultural, historical, and scenic routes for vehicular, bicycle and pedestrian travel.

Off-site: Any premises not located within the area of the property to be subdivided or otherwise developed, whether or not in the common ownership of the applicant for subdivision approval.

Office use: Business, professional, service, and governmental occupations, institutions and commercial activities not involved with the sale of merchandise.

One-stop permitting: The ability to obtain a single permit from the County and other appropriate agencies as a result of an inter-local agreement for the permitting and construction of stormwater management facilities associated with new development or modification to existing facilities.

Open space: Any natural, recreational, or common open areas, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large.

Open space, common: All open space, natural areas, and recreational areas which are within the part of a development designed and intended to be used in common by the owners, residents, or tenants of the development.

Open space, usable: Walkable outdoor area designed or used for public access, outdoor living, recreation or pedestrian access.

Open system: An open stormwater conveyance system associated with roadways constructed with roadside swales.

Outdoor Recreation: Outdoor recreation uses include public or private golf courses, tennis courts, ball courts, ball fields and similar outdoor sports and uses that are not in completely enclosed buildings. This shall also include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs, maintenance buildings or similar uses that are designed and intended primarily for the use of patrons of the principal recreational uses or for the maintenance and servicing of the facilities. This definition shall not include entertainment and recreation uses such as amusement parks, miniature golf, race car tarcks or motorcross facilties or similar motorized sports.

Outside radius: The outside or larger curve radius connecting the edge of the driveway to the edge of the travelled way.

Outstanding Florida Waters (OFWs): Surface waters that have been determined to be worthy of special protection as identified in Section 62-302.700, Florida Administrative Code. In Alachua County, these surface waters include Lochloosa Lake (including Little Lochloosa Lake, Lochloosa Lake Right Arm, and Lochloosa Creek upstream to County Road 20A); Orange Lake up to the U.S. Highway 301 bridge, the River Styx up to Camps Canal, and Cross Creek; and the Santa Fe River System (consisting of the Santa Fe River, Lake Santa Fe, Little Lake Santa Fe, Santa Fe Swamp, Olustee Creek, and the Ichetucknee River south of S.R. 27, but excluding all other tributaries). Also included are waters within state parks and preserves, such as Devil's Milhopper State Geological Site, the Marjorie Kinnan Rawlings State Historic Site, O'Leno State Park, Paynes Prairie Preserve State Park, River Rise Preserve State Park, and San Felasco Hammock Preserve State Park.

Overburden: A collective term for all earth materials overlying a subsurface mineral resource deposit, including topsoil, sand, clay, limestone, etc.

Owner: The record owners, including any person, group of persons, firm or firms, corporation or corporations, or another legal entity having legal title to or sufficient proprietary interest in the land land sought to be subdivided.

Package Treatment Plant: Any wastewater treatment facility having a permitted capacity of less than 100,000 gallons per day. Essentially, this is a small treatment system consisting of a treatment plant and disposal system.

Parent tract: A lot of record that existed on October 2, 1991, the date of the Alachua County Comprehensive Plan adoption, or a parcel of land fronting on a public road and divided by an easement road approved by variance to Road Ordinance 18 prior to May 7, 1992.

Park, public: A piece of land that is owned by the State of Florida, Alachua County, or an incorporated municipality within Alachua County, that is developed and operated for active and/or and/or passive recreational purposes, and that is open to the public on a regular schedule.

Parking, shared: Public or private parking that serves more than one use.

Parking space: An area specifically and permanently designated for the off-street parking or storage of vehicles that complies with the minimum parking design standards.

Paved ground surface area: Any paved ground surface area (excepting public rights-of-way) used for the purpose of driving, parking, storing or displaying of vehicles, boats, trailers and mobile homes, including new and used car lots and other open-lot uses. Parking structures, covered drive-in parking areas to the drip line of the covering or garages shall not be considered as paved ground surface areas.

~~**Pedestrian generator:** Any Activity Center as identified in the Future Land Use Element of the Comprehensive Plan; any shopping center with a gross floor area ratio greater than 50,000 square feet, any school, any park or other recreational facility; or any other facility that is a significant pedestrian generator by the nature of its use, as determined by the County Engineer.~~

Pedestrian friendly: A quality of access that includes a logical, unobstructed, comfortable path to a useful destination along frontages that are spatially defined and interesting, and safe from traffic.

Pedestrian pathways: Interconnected, paved walkways that provide pedestrian passage through blocks running from street to street or within open space lots.

~~**Pennant:** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.~~

Permanent foundation: Any structural system for transposing loads from a structure to the earth by means of a poured-in-place foundation without exceeding the safe bearing capacity of the supporting soil and which is installed in accordance with and meets the requirements of the manufacturer's specifications or, in their absence, American National Standards Institute (ANSI) standards, or, in their absence, provisions of the Standard Building Code.

Person: Any individual, group of persons, firm, corporation, association, organization and any legal public entity.

Personal Communication Services (PCS): Mobile telephone service operating in the 1900 MHZ spectrum.

Personal services: Beauty parlor, shop or salon, barber shop, tanning salon, health and fitness facility, spa, weight control establishment, funeral homes, banquet halls or any similar use.

Personal Wireless Service Facility (PWSF): Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any facility for the transmission and/or reception of personal wireless services, which may consist of an antenna array, transmission cables, equipment shelter or building, access road, mount, and a guy system.

Personal Wireless Services: Any personal wireless service defined in the Federal Telecommunications Act which includes Federal Communications Commission (FCC) licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), Paging Paging as well as unlicensed wireless services, and common carrier wireless exchange access services.

Pet rescue organization: A structure that is owned, operated or maintained by a private or nonprofit organization that provides for the welfare and sale or adoption of domestic animals to private households, excluding overnight boarding.

Place of worship: Any building used for nonprofit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under Florida's property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

Planned development: An area of land developed as a single entity for a number of dwelling units and/or commercial and industrial uses, in accordance with a plan which does not necessarily comply with zoning district regulations for lot size, lot coverage, setbacks, off-street parking, height, bulk or type of dwelling, etc.

Planned development, transfer of development (PD-TDR): A planned development that facilitates the transfer of development rights, by allowing units of density to be transferred from one or more parcels (sending area) to one or more parcels (receiving area).

Planning parcel: The parcels included within the entire contiguous land area under common ownership or control as of May 2, 2005, even if the project proposal or application includes only a portion of such lands.

Planting area: Any area designed for landscape planting having a minimum of ten square feet of actual plantable area and a least inside dimension on any side of 18 inches.

Planting strips: The strips of grass between the curb and sidewalk parallel to the street.

Plat: A map, prepared in accordance with F.S. ch. 177, on which the plan for a subdivision is prepared and submitted for approval with the intention of recording it in final form.

Precision Instrument Runway: A runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on a FAA-approved airport layout plan, a military service's approved military airport layout plan, any other FAA planning document, or a military service's military airport planning document.

~~**Preliminary development review:** The review of a proposed development plan through the DRC as a prerequisite to filing an application for a final development approval~~

Premises: The extent of any lot, plot, parcel, or tract of land, with or without any buildings or structures thereon.

Primary building line: Measured from the frontage line, the line from which the primary building begins.

Primary live entertainment: That entertainment which characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Private animal shelter: A structure that is owned, operated or maintained by a private or nonprofit nonprofit organization used for the care of 10 or more lost, abandoned, or neglected domestic animals, including pet rescue organizations with overnight boarding.

~~**Processing:** The transporting, washing, sizing, flotation, storage, drying, grinding and shipping of mined materials, and all activities reasonably related thereto except chemical processing.~~

Professional Engineer: An engineer licensed by the State of Florida.

Professional services: The conduct of business in any of the following or related categories: law, architecture, engineering, medicine, dentistry, osteopaths, chiropractors, opticians, or consultants in these related fields.

Property owners association: An association or organization, whether or not incorporated, which operates under and pursuant to recorded covenants or deed restrictions, through which each owner of a portion of a subdivision – be it a lot, parcel site, or any other interest – is automatically a member as a condition of ownership and each such member is subject to a charge or assessment for a pro-rata share of expense of the association which may become a lien against the lot, parcel, units, or other interest of the member.

Public body: Any government or governmental agency of Alachua County, the State of Florida, the United States government, or any municipality within Alachua County, Florida.

Public facility: One of the facilities for which a level of service standard is adopted in the Alachua County Comprehensive Plan.

Public use: The use of any land, water, or building by a municipality, public body or board, commission or authority, county, state, or the federal government, or any agency thereof, for a public service or purpose.

Public water supply: A natural or artificial system for the provision of water to the public for human consumption which includes public water supply systems, multi-family water systems, and springs.

Radio Frequency Emissions: The electromagnetic energy radiated from an antenna or antenna array. These emissions are the means by which information is transported without wires by PWSFs.

PWSFs.

Radio Frequency Engineer: Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.

Real property: Land or land and buildings.

Receiving area (transfer of development rights): A property which may receive development rights rights from a sending area.

Reclaimed water: Wastewater that has received at least secondary treatment and basic disinfection disinfection and is reused after flowing out of a domestic wastewater treatment facility.

Reclamation: The filling, backfilling, restructuring, reshaping, and/or revegetation of lands within a mining or excavation and filling site to a safe and aesthetic condition in which lands may be beneficially used.

Reclamation plan: A plan which sets forth a procedure for reclamation of lands affected by a mining or excavation and fill operation.

Reconstruction: Rehabilitation or replacement of a structure or structures on property which either have been damaged, altered or removed or shall be altered to an extent exceeding 90 percent of the assessed valuation of such structure or structures or 90 percent of the combined assessed valuation of such structure and land as shown on the most recent tax roll of Alachua County, Florida.

Recovered materials processing facility: A facility designed and used for receiving, separating, storing, converting, baling, or processing of nonhazardous, nonputrescible recyclable materials that are not intended for disposal.

Recreation, developed: Facilities designed to provide for active recreation as their primary use, including swimming pools, playing fields, paved courts and skating areas.

Recreation, resource-based: Recreational activities that are essentially dependent upon the natural, scenic, or historic resources of the area provided the associated activities do not have significant adverse impacts on the ecological integrity or ecological or historical values of the resources in these areas.

Recreational vehicle: Any vehicle, not exceeding 40 feet in overall length or eight and one-half feet feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats, campers, pickup campers, buses, tent trailers, motor homes, and other similar vehicles with with or without motive power, designed and constructed to travel on public thoroughfares. ~~Such vehicles may not be used for living, sleeping, or housekeeping purposes for a period in excess of seven days per vehicle, except that a recreational vehicle may be so used if located in an RM-1 district providing for that use, subject to the limitations of §403.23(i)1.~~

Recycling: Any process by which solid waste, or materials which would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Repair: Restoration of portions of a building to its condition as before decay, wear, or damage, but not including alteration of the shape or size of any portion.

~~**Repair of vehicles and farm machinery, limited:** A limited commercial activity conducted in a rural/agricultural zoning district that involves the repair of automobiles, light trucks, farm machinery and other small vehicles or machines and equipment.~~

Research, development or experimental lab: A building or complex of buildings containing the facilities for scientific research, investigation, testing, or experimentation, but not for the manufacture or sale of products. This does not include medical, dental or ophthalmic labs where physicians, dentists or optometrists refer patients or write prescriptions for routine medical, dental or ophthalmic work.

Residential recreational camp: Land under single ownership and management having tents, buildings, or other shelters (not including recreational vehicles or mobile homes) for recreational or or educational purposes, such as eco-tourism lodges, religious retreats, or children's camps.

Restaurant: An establishment where food is ordered from a menu, prepared and served for pay primarily for consumption on the premises in a completely enclosed room, under roof of the main structure or in a courtyard adjoining the main structure.

Restaurant, with drive-through: Any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments or beverages in automobiles from a walk-up or drive-through window on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises.

Re-subdivision: Any change in a map of a recorded subdivision plat or map legally recorded prior to adoption of any regulations controlling subdivision that affects (1) any street layout on the map; or (2) any area reserved thereon for public use. For existing platted properties, a replat must be filed or the existing plat must be vacated in accordance with Chapter 402 Article 12.

~~**Retail roadside or produce stand:** Any activity that involves the permanent or temporary sale of agricultural products, excluding landscape materials such as trees and shrubs.~~

Retail sales and services: Retail sales and services shall include those business activities customarily providing retail convenience goods. Such uses shall include department stores, variety stores, drug and sundry stores, home and automobile supply, furniture and appliances, hardware, package stores, newsstands, book and stationery stores, shoe repair shops, luggage shops, bakeries and candy shops (provided that all products made on the premises are sold on the premises), camera and photograph supply shops, radio and television sales and service, floor coverings, sporting goods, florists, jewelers, music and piano sales and services, art shops, pawn shops, dry cleaners, electrical and lighting and similar uses.

Retention: The prevention of the discharge of a given volume of stormwater runoff by complete on-site storage.

Right-of-way: A strip of land occupied or intended to be occupied by a road, street, crosswalk, railroad, electric transmission line, utility service, or any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Areas not included in lots intended for streets, crosswalks, water mains, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The right-of-way line shall be considered as the property line and all setback requirements provided in the County Zoning Regulations shall be measured from said right-of-way line, or except as may otherwise be provided.

Right-of-way line: A property line which bounds the right-of-way set aside for a road, utility service, or other special use. All setback requirements provided in these regulations shall be measured from said right-of-way line, except as may otherwise be provided.

Road: Any public or private right-of-way set aside for public travel 30 feet or more in width. The word "road" shall include the word "street," "avenue," "boulevard," "lane," "thoroughfare," and "highway" for such purposes.

Road centerline: The line midway between the road right-of-way lines, or the surveyed and platted centerline of a road, which may or may not be the line midway between the existing right-of-way lines.

Rooming house: A building designed to provide accommodations for persons for temporary residence for compensation, with or without meals, providing for no more than ten sleeping rooms, and which does not maintain a restaurant or cafeteria on the premises, including customary accessory uses in connection with the principal use.

Roundabout: A raised circular area constructed at the center of a three-way or four-way street intersection around which automobile traffic circulates.

~~**Rural conference center:** Rural facilities, generally consisting of accommodations for meetings, sleeping, eating, and recreation, to be used by civic organizations or businesses for activities such as business meetings, professional seminars, or spiritual retreats.~~

Rural kennel or cattery: An establishment not meeting the definition of a private animal shelter or animal sanctuary where more than 10 dogs, 10 cats or 10 ferrets are kept on premises for any purpose, commercial or otherwise, excluding any agricultural animals.

Sadomasochistic practices: Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

Sanitary hazard: A physical condition which involves or affects any part of a drinking water system or raw water source, and that creates an imminent or potentially serious risk to the health of any person who consumes water from that system. Examples of sanitary hazards include drainage wells; commercial applications of pesticides or fertilizers, such as golf courses, nurseries and crop production sites; animal feeding operations; improperly abandoned wells; active or abandoned phosphate mines; pipelines carrying industrial chemicals; railroad yards; domestic wastewater; cemeteries; stormwater retention/detention basins; tanks or lagoons used to store, treat, or dispose of liquid wastes; cattle dipping vats; tomato or egg wash wastewater land application areas; or waste transfer stations.

Scenic corridor: A visual opening along a traveled route, such as a road, waterway, bike path, or pedestrian trail, that allows either glimpses or extended views of built or natural resources having historical or cultural significance or scenic beauty.

Scenic road: Any presently existing or future public roadway in the county system having historical or cultural significance or natural beauty as designated in Chapter 405, Article 9.

School, public: See educational facility, public

School, private: See educational facility, private

Screening: The method by which a view of one site from another site is shielded, concealed or hidden. Screening techniques may include one or a combination of the following: fences, walls, hedges, berms, existing natural vegetation or other features.

Security: A letter of credit, cash escrow or surety agreement provided by the applicant to secure its promises to complete the required public paving and drainage improvements associated with the subdivision within a specified time period following the final subdivision plat recording.

Security quarters: A manufactured home or single-family dwelling on the site of a nonresidential use, occupied by a guard or caretaker.

Seepage slope: Seepage slopes are wetlands characterized as shrub thickets or boggy meadows on or at the base of slopes. They often occur where water percolating through sands encounter an impermeable layer of clay or rock. These communities are usually dominated by hydrophytic shrubs or herbs such as fetterbush, titi, male berry, waxmyrtle, ferns, grasses, and grass-likes. Seepage slopes most closely resemble bog communities but occur on slopes rather than flat land.

Self-service storage facilities: A building or buildings consisting of individual, self-contained spaces within structures that are leased or owned for the storage of business and household goods.

Semi-public body: Includes churches and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as noncommercial clubs and lodges, theater groups, recreational and neighborhood associations, and cultural activities.

Sending area (transfer of development rights): A property from which development rights may be transferred to a receiving area.

Septage: all solid waste containing human feces or residuals of such which is generated by any industrial or domestic wastewater treatment plant, water supply treatment plant, air pollution control facility, septic tank, grease trap, portable toilet or related operation, or any other such waste having similar characteristics.

Septic system: An onsite sewage treatment and disposal system that contains a standard subsurface, filled, or mound drainfield system; an aerobic or anaerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a grease interceptor; a dosing tank; a solids or effluent pump; a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. This term does not include package sewage treatment facilities and other treatment works regulated under F.S. ch. 403.

Septic system, alternative: An onsite sewage treatment and disposal system that provides advanced treatment of effluent.

Service station: Any business engaged primarily in the servicing of automotive vehicles, including including the sale and delivery of fuel, lubricants, and other products necessary to the operation of of automotive vehicles, including the sale and installation of accessories, tires, batteries, seat covers, tire repair, cleaning facilities, minor engine tune-up, wheel balancing and aligning, and

brake service, but not including mechanical or body repair facilities, or the sale or major repair of vehicles or trailers.

Settling pond: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the intended purpose of separating suspended solid material from water.

Setback: The minimum horizontal distance between the lot lines and front, rear or side lines of the building, including steps, terraces, or any projection thereof. When two or more lots under one ownership are used, the exterior property lines so grouped shall be used in determining setbacks. Notwithstanding other provisions, all street sides of a corner lot shall be construed as having a "front setback."

Sex shop: A retail sales and services establishment that meets any of the following tests:

A. It offers for sale items from any two of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area; or,

B. More than five percent of its stock in trade consists of sexually-oriented toys or novelties; or,

C. More than five percent of its gross public floor area is devoted to the display of sexually-oriented toys or novelties

Sexual conduct: The engaging in or the commission of an act of sexual intercourse, oral-genital contact, masturbation, or the touching of the sexual organs, pubic region, buttock or female breast of another person for the purpose of arousing or gratifying the sexual desire of another person.

Sexually explicit media: Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas" (separately defined).

Sexually oriented business: An inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor or shop unless operated by a massage therapist licensed by the State of Florida; retail sales and services falling into the category of sex shop or sexually oriented media shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning code or other applicable ordinances.

Sexually oriented cabaret: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the "primary live entertainment" is distinguished or characterized by an emphasis on the exhibiting of "sexual conduct" or "specified anatomical areas" for observation by customers therein. The fact that an establishment does not serve alcoholic beverages shall not remove it from classification as a "sexually oriented cabaret" if it otherwise falls under this definition.

Sexually oriented media store: A retail sales and services establishment that rents and/or sells media, and that meets any of the following three tests:

A. More than 30 percent of the gross public floor area is devoted to sexually oriented media; or

B. More than 30 percent of the stock in trade consists of sexually oriented media; or

C. It is advertised, marketed, or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually-oriented business.

Sexually oriented motion picture theater: A cinema or motion picture theater which shows hard-core features on more than half the days that it is open, or which is marketed as or offers features described as "adult", "XXX", or sexually oriented.

Shared parking: *See "Parking, shared".*

Shrub: Any self-supporting woody evergreen and/or flowering species.

Sign: Any attention-attracting device, fixture, placard, or structure, but excluding flags, that uses any color, form, graphic, illumination, symbol or writing to advertise, to announce the purpose of, or to identify a person, location, building or entity, or to communicate information of any kind to the public.

Sign, advertising structures: Any structure erected or intended for advertising purposes with or without advertisement display thereon, situated upon or attached to real property, or upon which any poster, bill, printing, painting, or device is or may be fastened, affixed, or displayed; provided, however, said term shall not include "building."

Sign, animated: Any sign that uses movement or change of lighting to depict action or to give the impression of action, whether animated or otherwise. "Electronic Message Center Sign" is specifically excluded from this definition.

Sign area: The area enclosed by the perimeter of the sign faces. The sign area of a double-faced sign shall be the sign area of one sign face. The sign area of a multifaced sign shall be the sum of the areas of all sign faces. The sign areas of painted wall signs or flat signs, when composed of letters only (whether script or printed letters), shall be the sum of the areas of the smallest contiguous rectangles each capable of containing one such letter.

Sign, attention-attracting device: Any device or object visible from any public street which is primarily designed to attract the attention of the public to a business(s), Community Facility, sign, or sign, or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects may incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices devices may or may not convey a message. Such devices may include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent translucent canopies or panels, electronically controlled message boards (time/temperature signs, signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers propellers and inflatable objects (including strings of balloons) or other device/objects designed to

to attract attention. Approved traffic-control devices are not considered to be attention-attracting devices.

Sign, banner: Any signs having characters, letters, illustrations, or ornamentations applied to cloth, paper or fabric of any kind.

Sign, billboard: An off-site sign located within 660 feet of the right-of-way of Interstate Highway I-75.

Sign, changeable copy: The portion of a sign designed so that letters or numbers attached to the the sign can be periodically changed to indicate a different message. Changeable copy includes letters or numbers that are changed manually as well as electronically.

Sign, channel letter: A fabricated or formed three-dimensional letter that may accommodate a light light source.

Sign, commercial message: Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Sign, double-faced: A sign or advertising structure having two sign faces of equal size and shape which are oriented in different directions and which are constructed in either of the following configurations:

A. Sign faces which are parallel when viewed from above, which are oriented in opposite directions and which are not separated by more than 36 inches at any point.

B. Sign faces which form a "V" when viewed from above, provided that the internal angle at the apex is not greater than 60 degrees and the sign faces are not separated by more than 36 inches at the apex of the "V."

Sign, electronic message center: Any sign with a variable message that utilizes computer-generated messages or some other electronic means of changing copy, including but not limited to incandescent lamps, LEDs, LCDs or a flipper matrix.

Sign face: The part of the sign that is or can be used for communication or advertising purposes

Sign, flashing: A sign, the illumination of which does not have constant intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects, including any sign with a strobe light or strobe-like effect.

Sign, forward-lit channel copy: A fabricated dimensional letter, logo or other copy with translucent face and side walls that is internally illuminated.

Sign, freestanding: Any sign supported by upright structural members or by braces on or in the ground and not attached to a building, including a bulletin board sign, an outdoor advertising sign, a pole or pylon sign, or a ground sign.

Sign, illuminated: A sign or advertising structure in which a source of light is used in order to make the message visible, and shall include internally or externally lighted signs.

Sign, incidental: A sign, generally informational, that has a purpose secondary to the use of the development site on which it is located. This category includes but is not limited to signs with non-

non-commercial messages such as "no parking," "entrance," "loading only," "telephone," and similar information and directives. No sign with a commercial message legible from a position off off the development site on which the sign is located excluding logos that do not exceed 10% of the sign's total square footage, shall be considered instructional.

Sign, institutional: A sign identifying or advertising an institutional use permitted in a residential district, where such sign is located on the same development site as such use.

Sign, monument: A sign constructed on the ground with a continuous footing or foundation with the base at grade.

Sign, multifaced: A sign or advertising structure containing more than one sign face which is not a double faced sign.

Sign, off-site: A sign or advertising structure that directs attention to a business, product, service, or entertainment conducted, sold, or offered at a location other than the premises on which it is located.

Sign, pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Sign, pole or pylon: A freestanding sign supported permanently upon the ground by poles or braces and not attached to any building.

Sign, portable: Any sign not permanently attached to the ground or other permanent structure or a sign to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs made as A-frames or T-frames; menu and sandwich board signs; balloons used as signs; excepting on-site umbrellas, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Sign, projecting: A sign attached perpendicular to a building or other structure.

Sign, reverse-lit channel copy: A fabricated dimensional letter, logo or other copy with opaque face and side walls that is illuminated from the back.

Sign, revolving: A sign or advertising structure which revolves or turns by means of an external or internal power source.

Sign, temporary: Any sign that is used only for a limited time and that is not permanently mounted, such as campaign, real estate and special promotion signs. ~~Temporary signs may be used to express the opinion of the owner or occupant on any matter deemed by such person to be of public interest but shall bear no commercial messages other than those permitted in Article 3, Signs, of Chapter 407.~~ Permitted temporary signs shall be valid for a period of 30 days unless specified elsewhere in this Code or established in the permit issued for the sign.

Sign, wall or building: Any sign attached parallel to and extending not more than 18 inches from from the façade of any building to which it is attached and not extending above the principal portion of the building, painted on the wall surface or erected and confined within the limits of an

an outside wall of any building, which is supported by such wall or building, and which displays only one sign surface. The principal portion of the building includes architectural elements that are are not in excess of ten feet in height above the eave line of the principal building.

Sign, window: Any sign that is placed inside a building or window or upon the window panes or glass and legible from a location on public property or on private property other than the premises on which the sign is located.

Significant adverse impact (upon a natural resource): Direct contamination, alteration, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will be eliminated, reduced or impaired, such that the activity will cause long term negative impacts on the natural resource.

Significant geologic features: Geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcroppings, and other karst features.

Significant habitat: Contiguous stands of natural upland plant communities which have been documented to support, and which have the potential to maintain, healthy and diverse populations of plants or wildlife.

Silviculture: The art and science of producing and tending a forest by manipulating its establishment, composition and growth to best fulfill the objectives of the owner. This may, or may not, include timber production.

Single-family attached dwelling: See dwelling, single-family attached.

Single-family detached dwelling: See dwelling, single-family detached.

Sinkhole: A funnel-shaped depression in the land surface, generally in a limestone region, caused by solution processes and often resulting in connection(s) with subterranean passages and groundwater systems.

Slime: A waste product consisting of a mixture of water and fine solid particles and usually characterized by a high percentage of clay and clay-size particles.

Small-scale comprehensive plan amendment: An amendment to the Alachua County Comprehensive Plan~~: 2001-2020,~~ Future Land Use Map~~,~~ which meets the following criteria:

A. The proposed amendment involves~~is~~ a ~~residential land~~ use of 10~~ten~~ acres or fewer~~;less~~ and ~~a density of ten units per acre or less or involves other land use categories, singularly or in combination with residential use of ten acres or less;~~

B. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, however text changes that relate relate directly to, and are adopted simultaneously with, the small scale future land use map map amendment shall be permissible; and

C. The~~same~~ property that is the subject of the proposed amendment is not located within an an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of §163.3187, Florida Statutes.

~~more than once a year; and~~

~~C. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.~~

Solid waste: Garbage, refuse, yard trash, clean debris, white goods, special wastes, ashes, sludge or other discarded material, including solid, semisolid, liquid, or contained gaseous material from domestic, commercial, industrial, mining, agricultural or governmental operations.

Solid waste transfer station: An intermediate waste facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

~~**Special exception:** A special exception is a use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, intensity, or relation to the neighborhood, would not be detrimental to the public health, safety, or general welfare. Such uses may be permissible in a zoning classification or district as a special exception if specific provision for such a special exception is made in these regulations.~~

Special Use Permit: A zoning approval that may be granted for a use not generally allowed within the unincorporated area of Alachua County but that, if controlled as to number, area, location, intensity, or relation to a neighborhood, would not be detrimental to the public health, safety, or general welfare. Such special use permits may be granted in accordance with the Comprehensive Plan and the requirements of this ULDC.

Specialized Mobile Radio (SMR): A form of dispatch or two-way communication used by companies that rent space or time from an SMR carrier. Used primarily for data, delivery vans, truckers or taxis within a small, definable geographic area.

Specified Anatomical Areas:

A. less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

B. human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Spoil: Any displaced overburden, whether resulting from material dumped by dragline excavation or water-deposited material from hydraulic dredging.

Spring: A point where ground water emerges onto the earth's surface, including under any surface surface water of the state, as well as seeps. The term spring shall include karst windows, which are are depression openings that reveal portions of a subterranean flow or the unroofed portion of a a cave. It shall also include spring runs, whose flow is predominantly composed of spring discharge.

Springshed or **Spring Recharge Basin**: Those areas within ground and surface water basins that that contribute to the discharge of a spring.

Square: An open space surrounded by a minimum of 75 percent of its perimeter by streets, totaling at least one half acre in area.

Standards: Guidelines or measures provided in these regulations by which acceptability of a use is is determined.

Steep slope: Any topography having a slope of greater than or equal to five percent.

Stormwater: The flow of water which results from, and which occurs immediately following a rainfall event.

Strategic Ecosystems: Sites that are identified in the KBN/Golder Associates report, "Alachua County Ecological Inventory Project" (1996).

Street: An access way designed and used primarily for vehicular transportation purposes, which may feature within its right-of-way limits pavement, curbs, medians, sidewalks, bikeways, swales, slopes and parking lanes. Access ways and driveways designed as part of or access to parking lots to accommodate on-site parking requirements are excluded from this definition.

Street, major: Those streets listed in the Average Annual Daily Traffic Highway Level of Service Report produced by the Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area, or any street with a functional classification of collector or higher.

Street, publicly-maintained: Any street maintained and operated by a governmental entity (state, county or city) whether there is deeded ownership or not.

Street, privately-maintained: Any street maintained and operated by a private entity (Developer or Property Owners' Association) whether there is deeded ownership or not.

Street line: That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Structure: Anything constructed or erected that requires a location on the ground or attached to something having location on the ground.

Stub street or stub-out street: A street that terminates at the edge of a proposed site for development and that is intended for future extension and connection to adjacent development or redevelopment.

Subdivision: The division of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division. Subdivision includes the establishment of new streets and alleys, additions, and re-subdivisions; and, when appropriate to the context, subdivision applies to the process of subdividing or to the lands or area to be subdivided.

Substantial construction: All required permits necessary to continue the development have been obtained; permitted clearing and grading has been completed on a significant portion of the development subject to a single final development order; and the actual construction of buildings or water and sewer lines, streets, or the stormwater management system has been completed on a significant portion of the development or is progressing in a manner that significantly moves the entire development toward completion of construction.

Substantial improvement: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed.

Surface mining: The extraction of mineral resources from the earth by any process involving the removal of overburden materials to provide access from the surface to the mineral deposit.

Surface parking: A ground-level parking area for motor vehicles where there is no building or structure above the parking.

Surface waters: Rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface.

Survey, boundary: A survey, the primary purpose of which is to document the perimeters, or any one of them, of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purposes of describing the parcel, locating fixed improvements on the parcel, dividing the parcel, or platting.

Survey, topographic: A survey of selected natural and artificial features of a part of the earth's surface to determine horizontal and vertical spatial relations.

Surveyor: A surveyor registered in Florida under F.S. 472, who is in good standing with the Department of Business and Professional Regulation, Division of Professions, Board of Professional Surveyors and Mappers.

Swale: An open shallow channel that is covered with vegetation on side slopes and bottom and is designed to collect and slowly convey runoff flow to downstream discharge points.

Theater, sexually-oriented: A cinema or motion picture theater which shows hard-core features on more than half the days that it is open, or which is marketed as or offers features described as "adult", "XXX", or sexually oriented.

Thickening pond: An area surrounded by dams, dikes or masses of earth into which fluids are introduced for the purpose of reducing the water content of mineral deposits during processing of mining operations.

Tower: A mount constructed for the primary purpose of supporting antennas and other PWSF components.

~~**Traditional Neighborhood Development (TND):** A distinct type of mixed use development that meets specific standards and criteria, including mixture and scale of uses, compact design, and walkability.~~

Trailer: Any portable or movable structure or non-self-propelled vehicle not used for living purposes, but used for moving or hauling freight, equipment, or merchandise.

Transfer of Development Rights: A device by which the development potential of a property is severed from its title and made available for transfer to another location.

Transferee: The owner of a property within a receiving area that purchases or otherwise acquires transferable development rights from another property.

Transferor: The owner of a property within a sending area that transfers rights to develop to another property.

Transit: Passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus or passenger vans operating on a demand responsive basis and associated park and ride facilities.

Traveled way: The portion of the roadway for the movement of vehicles exclusive of shoulders and auxiliary lanes (travel lanes).

Tree canopy: The area of the property that contains coverage by trees and consists of the total crown spreads or drip-lines of all trees existing on-site.

Tree, champion: Those trees that have been identified by the Florida Division of Forestry as being the largest of their species within the State of Florida or by the American Forestry Association as the largest of their species in the United States. The current list of champion trees in Alachua County is on file in the Department of Growth Management.

Tree, heritage: All native tree species, except water and laurel oaks, 20 inches or greater in diameter at a point four and one half feet above ground level, and all nonnative trees and water and laurel oaks 30 inches or greater in diameter.

Tree, regulated: Champion and Heritage trees; any woody native tree species 8″ or more in diameter at breast height (dbh); and those small specimen trees specifically identified in Table 406.16.1 in Article 2, Chapter 406 of this ULDC.

Tree, specimen: A tree which has been identified by the County to be of notable interest or high value because of its age, size, species, condition, historic association, or uniqueness.

Unauthorized materials: Materials not normally associated with an approved mining or excavation and fill operation that pose a threat to water or natural resources located on or adjacent to the area where such operations are being conducted.

Unincorporated area: Any land in Alachua County not lying within the boundaries of a duly incorporated village, town, or municipality.

University: See ' College'

Urban Cluster: An area designated on the Future Land Use Map for urban development, which includes residential densities ranging from one unit per acre to 24 units per acre or greater, non-residential development, and is generally served by urban services.

Use: Any activity, function, or purpose to which a parcel of land or building is put.

Use, principal: A use that may be legally established on a lot and that is not dependent on any other use.

~~**Use, principle:** The main use establishing the reason and basis for a building or structure and comprising the general activity for which such building and/or property is used.~~

Use, accessory: Activities established as secondary, in support of, and dependent upon the principal~~principle~~ use.

Utilities, major: Facilities such as electric generation plants, high power transmission lines and substations, solar power generation facilities, major gas distribution lines, water purification plants and sewage treatment and disposal plants.

Utilities, minor: Facilities such as pumping and switching stations.

Utility runway: A runway that is constructed for and intended to be used only by propeller-driven driven aircraft of 12,500 pounds maximum gross weight and less.

Utility structure: A relay station, wastewater lift station with a flow capacity of 2,000,000 gallons per day (MGD) or greater, substation, and similar structures, transmitter tower, or transmission line designed to carry in excess of 100 kv of electricity. This term does not include the transmission or reception of television or radio signals in conjunction with the use of a residential dwelling.

Variance: A modification of the zoning regulations when such will not be contrary to the public interest and when, due to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in zoning districts or classifications.

Vehicle: Every device capable of being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway, including any watercraft, boat, ship, vessel, barge, or other floating craft, or which is used exclusively upon stationary rails or tracks, or which is used exclusively for agricultural purposes.

Vehicle sales and service: The sale or storage of new and used automobiles, service stations, paint and body repair shops, automotive repair garages, and including the sales and servicing of any automotive component.

Very low-income: One or more natural persons or a family that has a total annual gross income for the household that does not exceed 50 percent of the median annual gross income for households, adjusted for family size, within the metropolitan statistical area.

Viable: Having the capacity to live and develop, unaided by human intervention, into the indefinite future.

~~**Village Center:** Neighborhood scale, compact, mixed use areas, integrated into residential areas within the Urban Cluster through specific site and design standards.~~

Visual runway: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indication on an FAA approved airport layout plan, a military service's approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Wastewater: Water directly or indirectly used in the operation of a dairy for any or all of the following: spillage or overflow from animal watering systems and cooling ponds; washing, cleaning or flushing pens, barns, manure pits or other dairy activities; washing or spray cooling of animals; dust control; any water, including precipitation, that comes into contact with any manure, litter or bedding, or any raw material or intermediate product used in or resulting from the dairy operation.

Wastewater treatment facilities: Any or all of the following: the collection/transmission system, the treatment plant, and the reuse or disposal system.

Water consumption: The total quantity of water utilized during a specified period of time by a mining or excavation operation, including that water required for mineral extraction, processing and chemical processing.

Water Management District: Any flood control, resource management, or water management district operating under the authority of Chapter 373, Florida Statutes. Unless otherwise stated, water management district shall refer to either or both, the St. Johns River Water Management District or the Suwannee River Water Management District.

Water table: That surface in an unconfined water body at which the pressure is atmospheric. It is defined by the levels at which water stands in wells that penetrate the water body just far enough to hold standing water.

Waterfront: Any site shall be considered as waterfront property provided that any portion of such property physically abuts any body of water, including creeks, canals, rivers, lakes, or any other body of water, natural or artificial, but excluding swimming pools and drainage facilities which do not permit any type of sport or recreational pursuit.

Watershed: Land area included in a natural drainage basin for a river, stream or body of water.

Watershed Resources: Natural functions or systems that affect stormwater discharge characteristics within a specific watershed.

Well: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is to conduct groundwater from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of groundwater within an aquifer system(s). For the purposes of this chapter, geotechnical borings greater than 20 feet in depth shall be included in the definition of "well."

Well, Private Potable: A well that provides piped water for one to four residences, one of which may be a rental residence. This does not include wells used only for irrigation.

Well, Public Water Supply: any community public water systems and non-transient non-community public water systems that provide water to the public.

> **Community water system**: a public water system which services 15 service connections used by year-round residents or regularly serve at least 25 year-round round residents.
>
> **Non-transient non-community public water system**: a public water system that is not a community water system and that regularly serves at least 25 of the same people for over 6 months per year.

Well, Non-community Public: A public water system that serves a transient population of at least 25 people per day at least 60 days per year or has a minimum of 15 non-residential service connections.

Well, Limited Use: A limited use commercial public water system which provides piped potable water to one or more non-residential establishments, and a limited use community public water system which provides piped potable water to five or more private residences or two or more rental residences.

Wellfield Protection Areas: Identified areas surrounding public water supply wells which are potential critical aquifer recharge areas or surface and groundwater areas with significant risk of contamination of public water supply from overlying land uses within the area.

Wetlands: 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 conditions 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.

Wholesaling, warehousing, storage and distribution: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of flammable materials or hazardous wastes.

Wildfire: An uncontrolled fire, burning vegetation, structures, or other improvements.

Wildlife refuge: An undeveloped, officially designated area that preserves and provides natural habitat for native animal species.

Wireless communications: Any form of conveying information between locations without physical connections.

Xeriscape landscaping: Landscape methods that conserve water and protect the environment through the use of native, drought-tolerant plants and planting techniques.

Yard: The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky, between the lot line and building line.

Yard, front: The yard extending across the entire width of the lot between the front lot line and the front building line. The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage, unless otherwise determined on a recorded plat or in a recorded deed. The front yard of a lot existing between two streets not intersecting on a corner of the lot shall be that yard abutting the street on which adjoining properties face, unless otherwise determined on a recorded plat or in a recorded deed.

Yard, rear: The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line.

Yard, side: The yard extending from the front building line to the rear building line between the side lot line and the side building line.

Zoning Administrator: The term "Zoning Administrator" shall mean the Director of the ~~Office of~~ Growth Management Department or their~~his~~ designee.

Zoning district: Any unincorporated area of Alachua County, Florida, as an area subject to zoning, and identified on the Zoning Map of Alachua County, Florida, assigned a zoning classification as indicated on said map, consisting of any one of the several zoning districts as set forth and established in these regulations. Reference to the word "district" shall mean zoning district.

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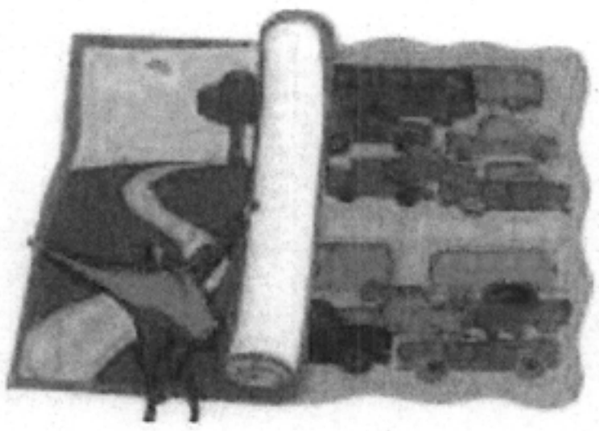
Unified Land Development Code Update 2011



Second Public Workshop
October 11, 2011

Process for Updating the ULDC

- Board workshops to discuss working drafts
- Workshops with community organizations or citizens as requested
  - Met with Builders Association, Grow Gainesville, Rural Concerns
- Request to advertise
- First Reading/Public Hearing
- Second Reading/Adoption Public Hearing

Recent Activity

- EAR-based Comprehensive Plan update adopted April 5, 2011
- Working with Revised Code since 2006 – clarifications and updates needed
- Legislative changes

Chapter 405

- Activity Center categories have been redesigned– high intensity/low intensity.
- Thresholds for Transit Oriented Developments and Traditional Neighborhood Developments have been added.

Chapter 405

- Most Activity Center Master Plan language has been removed
- Language requiring public access easements on all private roads, alleys and pedestrian pathways has been added.
- Article 3, Springhills, has been deleted

Chapter 405

- Cross Creek Village bald eagle nesting zone language has been updated
- Urban Service Area regulations were added
  - Design standards
  - Exceptions
- Alternative Design for Activity Centers and Urban Service Areas

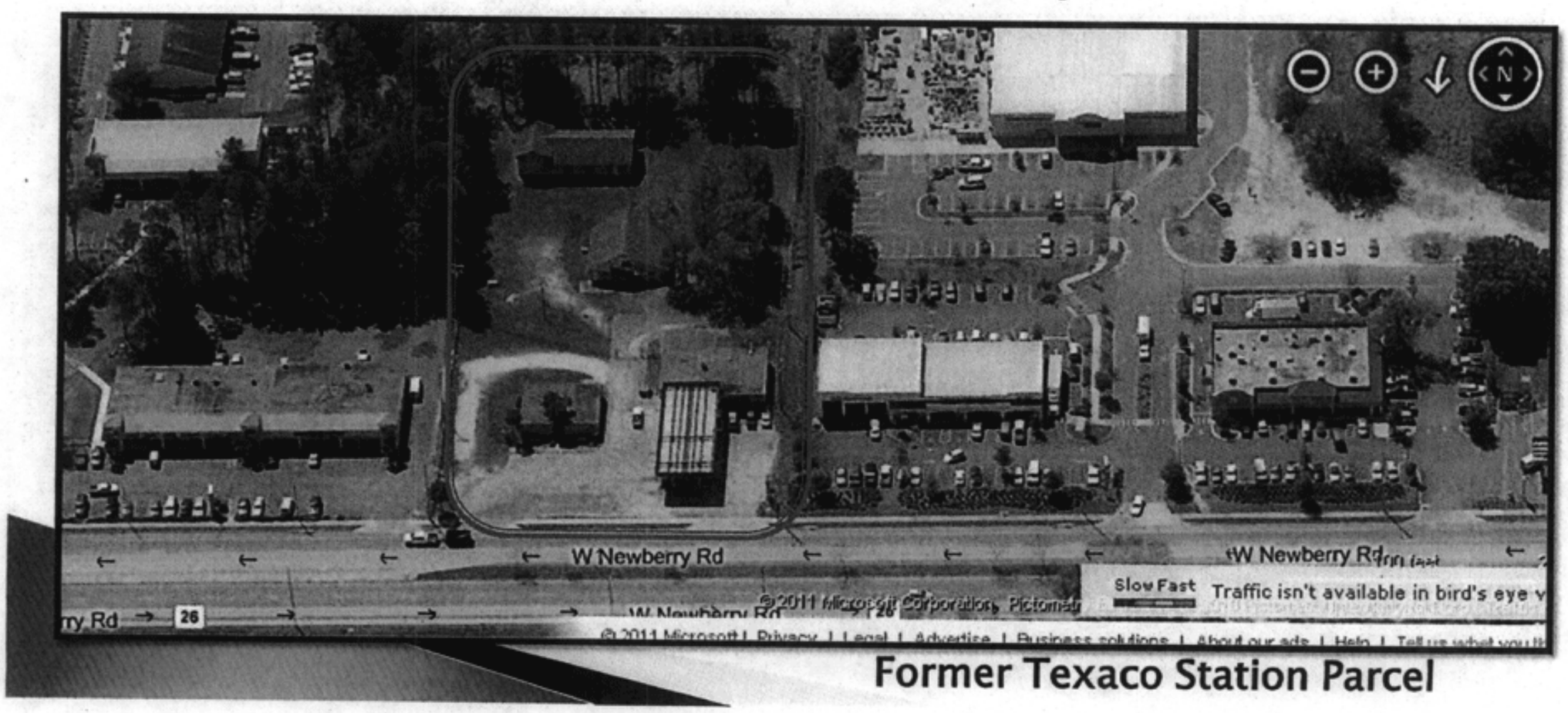
Activity Centers / Urban Service Area

- Some existing A.C. and portions of USA are already highly subdivided. (0.5-2.0 acres)
- Presents unique challenges for creating walkable mixed-use centers as envisioned

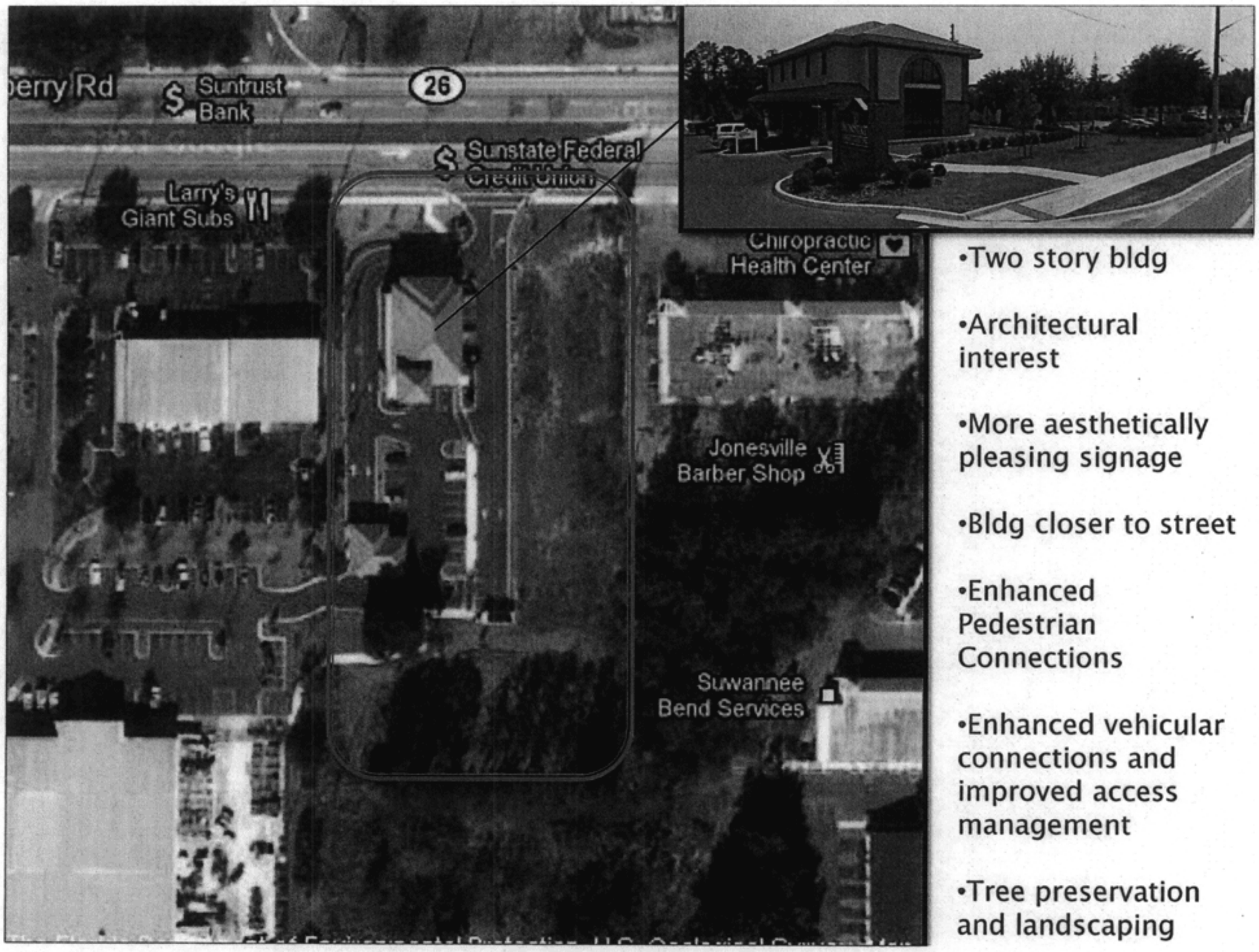


Activity Centers / Urban Service Area

- Redevelopment introduces other issues
- Code has to offer guidance to owner and staff but allow appropriate flexibility



Former Texaco Station Parcel



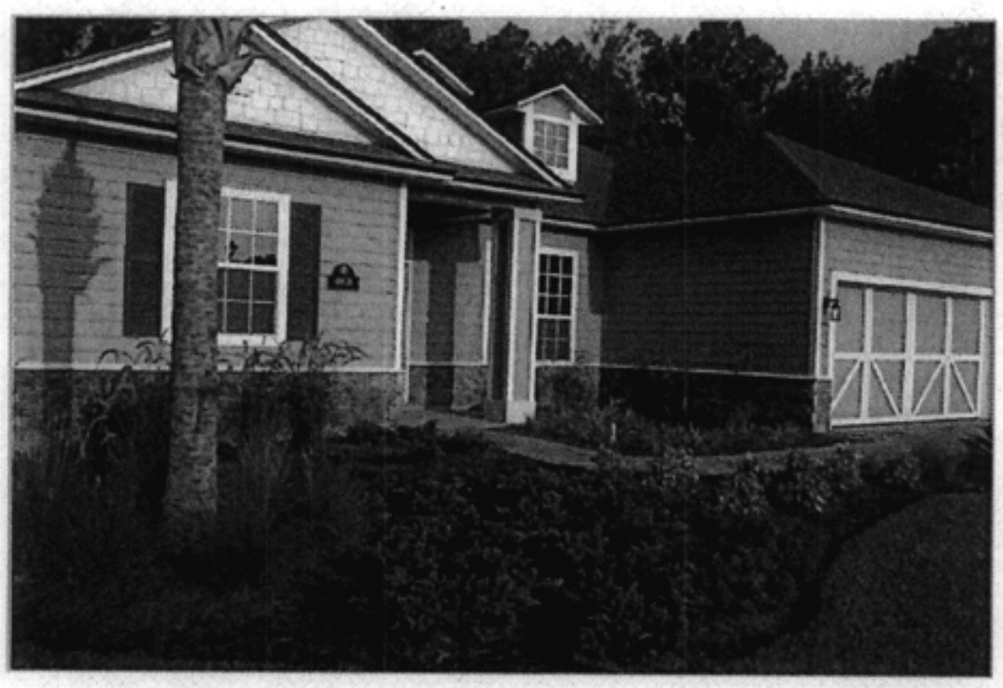
- Two story bldg
- Architectural interest
- More aesthetically pleasing signage
- Bldg closer to street
- Enhanced Pedestrian Connections
- Enhanced vehicular connections and improved access management
- Tree preservation and landscaping

Chapter 406

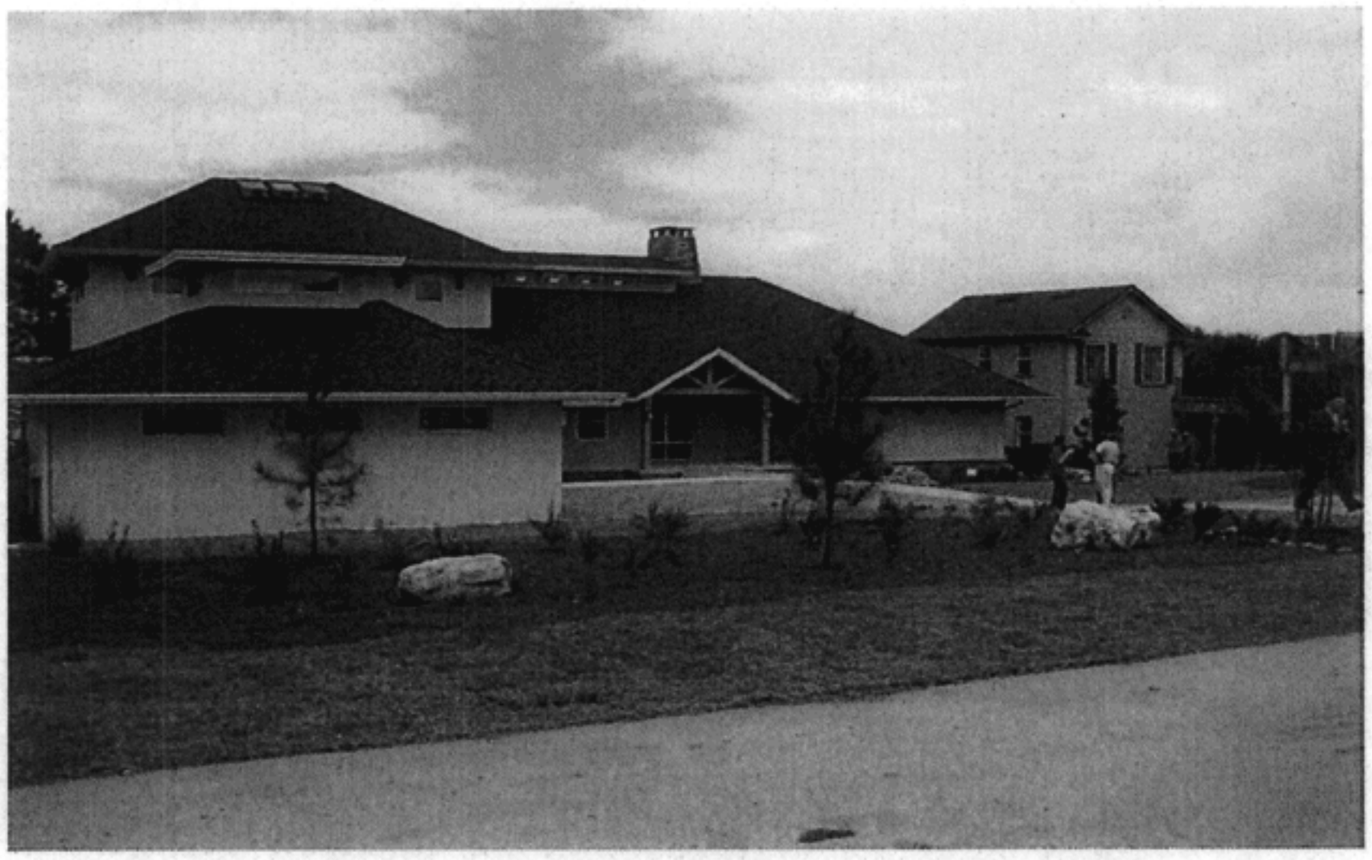
- 30% canopy requirement within 20 years for residential developments has been expanded to include some trees on private platted lots.
  - Up to 400 square feet of canopy coverage
- Article 8 Springs and High Aquifer Recharge Areas has been added
  - Previous Article 9 High Aquifer Recharge Areas has been combined with Article 8

Chapter 406 Article 8

- Springs and High Aquifer Recharge Areas
  - Outdoor water conservation standards
    - New residential development
    - No more than 60% of landscaped area may be irrigated by high-volume irrigation
    - Total irrigated area 0.5 acres per lot
    - Florida Water Star standards







Chapter 406 Article 8

- Land application of Class A & B biosolids and septage prohibited within these areas
- Golf course design must protect springs
- 150 foot average buffer width (at least 100 feet) for sinkholes, swallets, quarries, karst windows and other such water containing features

Chapter 408 and 409

- No major changes

Chapter 410 Definitions

- New definitions
  - agritourism activities
  - child care center
  - ecotourism activities
  - education facility, college/university
  - green roof
  - minor plan
  - residential recreational camp
  - survey- boundary and survey-topographic

Chapter 410 Defintions

- Amendments to defintions:
  - **Advanced waste treatment:** Effluent that has received high level disinfection as defined in Florida Statutes 403.086 and as defined contains not more, on an annual average basis, than the following concentrations:
  - **High aquifer recharge areas:** Those areas where stream-to-sink surface water basins occur, and those areas where the Floridan Aquifer system is ~~unconfined or semiconfined~~ vulnerable or highly vulnerable as depicted in the Alachua County Floridan Aquifer High Recharge Area Map adopted in the Alachua County Comprehensive Plan

Chapter 410 Definitions

- High Volume Irrigation: An irrigation system with a minimum flow rate per emitter of more than 30 gallons per hour or higher than 0.5 gallons per minute.
- Rapid Infiltration Basins (RIBs): An artificial impoundment similar to a holding pond for which the design and operation provides for fluid loss through percolation/seepage in addition to evaporative losses, also called a “percolation pond”.

Contact Information

- For questions, comments or suggestions:

- Alachua County Department of Growth Management
- (352) 374-5249
- mdaniels@alachuacounty.us

October 11, 2011 Regular BoCC Meeting
Agenda Item #25

Title
Public Hearing to Consider an Ordinance Authorizing Public-Private Partnerships and Create the Southwest Alachua County Transportation Improvement District (Amended)

Amount
n/a

Description
This is a request for public hearing to consider an ordinance approving the use of public-private partnerships and authorizing the appropriation of lawfully available non-ad valorem revenues to fund obligations under the agreement between Alachua County and Celebration Pointe Partners, LLC.

Recommendation
Approve the ordinance authorizing public-private partnerships and creating the Southwest Alachua County Transportation Improvement District and authorize the Chair to sign.

Alternative(s)
Do not approve the ordinance.

Requested By
County Attorney

Originating Department
County Attorney

Attachment(s) Description
Proposed Ordinance

Documents Requiring Action
Ordinance

Executive Summary
The purpose of this ordinance is to provide legislative findings to support the Southwest District Transportation Improvement Agreement between Alachua County and Celebration Pointe Partners, LLC and authorize the Board to budget and appropriate non-ad valorem funds to fulfill its obligations in this public-private partnership agreement. This ordinance establishes the Southwest Alachua County Transportation Improvement District and transportation and transit fund.

Background
The Board of County Commissioners has recently adopted a Mobility Plan that established Comprehensive Plan policies to promote Transit Oriented Developments. In addition, the Mobility Plan established the ground work for a future multi-modal transportation system that promotes, walking, bicycling, transit ridership and motor vehicle travel. The Mobility Plan also established a alternative to transportation concurrency, known as the Multi-Modal Transportation Mitigation (MMTM) Program. The Board of County Commissioners also established an Urban Service Area consistent with Florida Statute 163.3180 that allowed for larger scale Transit Oriented Development to proceed without the need to go through the state Development of Regional Impact Process. The Urban Service Area policies established requirements for these large scale projects to front-end

infrastructure improvements consistent with the Capital Improvements Element. In exchange for front-ending the improvements, large-scale developers could request to be reimbursed for expenditures above and beyond their MMTM through a Transportation Improvement District. The intent of Transportation Improvement Districts (TID) is to provide and fund viable mobility options for County residents, visitors and businesses and to promote a public-private partnership between the County and private entities seeking to build Transit Oriented Developments (TODs). Transit Oriented Developments, due to their mixture of uses, density and compact design generate significantly higher tax revenues compared to single use developments designed in a typical suburban fashion.

Issues
Should the Board approve the ordinance to create the Southwest Alachua County Transportation Improvement District and authorize the County to enter public-private partnerships to provide transportation infrastructure and transit service?

Fiscal Recommendation
n/a

Fiscal Alternative(s)
n/a

Funding Sources
n/a

Account Code(s)
n/a

Attachment: SWTransportationDistrictNewUpdated.pdf

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS

ORDINANCE 11-15

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA PROVIDING FOR PUBLIC TRANSPORTATION IMPROVEMENTS AND TRANSIT OPERATIONS; CREATING CHAPTER 39.13, AUTHORIZING THE SOUTHWEST ALACHUA COUNTY TRANSPORTATION IMPROVEMENT DISTRICT; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DEFINITIONS; AUTHORIZING PUBLIC-PRIVATE PARTNERSHIPS; ESTABLISHING THE SOUTHWEST ALACHUA COUNTY TRANSPORTATION AND TRANSIT FUND AND THE PURPOSES THEREOF; PROVIDING FOR THE FUNDING OF THE FUND FROM NON-AD VALOREM TAX REVENUES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

SECTION 1. Chapter 39.13, to be entitled "Southwest Alachua County Transportation Improvement District" is created as follows:

Sec. 39.13.01. Legislative findings.

It is hereby ascertained, determined, and declared that:

(1) Article VII, Section 1(g), Florida Constitution, and Subsection 125.01(2)(m), Florida Statutes, authorize the County to create the Southwest Alachua County Transportation Improvement District to provide roads, bridges, and other transportation facilities.

(2) The Southwest Urban Area of the unincorporated Alachua County and areas in proximity thereto provide vital economic, recreational and community opportunities for the people of Alachua County, including among other things, pristine natural conservation areas, important public facilities such as schools, parks and libraries, destinations and other valuable resources that distinguish Alachua County for its natural beauty and its quality of life.

(3) The transportation infrastructure which currently supports access to and from the many desirable locations within portions of Southwest Alachua County is in need of improvement to adequately meet the current and future transportation and mobility needs of the people of the County and visitors to arrive in, and move about within, portions of Southwest Alachua County; and such needs are restricting the potential of the property in Southwest Alachua County to realize its economic development potential.

(4) It is necessary and desirable to address the transportation operation and infrastructure needs of portions of southwestern Alachua County to provide for substantial improvements thereto (the "Infrastructure Improvements") in order for such area to reach its full potential (i) to provide

sound, clean economic development, (ii) to protect the natural beauty in a manner that enables the public and visitors to enjoy the immense opportunities for recreation, with a minimum of difficulty of access, (iii) to afford adequate and efficient multi-modal traffic corridors so that Southwest Alachua County is more appealing and accessible as a destination for residents, workforce and visitors.

(5) Alachua County Comprehensive Plan Amendment 01-09 (Ordinance 10-05) created the Alachua County Mobility Plan by requiring new development to be built at a density and at locations that support multiple modes of transportation, including transit and bus rapid transit systems.

(6) The construction of transportation infrastructure improvements and the provision of transit services will cause the properties in the Southwest Alachua County Transportation Improvement District to increase in value.

(7) The construction of transportation infrastructure and the provision of transit services may not occur unless the County enters a public-private partnership to allocate the financial risk of constructing improvements and providing transit services.

(8) The commitment by developers to design and construct multi-modal transportation infrastructure improvements and provide Transit Service to address the impacts of a transit-oriented development will assist the County in providing the transportation systems necessary to implement the Alachua County Mobility Plan.

(9) Since developers entering into a public-private partnership agreements for transit-oriented development will be at risk for full reimbursement of amounts paid for the cost of infrastructure improvements required by the agreement, the commitment of future funding for Transit Service will act as a material inducement for execution of the public-private partnership agreements.

(10) The County's investment in transportation mobility infrastructure and commitment of future funding for Transit Service will encourage transit-oriented developments, which have been demonstrated to be sustainable and fiscally efficient development patterns that support mobility choice, business development, reduced environmental impact and enhance the liveability and economic well-being of the community.

(11) The Alachua County Mobility Plan (Comprehensive Plan Amendment 09-01, Ordinance 10-05) requires the County to meet its obligation in an Agreement to provide Infrastructure Improvements and Transit Services benefiting the Southwest Alachua County Transportation Improvement District.

(12) The use of lawfully available County funds to reimburse developers entering into a public-private partnership for the cost of the design and construction required by the agreement that exceed the developer's obligations to provide for the development's impacts and to pay for transit capital, operations and maintenance that serve or otherwise benefit property in the Southwest Alachua County Transportation Improvement District serves a valuable public purpose.

Sec. 39.13.02. Definitions.

The following terms, wherever used or referred to in this part, have the following meanings:

"Agreement" means the Southwest District Transportation Improvement Agreement between the County and Celebration Pointe Partners, LLC, a Florida limited liability company.

"County" shall mean Alachua County, a political subdivision of the State of Florida.

"Infrastructure Improvements" include those capital improvements listed in Exhibit "B", attached hereto.

"Southwest Alachua County Transportation Improvement District" means that portion of the unincorporated area of the County on the date of adoption of the Ordinance which is described in Exhibit A, attached hereto.

"Southwest Alachua County Transportation and Transit Fund" shall mean the fund so designated and created pursuant to this Ordinance.

"Tax Increment" shall mean that amount equal to the difference between:

(1) The amount of general ad valorem taxes levied each year by the county, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of the Southwest Alachua County Transportation Improvement District; and

(2) The amount of general ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by the county, exclusive of any amount from any debt service millage, upon the total of the assessed value of the taxable real property in calendar year 2012 (the base tax year) of the taxable real property contained within the Southwest Alachua County Transportation Improvement District.

"Transit Service" means passenger services provided by public, private or non-profit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus or passenger vans operating on a demand responsive basis and associated park and ride facilities.

Sec. 39.13.03. Creation of the Southwest Alachua County Transportation Improvement District.

There is hereby created the Southwest Alachua County Transportation Improvement District.

Sec. 39.13.04. Public-private partnership for infrastructure improvements and transit services.

The Board is hereby authorized to develop infrastructure improvements and provide for transit operations through public-private partnerships. In connection therewith, the Board may enter into an Agreement for Infrastructure Improvements and transit operations with persons or entities who own property in the Southwest Alachua County Transportation Improvement District to specify the parties' rights and responsibilities related to the ownership, design, construction and operation of Infrastructure Improvements and the provision of transit services. Among other things, the

Agreement may include provisions for funding construction of transportation improvements in Southwest Alachua County Transportation Improvement District including the County's covenant to budget and appropriate funds in its annual budget for each fiscal year from non-ad-valorem funds lawfully available to fulfill its obligations under the Agreement.

Sec. 39.13.05. Southwest Alachua County Transportation and Transit Fund.

(1) There is hereby established a Southwest Alachua County Transportation and Transit Fund. Funds allocated to and deposited into this fund shall be used by the County to finance the Infrastructure Improvements and pay contractual obligations for transit operations and maintenance expenses.

(2) The County may, beginning in Fiscal Year 2013 and each year thereafter, appropriate to such fund lawfully available non-ad-valorem revenues in an amount equal to the 30% of the Tax Increment for fiscal years 2012 through 2025 and 25% of the Tax Increment for calendar years 2026 through 2035.

(3) Monies in the Southwest Alachua County Transportation and Transit Fund may be expended from time to time to pay for infrastructure improvements and Transit Services that serve or otherwise benefit the property in the Southwest Alachua County Transportation Improvement District.

SECTION 2. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

SECTION 3. Inclusion in the Code, Scrivener's Error. It is the intention of the Board of County Commissioners of Alachua County, Florida, and it is hereby provided that, at such time as the Development Regulations of Alachua County are codified, the provisions of this ordinance shall become and be made part of the Unified Land Development Code of Alachua County, Florida; that the sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-codified copy of the same with the Clerk of the Circuit Court.

SECTION 4. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

SECTION 5. Severability. If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional 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 portions thereof.

SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session, this 13th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

_____
J.K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____
County Attorney

EXHIBIT A
Legal Description and Map

Southwest Transportation Improvement District Description

That part of Section's 14, 15, 22 and 23, Township 10 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the Southwest corner of Lot 4 (also being the Southeast corner of Lot 5) of "Ricelands Subdivision", as per plat recorded in Plat Book "D", page 74 of the public records of Alachua County, Florida, for the Point of Beginning: thence Southerly across the right of way of SW 47th Way (Riceland Avenue) to the northwest corner of Lot 18 of said Ricelands Subdivision, and also being the northeast corner of "Lyon's Replat of Lot 17", as per plat recorded in Plat Book "F", page 44 of the said public records; thence continue Southerly along the west line of said Lot 18, and along the east line of said Lyon's Replat to the southwest corner of said Lot 18, as well as being at an intersection with the north line of the Gary Grant; thence Northeasterly along the said north line of the Gary Grant to the most northerly corner of the Prairie View Trust Property (tax parcel 07240-000-000); thence Southeasterly along the easterly line of the said Prairie View Trust Property to the most westerly corner of the Beach Construction Holdings, LLC property, as per deed recorded in Official Record Book 3836, page 2286 of the said public records (tax parcel 06800-007-001); thence Northeasterly along the northerly line of the said Beach Construction Holdings, LLC property to an intersection with the westerly right of way line of interstate 75 (State Road 93); thence Northwesterly along the said westerly right of way line to an intersection with the south line of Lot 7 of the "Map of Sec's 9 and 10 Township 10 Range 19 S and E", as per plat recorded in Plat Book "A", page 10 of the said public records; thence Westerly along the said south line of Lot 7 to the northwest corner of the Mabel Barnes Heirs property (tax parcel 06828-000-000), as per deed recorded in Official Record Book 2352, page 2881 of the said public records; thence Southerly along the west line of the said Mabel Barnes Heir property (tax parcel 06828-000-000) to the southwest corner of the said Mabel Barnes Heir property (said corner is at an intersection with the north line of tax parcel 06820-000-000, and also being a part of the Mabel Barnes Heirs property, as per deed recorded in Official Record Book 198, page 359 of the said public records; thence Westerly along the north line of the said Mabel Barnes Heir property (tax parcel 06820-000-000) to the northwest corner of the said Mabel Barnes Heir property; thence Southerly along the west line of the said Mabel Barnes Heir property to a boundary corner of Arc communities 8 LLC property (tax parcel 06819-010-000), as per deed recorded in Official Record Book 2509, page 1168 of the said public records; thence Westerly and Southerly along the westerly line of the said Arc Communities 8 LLC property, to the southwest corner of the said ARC Communities 8 LLC property and being at an intersection with the north line of the Gainesville Council on Aging, Inc. property (tax parcel 06816-000-000), as per deed recorded in Official Record Book 4001, page 1353 of the said public records; thence Easterly along the north line of the said Gainesville Council on Aging, Inc. property to the northeast corner of the said

Gainesville Council on Aging, Inc. property, which is also on the west line of a 30.0 foot wide easement, as per Easement Agreement recorded in Official Record Book 788, page 994 of the said public records; thence Southerly along the easterly line of the said Gainesville Council on Aging, Inc. properties (tax parcel's 06933-001-000 and 06935-001-000, both as per deed recorded in Official Record Book 4001, page 1353 of the said public records), and also being along the west line of the said Easement Agreement to an intersection with the northerly right of way line of State Road 24 (Archer Road), and also being the most easterly corner of said tax parcel 06935-001-000, as well as being the southwest corner of the said Easement Agreement; thence Southwesterly across said State Road 24 to the northeast corner of Hailey Forest Condominiums, as per condo documents recorded in Official Record Book 3562, page 305 of the said public records; thence Southerly along the east line of the said Hailey Forest Condominiums, and along the west line of Lot 5 of said "Ricelands Subdivision" to the southwest corner of said Lot 5, and being the southwest corner of the Gary Lenczyk property; as per deed recorded in Official Record Book 1498, page 196 of the said public records, as well as being at an intersection with the northerly right of way line of SW 47th Way (Riceland Avenue); thence Northeasterly along the said northerly right of way line to the said southwest corner of Lot 4 for the said Point of Beginning.

Southwest Alachua County
Transportation Improvement District

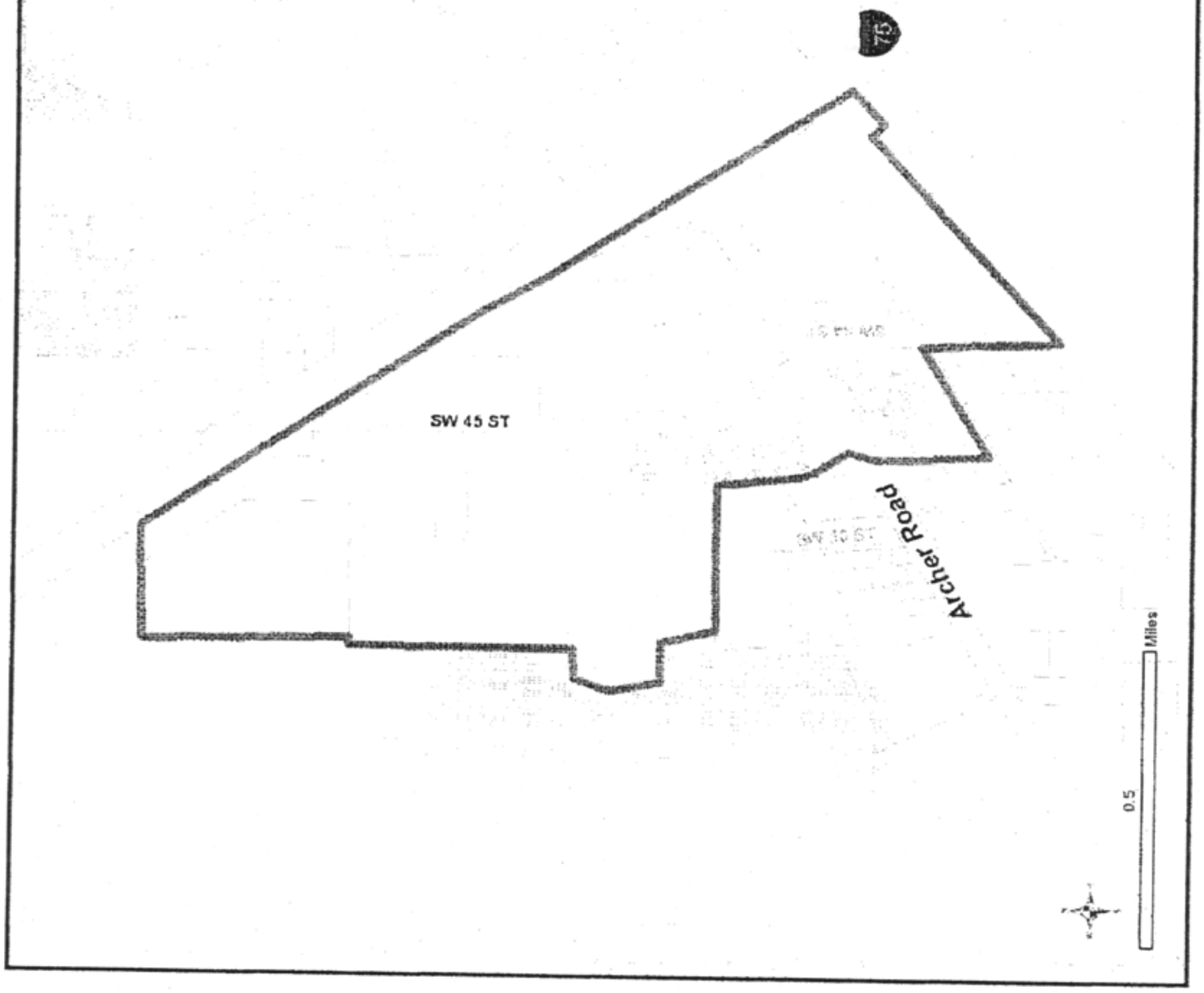
Legend

TID

Parcels

NOTES:
Date of Production 8.20.2011

PREPARED AT:
Alachua County
Department of Growth Management
10 SW 2nd Avenue
Gainesville, FL 32601
(352) 374-5249
http://gis.alachuacounty.us/dept/growth_management/



1

EXHIBIT B

Infrastructure Improvements

- SW 45th / SW 47th Street from Archer Road to SW 30th Avenue
  (Travel Lanes, Dedicated Transit Lanes & Multi-Use Path)

- SW 30th Avenue from SW 47th Street to SW 43rd Street
  (Travel Lanes, Dedicated Transit Lanes & Archer Braid Trail)

- Archer Road from Interstate 75 to SW 47th Street
  (Median modification, lane realignment, turns lanes, access management and signal relocation)

- Archer Braid Trail from Veterans Kanapaha Park to Interstate 75
-

- Park and Ride structure or Surface Lot between 200 and 300 spaces

- Cost of a Bus Maintenance Facility to provide maintenance service for four (4) Bus Rapid Transit Vehicles

October 11, 2011 Regular BoCC Meeting
Agenda Item #26

Title
Bristol Harbour Planned Development, Replat of Lots 13 through 16 (Amended)

Amount
N/A

Description
Request approval of the proposed Replat of Lots 13 through 16 for Bristol Harbour Planned Development

Recommendation
Approve the Replat of Lots 13 through 16 for Bristol Harbour Planned Development

Alternative(s)
Deny the Replat of Lots 13 through 16 for Bristol Harbour Planned Development

Requested By
Rick Wolf

Originating Department
Growth Management

Attachment(s) Description
1. Bristol Harbour PD Replat for Lots 13 through 16, 2. Bristrol Harbour PD Boundary Survey for Lots 13 through 16, 3. Original Plat of Bristol Harbour PD, 4. Staff Report DRC Chair, 5. Staff Report Growth Management, 6. PowerPoint Presentation

Documents Requiring Action
N/A

Executive Summary
The current future land use designation on the property is Earlton Rural Cluster. The proposed replat will not increase or decrease the number of lots. According to Section 402.89(c)(5) a minor change to the PD Zoning Master Plan may be approved by the Development Review Committee when changes to lot sizes or dimensions are requested for lots located on the interior of the development. The dimensions of Lots 13-16 are proposed to be adjusted to meet the exterior boundary of the existing single family attached units. The proposed change does not affect the intent and purpose of the planned development. The replat will implement the minor change and is consistent with the Comprehensive Plan and Unified Land Development Code. The replat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County.

Background
On September 15, 2011, by consensus, the DRC found the proposed replat to be consistent with all relevant sections of the Comprehensive Plan and the Unified Land Development Code. The subject property is located within the Bristol Harbour Planned Development. The purpose of the replat is to revise the lot lines to best fit the existing building footprint. The existing single family attached units were constructed slightly different from the original lot lines shown on the approved plat. The Development Review Committee approved a minor change to the Bristol Harbour PD for Lots 13 through 16 for the

reconfiguration of the lots. The Board of County Commissioners approved the original plat in 1992. The property is currently zoned PD with a total of 16 single family attached units in four buildings.

Issues
The Board of County Commissioners must determine that the proposed replat is consistent with the Comprehensive Plan and the Unified Land Development Code. The Board of County Commissioners has the authority to approve the reviewed replat per ULDC 401.02(e)10.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: BH_BS_L_13_16.pdf
Attachment: BH_origP.pdf
Attachment: BH_L_13_16.pdf
Attachment: BH_L_13_16CHSR.pdf
Attachment: BH_L13_16rp.pdf
Attachment: BH_L_13_16GMSR.pdf

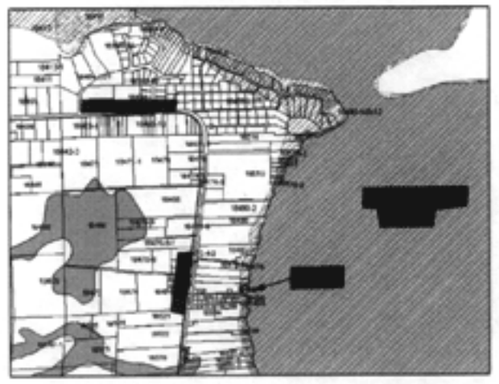
BRISTOL HARBOUR

REPLAT OF LOTS 13 through 16
A PLANNED UNIT DEVELOPMENT

SITUATED IN SECTION 33, TOWNSHIP 08 SOUTH,
RANGE 22 EAST, ALACHUA COUNTY, FLORIDA.

SCALE 1" = 20'

PLAT BOOK _____ , PAGE _____
SHEET 1 OF 1



LOCATION MAP NOT TO SCALE

NORTH

BRISTOL HARBOUR REPLAT A PLANNED UNIT DEVELOPMENT
PLAT BOOK 28, PAGES 44 AND 45

PRM LB 5075
STATE PLANE COORDINATE
NORTHING = 279923.377
EASTING = 2730246.759

STEEL ROD & CAP LB 5075
STATE PLANE COORDINATE
NORTHING = 279918.603
EASTING = 2730265.367
BENCHMARK ELEVATION
158.64' N.A.V.D.

S 00°19'22"W 251.49'(M)
S 00°42'46"E 251.49'(PB 28-44&45)

S 89°17'14"W 146.13'(PB 28-44&45)
N 89°39'27"W 146.13'(M)
SOUTHERLY LINE OF BRISTOL HARBOUR

(NO IDENTIFICATION)

BEARING BASIS FOR REPLAT
N 89°40'45"W 250.00'(PB Q-88)
N 89°17'14"E 249.99'(PB 28-44&45)

(LB 5075)

N.E. 101st AVENUE

STATE PLANE COORDINATE NOTE:

THE STATE PLANE COORDINATES SHOWN HEREON WERE DERIVED FROM PLAT BOOK BRISTOL HARBOUR REPLAT, PLAT BOOK 28, PAGES 44 & 45 CORNERS PROJECT, DATED DECEMBER 1988, WHICH IS BASED ON NAD 1983. THE BEARINGS SHOWN HEREON MUST BE ROTATED 1°02'01" IN A COUNTERCLOCKWISE DIRECTION TO MATCH THE STATE PLANE COORDINATE SYSTEM WHICH REFERS TO GRID NORTH.



FLOOD NOTE: (MAP DATED: 08/18/08)

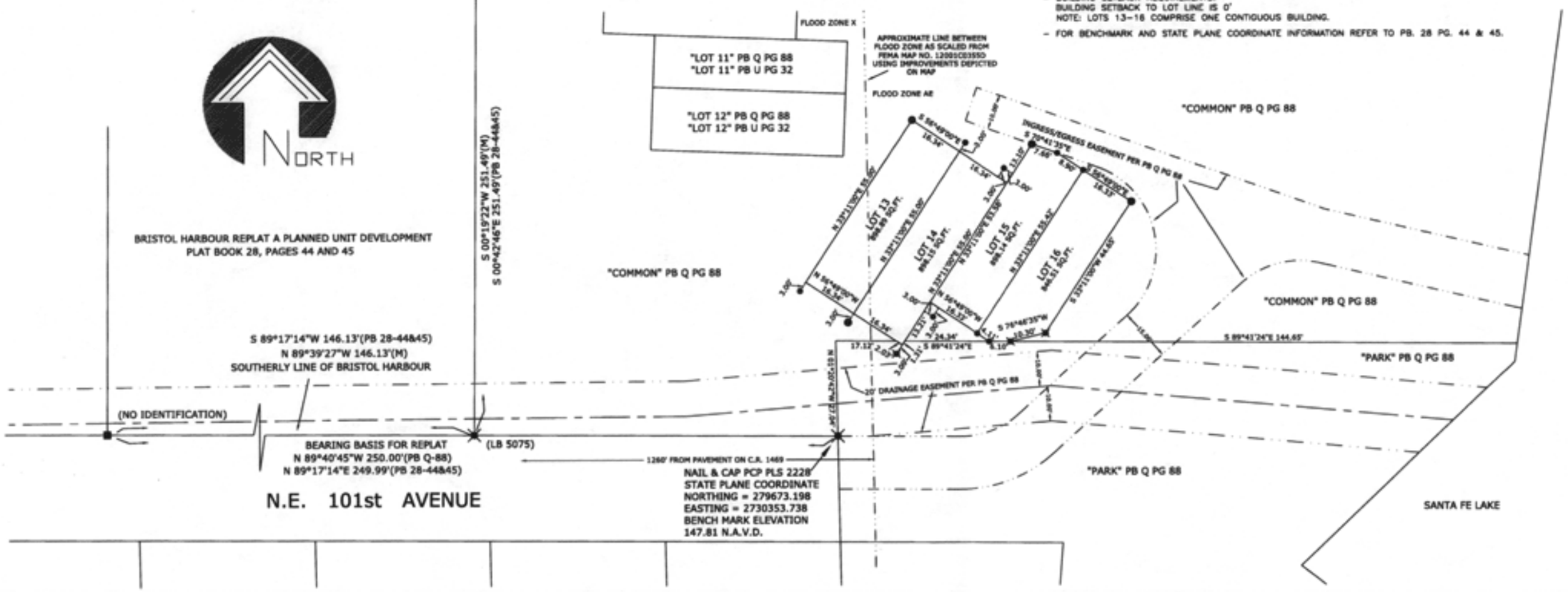
ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120001-0335-D, THIS PROPERTY IS IN ZONE "X" AND "AE" AS SCALED FROM SAID MAP.

ABBREVIATIONS :

(M) = FIELD MEASURED
N.T.S. = NOT TO SCALE
PB. = PLAT BOOK
PG. = PAGE
P.L.S. = PROFESSIONAL LAND SURVEYOR
PCP = PERMANENT CONTROL POINT
NAVD = NORTH AMERICAN VERTICAL DATUM
PRM = PERMANENT REFERENCE MONUMENT
SQ.FT. = SQUARE FEET
C.R. = COUNTY ROAD

SURVEYOR'S NOTES :

- ■ – DENOTES FOUND PERMANENT REFERENCE MONUMENT (AS SHOWN)
- ✕ – DENOTES FOUND PERMANENT CONTROL POINT (AS SHOWN)
- ● – DENOTES FOUND 5/8" REBAR & CAP (J.W. BROWN, INC. – LB 3586) or (AS SHOWN)
- ● – DENOTES SET 5/8" REBAR & CAP P.L.S. 5548
- ✕ – DENOTES SET NAIL & CAP P.L.S. 5548
- – THE PURPOSE OF THIS REPLAT IS TO REVISE THE LOT LINES TO BEST FIT THE EXISTING BUILDING FOOTPRINT AS WELL AS THE ORIGINAL PLACEMENT OF THE LOT CORNERS THAT WERE SET BY J.W. BROWN, INC. WHICH IS THE ORIGINAL PLATTING ENTITY FOR "BRISTOL HARBOUR", PLAT BOOK Q, PAGE 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
- – MAXIMUM ERROR OF CLOSURE DOES NOT EXCEED 1/10,000.
- – BEARINGS SHOWN HEREON ARE REFERRED TO AN ASSUMED VALUE OF N 88°40'45"E FOR THE SOUTH LINE OF "BRISTOL HARBOUR" AS SHOWN HEREON. SAID BEARING IS IDENTICAL WITH THAT ON THE PLAT OF RECORD
- – ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY, SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. (F.S. 177.091(28))
- – BUILDING SETBACK REQUIREMENTS:
  BUILDING SETBACK TO LOT LINE IS 0'
  NOTE: LOTS 13–16 COMPRISE ONE CONTIGUOUS BUILDING.
- – FOR BENCHMARK AND STATE PLANE COORDINATE INFORMATION REFER TO PB. 28 PG. 44 & 45.



CERTIFICATION OF APPROVAL FOR ALACHUA COUNTY, FLORIDA :

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF ALACHUA COUNTYS ORDINANCES AND REGULATIONS AS FOLLOWS :

SURVEYING REQUIREMENTS : _____ COUNTY SURVEYOR _____ DATE

ENGINEERING REQUIREMENTS : _____ COUNTY ENGINEER _____ DATE

FORM AND LEGALITY : _____ COUNTY ATTORNEY _____ DATE

APPROVED BY ALACHUA COUNTY : _____ CHAIR; BOARD OF COUNTY COMMISSIONERS _____ DATE

FILED FOR RECORD THIS _____ DAY OF _____, 2011

_____, CLERK, _____, DEPUTY CLERK

CERTIFICATE OF SURVEYOR :

I DO HEREBY CERTIFY THAT THIS PLAT OF "BRISTOL HARBOUR REPLAT OF LOTS 13 through 16" WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND THAT IT COMPLIES WITH ALL THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES.

BY: _____ DATE: _____

ALAN J. HAAKER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 5548.
ADDRESS: 6540 N.E. 25th STREET
OCALA, FLORIDA 34479
PHONE: 352-466-0050

LEGAL DESCRIPTION:

LOTS 13 THROUGH 16 INCLUSIVE, "BRISTOL HARBOUR, A PLANNED UNIT DEVELOPMENT", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK "Q" PAGE 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND RECORDED IN "BRISTOL HARBOUR REPLAT OF LOTS 5 THROUGH 16", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK U PAGE 32 OF SAID PUBLIC RECORDS.
TOGETHER WITH A PORTION OF THE COMMON AREA AND PARK PARCEL, "BRISTOL HARBOUR, A PLANNED UNIT DEVELOPMENT", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK "Q" PAGE 88 OF SAID PUBLIC RECORDS..

NOTICE:

THIS PLAT AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

OWNER'S CERTIFICATION:

THE UNDERSIGNED, DONALD B. AHRENS, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS ".BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS _____ DONALD B. AHRENS

WITNESS _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME DONALD B. AHRENS, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, WACHOVIA MORTGAGE, FSB, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3793, PAGE 558, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS _____ BY: _____ FOR WACHOVIA MORTGAGE, FSB

WITNESS _____ (PRINT NAME & TITLE) _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME _____ AS _____ OF WACHOVIA MORTGAGE, FSB, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

OWNER'S CERTIFICATION:

THE UNDERSIGNED, CHAROTTE KRASTIN, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS ".BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS _____ CHAROTTE KRASTIN

WITNESS _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME CHAROTTE KRASTIN, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

OWNER'S CERTIFICATION:

THE UNDERSIGNED, BRISTOL HARBOUR PROPERTY OWNERS ASSOCIATION, INC., DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS ".BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS _____ BRETT BECKETT, PRESIDENT OF BRISTOL HARBOUR PROPERTY OWNERS ASSOCIATION, INC.

WITNESS _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME BRETT BECKETT, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

OWNER'S CERTIFICATION:

THE UNDERSIGNED, ROBERT McKEY AND PATRICIA McKEY, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS ".BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS _____ ROBERT McKEY WITNESS _____ PATRICIA McKEY

WITNESS _____ WITNESS _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ROBERT McKEY AND PATRICIA McKEY, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, CAMPUS USA CREDIT UNION, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 2791, PAGE 1011, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS _____ BY: _____ FOR CAMPUS USA CREDIT UNION

WITNESS _____ (PRINT NAME & TITLE) _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME _____ AS _____ OF CAMPUS USA CREDIT UNION, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

OWNER'S CERTIFICATION:

THE UNDERSIGNED, JASON E. BRAWLEY AND CATHLEEN E. FOERSTER, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS ".BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS _____ JASON E. BRAWLEY WITNESS _____ CATHLEEN E. FOERSTER

WITNESS _____ WITNESS _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME JASON E. BRAWLEY AND CATHLEEN E. FOERSTER, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, SUNTRUST BANK, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3554, PAGE 578, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS _____ BY: _____ FOR SUNTRUST BANK

WITNESS _____ (PRINT NAME & TITLE) _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME _____ AS _____ OF SUNTRUST BANK, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, SUNTRUST MORTGAGE, INC., HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3133, PAGE 509, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS _____ BY: _____ FOR SUNTRUST MORTGAGE, INC.

WITNESS _____ (PRINT NAME & TITLE) _____

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME _____ AS _____ OF SUNTRUST MORTGAGE, INC. TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2011

_____ NOTARY PUBLIC, MY COMM. EXPIRES _____

revised 8-12-11

BRISTOL HARBOUR

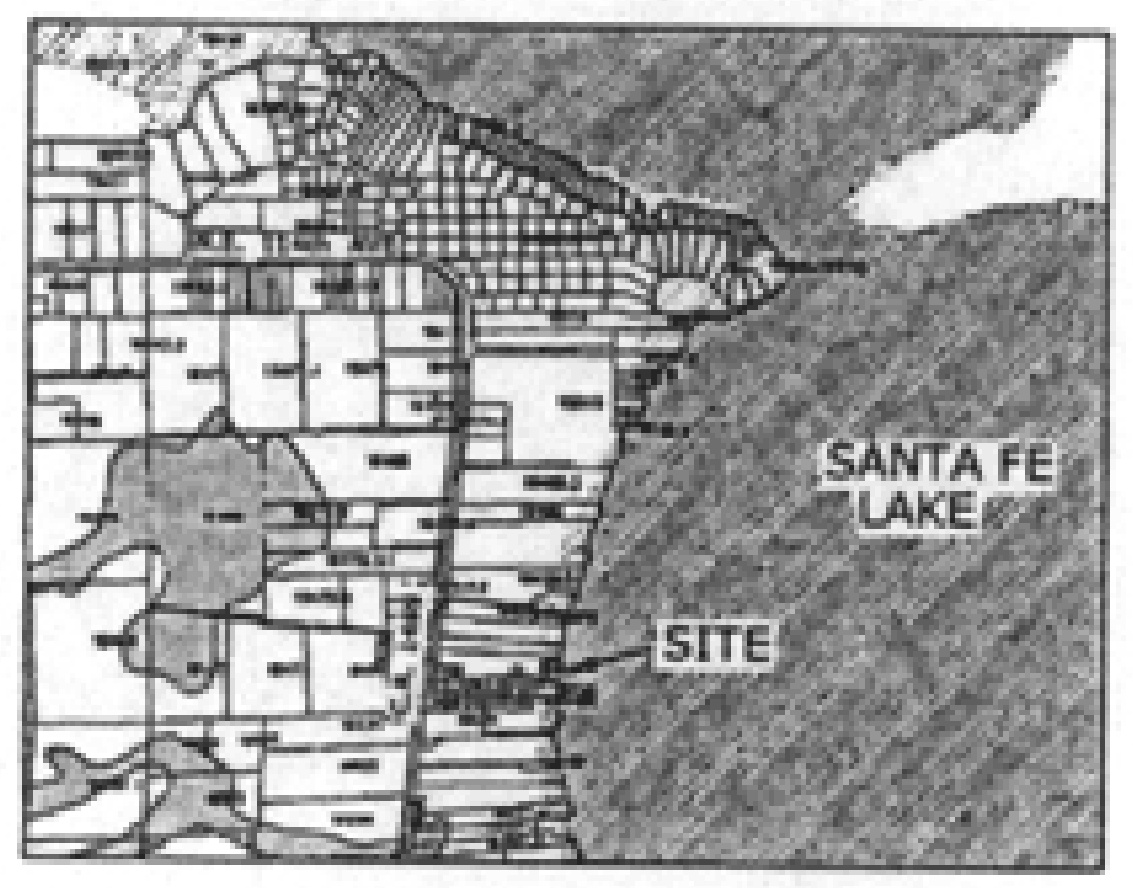
REPLAT OF LOTS 13 through 16
A PLANNED UNIT DEVELOPMENT

SITUATED IN SECTION 33, TOWNSHIP 08 SOUTH,
RANGE 22 EAST, ALACHUA COUNTY, FLORIDA.

SCALE 1" = 20'

PLAT BOOK ______, PAGE ______

SHEET 1 OF 1



LOCATION MAP NOT TO SCALE

PRM LB 5075
STATE PLANE COORDINATE
NORTHING = 279923.377
EASTING = 2730246.759

STEEL ROD & CAP LB 5075
STATE PLANE COORDINATE
NORTHING = 279918.603
EASTING = 2730265.367
BENCHMARK ELEVATION
158.64' N.A.V.D.

STATE PLANE COORDINATE NOTE:

THE STATE PLANE COORDINATES SHOWN HEREON WERE DERIVED FROM PLAT BOOK BRISTOL HARBOUR REPLAT, PLAT BOOK 28, PAGES 44 & 45 CORNERS PROJECT, DATED DECEMBER 1988, WHICH IS BASED ON NAD 1983. THE BEARINGS SHOWN HEREON MUST BE ROTATED 1°02'01" IN A COUNTERCLOCKWISE DIRECTION TO MATCH THE STATE PLANE COORDINATE SYSTEM WHICH REFERS TO GRID NORTH.

FLOOD NOTE: (MAP DATED: 06/16/06)

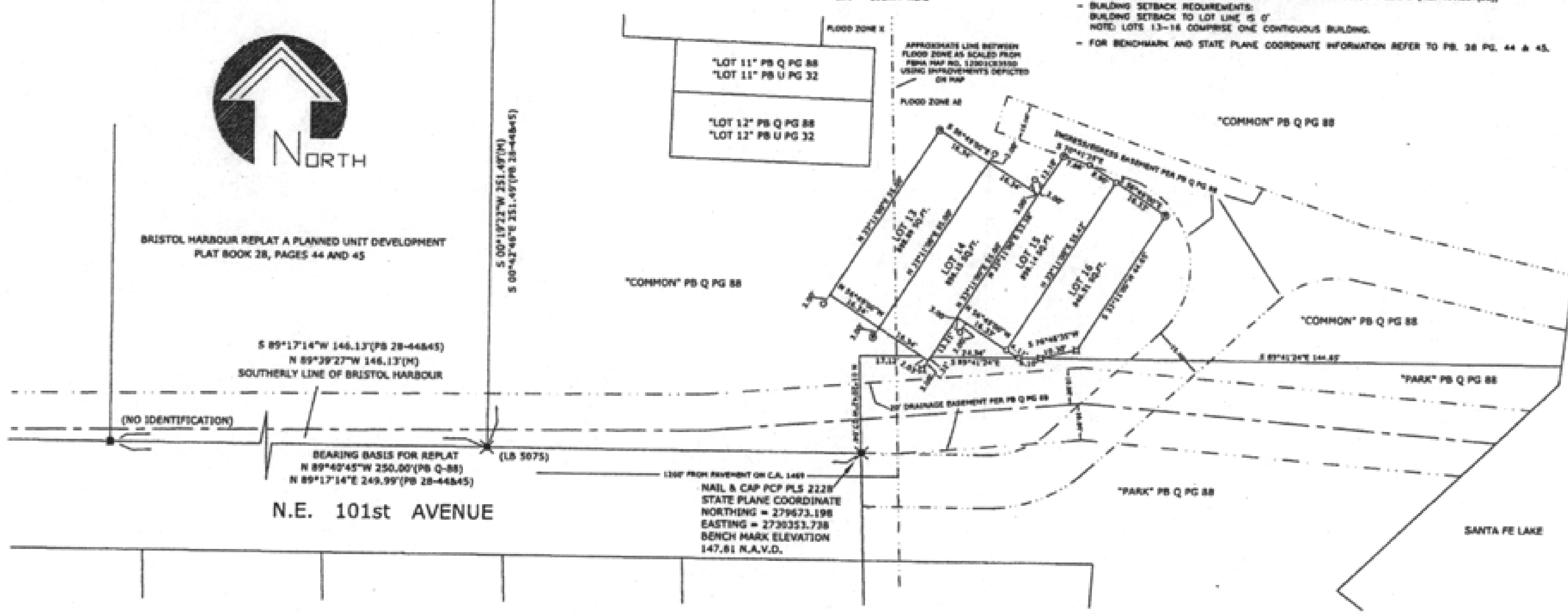
ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120001-0355-D, THIS PROPERTY IS IN ZONE "X" AND "AE" AS SCALED FROM SAID MAP.

ABBREVIATIONS :

(M) = FIELD MEASURED
N.T.S. = NOT TO SCALE
PB. = PLAT BOOK
PG. = PAGE
P.L.S. = PROFESSIONAL LAND SURVEYOR
PCP = PERMANENT CONTROL POINT
NAVD = NORTH AMERICAN VERTICAL DATUM
PRM = PERMANENT REFERENCE MONUMENT
SQ.FT. = SQUARE FEET
C.R. = COUNTY ROAD

SURVEYOR'S NOTES :

- DENOTES FOUND PERMANENT REFERENCE MONUMENT (AS SHOWN)
- DENOTES FOUND PERMANENT CONTROL POINT (AS SHOWN)
- DENOTES FOUND 5/8" REBAR & CAP (J.W. BROWN, INC. – LB 3588) or (AS SHOWN)
- DENOTES SET 5/8" REBAR & CAP P.L.S. 5548
- DENOTES SET NAIL & CAP P.L.S. 5548
- THE PURPOSE OF THIS REPLAT IS TO REVISE THE LOT LINES TO BEST FIT THE EXISTING BUILDING FOOTPRINT AS WELL AS THE ORIGINAL PLACEMENT OF THE LOT CORNERS THAT WERE SET BY J.W. BROWN, INC. WHICH IS THE ORIGINAL PLATTING ENTITY FOR "BRISTOL HARBOUR", PLAT BOOK 0, PAGE 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
- MAXIMUM ERROR OF CLOSURE DOES NOT EXCEED 1/10,000.
- BEARINGS SHOWN HEREON ARE REFERRED TO AN ASSUMED VALUE OF N 89°40'45"E FOR THE SOUTH LINE OF "BRISTOL HARBOUR" AS SHOWN HEREON. SAID BEARING IS IDENTICAL WITH THAT ON THE PLAT OF RECORD.
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES; PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. (F.S. 177.091(28))
- BUILDING SETBACK REQUIREMENTS:
  BUILDING SETBACK TO LOT LINE IS 0'
  NOTE: LOTS 13–16 COMPRISE ONE CONTIGUOUS BUILDING.
- FOR BENCHMARK AND STATE PLANE COORDINATE INFORMATION REFER TO PB. 28 PG. 44 & 45.



CERTIFICATION OF APPROVAL FOR ALACHUA COUNTY, FLORIDA :

WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF ALACHUA COUNTYS ORDINANCES AND REGULATIONS AS FOLLOWS :

SURVEYING REQUIREMENTS : ____________ COUNTY SURVEYOR ______ DATE

ENGINEERING REQUIREMENTS : ____________ COUNTY ENGINEER ______ DATE

FORM AND LEGALITY : ____________ COUNTY ATTORNEY ______ DATE

APPROVED BY ALACHUA COUNTY : ____________ CHAIR, BOARD OF COUNTY COMMISSIONERS ______ DATE

FILED FOR RECORD THIS ______ DAY OF ____________, 2011

____________, CLERK, ____________, DEPUTY CLERK

CERTIFICATE OF SURVEYOR :

I DO HEREBY CERTIFY THAT THIS PLAT OF "BRISTOL HARBOUR REPLAT OF LOTS 13 through 16" WAS PREPARED UNDER MY DIRECTION AND SUPERVISION, AND THAT IT COMPLIES WITH ALL THE SURVEY REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES.

BY: ____________ DATE: ____________

ALAN J. HAAKER
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA REGISTRATION NUMBER 5548.
ADDRESS: 6540 N.E. 25th STREET
OCALA, FLORIDA 34479
PHONE: 352-486-0050

LEGAL DESCRIPTION:

LOTS 13 THROUGH 16 INCLUSIVE, "BRISTOL HARBOUR, A PLANNED UNIT DEVELOPMENT", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK "Q" PAGE 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND RECORDED IN "BRISTOL HARBOUR REPLAT OF LOTS 5 THROUGH 16", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK U PAGE 32 OF SAID PUBLIC RECORDS.
TOGETHER WITH A PORTION OF THE COMMON AREA AND PARK PARCEL, "BRISTOL HARBOUR, A PLANNED UNIT DEVELOPMENT", ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK "Q" PAGE 88 OF SAID PUBLIC RECORDS.

NOTICE:

THIS PLAT AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

OWNER'S CERTIFICATION:

THE UNDERSIGNED, DONALD B. AHRENS, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS "BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS ____________ DONALD B. AHRENS ____________
WITNESS ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME DONALD B. AHRENS, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, WACHOVIA MORTGAGE, FSB, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3793, PAGE 558, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS ____________ BY: ____________ FOR WACHOVIA MORTGAGE, FSB
WITNESS ____________ (PRINT NAME & TITLE) ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ____________ AS ____________ OF WACHOVIA MORTGAGE, FSB, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

OWNER'S CERTIFICATION:

THE UNDERSIGNED, CHAROTTE KRASTIN, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS "BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS ____________ CHAROTTE KRASTIN ____________
WITNESS ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME CHAROTTE KRASTIN, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

OWNER'S CERTIFICATION:

THE UNDERSIGNED, BRISTOL HARBOUR PROPERTY OWNERS ASSOCIATION, INC. DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS "BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS ____________ BRETT BECKETT, PRESIDENT OF BRISTOL HARBOUR PROPERTY OWNERS ASSOCIATION, INC. ____________
WITNESS ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME BRETT BECKETT, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

OWNER'S CERTIFICATION:

THE UNDERSIGNED, ROBERT McKEY AND PATRICIA McKEY, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS "BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS ____________ ROBERT McKEY ____________ WITNESS ____________ PATRICIA McKEY ____________
WITNESS ____________ WITNESS ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ROBERT McKEY AND PATRICIA McKEY, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, CAMPUS USA CREDIT UNION, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 2791, PAGE 1011, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS ____________ BY: ____________ FOR CAMPUS USA CREDIT UNION
WITNESS ____________ (PRINT NAME & TITLE) ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ____________ AS ____________ OF CAMPUS USA CREDIT UNION, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

OWNER'S CERTIFICATION:

THE UNDERSIGNED, JASON E. BRAWLEY AND CATHLEEN E. FOERSTER, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE LANDS DESCRIBED HEREON, HAS CAUSED SAID LANDS TO BE SURVEYED AND PLATTED TO BE KNOWN AS "BRISTOL HARBOUR, REPLAT OF LOTS 13 through 16".

WITNESS ____________ JASON E. BRAWLEY ____________ WITNESS ____________ CATHLEEN E. FOERSTER ____________
WITNESS ____________ WITNESS ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME JASON E. BRAWLEY AND CATHLEEN E. FOERSTER, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE EXECUTED THIS INSTRUMENT AS HIS FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, SUNTRUST BANK, HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3584, PAGE 578, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS ____________ BY: ____________ FOR SUNTRUST BANK
WITNESS ____________ (PRINT NAME & TITLE) ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ____________ AS ____________ OF SUNTRUST BANK, TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

CONSENT OF MORTGAGEE :

THE UNDERSIGNED, SUNTRUST MORTGAGE, INC., HOLDER OF THAT CERTAIN MORTGAGE AS RECORDED IN OFFICIAL RECORDS BOOK 3133, PAGE 509, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DOES HEREBY CONSENT TO THIS PLAT AND JOINS IN ON THE DEDICATION AS SHOWN HEREON.

WITNESS ____________ BY: ____________ FOR SUNTRUST MORTGAGE, INC.
WITNESS ____________ (PRINT NAME & TITLE) ____________

ACKNOWLEDGMENT (STATE OF FLORIDA, COUNTY OF ALACHUA) :

I HEREBY CERTIFY THAT ON THIS DAY PERSONALLY APPEARED BEFORE ME ____________ AS ____________ OF SUNTRUST MORTGAGE, INC. TO ME KNOWN TO BE THE PERSON DESCRIBED HEREON, AND THAT HE ACKNOWLEDGED THAT HE/SHE EXECUTED THIS INSTRUMENT AS HIS/HER FREE ACT AND DEED, WITH FULL AUTHORITY TO EXECUTE THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS ______ DAY OF ____________, 2011

____________ NOTARY PUBLIC, MY COMM. EXPIRES ____________

revised 8-12-11

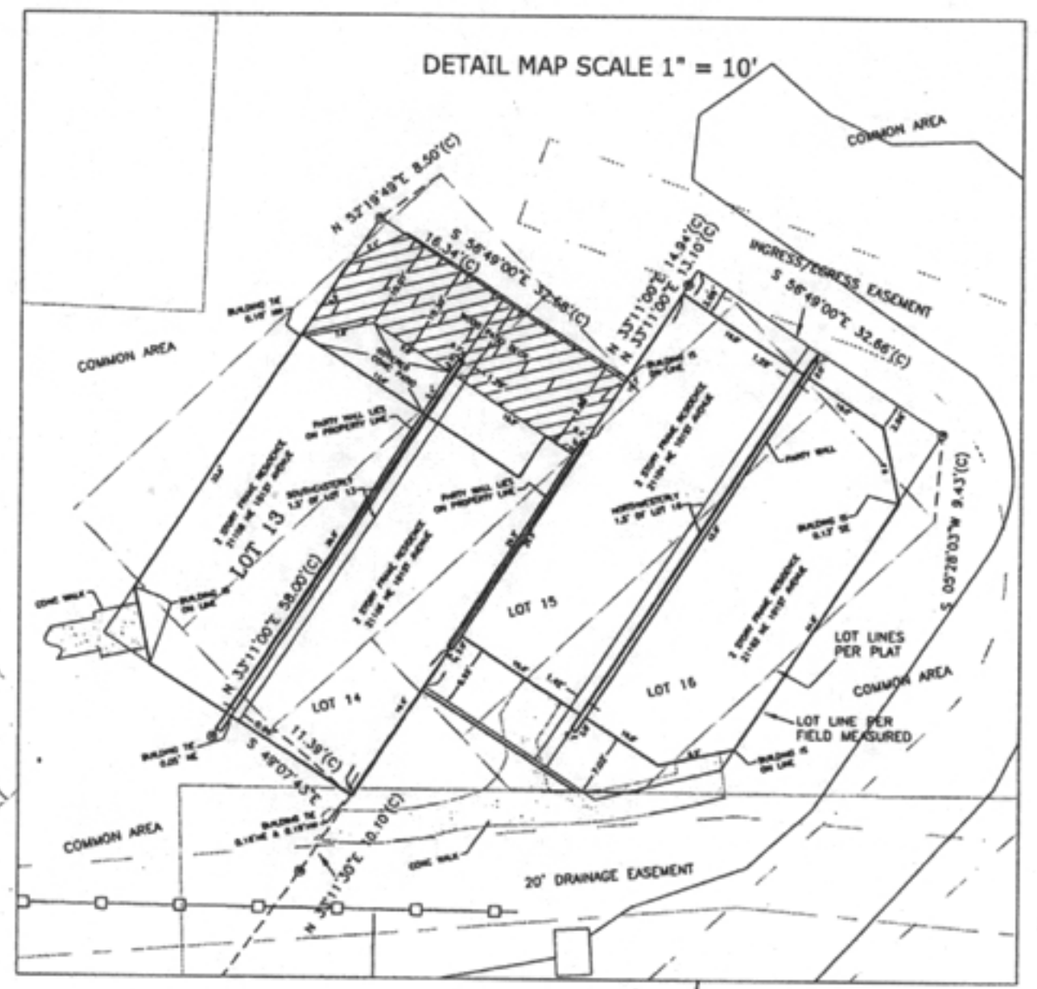
27a

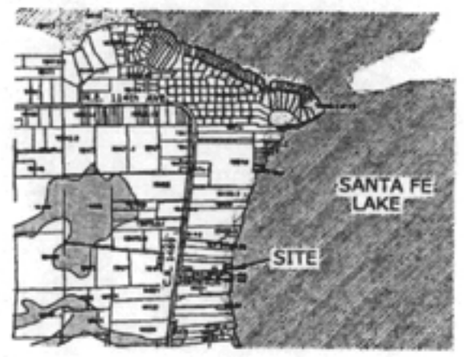
BOUNDARY SURVEY

IN SECTION 33, T 8, R 22E
ALACHUA COUNTY, FLORIDA

LEGAL DESCRIPTION:

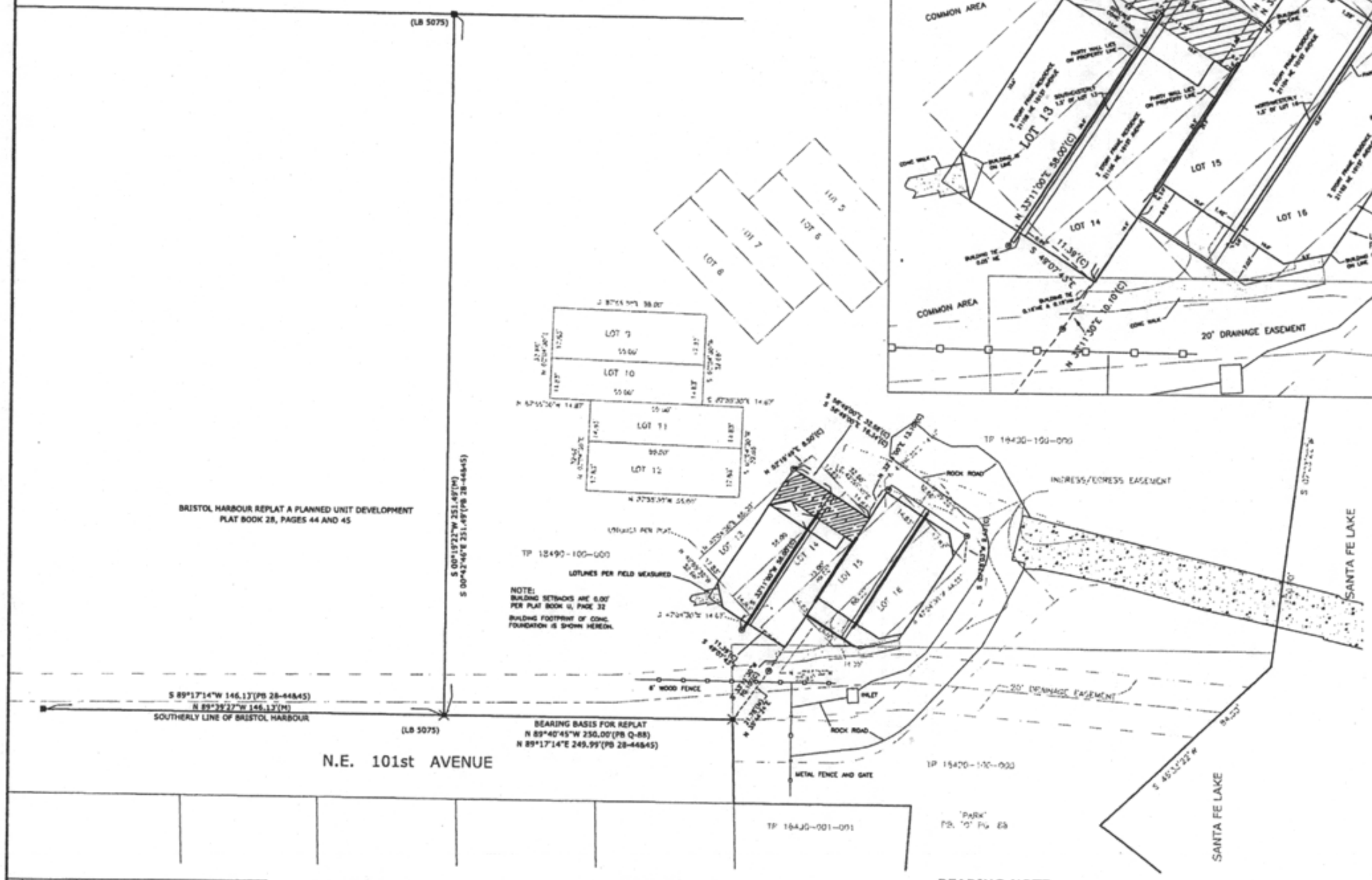
LOTS 13, 14, 15 AND 16 OF "BRISTOL HARBOUR, A PLANNED UNIT DEVELOPMENT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK O AT PAGE 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND ALSO RECORDED AS "BRISTOL HARBOUR, REPLAT OF LOTS 5 THROUGH 16", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK U AT PAGE 32 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA





LOCATION MAP NOT TO SCALE





ABBREVIATIONS :

CONC = CONCRETE
(C) = CALCULATED DATA
E/P = EDGE OF PAVEMENT
ID = IDENTIFICATION
(L) = FURNISHED LEGAL DESCRIPTION DATA
(M) = FIELD MEASURED DATA
N.T.S. = NOT TO SCALE
O.R.(B.) = OFFICIAL RECORDS (BOOK)
(P) = RECORD PLAT DATA
PB = PLAT BOOK
PG. = PAGE
P.L.S. = PROFESSIONAL LAND SURVEYOR
P.R.M. = PERMANENT REFERENCE MONUMENT
P.U.E. = PUBLIC UTILITIES EASEMENT
Rw RANGE
R/W = RIGHT-OF-WAY
SECT. = SECTION
SQ FT = SQUARE FEET
T = TOWNSHIP
TYP. = TYPICAL

LEGEND:

(UNLESS OTHERWISE NOTED)

● = FOUND 5/8" REBAR & CAP, L.B. #3586
■ = FOUND CONC MONUMENT (4"X4") NO IDENTIFICATION
X = FOUND NAIL & DISK P.L.S. #2226

5				
4				
3				
2	8-12-11	SET 8 RECOVERED ADDITIONAL CORNERS	SKETCH	N/A
1	7-7-11	LOCATED FENCE & ROCK ROAD	SKETCH	N/A
	DATE	REVISION	F.B. - PGS.	W.O. #

TITLE NOTE :

THIS OFFICE HAS NOT ABSTRACTED THIS PARCEL OR ANY CLAIMS OF TITLE, EASEMENTS, OR RESTRICTIONS THAT MAY AFFECT THIS PARCEL. THE PRESENCE OR ABSENCE OF ANY SUCH CLAIMS ARE NOT CERTIFIED HEREON.

FENCE NOTE :

SOME FENCE TIES AS SHOWN HEREON HAVE BEEN DRAWN EXAGGERATED FOR THE SAKE OF REPRESENTATION. (IF APPLICABLE)

SURVEY NOTE :

TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE ARE NO ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, EASEMENTS, OR CLAIMS OF EASEMENTS, OTHER THAN AS SHOWN ON THIS DRAWING.

PROPERTY LINES SHOULD NOT BE RECONSTRUCTED BASED ON DISTANCES TO IMPROVEMENTS.

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

BEARING NOTE :

BEARINGS SHOWN HEREON, ARE REFERRED TO AN ASSUMED VALUE OF N.89°40'45"W., FOR THE SOUTH LINE OF PLAT ALONG N.E. 101 AVENUE AS SHOWN HEREON. SAID BEARING IS IDENTICAL WITH THE PLAT OF RECORD, AS RECORDED IN PLAT BOOK "O" PAGE NO. 88 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

FLOOD NOTE: (MAP DATED: 06/16/06)

ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER 120001-0355-D, THIS PROPERTY IS IN ZONE "X" AND "AE" AS SCALED FROM SAID MAP.

CERTIFIED TO :

1) BRISTOL HARBOUR PROPERTY OWNERS ASSOCIATION, INC.
2)
3)
4)
5)

CERTIFICATE OF SURVEYOR:

I DO HEREBY CERTIFY THAT THE SURVEY DATA SHOWN HEREON, IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PERFORMED UNDER MY SUPERVISION OF THE HEREON DESCRIBED PROPERTY, AND IT MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS AND CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE.

BY:_____
ALAN J. HAAKER, P.S.M. - REGISTERED LAND SURVEYOR, FLORIDA CERTIFICATE #5348
DATE:_____

Alan J. Haaker
Professional Surveyor & Mapper
6540 NE 25th AVENUE, OCALA, FL. 34479
803 N.W. 3rd Avenue, Micanopy, FL. 32667
PH.(352)371-7841
FAX(352)371-7844
CELL(352)494-1983

SCALE: 1" = 20'	DATE: 8-29-11
FIELD WORK COMPLETED: 8-29-11; F.B. SKETCHES	DRAWN BY: AJH
PREPARED FOR: BRISTOL HARBOUR PROPERTY OWNERS ASSOC.	CHECKED BY: AJH
	WORK ORDER # 10726-02 SURVEY

278

Q-88

BRISTOL HARBOUR

– A PLANNED UNIT DEVELOPMENT –

A PORTION OF WHICH IS A REPLAT OF A PORTION OF " EARLTON BEACH " , PER PLATBOOK 'C', PG. 96.

SITUATED IN SECTION 33, TOWNSHIP 8 SOUTH, RANGE 22 EAST, ALACHUA COUNTY, FLORIDA.

J.W. BROWN INC., LAND SURVEYOR

507 N.W. 60TH STREET SUITES C&D GAINESVILLE, FLORIDA. (904) 331 - 3863.

PLATBOOK Q PAGE 88

OWNER'S CERTIFICATE :

I, THE UNDERSIGNED, Richard A. Shipman and Mary U. Shipman DO HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE DESCRIBED LANDS, AND THAT I HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED, AND TO BE KNOWN AS " BRISTOL HARBOUR ; ALSO, I DO HEREBY DEDICATE TO THE HOMEOWNER'S ASSOCIATION, THE COMMON AREAS AS SHOWN HEREON, AND I ALSO DEDICATE TO ALL OWNERS OR LESSEES OF A LOT IN EARLTON BEACH, THE PARK AND THE INGRESS/EGRESS EASEMENT TO THE BOAT RAMP. THE DRAINAGE EASEMENTS ARE HEREBY DEDICATED TO THE PUBLIC.

WITNESS William R Gordon — Richard A. Shipman SEAL

WITNESS Hoollen V Henderson — Mary U. Shipman SEAL

STATE OF FLORIDA, COUNTY OF ALACHUA :

I HEREBY CERTIFY THAT ON THIS DAY, PERSONALLY APPEARED BEFORE ME, Richard A Shipman and Mary U. Shipman KNOWN TO ME TO BE THE PERSON HEREON DESCRIBED, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE ABOVE INSTRUMENT AS HIS/HER FREE ACT AND DEED.

WITNESS MY HAND AND OFFICIAL SEAL THIS 24 DAY OF August 1992.

NOTARY PUBLIC — William L. Gordon, Notary Public, State of Florida, My Comm. expires June 17, 1993

MY COMM. EXPIRES :

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 33, TOWNSHIP 8 SOUTH, RANGE 22 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS :

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF VICTORIA AVENUE (COUNTY ROAD NO. 1469), HAVING A RIGHT-OF-WAY WIDTH OF 80 FEET, WITH THE SOUTH LINE OF SAID SECTION 33, FOR A POINT OF REFERENCE ; THENCE RUN NORTH 89° 33' 28" EAST, ALONG SAID SOUTH LINE, 254.33 FEET ; THENCE RUN NORTH 00° 26' 32" WEST, 30.84 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF LANCASTER AVENUE (50 FT. R/W) AND THE POINT OF BEGINNING ; THENCE CONTINUE NORTH 00° 26' 32" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 174.84 FEET ; THENCE RUN SOUTH 89° 34' 28" EAST, 254.66 FEET ; THENCE RUN SOUTH 00° 26' 32" WEST, 174.84 FEET ; THENCE RUN NORTH 89° 33' 28" WEST, 254.66 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO THE FOLLOWING DESCRIBED INGRESS/EGRESS EASEMENT : BEGIN AT THE AFOREMENTIONED POINT OF REFERENCE ; THENCE RUN SOUTH 89° 33' 28" WEST, 254.33 FEET ; THENCE RUN NORTH 00° 26' 32" WEST, 30.84 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF LANCASTER AVENUE (50 FT. R/W) ; THENCE RUN NORTH 89° 33' 28" EAST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 254.33 FEET ; THENCE RUN SOUTH 00° 26' 32" EAST, 30.84 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN ALACHUA COUNTY, FLORIDA AND CONTAINS 8.003 ACRES, MORE OR LESS.

– LEGEND –

- ■ DENOTES SET PERMANENT REFERENCE MONUMENT P.L.S. 2228.
- □ DENOTES FOUND PERMANENT REFERENCE MONUMENT.
- ⊕ DENOTES SET PERMANENT CONTROL POINT P.L.S. 2228.

- SURVEYOR'S NOTES -

1. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT, THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
2. ERROR OF CLOSURE DOES NOT EXCEED 1 : 10,000.
3. BEARINGS SHOWN HEREON, ARE REFERRED TO AN ASSUMED VALUE OF N.89°-33'-28"E. FOR THE EASTERLY RIGHT-OF-WAY LINE OF VICTORIA AVENUE (STATE ROAD NO. 200-A) A 80 FT. RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK NO. 1820, PAGES 0810-0811, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
4. ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 120008-0350-D, PORTIONS OF THIS PROPERTY ARE IN ZONE "A-2" WHICH ARE AREAS OF FLOOD HAZARD FACTORS THAT ARE NOT DETERMINED. SEE SKETCH BELOW FOR APPROXIMATE LOCATION OF ZONE "A-2".
5. ALL BUILDING SETBACK REQUIREMENTS ARE AS SHOWN ON THIS PLAT FOR LOTS 1 THRU 16, TYPICAL DETAIL :
   - ALL INTERIOR BUILDING SETBACK REQUIREMENTS ARE 0.00 FT. LOT LINES.
   - BUILDING TO BUILDING CLEARANCE IS 20.00 FT. MINIMUM.
6. BEARINGS ARE ROTATED CLOCKWISE 0° 00' 33" FROM GRID NORTH, AS DETERMINED BY THE ALACHUA COUNTY CONTROL SURVEY AND STATE PLANE COORDINATE SYSTEM.
7. THE AREA IDENTIFIED AS " PARK " ON THE PLAT, SHALL BE SUBJECT TO THE NON-EXCLUSIVE PRIVATE EASEMENTS RESERVATIONS FROM THOSE CERTAIN PLAT AGREEMENTS RECORDED AT O.R. BOOK 1820, PAGES 0810-0811, AMENDMENT TO PLAT AGREEMENT RECORDED AT O.R. BOOK 1820, PAGES 0812-0813, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND SUBJECT TO ANY AND ALL EASEMENTS OR OTHER RESTRICTIONS, RECORDED IN THE PUBLIC RECORDS OF ALACHUA CO.

GRAPHIC SCALE 1" = 50'

LOCATION MAP n.t.s.

UNPLATTED LANDS

POINT OF BEGINNING : ± 8.003 ACRES

"EARLTON BEACH" P.B. 'C', PG. 96.

COMMON AREA ± 8.003 acres total

NOT A PART OF THIS PLAT ± 0.241 ACRES

INGRESS/EGRESS EASEMENT DETAIL :

TYPICAL BLDG. DETAIL 1" = 20'

LOT NO.	FFE	GARAGE FFE	PAD ELEV.
LOT 1	104.50	104.00	103.5
LOT 2	104.50	104.00	103.5
LOT 3	104.50	104.00	103.5
LOT 4	104.50	104.00	103.5
LOT 5	104.50	104.00	103.5
LOT 6	104.50	104.00	103.5
LOT 7	104.50	104.00	103.5
LOT 8	104.50	104.00	103.5
LOT 9	104.50	104.00	103.5
LOT 10	104.50	104.00	103.5
LOT 11	104.50	104.00	103.5
LOT 12	104.50	104.00	103.5
LOT 13	104.50	104.00	103.5
LOT 14	104.50	104.00	103.5
LOT 15	104.50	104.00	103.5
LOT 16	104.50	104.00	103.5

BENCHMARK NET EL. ABOVE M.S.L. DATUM OF 1929 ELEV. = 110.85 '

BENCHMARK NET EL. ABOVE M.S.L. DATUM OF 1929 ELEV. = 111.13 '

BLOCK A P.B. 'C', PG. 96.

BLOCK B P.B. 'C', PG. 96.

LANCASTER AVENUE (N.E. 101st AVENUE) (50 FT. R/W)

VICTORIA AVENUE (COUNTY ROAD NO. 1469) (STATE ROAD NO. 200-A) (80 FT. R/W)

POINT OF REFERENCE : THE POINT OF INTERSECTION OF THE EASTERLY R/W LINE OF VICTORIA AVENUE (C.R. NO. 1469) & THE SOUTH LINE OF SECT. 33-8-22.

THE SOUTH LINE OF SECT. 33-8-22.

COMMON AREA — BENCHMARK — APPROXIMATE LOCATION OF 100 YEAR FLOOD PLAIN — APPROXIMATE ZONE-C — APPROXIMATE ZONE-A-2 — PARK — SANTA FE LAKE

STATE PLANE COORD. NORTHING = 2736872.086 EASTING = 2730353.738

STATE PLANE COORD. NORTHING = 2736805.230 EASTING = 2729404.524

CONSENT OF MORTGAGEE :

KNOW ALL MEN BY THESE PRESENTS THAT, C.L. BRICE, INC. a Fla corp. HOLDER OF THOSE CERTAIN MORTGAGE/S FILED IN OFFICIAL RECORDS BOOK/S 1820, PAGE/S 1844 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, DO HEREBY CONSENT TO THIS PLAT AND JOINS IN THE DEDICATION AS SHOWN HEREON.

*and that certain Assignment recorded in O.R. Book 1867 page 456 and Modification recorded in O.R. Book 1867 page 457,

WITNESS – David M. Miller — C.L. BRICE

WITNESS – Beverly A. Buckley

STATE OF FLORIDA, COUNTY OF ALACHUA :

I HEREBY CERTIFY THAT ON THIS DAY, PERSONALLY APPEARED BEFORE ME, C.L. Brice REPRESENTING C.L. Brice, Inc., KNOWN TO ME TO BE THE PERSON HEREIN DESCRIBED, AND ACKNOWLEDGED THAT HE/SHE EXECUTED THE ABOVE INSTRUMENT AS HIS/HER FREE ACT AND DEED. WITNESS MY HAND AND OFFICIAL SEAL THIS 10th DAY OF September, 1992.

NOTARY PUBLIC — David M. Miller — MY COMM. EXPIRES :

APPROVAL BY ALACHUA COUNTY, FLORIDA :

WE THE UNDERSIGNED, DO HEREBY CERTIFY THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF ALACHUA COUNTY'S ORDINANCES AND REGULATIONS AS FOLLOWS :

ENGINEERING REQUIREMENTS : Eli E. Hyman — COUNTY ENGINEER — 11/20/92 DATE

PLANNING, ZONING, AND OTHER COUNTY SERVICE REQUIREMENTS NOT OTHERWISE CITED : Lee Hernandez — COUNTY ADMINISTRATOR — 11/20/92 DATE

WATER AND SEWER REQUIREMENTS : Richard S. Hedrick — ENVIRONMENTAL HEALTH OFFICER — 11/4/92 DATE

FORM AND LEGALITY : Marvin Rendall — COUNTY ATTORNEY — 12/1/92 DATE

APPROVED BY ALACHUA COUNTY : Penelope Wheat — CHAIRMAN OF THE BOARD, CO. COMM. — 12/2/92 DATE

RECEIVED AND FILED FOR RECORD, THIS 4 DAY OF Dec. 1992 — J. Curtis Powers — CLERK OF COURT — DATE : — Diane Tillman — DEPUTY CLERK — DATE

SURVEYOR'S CERTIFICATE : (NOT VALID WITHOUT THIS EMBOSSED SURVEYOR'S SEAL)

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF " BRISTOL HARBOUR " IS A TRUE AND CORRECT REPRESENTATION OF THE HEREON DESCRIBED LANDS AND SUBDIVISION THEREOF, AND THAT SAID LANDS HAVE BEEN SURVEYED UNDER MY DIRECTION AND SUPERVISION, AND THAT PERMANENT REFERENCE MONUMENTS AND PERMANENT CONTROL POINTS HAVE BEEN SET, AND THE SURVEY DATA CONFORMS WITH THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES.

BY : James W. Brown — J.W. BROWN, REG. LAND SURVEYOR, FLA. 2228.

DATE : Oct. 14, 1992

Q

272

22d

Alachua County Board of County Commissioners

Plat Item Report **Meeting Date: October 11, 2011 - Summary Item**

Review of Plat: **Bristol Harbour PD**
Replat of Lots 13 - 16

Development Review Committee Recommendation: Final Approval of Replat

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Plat Description: Section 33-T08S-R22E - Located on Tax Parcel Numbers 18490-100-013, 18490-101-013, 18490-100-014, 18490-100-015, 18490-100-016 and 18490-101-016 at 21102-21108 NE 101 Street – Ramona M. Chance, Esquire - Agent.

Platted Lots: 4

Future Land Use Designation: Earlton Rural Cluster

Zoning: "PD" (Planned Development)

Issues:

On September 15, 2011, by consensus, the DRC found the proposed replat to be consistent with all relevant sections of the Comprehensive Plan and the Unified Land Development Code. The subject property is located within the Bristol Harbour Planned Development. The purpose of the replat is to revise the lot lines to best fit the existing building footprint. The existing single family attached units were constructed slightly different from the original lot lines shown on the approved plat.

The Development Review Committee approved a minor change to the Bristol Harbour PD for Lots 13 through 16 for the reconfiguration of the lots. The Board of County Commissioners approved the original plat in 1992. The property is currently zoned PD with a total of 16 single family attached units in four buildings.

Comprehensive Plan Sections
The current future land use designation on the property is Earlton Rural Cluster. The proposed replat will not increase or decrease the number of lots.

Unified Land Development Code Sections

According to Section 402.89(c)(5) a minor change to the PD Zoning Master Plan may be approved by the Development Review Committee when changes to lot sizes or dimensions are requested for lots located on the interior of the development. The dimensions of Lots 13-16 are proposed to be adjusted to meet the exterior boundary of the existing single family attached units. The proposed change does not affect the intent and purpose of the planned development. The replat will implement the minor change and is consistent with the Comprehensive Plan and Unified Land Development Code.

The replat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County.

Chapter 410, Article 3, (Defined Terms) defines a Plat as a map, prepared in accordance with F.S. ch. 177, on which the developer's plan for a subdivision is prepared and submitted for approval with the intention of recording it in final form.

Chapter 402, Article 12, (Platting) sets forth the application requirements and review process for plat approval and provides an appeal process for decisions on plats.

Sections 407.83 and 407.85 include specific criteria for plats. The requirements are technical, relating to the preparation of the final document and the placement of monuments on the site. The provisions of this section follow from the statute (F.S. 177, Part I) requirements for plats.

The plat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapters 402, 403, 407, and 410 of the Unified Land Development Code of Alachua County. These requirements are consistent with the language contained within the current Comprehensive Plan of Alachua County.

Conclusions

In addition to the above references polices and code provisions, staff has evaluated all other relevant sections and found the subject development plan and replat consistent with the Comprehensive Plan and Code.

Attached: DRC staff report.

Alachua County
Development Review Committee
Staff Report

Project Number: 2011070501

Minor Change to a Planned Development, and Replat for Lots 13-16 in Bristol Harbor PD

SUBJECT: Bristol Harbor Planned Development – Replat of Lots 13-16

DESCRIPTION: The proposed minor change to the PD and replat of Lots 13 through 16 will revise the lot lines of the townhomes on a plat

AGENT/APPLICANT: Ramona Chance, Esq.

PROPERTY OWNER: Bristol Harbor Property Owner's Association, Inc.

PROPERTY DESCRIPTION:

Location:	21102-21108 NE 101st Street, Earleton
Parcel Numbers:	18490-100-013, 18490-101-013, 18490-100-014, 18490-100-015, 18490-100-016, and 18490-101-016
Section/Township/Range:	33/08/22
Land Use:	Earleton Rural Cluster
Zoning:	PD
Acreage:	4 lots

CHRONOLOGY:

Application Submitted:	07/05/11
Insufficiency Report Sent;	07/22/11
Application Resubmitted:	08/15/11
Sufficiency Determination:	08/31/11
Revised Final Development Plan Hearing:	09/15/11

RELATED ZONING REQUESTS: ZOM-02-07

STAFF RECOMMENDATION: **Approval of the Minor Change to the PD and recommend Approval of the Replat to the BOCC**

DRC ACTION: **Approved the Minor Change to the PD and recommend BoCC Approval of the Replat.**

Alachua County
Development Review Committee
Staff Report

DESCRIPTION OF PROPOSED PLAN:

The proposed minor change to the Planned Development (PD) and replat is to revise the lot lines to best fit the existing building footprint. The existing single family attached units were constructed slightly different from the original lot lines shown on the approved plat.

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

The replat of lots 13 through 16 does not create additional lots and is consistent with the plat and PUD of Bristol Harbor Planned Development previously approved by the Board of County Commissioners.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT

According to Section 402.89 (c)(5) a minor change to the PD zoning master plan may be approved by the Development Review Committee when changes to lot sizes or dimensions are requested for lots located on the interior of the development. The dimensions of Lots 13-16 are proposed to be adjusted to meet the exterior boundary of the existing single family attached units. The proposed change does not affect the intent and purpose of the planned development.

PLAT REQUIREMENTS:

The proposed replat meets the requirements set forth in Section 407.83 of the ULDC for *Plat Document Requirements*. The plat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County.

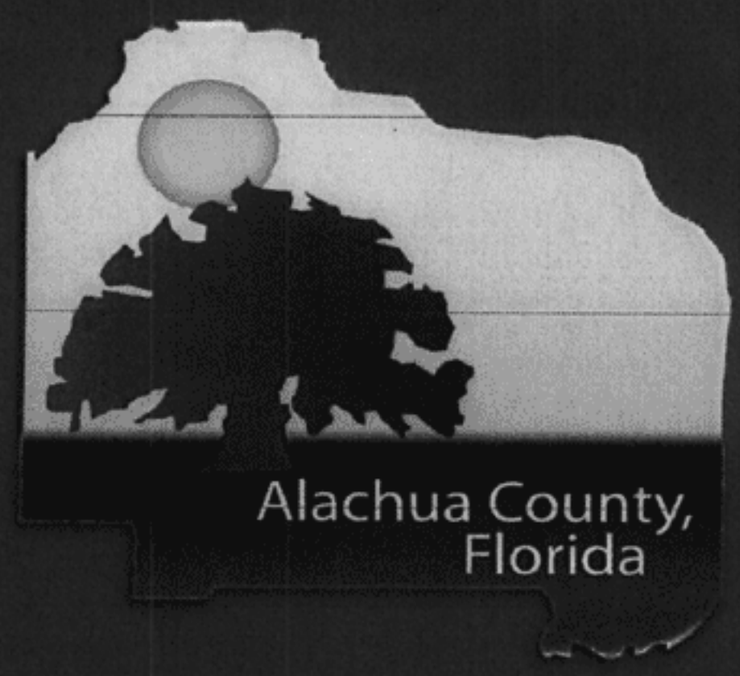
Alachua County
Development Review Committee
Staff Report

STAFF RECOMMENDATION:

Staff recommends **approval** of the Minor Change to the PD for Lots 13 through 16 of Bristol Harbor Planned Development.

Staff recommends the DRC recommend **approval** to the Board of County Commissioners of the Replat for Lots 13 through 16 of Bristol Harbor Planned Development.

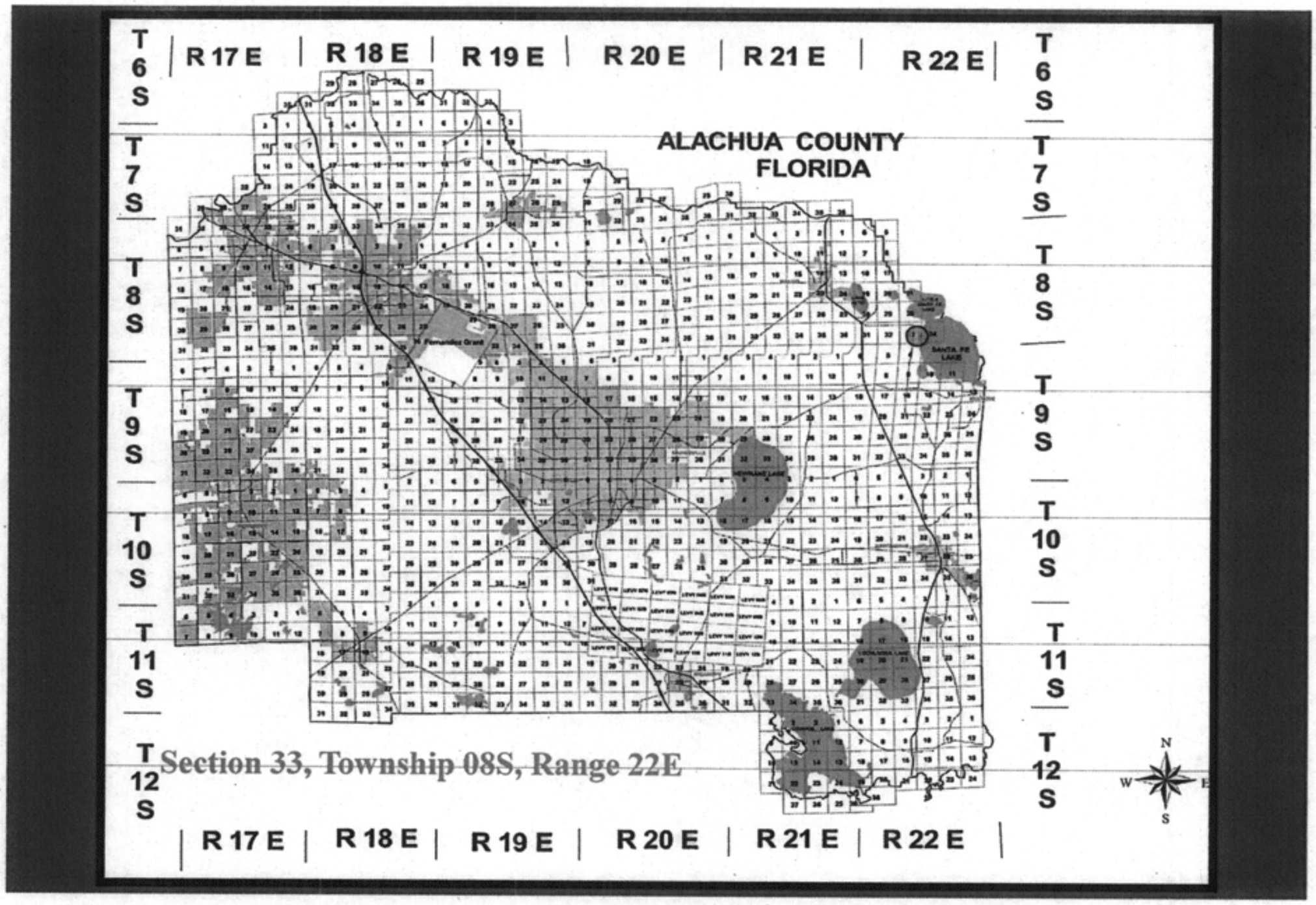
Alachua County
Plat Review Process
October 11, 2011



Bristol Harbour PUD
Replat of Lots 13-16

- Containing 4 lots
- Section 33, Township 08S, Range 22E
- Tax Parcel Nos. 18490-100-013, 18490-101-013, 18490-100-014, 18490-100-015, 18490-100-016, and 18490-101-016
- 21102-21108 NE 101st Street, Earlton
- Ramona Chance, Esq. - Agent
- DRC Recommendation (September 15, 2011):

  Approve the final replat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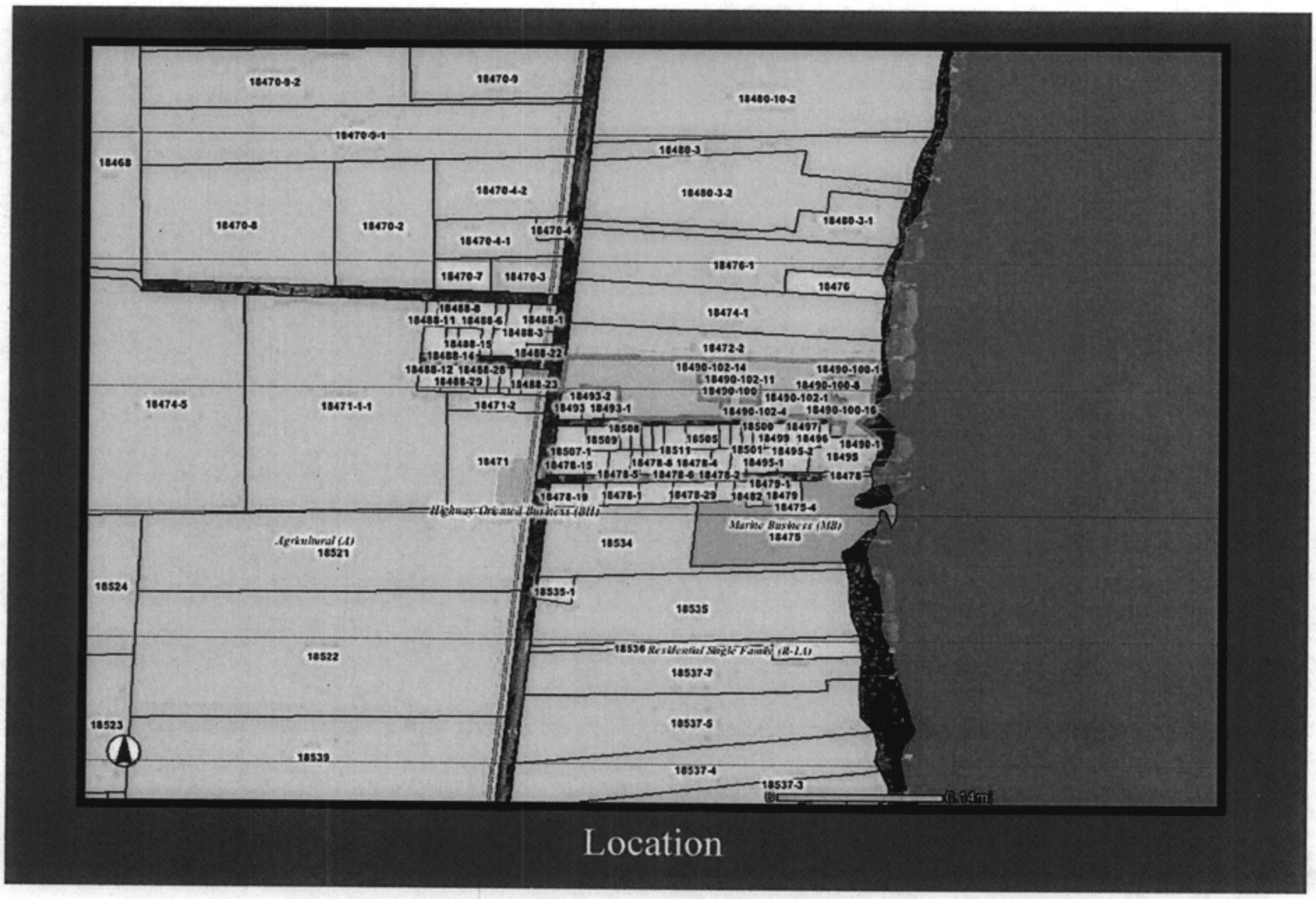
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18488-14
18488-22
18488-12
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18522
18523
18539
18521
Agricultural (A)
Highway Oriented Business (HB)
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18480-3-2
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18476
18474-1
18472-2
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18478-19
18478-1
18478-29
18482
18479
18475-4
Marine Business (MB)
18475
18534
18535-1
18535
18536
Residential Single Family (R-1A)
18537-7
18537-5
18537-4
18537-3
0.14mi

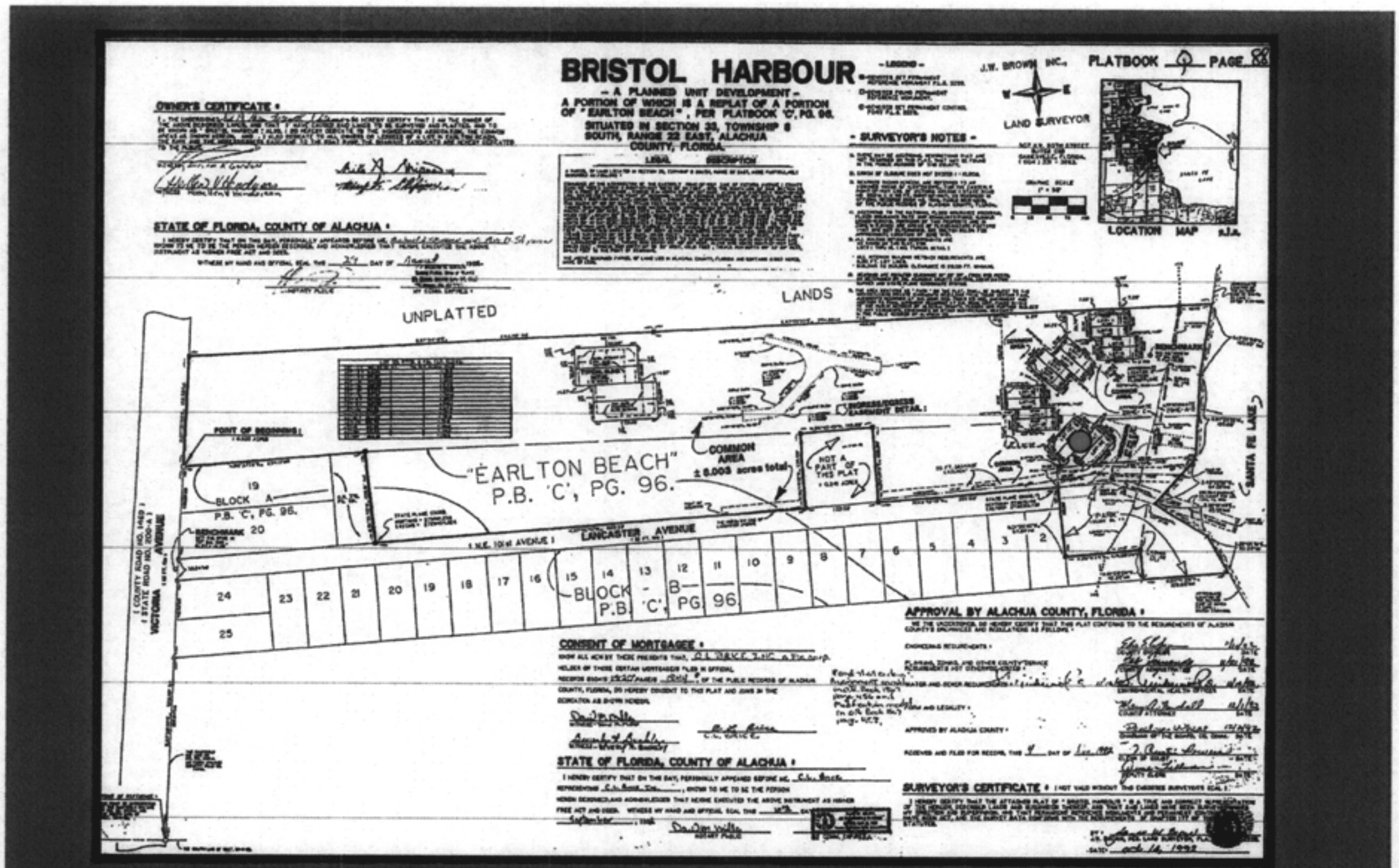
Location



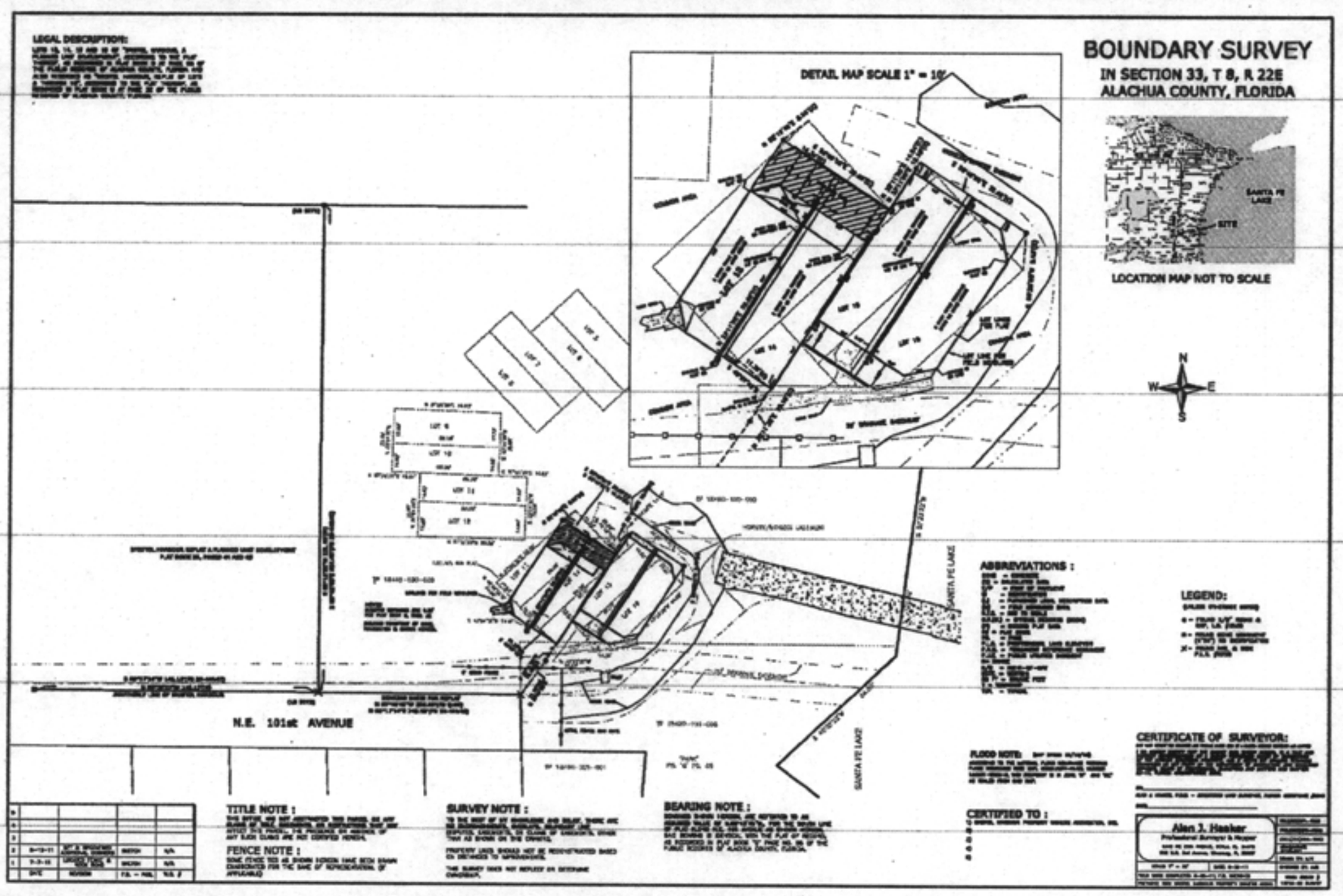
Aerial

Bristol Harbour PUD
Replat of Lots 13-16

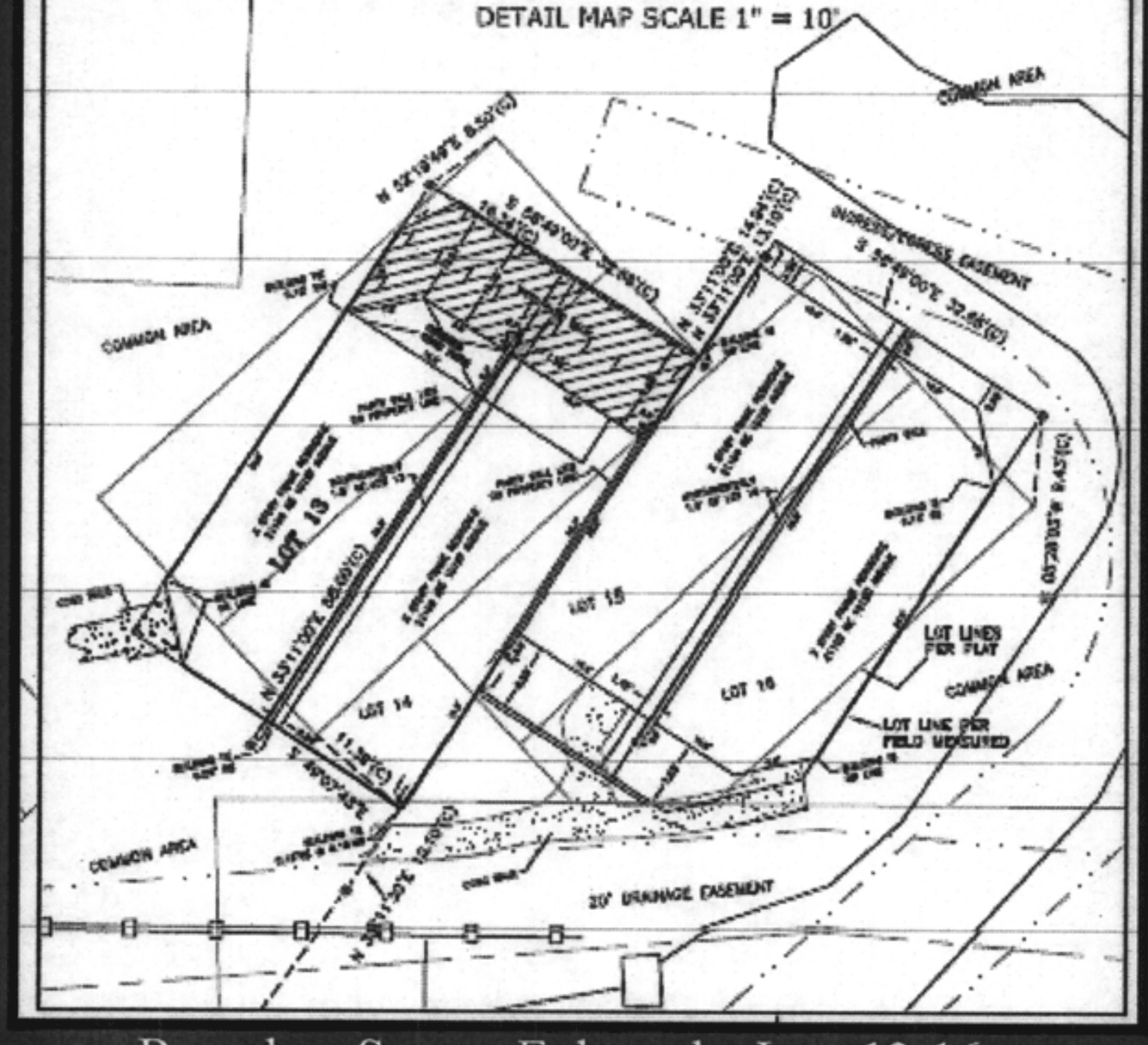
- Plat was approved by BoCC and the plat recorded in December 4th, 1992.
- Purpose of the replat is to revise the lot lines to best fit the existing building footprint as well as the original placement of the lot corners that were set by J.W. Brown, Inc. which is the original platting entity for :Bristol Harbour", Plat Book O, Page 88.
- Number of lots will remain the same.



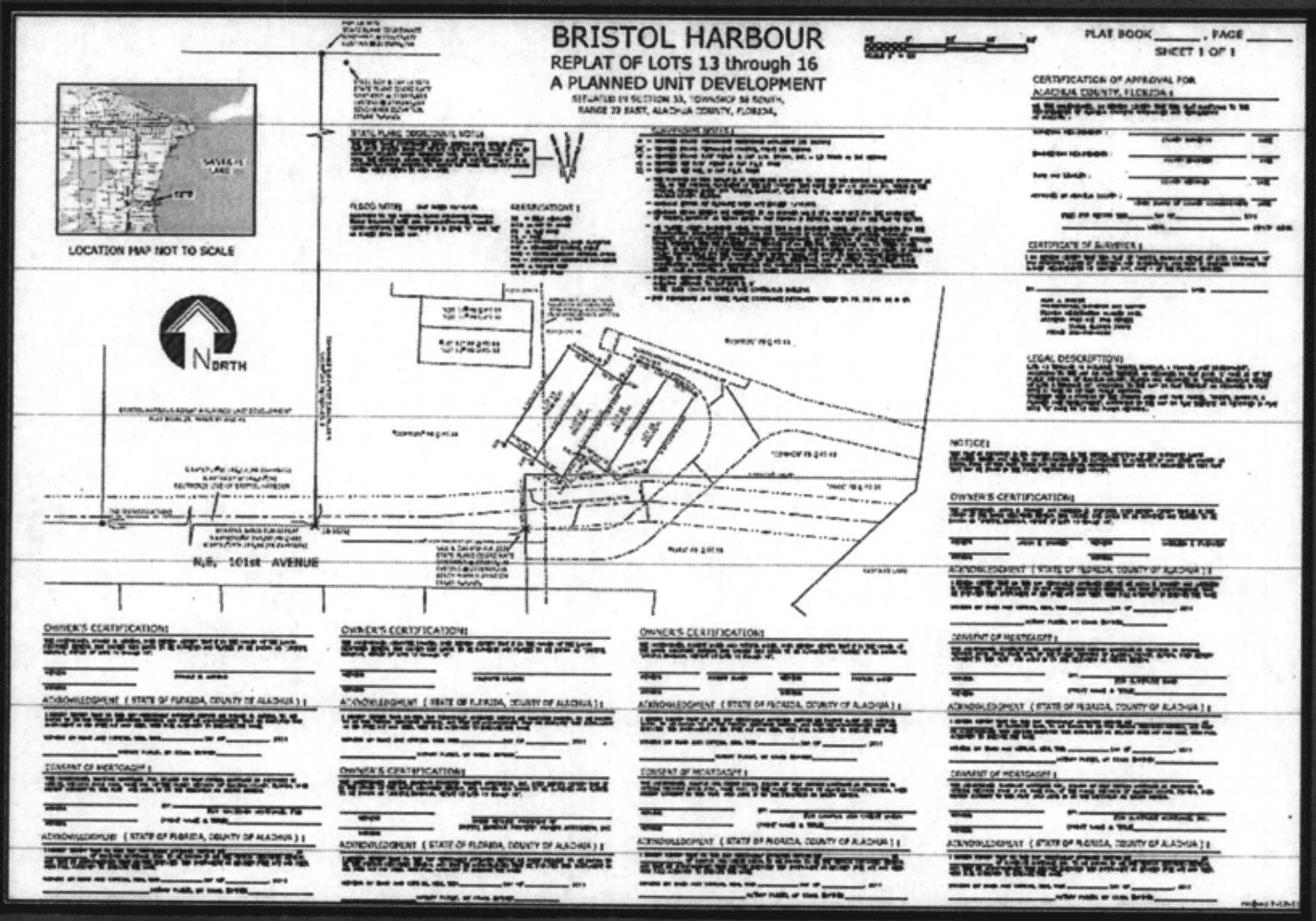
Original Plat



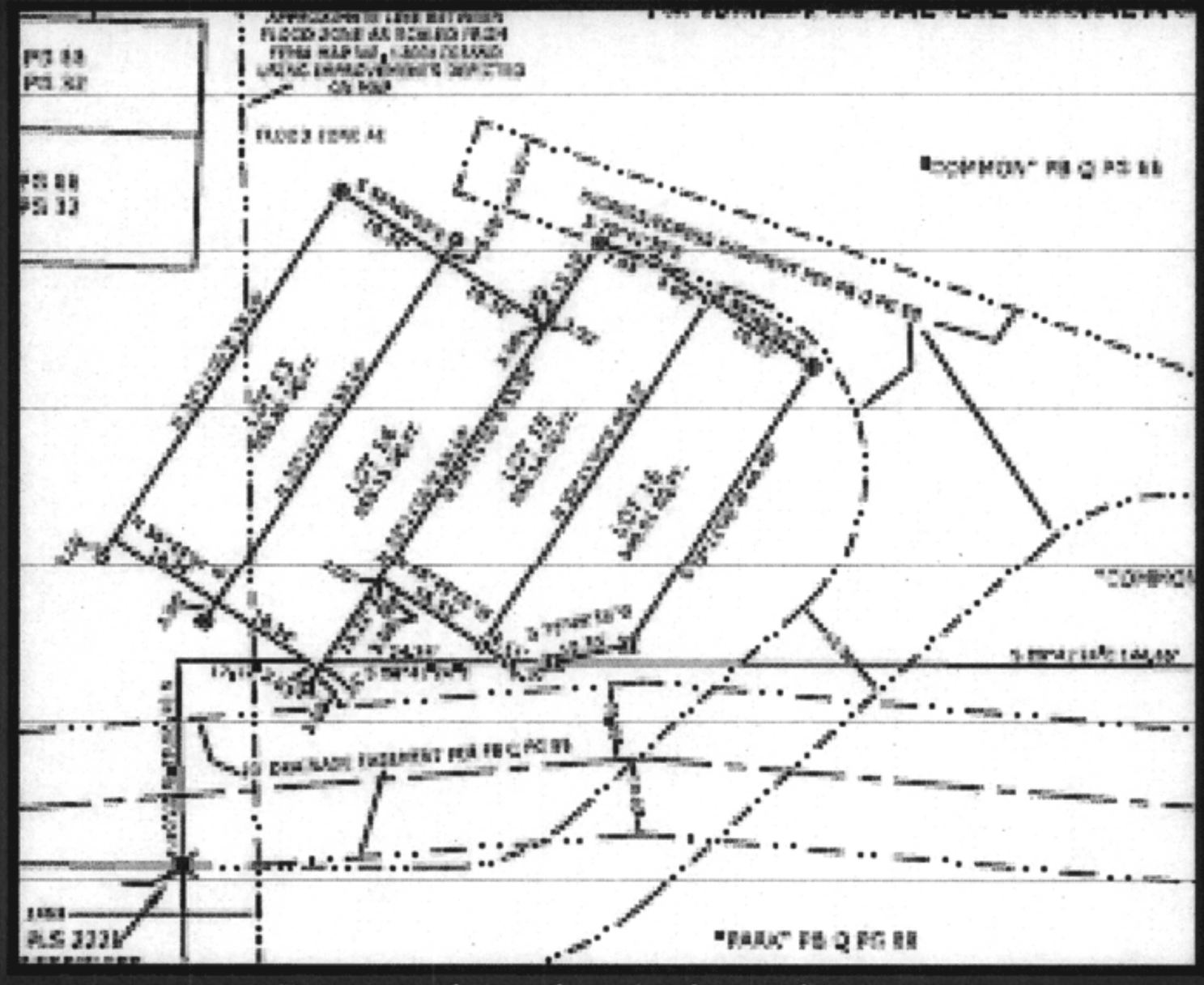
Boundary Survey – Lots 13-16



Boundary Survey Enlarged – Lots 13-16



Proposed Replat



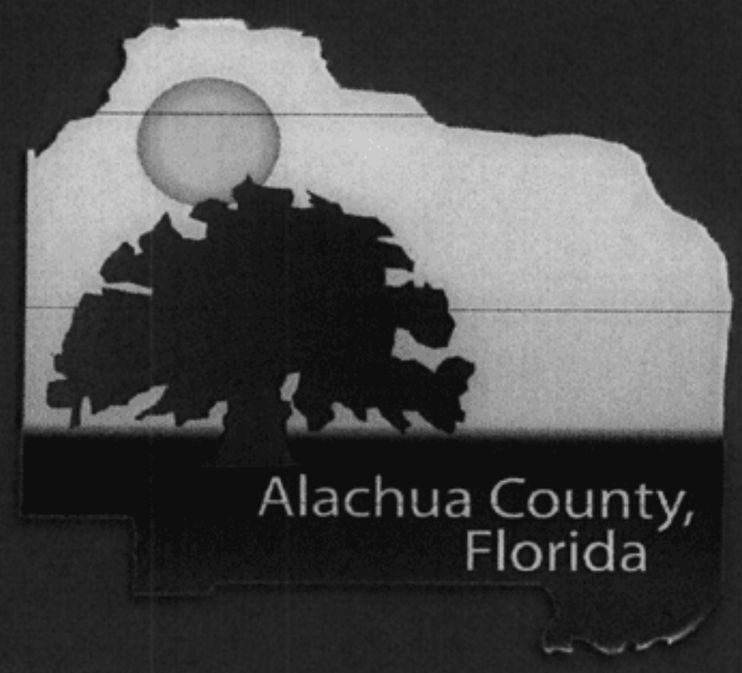
Proposed Replat (enlarged)

Recommend Approval of Bristol Harbour PUD Replat of Lots 13-16

- DRC recommends approval of the summary item
- Comments and concerns have been addressed
- Plat found to be consistent with policies of the Comprehensive Plan
- Plat found to be in compliance with provisions of the Unified Land Development Code

That Completes the Staff Presentation & Comments

Questions?



October 11, 2011 Regular BoCC Meeting
Agenda Item #27

Title
ZOM-06-11: A request to amend an existing non-residential PD (planned development) district to allow spa services as a permitted use. (Amended)

Amount
N/A

Description
A request by Robyn Lee, agent, for Jonathan F. Wershow, owner, for an amendment to an existing 'PD' (Park Avenue Office Condominium Planned Development) district for a day spa in a Commercial and Low Density Residential (1 to 4 dwelling units/acre) land use designation on approximately .017 acres located at 912 NW 57th Street on Tax Parcel Number 06354-100-003.

Recommendation
Staff recommends that the Board hear the item and adopt Resolution Z-15-11 to allow spa services.

Alternative(s)
Do not adopt Resolution Z-15-11

Requested By
Gerald Brewington (374-5249)

Originating Department
Growth Management

Attachment(s) Description
1) Staff Report for ZOM-08-11 2) Staff Powerpoint Presentation 3) Background Materials 4) Resolution Z-15-11 5) Citizen Comments

Documents Requiring Action
Resolution Z-15-11

Executive Summary
This is a request to amend an existing non-residential planned development district to allow spa services as a permitted use.

Background
The applicant is requesting an amendment to the PD to allow spa services as a permitted use. The Park Avenue PD is an existing development that allows those uses permitted in the 'AP' district in the non-residential portion of the development. Spa services are defined as 'personal services' in the Alachua County Code and these are not allowed in the AP zoning district. The applicant is therefore requesting to modify the PD to allow spa-type services on the parcel that is the subject of this request.

Issues
The proposed use will not cause any additional impacts to public services or public infrastructure.

Fiscal Recommendation

NA

Fiscal Alternative(s)
NA

Funding Sources
NA

Account Code(s)
NA

Attachment: Zoning Application.pdf
Attachment: Staff Report for ZOM0611.pdf
Attachment: Resolution for ZOM0611.pdf
Attachment: Survey of Property.pdf
Attachment: Public Comment ZOM0611.pdf
Attachment: ZOM0611 Powerpoint Presentation.pdf
Attachment: Detailed Description of Request.pdf
Attachment: Zoning Application.pdf

RESOLUTION Z-15-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR AN AMENDMENT TO AN EXISTING 'PD' (PLANNED DEVELOPMENT) DISTRICT FOR A DAY SPA IN A COMMERCIAL AND LOW DENSITY RESIDENTIAL (1 TO 4 DWELLING UNITS/ACRE) LAND USE DESIGNATION ON APPROXIMATELY .017 ACRES LOCATED AT 912 NW 57TH STREET ON TAX PARCEL NUMBER 06354-100-003

WHEREAS, Zoning Application ZOM-06-11 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of September 21, 2011; and,

WHEREAS, the Alachua County Board of County Commissioners considered the item at its regular meeting of October 11, 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application Z0M-06-11, a request by Robyn Lee, agent, for Jonathan F. Wershow, owner, for an amendment to an existing 'PD' (Planned Development) district for a day spa in a Commercial and Low Density Residential (1 to 4 dwelling units/acre) land use designation on approximately .017 acres located at 912 NW 57th Street on Tax Parcel Number 06354-100-003, as summarized in Exhibit A in this resolution, is hereby approved with the following bases:

2011 OCT 18 AM 8 33
CLERK OF CIRCUIT COURT

Conditions

1. The Park Avenue Office Concourse Planned Development shall permit the following uses on tax parcel 06354-100-003 in addition to the AP uses already permitted: day spa services including massage and facials; manicure and pedicure services; skin treatments; acupuncture; hair removal; teeth whitening, reflexology and shiatsu.

Bases

1.Policy 7.1.2 of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

b. *the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.*

c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice*

d. *those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare*

The parcel that is the subject of this request is an existing office building located in a non-residential portion of a mixed use PD. The surrounding uses are office uses permitted within the AP zoning district as defined in the ULDC. The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The site is served by existing public facilities and the proposed uses, as shown in the LOS section of this report, will not cause levels of service to fall below adopted levels. No exterior changes will occur to the structure and the proposed uses will not emit glare, odor or excessive noise. The request is therefore consistent with the adopted goals, objectives and policies found in the plan as a whole as well as Policy 7.1.2.

2.Policy 3.2.2 of the Future Land Use Element states that *Commercial development shall provide adequate buffering or transitional development and design practices, to*

adequately integrate the development along the edges of different land uses in accordance with the standards in Section 2.0. The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The parcel is an existing office structure with landscaping in place. It is surrounded by other office structures and is fully integrated into the surrounding development.

3.Policy 3.4.1 of the Conservation and Open Space Element states that *All applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information.* An environmental resources checklist has been submitted. No environmentally sensitive resources have been identified on this site and comments from the Environmental Protection Department indicate that no impacts to sensitive resources will occur as a result of this action.

4.Chapter 402.77 of the ULDC states that *When considering any application for rezoning, the standards and criteria listed below shall apply.*

a) Consistency

The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

b) Compatibility

The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

c) Development Patterns

The proposed rezoning shall result in logical and orderly development patterns.

d) Suitability

The affected property is suitable for the uses that are permitted by the proposed zoning districts.

e) Adequate Public Services

The proposed rezoning is consistent with the adequate public facilities requirements of Chapter 407 of this ULDC.

f) Access

Available ingress and egress is adequate for potential uses in the proposed zoning district.

g) Public Health, Safety, and Welfare

The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

The parcel that is the subject of this request is an existing office building located in a non-residential portion of a mixed use PD. The request is consistent with the adopted goals, objectives and policies found in the plan as a whole as well as the specific policies previously cited in the Comprehensive Plan analysis of this report. The request is consistent with surrounding uses and character of the area. The use as a facility for personal services is consistent with the office uses found in the non-residential portion of this PD. The facility is in an existing structure and will the nature of the permitted

uses will produce no undue noises, odors or other impacts on the neighboring community. The property is suitable for the proposed uses and will be housed in an existing structure that will require no modifications. As shown in the LOS section of this report, public services are adequate to serve the proposed use. The new use will not generate additional traffic beyond what was generated by the previous use. A day spa, per the trip generation manual, generates traffic consistent with many general office uses permitted in the AP district and will not adversely impact the surrounding neighborhood. Access is also adequate to serve the proposed use. Lastly, the proposed use as a day spa with associated uses (skin treatment, etc.) is not out of character with the medical uses and other professional services found in the office area of this PD. Therefore, given the above findings, the proposed uses being requested as part of this PD amendment will not adversely impact the public health, safety and welfare.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 11th day in October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF

ALACHUA COUNTY, FLORIDA

By: _____

Lee Pinkoson, Chair

ATTEST:

_____

J. K. Irby, Clerk

APPROVED AS TO FORM

_____

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

_____

Department of Growth Management

Authorized Designee

EXHIBIT A

LEGAL DESCRIPTION PARCEL "C" 412 NW 61 31

A PARCEL OF LAND SITUATED IN LOT 5 OF PARK AVENUE OFFICE CONCOURSE, A PLANNED UNIT DEVELOPMENT AS PER A PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 59 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE MOST WESTERLY CORNER OF LOT 5 OF SAID PARK AVENUE OFFICE CONCOURSE AND RUN N34°34'08"E. ALONG THE WESTERLY LINE OF SAID LOT 5, A DISTANCE OF 183.77 FEET; THENCE RUN S55°25'52"E. A DISTANCE OF 68.92 FEET TO THE POINT OF BEGINNING; THENCE RUN N30°41'12"E. A DISTANCE OF 91.40 FEET; THENCE RUN S59°18'48"E. A DISTANCE OF 82.10 FEET; THENCE RUN S30°41'12"W. A DISTANCE OF 84.69 FEET; THENCE RUN N61°22'04"W. A DISTANCE OF 17.89 FEET; THENCE RUN N59°18'48"W. A DISTANCE OF 65.53 FEET TO THE POINT OF BEGINNING.

Alachua County
Office of Planning and Development Staff Report

Application Number: ZOM-06-11 Staff Contact: Jerry Brewington
352-374-5249

Local Planning Agency **Hearing Date: September 21, 2011**
Board of County Commissioners **Hearing Date: October 11, 2011**

SUBJECT: A request to amend an existing PD (Planned Development) district to permit certain uses associated with a day spa in an existing unit within the PD.

APPLICANT/AGENT: Robyn Lee

PROPERTY OWNER: Jonathan F. Wershow

PROPERTY DESCRIPTION:
Location: 912 NW 57th Street
Parcel Number: 06354-100-003
Section/Township/Range: 34-9-19
Land Use: Commercial
Zoning: PD
Existing Use: Office
Acreage: .097

ZONING VIOLATION HISTORY: There are currently no violations on the site.

STAFF RECOMMENDATION: **Approval** with bases as found in the staff report.

Alachua County
Office of Planning and Development Staff Report

Analysis of Request

Background

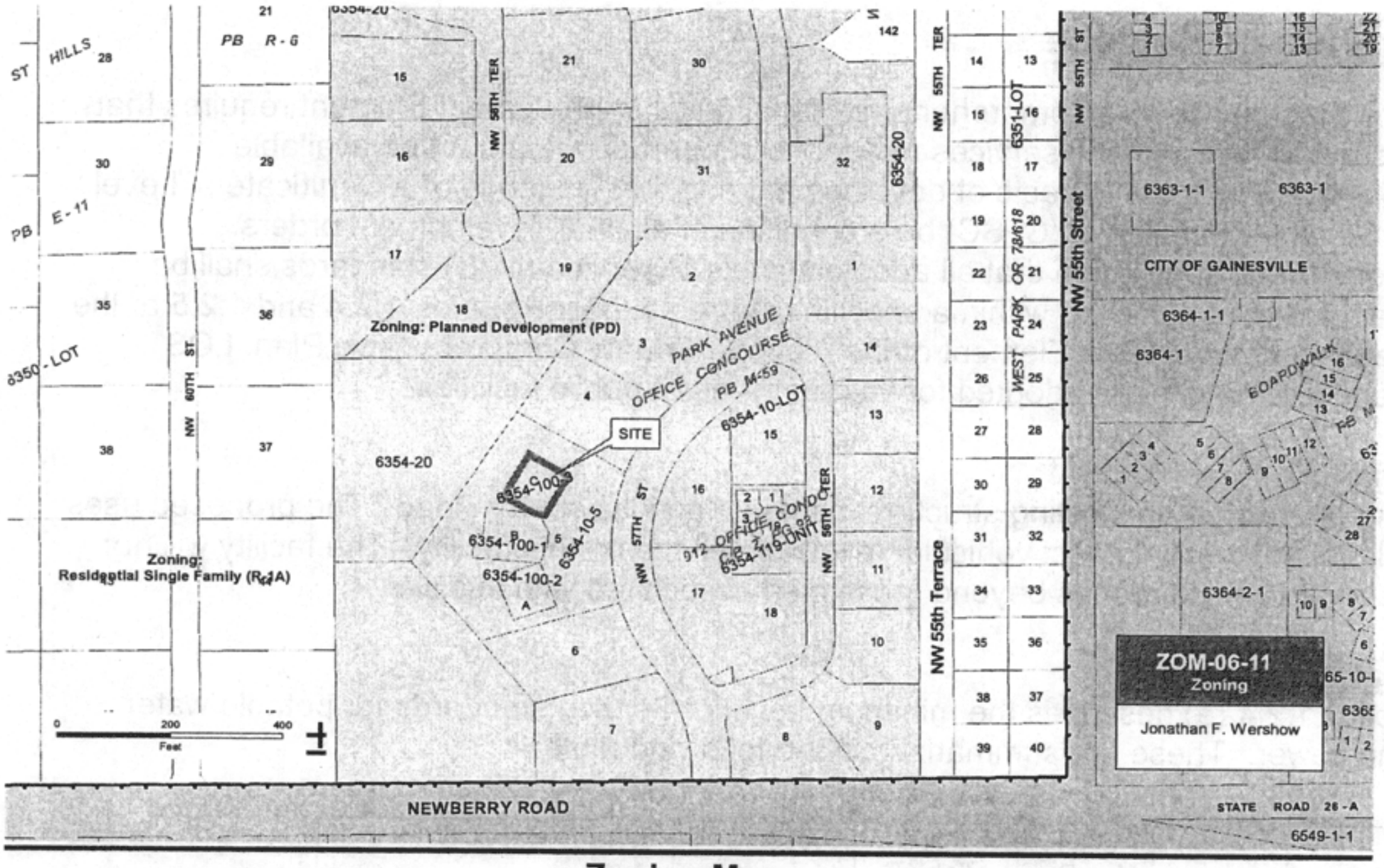
The applicant is requesting to amend the permitted uses in the PD to allow therapeutic and wellness services within the PD. These services, as well as other spa treatments, are defined as personal services in the Alachua County Unified Land Development Code (ULDC). The non-residential portion of this PD presently only allows uses as permitted in the 'AP' district of the ULDC. Personal services are not permitted in the AP district. The applicant is therefore requesting that the PD be amended to allow these uses at this location only within the PD. (Park Avenue Office Concourse PD). The parcel has a 50 foot wide buffer to the northwest. In addition, parcel 06354-020-000 which borders the parcel to the northwest is a common area for the residential portion of the subdivision and cannot be developed.



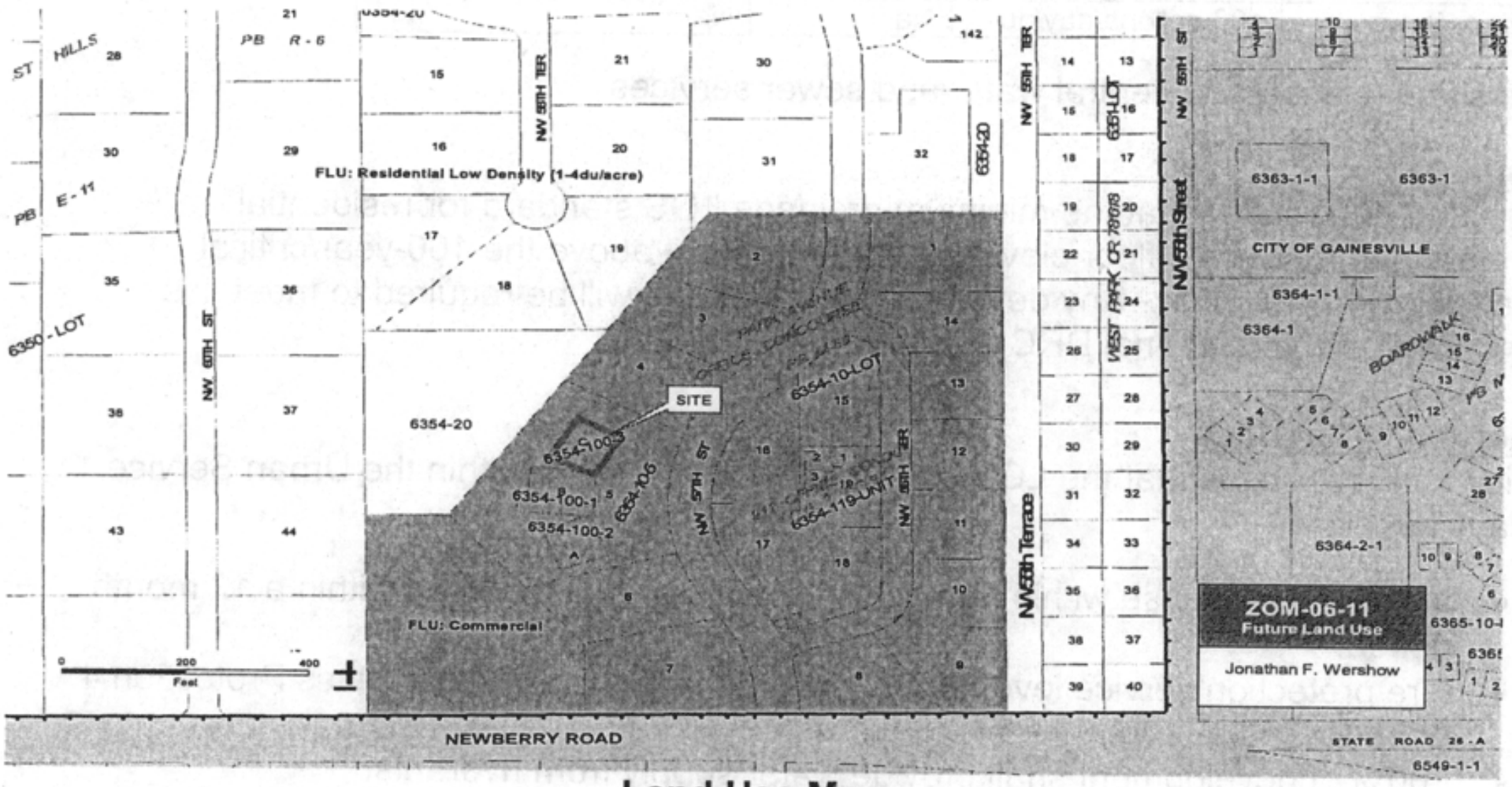
Aerial View of Subject Property

Alachua County

Office of Planning and Development Staff Report



Zoning Map



Land Use Map

Alachua County
Office of Planning and Development Staff Report

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. 'Concurrent' shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a specific timeframe. Per **Policies 1.2.4** and **1.2.5** of the Capital Improvements Element of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

The property is an existing structure located along Newberry Road. The proposed uses will not adversely impact vehicular levels of service on this facility. The facility will not generate vehicular trips beyond those also associated with this site.

Water and Sewer

Policy 1.2.4 (e) describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	Peak Residential & Non Residential	Pressure	Storage Capacity
Potable Water	200 gallons/day/du	40 p.s.i.	½ peak day volume
Sanitary Sewer	106 gallons/day/du	Na	Na

This site has access to central water and sewer services.

Drainage

Policy 1.2.4 (d) states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation. Any development at this site will be required to meet this standard at the time of final DRC approval.

Emergency Services

Policy 1.2.5 (a) states that the LOS standard for fire services within the Urban Service Area is as follows:

- Initial unit response within 4 minutes for 80% of all responses within a 12 month period.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 4 or better.
- 100% of development shall provide water supply from hydrants.

Solid Waste

Policy 1.2.4 (c) states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.73 tons per person per year. Any development at this site will be required to meet these minimum LOS standards as part of development plan approval.

Recreation

The proposed land use change will not have an impact on the recreation level of service in Alachua County. The requested amendment is not a residential development and will not generate additional recreational demand.

Schools

The proposed zoning change will not have an impact on public school enrollment in Alachua County. The requested zoning amendment is not a residential development and will not generate additional school demand.

Comprehensive Plan Analysis

Staff finds the proposed request consistent with the Alachua County Comprehensive Plan as a whole as well as the following specific policies:

Policy 7.1.2 of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

b. *the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.*

c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice*

d. *those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the*

range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare

The parcel that is the subject of this request is an existing office building located in a non-residential portion of a mixed use PD. The surrounding uses are office uses permitted within the AP zoning district as defined in the ULDC. The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The site is served by existing public facilities and the proposed uses, as shown in the LOS section of this report, will not cause levels of service to fall below adopted levels. No exterior changes will occur to the structure and the proposed uses will not emit glare, odor or excessive noise. The request is therefore consistent with the adopted goals, objectives and policies found in the plan as a whole as well as Policy 7.1.2.

Policy 3.2.2 of the Future Land Use Element states that *Commercial development shall provide adequate buffering or transitional development and design practices, to adequately integrate the development along the edges of different land uses in accordance with the standards in Section 2.0.* The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The parcel is an existing office structure with landscaping in place. It is surrounded by other office structures and is fully integrated into the surrounding development.

Policy 3.4.1 of the Conservation and Open Space Element states that *All applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information.* An environmental resources checklist has been submitted. No environmentally sensitive resources have been identified on this site and comments from the Environmental Protection Department indicate that no impacts to sensitive resources will occur as a result of this action.

Unified Land Development Code Analysis

Chapter 402.77 of the ULDC states that *When considering any application for rezoning, the standards and criteria listed below shall apply.*

a) Consistency
The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

b) Compatibility
The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

c) Development Patterns
The proposed rezoning shall result in logical and orderly development patterns.

d) Suitability
The affected property is suitable for the uses that are permitted by the proposed zoning districts.

e) Adequate Public Services
The proposed rezoning is consistent with the adequate public facilities requirements of Chapter 407 of this ULDC.

f) Access
Available ingress and egress is adequate for potential uses in the proposed zoning district.

g) Public Health, Safety, and Welfare
The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

The parcel that is the subject of this request is an existing office building located in a non-residential portion of a mixed use PD. The request is consistent with the adopted goals, objectives and policies found in the plan as a whole as well as the specific policies previously cited in the Comprehensive Plan analysis of this report. The request is consistent with surrounding uses and character of the area. The use as a facility for personal services is consistent with the office uses found in the non-residential portion of this PD. The facility is in an existing structure and will the nature of the permitted uses will produce no undue noises, odors or other impacts on the neighboring community. The property is suitable for the proposed uses and will be housed in an existing structure that will require no modifications. As shown in the LOS section of this report, public services are adequate to serve the proposed use. The new use will not generate additional traffic beyond what was generated by the previous use. A day spa, per the trip generation manual, generates traffic consistent with many general office uses permitted in the AP district and will not adversely impact the surrounding neighborhood. Access is also adequate to serve the proposed use. Lastly, the proposed use as a day spa with associated uses (skin treatment, etc.) is not out of character with the medical uses and other professional services found in the office area of this PD. Therefore, given the above findings, the proposed uses being requested as part of this PD amendment will not adversely impact the public health, safety and welfare.

Alachua County
Office of Planning and Development Staff Report

Staff Recommendation

Staff recommends **approval** of ZOM-06-11 with the following bases.

Conditions

1. The Park Avenue Office Concourse Planned Development shall permit the following uses on tax parcel 06354-100-003 in addition to the AP uses already permitted: day spa services including massage and facials; manicure and pedicure services; skin treatments; acupuncture; hair removal; teeth whitening, reflexology and shiatsu.

Bases

1.Policy 7.1.2 of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

b. *the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.*

c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice*

d. *those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare*

The parcel that is the subject of this request is an existing office building located in a non-residential portion of a mixed use PD. The surrounding uses are office uses permitted within the AP zoning district as defined in the ULDC. The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The site is served by existing public facilities and the proposed uses, as shown in the LOS section of this report, will

not cause levels of service to fall below adopted levels. No exterior changes will occur to the structure and the proposed uses will not emit glare, odor or excessive noise. The request is therefore consistent with the adopted goals, objectives and policies found in the plan as a whole as well as Policy 7.1.2.

2.Policy 3.2.2 of the Future Land Use Element states that *Commercial development shall provide adequate buffering or transitional development and design practices, to adequately integrate the development along the edges of different land uses in accordance with the standards in Section 2.0.* The residential portion of the PD lies to the northwest of the property and is separated from this site by both a buffer located on the parcel as well as a commons area. The parcel is an existing office structure with landscaping in place. It is surrounded by other office structures and is fully integrated into the surrounding development.

3.Policy 3.4.1 of the Conservation and Open Space Element states that *All applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information.* An environmental resources checklist has been submitted. No environmentally sensitive resources have been identified on this site and comments from the Environmental Protection Department indicate that no impacts to sensitive resources will occur as a result of this action.

4.Chapter 402.77 of the ULDC states that *When considering any application for rezoning, the standards and criteria listed below shall apply.*

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The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

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The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

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The proposed rezoning is consistent with the adequate public facilities requirements of Chapter 407 of this ULDC.

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Available ingress and egress is adequate for potential uses in the proposed zoning district.

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The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

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Exhibit 2 - Staff and Agency Comments

Traffic/Concurrency: No comment

Public Safety: No comment

Environmental Protection: No comment

Public Works: No comment

Alachua County
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachuacounty.us

Submit Application to:
Development Services Division

ZONING APPLICATION

For Rezonings (except Planned Developments) and Special Use Permits and Special Exceptions (including Minor SUP's and SE's).

GENERAL INFORMATION (BY APPLICANT/ AGENT)

Applicant/Agent: Robyn Lee Contact Person: Robyn Lee
Address: 328 SW 40th Terr. Phone: (352) 376 - 7937
Email address: Katielady0620@att.net

SUBJECT PROPERTY DESCRIPTION

Property Owner: Jonathan F. Wershow Property Address: 912 NW 57th ST
City: Gainesville State: FL Zip: 32605 Phone: (352) 378 - 2541
Tax Parcel #: 06354 - 100 - 003 Section: 34 Township: 9 Range: 19 Grant: _____
Total Acreage: .097 Zoning: PD _____ Land Use: COM/RES

TYPE OF REQUEST

) Rezoning From: AMENDING THE PD To: _____
) Special Use Permit For: _____
) Minor Special Use Permit For: _____
) Special Exception For: _____
) Minor Special Exception For: _____

CERTIFICATION

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I hereby grant the appropriate County personnel permission to enter the subject property during reasonable hours so that they may investigate and review this zoning request.

Signature of Applicant/Agent: Robyn K. Lee Date: 8/3/11

Applications shall be submitted no later than 4:00 PM on the submittal deadline date

Alachua County
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
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Total Acreage: .097 Zoning: PD Land Use: Com/RES

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) Special Use Permit For: _____
) Minor Special Use Permit For: _____
) Special Exception For: _____
) Minor Special Exception For: _____

CERTIFICATION

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I hereby grant the appropriate County personnel permission to enter the subject property during reasonable hours so that they may investigate and review this zoning request.

Signature of Applicant/Agent: Robyn K. Lee Date: 8/3/11

Applications shall be submitted no later than 4:00 PM on the submittal deadline date

DETAILED DESCRIPTION OF REQUEST:

This is a request to Amend the PD for 912 NW 57th Street, Gainesville, Florida to include a day spa that provides services that may include: therapeutic, reflexology, shiatsu, Thai, deep tissue & relaxation massage, relaxation & therapeutic facials including peels & microdermabrasion, manicure and pedicure services (excluding artificial nails), body scrubs, body wraps, hair removal by waxing and threading, teeth whitening, aromatherapy, doctor supervised medical skin treatments, and acupuncture.

This request is consistent with the County's Comprehensive Plan and Unified Land Development Code because it is providing wellness and therapeutic services that are in line with many of the AP permitted uses.

This property is owned by Jonathan F. Wershow who has appointed Robyn Lee, as Agent, to pursue said request.

ALACHUA COUNTY
DEPT. OF GROWTH MANAGEMENT/OFFICE OF PLANNING AND DEVELOPMENT
ADMINISTRATION ANNEX - 10 S.W. SECOND AVENUE, 3rd FLOOR
GAINESVILLE, FLORIDA 32601
(352) 374-5249

September 6, 2011

Notice of Zoning Application **#ZOM-06-11**

Dear Property Owner:

As owner of property within the vicinity of the area covered by this request, you are hereby notified of the above zoning application. The zoning process on this item will include two (2) public hearings: An advisory hearing with the **Planning Commission** followed by a final hearing with the **Board of County Commissioners**. The **Planning Commission** hearing and the **Board of County Commission** hearing will be held in the **Jack Durance Auditorium** of the Alachua County Administration Building.

Planning Commission date and time:

Wednesday, September 21, 2011 at 6:00 p.m.

Board of County Commissioners date and time:

To be determined

You are invited to attend and participate in the hearings.

For your information, we have enclosed a zoning map and description of the application. The application file is accessible for review and a copy of the staff report is available upon request. A pamphlet and video containing information about quasi-judicial proceedings is also available upon request.

*You are encouraged to provide written comments in the space provided below and return your response to us no later than **5:00 p.m., Tuesday, September 20, 2011.** This will allow us to make your response a part of the information packet presented to the Commissioners prior to the public hearings.*

If you have any questions, or desire further information, please contact the Development Services Section at (352) 374-5249.

PLEASE WRITE LEGIBLY/USE DARK INK **RETURN THIS PORTION**

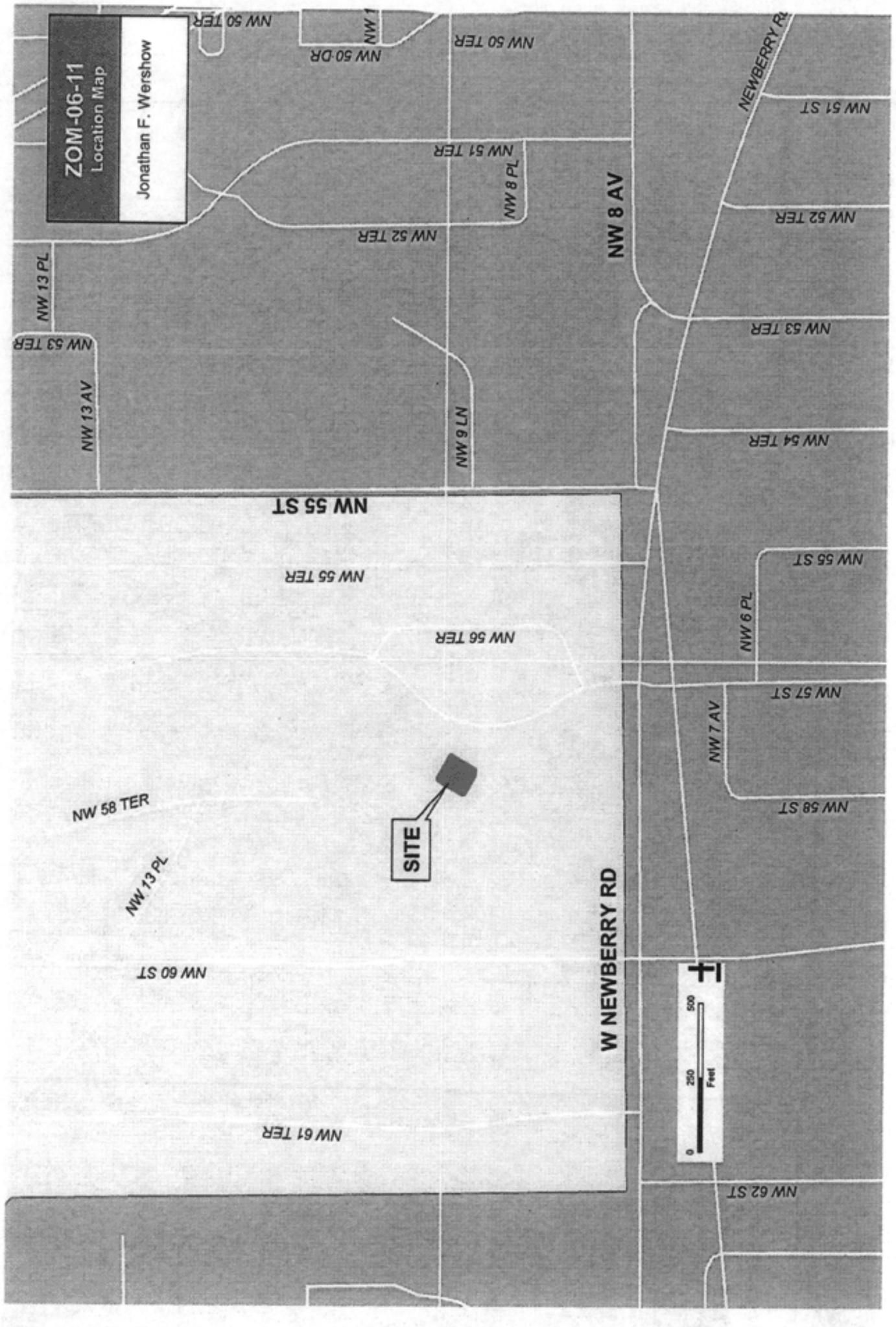
Comments: We have no objection to the planned change.

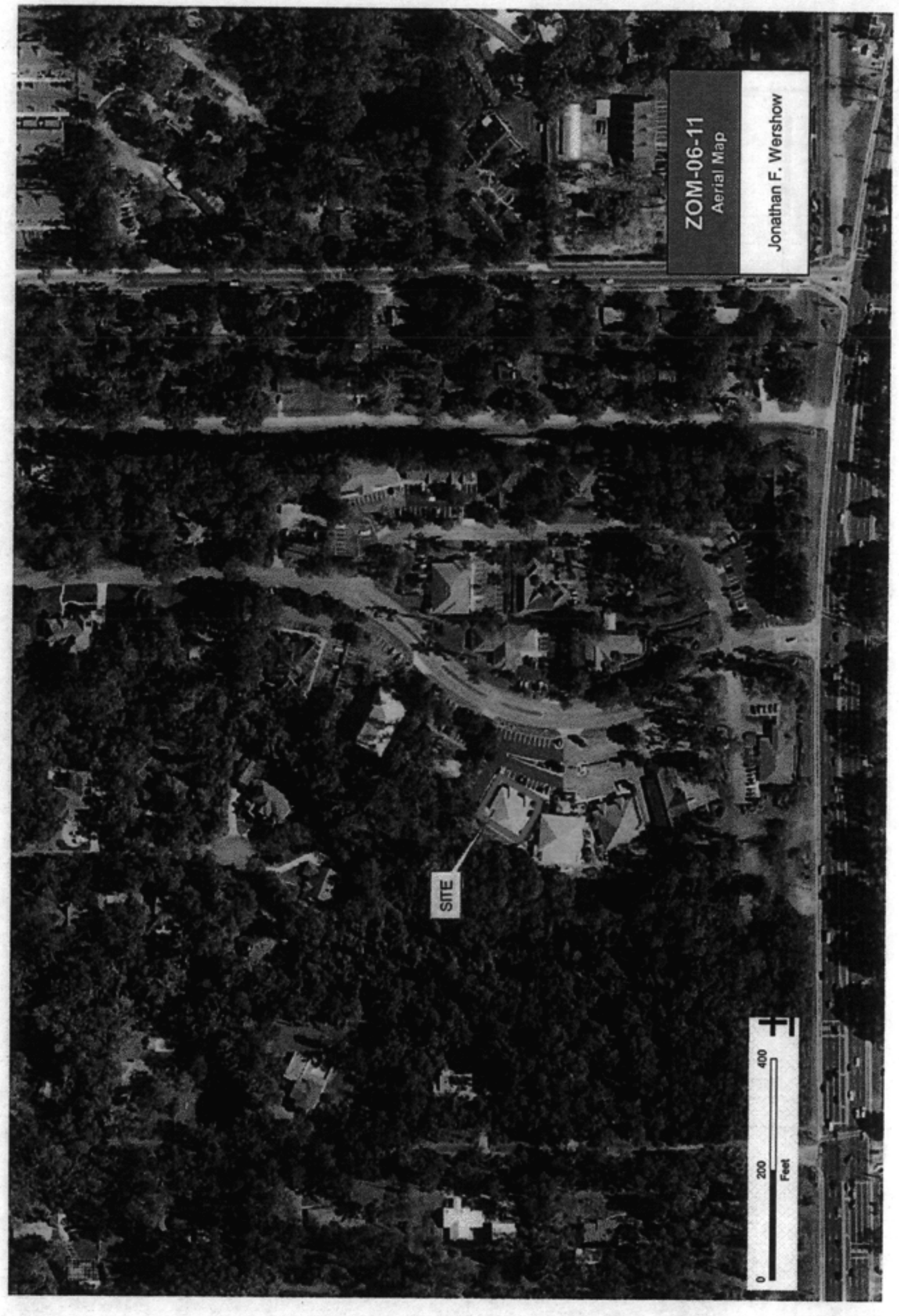
SIGNED: Elizabeth Burr

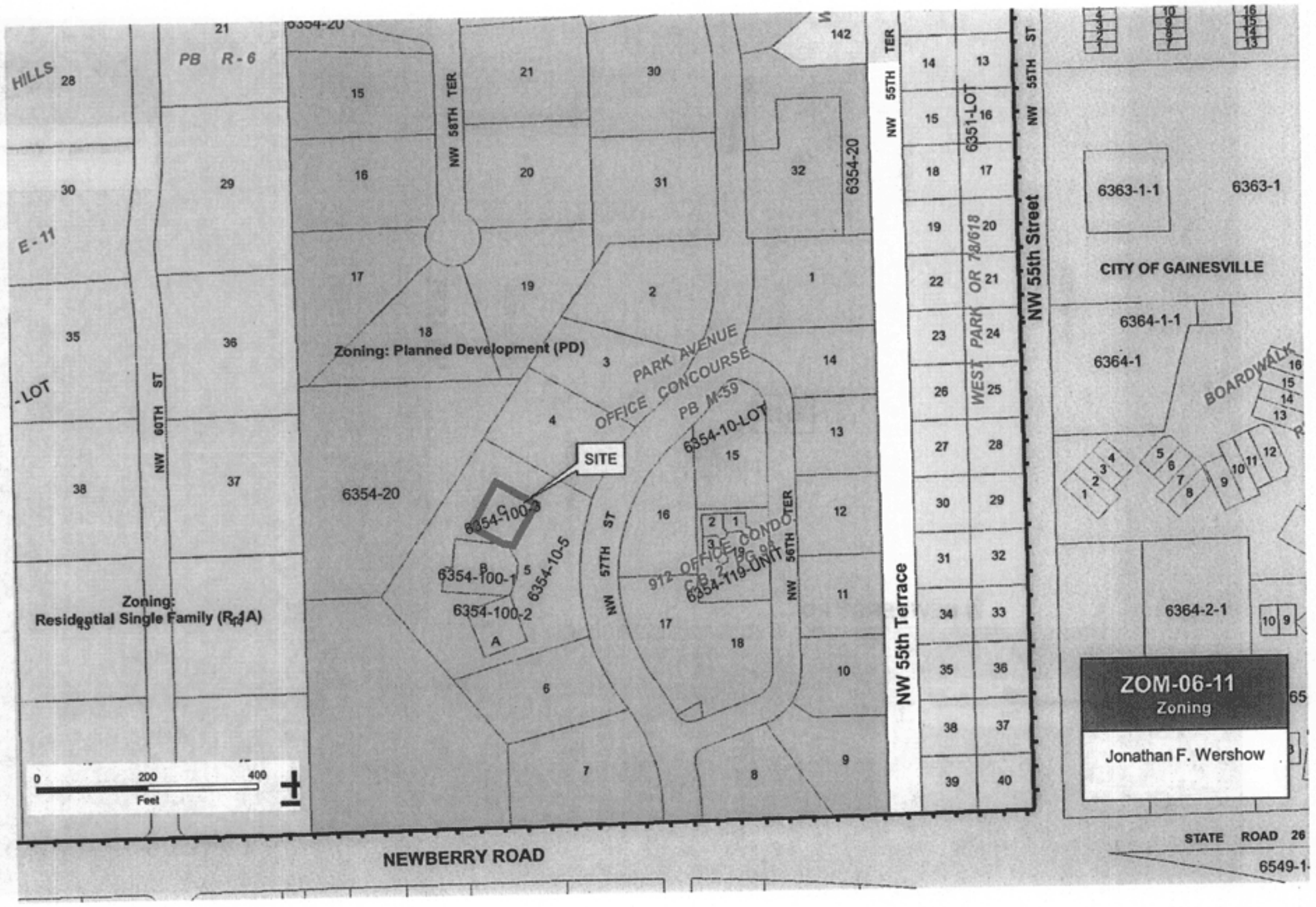
APPLICATION #ZOM-06-11

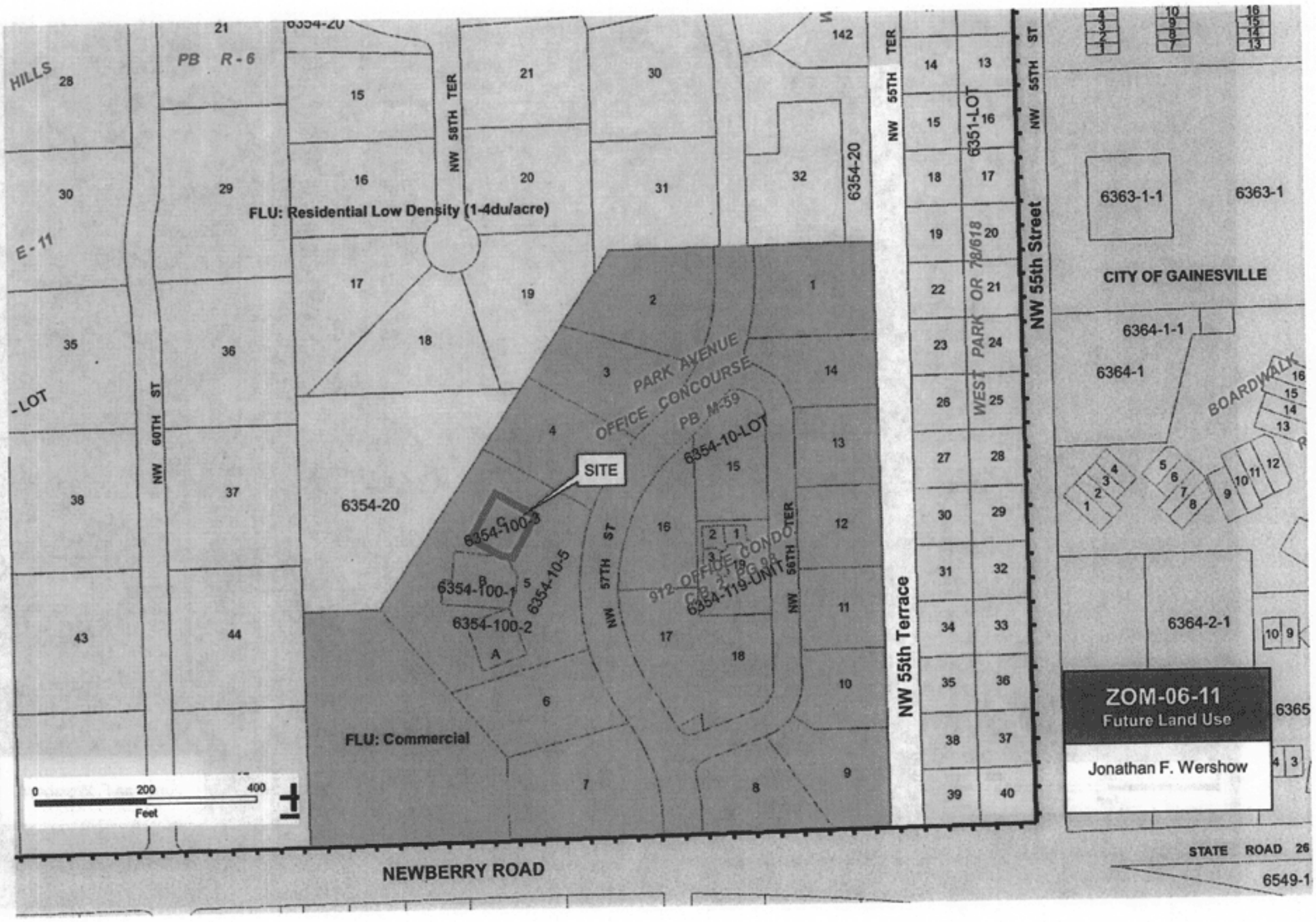
RECEIVED 09-12-11 AC Growth Mgt.

06550-003-000 ZOM-06-11
BURR & GOOLSBY JR
PO BOX 25
CHIEFLAND FL 32626


ZOM-06-11
Location Map
Jonathan F. Wershow
NW 50 TER
NW 50 DR
NW 50 TER
NEWBERRY RD
NW 51 ST
NW 51 TER
NW 8 PL
NW 8 AV
NW 52 TER
NW 52 TER
NW 13 PL
NW 53 TER
NW 53 TER
NW 13 AV
NW 6 LN
NW 54 TER
NW 55 ST
NW 55 TER
NW 56 TER
NW 55 ST
NW 6 PL
NW 57 ST
NW 7 AV
NW 58 ST
NW 58 TER
SITE
NW 13 PL
NW 60 ST
W NEWBERRY RD
0
250
500
Feet
NW 61 TER
NW 62 ST


ZOM-06-11
Aerial Map
Jonathan F. Wershow
SITE
0
200
400
Feet


Zoning: Planned Development (PD)
Zoning: Residential Single Family (R-1A)
SITE
6354-20
6354-100-3
6354-100-1
6354-100-2
6354-10-5
6354-10-LOT
6354-119-UNIT
912 OFFICE CONDOTER
PARK AVENUE OFFICE CONCOURSE PB M-59
NW 58TH TER
NW 57TH ST
NW 56TH TER
NW 60TH ST
NW 55TH TER
NW 55th Terrace
NW 55th Street
6351-LOT
WEST PARK OR 78/618
6363-1-1
6363-1
CITY OF GAINESVILLE
6364-1-1
6364-1
BOARDWALK
6364-2-1
NEWBERRY ROAD
STATE ROAD 26
0 200 400 Feet
ZOM-06-11
Zoning
Jonathan F. Wershow


FLU: Residential Low Density (1-4du/acre)
FLU: Commercial
SITE
6354-20
6354-100-3
6354-100-1
6354-100-2
6354-10-5
6354-10-LOT
6354-119-UNIT
912 OFFICE CONDOTER
PARK AVENUE OFFICE CONCOURSE PB M-59
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6364-1-1
6364-1
BOARDWALK
6364-2-1
NEWBERRY ROAD
STATE ROAD 26
0 200 400 Feet
ZOM-06-11
Future Land Use
Jonathan F. Wershow

Background

- Property has a commercial land use designation but is located outside the Oaks Mall Activity Center
- Existing permitted uses include all those uses allowed in the AP zoning district
- AP zoning does not allow personal services, which includes uses such as massage therapy or spa-type uses such as facials, nails, etc.

Applicant Request

- Amend permitted uses for this parcel only to allow spa uses as listed in the application
- Applicant will be using an existing structure. No exterior changes will take place.

Staff Recommendation

- Staff recommends that the Commission find the request consistent with the Comprehensive Plan as a whole as well as the Unified Land Development Code and approve the requested amendments to the PD zoning district for the Park Avenue PD.

Bases for Approval

- Bases are as noted in the staff report
- No additional impacts to public infrastructure from this request
- Compatible with surrounding uses. No changes to structure and proposed uses are consistent with office development in the commercial section of the PD (i.e. no retail uses proposed)
- Office building backs up to a 50 foot wide preservation buffer as well as a common area for the residential portion of the PD.

October 11, 2011 Regular BoCC Meeting
Agenda Item #28

Title
ZOS-08-11: A request for a minor special use permit for a borrow pit in an 'A' (agriculture) district (Amended)

Amount
N/A

Description
A request by Clay Sweger of Eng, Denman & Associates, Inc, agent, for V. E. Whitehurst and Sons, Inc., owner, to renew an existing special use permit for a clean debris borrow pit in a 'MS' (Manufacturing and Service Industrial) zoning district and a 'ML' (Light Industrial) zoning district with a Heavy Industrial Land Use designation on approximately 30 acres located at3207 SE Hawthorne Road on Tax Parcel Numbers 16127-001-001 and a portion of 16108-000-000.

Recommendation
Staff recommends that the Board hear the item and adopt Resolution Z-16-11, A request for a minor special permit for a borrow pit in an agriculture district.

Alternative(s)
Do not adopt Resolution Z-16-11

Requested By
Gerald Brewington (374-5249)

Originating Department
Growth Management

Attachment(s) Description
1) Staff Report for ZOS-08-11 2) Staff powerpoint Presentation 3) Background Materials 4) Resolution Z-16-11

Documents Requiring Action
Resolution Z-16-11

Executive Summary
The applicant is requesting an extension of an existing special use permit for a borrow pit on Hawthorne Road (Starvation Hill). If granted, the extension of 20 years would allow the borrow pit to operate until the anticipated closing date of the facility.

Background
The Starvation Hill facility has been in operation for approximately 45 years. The applicant, per Alachua County Code, is requesting an extension of the SUP for 20 years, taking the facility to its anticipated closing date. There have been no violations at this facility, which operates solely as a borrow pit.

Issues
This facility, per the Alachua County Unified Land Development Code, is requesting an extension of their special use permit beyond the previously requested five year limit. The 20 year extension will take the facility to its anticipated closure date.

Fiscal Recommendation

NA

Fiscal Alternative(s)
NA

Funding Sources
NA

Account Code(s)
NA

Attachment: Starvation Hill Application and Backup.pdf
Attachment: Starvation Hill SUP Report and Management Plans.pdf
Attachment: Starvation Hill Survey 1.pdf
Attachment: Starvation Hill Survey 3.pdf
Attachment: Staff_Report_for_ZOS0811.pdf
Attachment: Starvation Hill Survey 2.pdf
Attachment: Environmental Assessment Whitehurst Starvation Hill.pdf
Attachment: ZOS0811 Powerpoint Presentation.pdf
Attachment: Resolution_for_ZOS0811.pdf

RESOLUTION Z-16-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO RENEW AN EXISTING SPECIAL USE PERMIT FOR A CLEAN DEBRIS BORROW PIT IN A 'MS' (MANUFACTURING AND SERVICE INDUSTRIAL) ZONING DISTRICT AND A 'ML' (LIGHT INDUSTRIAL) ZONING DISTRICT WITH A HEAVY INDUSTRIAL LAND USE DESIGNATION ON APPROXIMATELY 30 ACRES LOCATED AT 3207 SE HAWTHORNE ROAD ON TAX PARCEL NUMBERS 16127-001-001 AND A PORTION OF 16108-000-000

WHEREAS, Zoning Application ZOS-08-11 has been duly filed and was considered by the Alachua County Board of County Commissioners at its regular meeting of October 11, 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application Z0S-08-11, a request by Clay Sweger of Eng, Denman & Associates, Inc, agent, for V. E. Whitehurst & Sons, Inc., owner, to renew an existing special use permit for a clean debris borrow pit in a 'MS' (Manufacturing and Service Industrial) zoning district and a 'ML' (Light Industrial) zoning district with a Heavy Industrial Land Use designation on approximately 30 acres located at 3207 SE Hawthorne Road on Tax Parcel Numbers 16127-001-001 and a portion of 16108-000-000, as summarized in Exhibit A in this resolution, is hereby approved, renewing the existing special use permit for a 20 year period, with the following bases and conditions:

2011 OCT 18 PM 8 34
CLERK OF CIRCUIT COURT
FINANCE & ACCOUNTING

Bases

1. Policy 4.3.2 of the Future Land Use Element states that industrial uses need to provide appropriate buffering to minimize any effects of lighting, noise and signage to adjacent uses and roadways. The application is for an existing borrow pit operation. Existing uses to the north and south have a future land use designation of heavy industrial while the parcels to the west have a future land use designation of commercial. In all cases, the adjoining land uses are compatible with the borrow pit, which has been in operation for approximately 45 years. There is existing buffering on the site as shown in the site plan to mitigate any adverse noise or lighting impacts to surrounding uses.

2. Policy 4.4.1 states that the location of industrial uses must be within the service boundaries for roadways, fire service, water service, solid waste collection, emergency medical services, street lighting and stormwater drainage facilities. This application meets the above requirements. The site is located within the urban services boundary. Adequate capacity exists to continue this industrial use as proposed as shownin the LOS section of this report.

3. Section 402.124 describes the criteria for review of special use permits. Any proposed use for such permits shall be reviewed to ensure that it is consistent with the Comprehensive Plan and ULDC, and will not adversely affect the health, safety, and welfare of the public. Continued use of this property as a borrow pit is consistent with the Comprehensive Plan and the Code. The operation will not be expanded beyond its

present scope and has been in place as a borrow pit for more than 45 years. The proposed special use permit will cause no additional impact to the public health, safety, or welfare. The proposed use is compatible with the existing land use pattern, which includes land use designations of heavy industrial adjacent to the site, some agriculture land and medium density residential across the street. As this is an existing use and has been for the past 45 years and no expansions or changes are planned, satisfactory provisions have been made for ingress and egress, parking and loading, noise, glare and odor, refuse, utilities, screening and buffering, signage, yards and open space, and general compatibility with surrounding properties as already discussed. This request is therefore consistent with Section 402.124 of the Land Development Regulations.

Conditions:

1. Excavation activities shall conform to Article 24, Mining or Excavation and Fill Operations, of the Alachua County Unified Land Development Code (ULDC).

2. Revised site and reclamation plans including these modifications relative to this operation shall be submitted to the zoning administrator complying with Article 24, Mining or Excavation and Fill Operations, of the Alachua County Unified Land Development Code (ULDC) and subject to the following conditions:

   a. Any well not in use should be properly plugged and abandoned per water management district requirements after any required permits are obtained. The Alachua County Environmental Protection Department shall be

provided 14-day notice of well abandonment and a copy of the well driller's completion report documenting proper abandonment.

b. The pond shoreline shall remain stable and vegetated. Revegetation of the entire site shall be included as part of the reclamation plan.

c. There shall be no excavation below an elevation of 124 feet, NGVD 1929.

d. Proper stormwater management shall be provided.

e. The applicant shall obtain any necessary permits from the Florida Department of Environmental Protection or the St. John's River Water Management District for excavation and restoration of this site.

f. A fifty (50) foot undisturbed buffer shall be retained along the southern property line.

g. Any materials ...the ground surface. Should any hazardous...and with Subsection 404.101(d) of the Alachua County Unified Land Development Code.

h. No excavation shall occur within 25 feet of a gopher tortoise burrow without first obtaining the appropriate permit from the Florida Fish &

Wildlife Conservation Commission. A copy of all such permits shall be provided to the Alachua County Environmental Protection Department within 30 days of issuance. The applicant shall survey areas proposed for excavation no less than annually for the presence of gopher tortoises and shall provide the Alachua County Environmental Protection Department with a report of survey results within 30 days of the survey date.

3. This Special Use Permit shall expire on January 23, 2032. The applicant may submit a request for renewal of the permit prior to its expiration.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 11th day in October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Lee Pinkoson, Chair

ATTEST:

_____

J. K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____

Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS

_____

Department of Growth Management

Authorized Designee

EXHIBIT A

A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALSO A PORTION OF RIDGE CREST SUBDIVISION, AS RECORDED IN PLAT BOOK "B", PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, THENCE RUN NORTH 89 DEGREES, 09 MINUTES, 01 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 300.03 FEET; THENCE DEPARTING SAID NORTH LINE OF THE NORTHEAST QUARTER, RUN SOUTH 01 DEGREES, 42 MINUTES, 48 SECONDS EAST, A DISTANCE OF 1404.43 FEET; THENCE RUN NORTH 81 DEGREES, 20 MINUTES, 14 SECONDS WEST, A DISTANCE OF 407.61 FEET; THENCE RUN SOUTH 01 DEGREES, 42 MINUTES, 34 SECONDS EAST, A DISTANCE OF 152.64 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 507.08 FEET; THENCE RUN NORTH 26 DEGREES, 09 MINUTES, 53 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 265.31 FEET; THENCE RUN SOUTH 26 DEGREES, 09 MINUTES, 53 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 464.65 FEET; THENCE RUN NORTH 01 DEGREES, 28 MINUTES, 50 SECONDS WEST, A DISTANCE OF 263.78 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES, 08 MINUTES, 20 SECONDS EAST, ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 863.39 FEET; THENCE RUN NORTH 01 DEGREES, 42 MINUTES, 48 SECONDS WEST, A DISTANCE OF 663.75 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES, 08 MINUTES, 25 SECONDS EAST, ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, A DISTANCE OF 330.04 FEET TO CLOSE ON THE POINT OF BEGINNING. CONTAINING 29.66 ACRES, MORE OR LESS.

Alachua County
Office of Planning and Development Staff Report

Application Number: ZOS-08-11 Staff Contact: Jerry Brewington, Sr. Planner
352-374-5249

Board of County Commissioners **Hearing Date: October 11, 2011**

SUBJECT: A request to renew a special use permit for a borrow pit.

APPLICANT/AGENT: Eng Denman and Assoc.

PROPERTY OWNER: V.E. Whitehurst and Sons, Inc.

PROPERTY DESCRIPTION:
Location: 3400 Block of SE Hawthorne Road
Parcel Numbers: 16108-000-000 & 16127-001-001
Section/Township/Range: 11-10-20
Land Use: Heavy Industrial
Zoning: ML & MS
Existing Use: Borrow Pit
Acreage: 30.00

PREVIOUS REQUESTS: ZOS-31-01, ZOS-01-07

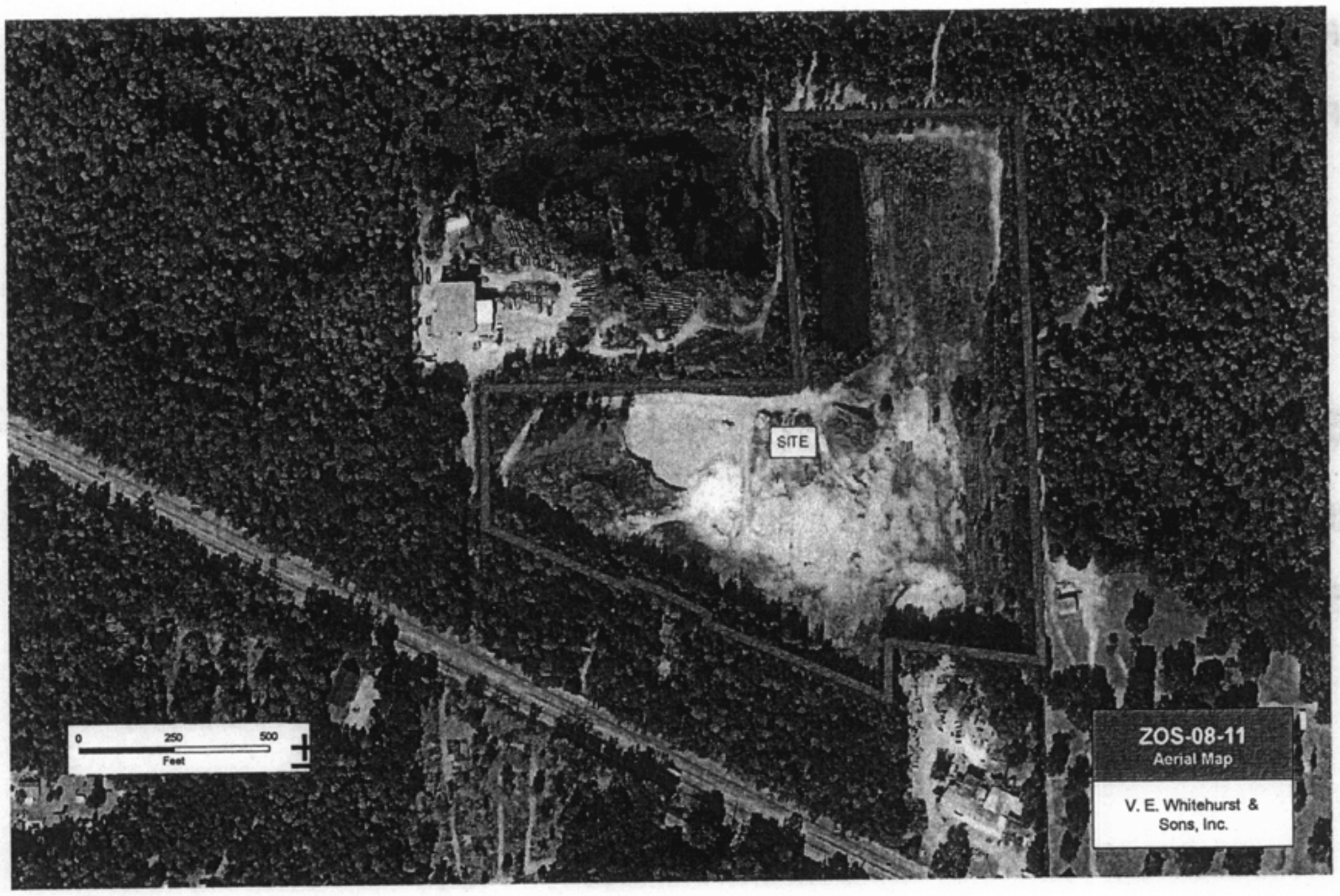
ZONING VIOLATION HISTORY: There are currently no violations on the site.

STAFF RECOMMENDATION: Approval with bases and amended conditions in report.

Alachua County
Office of Planning and Development Staff Report

Analysis of Request

Background
This request is to renew an existing special use permit allowing a borrow pit on Hawthorne Road. The applicant is seeking to renew the existing special use permit for a 20 year period. This timeframe reflect the anticipated life of the facility. The operation will not increase in size and the existing setbacks, buffers, hours of operation and operation plan will continue without change.



Aerial of Subject Property

Description of Surrounding Properties

- North: Two parcels are north of the site. A 15 acre parcel zoned MS (Manufacturing and Service) with a Future Land Use designation of Heavy Industrial. An 84.39 acre parcel zoned R-1B (Single-family, Medium Density), currently in a timber use, with a Future Land Use

designation of Medium Density Residential.

- East: Two parcels are east of the site. A 7.17 acre parcel zoned A (Agriculture) with a Future Land Use designation of Institutional. A portion of an 18.91 acre parcel zoned A (Agriculture) with a Future Land Use designation of Institutional.

- South: Two parcels are south of the site. A portion of a 5.69 acre site zoned MS (Manufacturing and Service) with a Future Land Use designation of Heavy Industrial. A portion of a 13.55 acre site zoned ML (Light Industrial) with a Future Land Use designation of Heavy Industrial.

- West: A portion of a 13.55 acre site zoned ML (Light Industrial) with a Future Land Use designation of Heavy Industrial.

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. 'Concurrent' shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a reasonable timeframe. Per **Policies 1.2.4** and **1.2.5** of the Capital Improvements Element of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

The renewal of this special use permit will maintain the current trip generation given as a maximum of the130 daily trips (65 truck loads of sand). Since the trips generated by this facility have been counted as existing trips on this roadway for many years, there are no concurrency issues associated with this request.

Water and Sewer

Policy 1.2.4 (e) describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	Peak Residential & Non Residential	Pressure	Storage Capacity
Potable Water	200 gallons/day/du	40 p.s.i.	½ peak day volume
Sanitary Sewer	106 gallons/day/du	Na	Na

This site has access to central water and sewer services.

Drainage
Policy 1.2.4 (d) states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation. Any development at this site will be required to meet this standard at the time of final DRC approval.

Emergency Services
Policy 1.2.5 (a) states that the LOS standard for fire services within the Urban Service Area is as follows:

- Initial unit response within 4 minutes for 80% of all responses within a 12 month period.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 4 or better.
- 100% of development shall provide water supply from hydrants.

Solid Waste
Policy 1.2.4 (c) states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.73 tons per person per year. Any development at this site will be required to meet these minimum LOS standards as part of development plan approval.

Recreation
The proposed land use change will not have an impact on the recreation level of service in Alachua County. The requested amendment is not a residential development and will not generate additional recreational demand.

Schools
The proposed zoning change will not have an impact on public school enrollment in Alachua County. The requested zoning amendment is not a residential development and will not generate additional school demand.

Comprehensive Plan Consistency

Staff finds the request to be consistent with the Alachua County Comprehensive Plan as a whole and specifically with the policies outlined below. The request is to renew a special use permit for an existing borrow pit that has been in operation for approximately 45 years. No expansion of the facility will occur as the result of this request. The operator seeks to continue operations approved under the previous special use permit.

The County's Comprehensive Plan identifies the subject area as Heavy Industrial. The following policies apply to this request:

FUTURE LAND USE ELEMENT

Policy 4.3.2. Industrial sites shall be designed to provide for:

a. adequate off-street parking to meet the needs of the operation; and
b. adequate buffering along roadways and adjacent uses to minimize the effects of lighting, noise and signing.

Policy 4.3.2 of the Future Land Use Element states that industrial uses need to provide appropriate buffering to minimize any effects of lighting, noise and signage to adjacent uses and roadways. The application is for an existing borrow pit operation. Existing uses to the north and south have a future land use designation of heavy industrial while the parcels to the west have a future land use designation of commercial. In all cases, the adjoining land uses are compatible with the borrow pit, which has been in operation for approximately 45 years. There is existing buffering on the site as shown in the site plan to mitigate any adverse noise or lighting impacts to surrounding uses.

Policy 4.4.1. Industrial development shall be located only in areas where adequate facilities and services exist or will be provided prior to occupancy. These facilities include, but are not limited to:

a. roadways;
b. fire service;
c. water supply;
d. street lighting;
e. solid waste collection and disposal;
f. sewage collection and disposal;
g. storm water drainage and disposal;
h. emergency medical service.

Policy 4.4.1 states that the location of industrial uses must be within the service boundaries for roadways, fire service, water service, solid waste collection, emergency medical services, street lighting and stormwater drainage facilities. This application meets the above requirements. The site is located within the urban services boundary. Adequate capacity exists to continue this industrial use as proposed as shown in the LOS section of this report.

Alachua County
Office of Planning and Development Staff Report

ULDC Consistency

Staff finds the request to be consistent with the applicable requirements of the Unified Land Development Code outlined here.

Section 402.124 Criteria for Approval
The Board of County Commissioners shall, as part of a decision to approve an application for a special use permit, make a finding that an application complies with both the general criteria and the review factors listed below:

(a) the proposed use is consistent with the Comprehensive Plan and ULDC;
(b) the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
(c) the proposed use shall not adversely affect the health, safety, and welfare of the public; and
(d) satisfactory provisions and arrangements have been made concerning the following matters, where applicable:
1. ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;
2. off-street parking and loading areas where required, with particular attention to item 1 above;
3. the noise, glare or odor effects of the special exception on surrounding properties;
4. refuse and service areas, with particular reference to location, screening and items 1 and 2 above;
5. Utilities, with reference to location and availability;
6. Screening and buffering with reference to type, dimensions and character;
7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
8. Required yards and other open space;
9. General compatibility with surrounding properties; and
10. Any special requirements set forth in this ULDC for the particular use involved.

Section 402.124 describes the criteria for review of special use permits. Any proposed use for such permits shall be reviewed to ensure that it is consistent with the Comprehensive Plan and ULDC, and will not adversely affect the health, safety, and welfare of the public. Continued use of this property as a borrow pit is consistent with the Comprehensive Plan and

the Code. The operation will not be expanded beyond its present scope and has been in place as a borrow pit for more than 45 years. The proposed special use permit will cause no additional impact to the public health, safety, or welfare. The proposed use is compatible with the existing land use pattern, which includes land use designations of heavy industrial adjacent to the site, some agriculture land and medium density residential across the street. As this is an existing use and has been for the past 45 years and no expansions or changes are planned, satisfactory provisions have been made for ingress and egress, parking and loading, noise, glare and odor, refuse, utilities, screening and buffering, signage, yards and open space, and general compatibility with surrounding properties as already discussed. This request is therefore consistent with Section 402.124 of the Land Development Regulations.

Staff notes that the provisions found in Article 24 of the ULDC for mining or excavation and fill operations (including setback provisions found on Table 404.97.1 of this Article) do not apply with this request. Chapter 404.91 of the ULDC states that the requirements of Article 24 *shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special use permit, mining master plan, development plan or mining permit approved by January 30, 2006.* The Whitehurst facility has been in operation for almost 45 years and the SUP approving this facility was in effect as of the date cited above. Chapter 404.91 further states that *no existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Article.* As previously stated, no expansion or modification of the facility is being proposed at this time. Rather, the applicant seeks to extend the existing conditions of the SUP for an additional 20 year period.

Staff Recommendation

Staff recommends **approval** of ZOS-08-1, renewing the existing special use permit for a 20 year period, with the following bases and conditions:

Bases:

1. Policy 4.3.2 of the Future Land Use Element states that industrial uses need to provide appropriate buffering to minimize any effects of lighting, noise and signage to adjacent uses and roadways. The application is for an existing borrow pit operation. Existing uses to the north and south have a future land use designation of heavy industrial while the parcels to the west have a future land use designation of commercial. In all cases, the adjoining land uses are compatible with the borrow pit, which has been in operation for approximately 45 years. There is existing buffering on the site as shown in the site plan to mitigate any adverse noise or lighting impacts to surrounding uses.

2. Policy 4.4.1 states that the location of industrial uses must be within the service boundaries for roadways, fire service, water service, solid waste collection, emergency medical services, street lighting and stormwater drainage facilities. This application meets the above requirements. The site is located within the urban services boundary. Adequate capacity exists to continue this

industrial use as proposed as shown in the LOS section of this report.

3. Section 402.124 describes the criteria for review of special use permits. Any proposed use for such permits shall be reviewed to ensure that it is consistent with the Comprehensive Plan and ULDC, and will not adversely affect the health, safety, and welfare of the public. Continued use of this property as a borrow pit is consistent with the Comprehensive Plan and the Code. The operation will not be expanded beyond its present scope and has been in place as a borrow pit for more than 45 years. The proposed special use permit will cause no additional impact to the public health, safety, or welfare. The proposed use is compatible with the existing land use pattern, which includes land use designations of heavy industrial adjacent to the site, some agriculture land and medium density residential across the street. As this is an existing use and has been for the past 45 years and no expansions or changes are planned, satisfactory provisions have been made for ingress and egress, parking and loading, noise, glare and odor, refuse, utilities, screening and buffering, signage, yards and open space, and general compatibility with surrounding properties as already discussed. This request is therefore consistent with Section 402.124 of the Land Development Regulations

Conditions:

1. Excavation activities shall conform to Article 24, Mining or Excavation and Fill Operations, of the Alachua County Unified Land Development Code (ULDC).

2. Revised site and reclamation plans including these modifications relative to this operation shall be submitted to the zoning administrator complying with Article 24, Mining or Excavation and Fill Operations, of the Alachua County Unified Land Development Code (ULDC) and subject to the following conditions:

a. Any well not in use should be properly plugged and abandoned per water management district requirements after any required permits are obtained. The Alachua County Environmental Protection Department shall be provided 14-day notice of well abandonment and a copy of the well driller's completion report documenting proper abandonment.

b. The pond shoreline shall remain stable and vegetated. Revegetation of the entire site shall be included as part of the reclamation plan.

c. There shall be no excavation below an elevation of 124 feet, NGVD 1929.

d. Proper stormwater management shall be provided.

e. The applicant shall obtain any necessary permits from the Florida Department of Environmental Protection or the St. John's River Water Management District for excavation and restoration of this site.

f. A fifty (50) foot undisturbed buffer shall be retained along the southern property line.

g. Any materials …the ground surface. Should any hazardous…and with Subsection 404.101(d) of the Alachua County Unified Land Development Code.

h. No excavation shall occur within 25 feet of a gopher tortoise burrow without first obtaining the appropriate permit from the Florida Fish & Wildlife Conservation Commission. A copy of all such permits shall be provided to the Alachua County Environmental Protection Department within 30 days of issuance. The applicant shall survey areas proposed for excavation no less than annually for the presence of gopher tortoises and shall provide the Alachua County Environmental Protection Department with a report of survey results within 30 days of the survey date.

3. This Special Use Permit shall expire on January 23, 2032. The applicant may submit a request for renewal of the permit prior to its expiration.

Exhibit 2 - Staff and Agency Comments

Department of Environmental Protection: Regulated natural resources are unaffected by this request.

Department of Public Works: No comments

Transportation/Concurrency: No comments

Alachua County
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachuacounty.us

Submit Application to:
Development Services Division

ZONING APPLICATION

For Rezonings (except Planned Developments) and Special Use Permits and Special Exceptions (including Minor SUP's and SE's).

GENERAL INFORMATION (BY APPLICANT/ AGENT)

Applicant/Agent: Eng, Denman & Associates, Inc. Contact Person: Clay Sweger, AICP, LEED AP

Address: 2404 NW 43rd Street, Gainesville, FL 32606 Phone: (352) 373 - 3541

Email address: csweger@engdenman.com

SUBJECT PROPERTY DESCRIPTION

Property Owner: V.E. Whitehurst & Sons, Inc. Property Address: 3207 SE Hawthorne Road

City: Gainesville State: FL Zip: 32641 Phone: (352) 373 - 3816

Tax Parcel #: multiple - ____ - ____ Section: 11 Township: 10 Range: 20 Grant: N/A

Total Acreage: 30 (+/-) Zoning: ML & MS Land Use: Heavy Industrial

TYPE OF REQUEST

- ☐ Rezoning — From: _____ To: _____
- ☐ Special Use Permit — For: _____
- ☑ Minor Special Use Permit — For: Special Use Permit Renewal
- ☐ Special Exception — For: _____
- ☐ Minor Special Exception — For: _____

CERTIFICATION

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I hereby grant the appropriate County personnel permission to enter the subject property during reasonable hours so that they may investigate and review this zoning request.

Signature of Applicant/Agent: _____ Date: 8/29/11

Applications shall be submitted no later than 4:00 PM on the submittal deadline date

Form revised April 2011.

Alachua County
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachuacounty.us

Submit Application to:
Development Services Division

REQUIRED ATTACHMENTS

The following items must accompany your application at the time of submittal. No applications will be accepted without these attachments. Please submit the application fee, check made payable to Alachua County Board of County Commissioners, one paper copy and one digital copy of the following:

- ☑ N/A Proof of neighborhood workshop, where applicable.
- ☑ Legal description.
- ☑ Property Owner's Affidavit, notarized.
- ☑ Proof of payment of taxes on all parcels.
- ☑ Detailed directions to the site.
- ☑ Detailed description of request and an explanation of why the request is consistent with the County's Comprehensive Plan and Unified Land Development Code.
- ☑ An analysis of the impact of the proposed development on public facilities and services.
- ☑ Survey or scaled drawing of property showing boundaries of property and adjacent properties, roads, easements, and all structures on site.
- ☑ Proposed site plans, no larger than 11" by 17", for all Special Use Permits, Special Exceptions, and Rezonings to RM or RM-1. Site plans should display the following:
  - ☑ Property boundaries and dimensions.
  - ☑ Existing and proposed buildings, additions, or structures, with distances from the property boundaries shown.
  - ☑ Streets, sidewalks, drives, parking and loading areas, and similar features.
  - N/A ☑ Proposed landscape plan, if applicable.
- ☑ Environmental Resources Checklist, conducted by a qualified professional (certain requests may require a more extensive natural resources assessment).
- ☑ Additional requirements (listed separately) for Special Use Permits for Mining Operations, Excavation and Fill Operations, and for Personal Wireless Services Facilities.
- ☑ Other _____

Planning staff reserves the right to require additional information for all applications where such submission is necessary to insure compliance with applicable criteria in the individual case.

- ☑ A digital copy of each of the above, in either Microsoft Word or Adobe PDF format.

Form revised April 2011.

Alachua County, Board of County Commissioners
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachua.fl.us

Submit Application to:
Development Services Division

PROPERTY OWNERS' AFFIDAVIT

V.E. Whitehurst and Sons, Inc.
Owner

Application No.

N/A
Additional Owners

Eng, Denman & Associates, Inc.
Appointed Agent(s)

16127-001-001 and a portion of 16108-000-000	11	10	20
Parcel Number(s)	Section	Township	Range

Special Use Permit / Development Plan
Type of Request

I (we), the property owner(s) of the subject property, being duly sworn, depose and say the following:

1. That I am (we are) the owner(s) and record title holder(s) of the property described in the attached legal description;
2. That this property constitutes the property for which the above noted land use request is being made to the Alachua County Board of County Commissioners;
3. That I (we), the undersigned, have appointed, and do appoint, the above noted person(s) as my (our) agent(s) to execute any agreement(s), and other documents necessary to effectuate such agreement(s) in the process of pursuing the aforementioned land use request;
4. That this affidavit has been executed to induce the Alachua County Board of County Commissioners to consider and act on the subject request;
5. That I (we), the undersigned authority, hereby certify that the foregoing statements are true and correct.

Owner (signature) Owner (signature) Owner (signature)

STATE OF FLORIDA
COUNTY OF ALACHUA

SWORN AND SUBSCRIBED BEFORE ME
THIS 10 DAY OF August, 2011
BY William G. Whitehurst
WHO IS/ARE PERSONALLY KNOWN TO ME OR HAS/HAVE PRODUCED AS IDENTIFICATION

(TYPE OF IDENTIFICATION)

(SEAL ABOVE)

Notary Public, Commission No.
(Name of Notary typed, printed, or stamped)
Monica Denman

Notary Public State of Florida
Monica T Denman
My Commission DD807908
Expires 08/17/2012

Legal Description

A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALSO A PORTION OF RIDGE CREST SUBDIVISION, AS RECORDED IN PLAT BOOK "B", PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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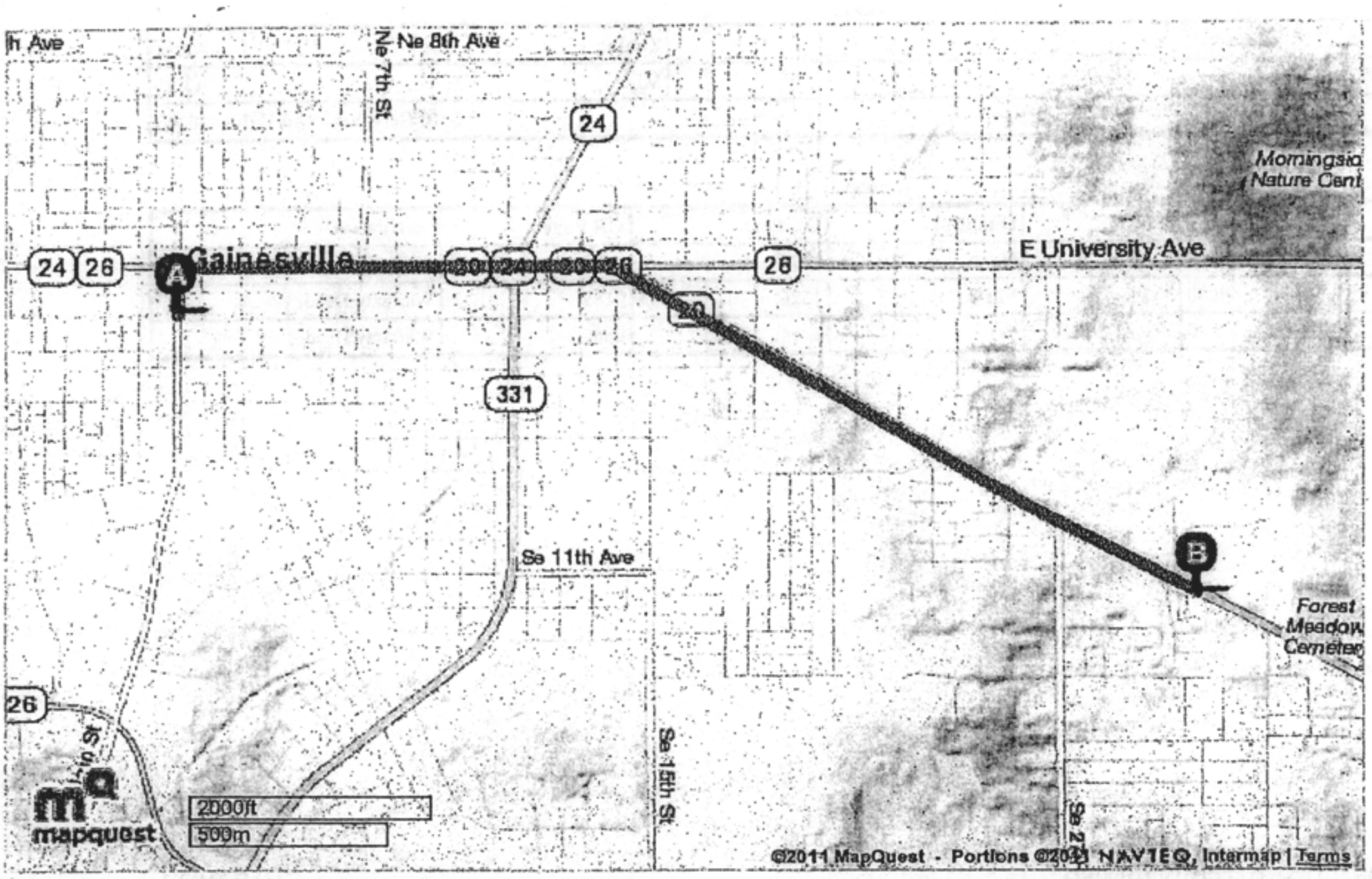
Detailed Directions to Site

		Miles Per Section	Miles Driven
A	**10 SW 2nd Ave** Gainesville, FL 32601-6260		
●	1. Start out going EAST on SW 2ND AVE toward S MAIN ST / SR-329.	**Go 0.01 Mi**	0.01 mi
↰ 329	2. Take the 1st LEFT onto S MAIN ST / SR-329. *If you are on SE 2ND AVE and reach SE 1ST ST you've gone a little too far*	**Go 0.1 Mi**	0.1 mi
↱ 20	3. Take the 2nd RIGHT onto SR-20 / SR-24 / SR-26 / E UNIVERSITY AVE. Continue to follow SR-20 / SR-26 / E UNIVERSITY AVE. *If you are on N MAIN ST and reach NW 1ST AVE you've gone a little too far*	**Go 1.0 Mi**	1.2 mi
↗ EAST 20	4. Turn SLIGHT RIGHT onto SR-20 E / SE HAWTHORNE RD. *SR-20 E is just past SE 13TH ST*	**Go 1.7 Mi**	2.8 mi
■	5. 3207 SE HAWTHORNE RD. *Your destination is 0.3 miles past SE 27TH ST* *If you reach SE 33RD TER you've gone a little too far*		2.8 mi
B	**3207 SE Hawthorne Rd** Gainesville, FL 32641-8860	**2.8 mi**	**2.8 mi**



Search Date: 7/12/2011 at 4:48:46 PM - Data updated: 07/12/11 **Parcel: 16108-000-000**

Taxpayer:	V E WHITEHURST & SONS INC
Mailing:	20551 NE 75TH ST WILLISTON, FL 32696-4110
Location:	3207 SE HAWTHORNE RD County HUD
Sec-Twn-Rng:	11-10-20
Use:	Vacant
Tax Jurisdiction:	St. John's
Area:	11-10-20
Subdivision:	

Legal: RIDGECREST PB B-3 ALL S/D LESS FOLLOWING: LOTS 44-47 BK 1 LOTS 6-14 BK 6; LOTS 3-4 BK 8;LOTS 1-44 BK 9 LOTS 3 4 11 12 17 18 19 20 BK 11; ALL BK 12; LOTS 9-16 BK 13; ALL BK 15 & 16 LOTS 11-21 BK 17; LOTS29-32 BK 17; LOTS 1-30 BK 18 ALL BK 19; LESS PT SE 12TH PL PER OR 613/324 OR 1015/96 DEED APPEARS IN ERRORor 1264/860 OR 1526/189 OR 1550/336 & OR 2674/0632

Assessment History

** Exempt Amount and Taxable Value History reflect County Amounts. School Board and City Amounts may differ. **

Year	Use	Land	Building	Misc	Total	SOH Deferred	Assessed	Exempt**	Taxable**	Taxes
2010	Vacant	20000	0	0	20000	0	20000	0	20000	460.92
2009	Vacant	20000	0	0	20000	0	20000	0	20000	454.37
2008	Vacant	20000	0	0	20000	0	20000	0	20000	418.87
2007	Vacant	20000	0	0	20000	0	20000	0	20000	421.83
2006	Vacant	20000	0	0	20000	0	20000	0	20000	464.01
2005	Vacant	20000	0	0	20000	0	20000	0	20000	476.16
2004	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	481.25
2003	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	493.55
2002	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	501.22
2001	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	501.18
2000	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	508.7
1999	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	512.06
1998	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	527.63
1997	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	539.87
1996	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	545.52
1995	ACRG NOT ZND AG	20000	0	0	20000	0	20000	0	20000	545.51

Land

Use	Zoning	Acres
VACANT RESIDENTIAL	ML	13.55
		2010 Certified Land Value: 20000

Sale

Date	Price	Vacant	Qualified	OR Book	OR Page	Instrument
02/05/2003	878600	Yes	No	2674	0632	Mult Sale
10/01/1983	60000	Yes	Yes	1526	0189	Warranty Deed
02/01/1980	0	Yes	No	1264	0860	Warranty Deed

Search Date: 7/12/2011 at 4:49:43 PM - Data updated: 07/12/11 **Parcel: 16127-001-001**

Taxpayer:	V E WHITEHURST & SONS INC
Mailing:	20551 NE 75TH ST WILLISTON, FL 32696-4110
Location:	3100 SE HAWTHORNE RD County HUD
Sec-Twn-Rng:	11-10-20
Use:	ACRG NOT ZND AG
Tax Jurisdiction:	St. John's
Area:	10-20 RURAL
Subdivision:	

Legal: COM NW COR OF NE1/4 SEC POB E 300.03 FT S 1404.43 FT N 80 DEG W 407.09 TO E R/W SE 34TH ST N ALG R/W 570.99 FT TO N R/WSE 10TH AVE W 5 FT TO SW COR LOT 44 BK 1RIDGE CREST S/D PB B-3 N ALG W/L LOT 44 100 FT TO S/L N1/2 OF NE1/4 OF NW1/4 W225.03 FT N 664.19 FT TO N/L SEC E 330.04 POB OR 1630/2824 & OR 2674/0632

Assessment History

** Exempt Amount and Taxable Value History reflect County Amounts. School Board and City Amounts may differ. **

Year	Use	Land	Building	Misc	Total	SOH Deferred	Assessed	Exempt**	Taxable**	Taxes
2010	ACRG NOT ZND AG	37700	0	0	37700	0	37700	0	37700	868.83
2009	Vacant	37700	0	0	37700	0	37700	0	37700	856.5
2008	Vacant	37700	0	0	37700	0	37700	0	37700	789.56
2007	Vacant	37700	0	0	37700	0	37700	0	37700	795.13
2006	Vacant	37700	0	0	37700	0	37700	0	37700	874.67
2005	Vacant	37700	0	0	37700	0	37700	0	37700	897.58
2004	Vacant	37700	0	0	37700	0	37700	0	37700	907.18
2003	Vacant	37700	0	0	37700	0	37700	0	37700	930.36
2002	Vacant	37700	0	0	37700	0	37700	0	37700	944.82
2001	Vacant	37700	0	0	37700	0	37700	0	37700	944.74
2000	Vacant	37700	0	0	37700	0	37700	0	37700	958.91
1999	Vacant	37700	0	0	37700	0	37700	0	37700	965.23
1998	Vacant	37700	0	0	37700	0	37700	0	37700	994.58
1997	Vacant	37700	0	0	37700	0	37700	0	37700	1017.64
1996	Vacant	40200	0	0	40200	0	40200	0	40200	1096.48
1995	Vacant	40200	0	0	40200	0	40200	0	40200	1096.48

Land

Use	Zoning	Acres
ACREAGE NON AG	MS	9.53
ACREAGE NON AG	MS	4.56
BORROW PIT/LANDFILL	Agriculture	2
		2010 Certified Land Value: 37700

Sale

Date	Price	Vacant	Qualified	OR Book	OR Page	Instrument
02/05/2003	878600	Yes	No	2674	0632	Mult Sale
05/01/1986	48300	Yes	Yes	1630	2824	Warranty Deed

Alachua County Tax Collector

generated on 7/12/2011 4:49:13 PM EDT

Tax Record

Last Update: 7/12/2011 4:49:12 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year
16108-000-000	**REAL ESTATE**	**2010**

Mailing Address
V E WHITEHURST & SONS INC
20551 NE 75TH ST
WILLISTON, FL 32696-4110

Physical Address
3207 SE HAWTHORNE RD

GEO Number
11-10-20-16108000000

Exempt Amount	Taxable Value
See Below	**See Below**

Exemption Detail
NO EXEMPTIONS

Millage Code
0400

Escrow Code

Legal Description
3207 SE HAWTHORNE RD RIDGECREST PB B-3 ALL S/D LESS FOLLOWING: LOTS 44-47 BK 1 LOTS 6-14 BK 6; LOTS 3-4 BK 8; LOTS 1-44 BK 9 LOTS 3 4 11 12 17 18 19 20 BK 11; ALL BK 12; LOTS 9- 16 BK 13; ALL BK 15 & 16 LOTS 11-21 BK 17; LOTS 29-32 BK 17; LOTS 1-30 BK 18 ALL BK 19; LESS See Tax Roll For Extra Legal

Ad Valorem Taxes

Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Amount
BOARD OF COUNTY COMMISSIONERS					
CNTY GENERAL	8.3763	20,000	0	$20,000	$167.53
CNTY DEBT LL	0.2500	20,000	0	$20,000	$5.00
ALACHUA CNTY LIBRARY DISTRICT					
LIBRARY GENERAL	1.3638	20,000	0	$20,000	$27.28
LIBRARY BONDS	0.1098	20,000	0	$20,000	$2.20
SCHOOL BOARD OF ALACHUA COUNTY					
SCHL GENERAL	5.4840	20,000	0	$20,000	$109.68
SCHL DISCRNRY & CN	0.9980	20,000	0	$20,000	$19.96
SCHL BOND 5	0.3750	20,000	0	$20,000	$7.50
SCHOOL VOTED	1.0000	20,000	0	$20,000	$20.00
SCHL CAP26 PROJECT	1.2500	20,000	0	$20,000	$25.00
ST JOHNS RIVER WATER MGT DISTR	0.4158	20,000	0	$20,000	$8.32
MUNICIPAL SERVICES TAXING UNIT					
UNINCORP. SERVICES	0.4124	20,000	0	$20,000	$8.25
SHERIFF LAW ENFORCE	1.6710	20,000	0	$20,000	$33.42
FIRE PROTECTION SERV	1.3391	20,000	0	$20,000	$26.78

Total Millage	23.0452	Total Taxes	$460.92

Non-Ad Valorem Assessments

Code	Levying Authority	Amount

Total Assessments	$0.00
Taxes & Assessments	$460.92

If Paid By	Amount Due
	$0.00

Date Paid	Transaction	Receipt	Year	Amount Paid
11/30/2010	PAYMENT	3014500.0018	2010	$442.48

Prior Year Taxes Due
NO DELINQUENT TAXES

Alachua County Tax Collector

generated on 7/12/2011 4:50:15 PM EDT

Tax Record

Last Update: 7/12/2011 4:50:14 PM EDT

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year
16127-001-001	**REAL ESTATE**	**2010**

Mailing Address
V E WHITEHURST & SONS INC
20551 NE 75TH ST
WILLISTON, FL 32696-4110

Physical Address
3100 SE HAWTHORNE RD

GEO Number
11-10-20-16127001001

Exempt Amount	Taxable Value
See Below	**See Below**

Exemption Detail
NO EXEMPTIONS

Millage Code
0400

Escrow Code

Legal Description
3100 SE HAWTHORNE RD COM NW COR OF NE1/4 SEC POB E 300.03 FT S 1404.43 FT N 80 DEG W 407.09 TO E R/W SE 34TH ST N ALG R/W 570.99 FT TO N R/W SE 10TH AVE W 5 FT TO SW COR LOT 44 BK 1 RIDGE CREST S/D PB B-3 N ALG W/L LOT 44 100 FT TO S/L N1/ 2 OF NE1/4 OF NW1/4 W 225.03 FT See Tax Roll For Extra Legal

Ad Valorem Taxes

Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Amount
BOARD OF COUNTY COMMISSIONERS					
CNTY GENERAL	8.3763	37,700	0	$37,700	$315.79
CNTY DEBT LL	0.2500	37,700	0	$37,700	$9.43
ALACHUA CNTY LIBRARY DISTRICT					
LIBRARY GENERAL	1.3638	37,700	0	$37,700	$51.42
LIBRARY BONDS	0.1098	37,700	0	$37,700	$4.14
SCHOOL BOARD OF ALACHUA COUNTY					
SCHL GENERAL	5.4840	37,700	0	$37,700	$206.74
SCHL DISCRNRY & CN	0.9980	37,700	0	$37,700	$37.63
SCHL BOND 5	0.3750	37,700	0	$37,700	$14.14
SCHOOL VOTED	1.0000	37,700	0	$37,700	$37.70
SCHL CAP26 PROJECT	1.2500	37,700	0	$37,700	$47.13
ST JOHNS RIVER WATER MGT DISTR	0.4158	37,700	0	$37,700	$15.68
MUNICIPAL SERVICES TAXING UNIT					
UNINCORP. SERVICES	0.4124	37,700	0	$37,700	$15.55
SHERIFF LAW ENFORCE	1.6710	37,700	0	$37,700	$63.00
FIRE PROTECTION SERV	1.3391	37,700	0	$37,700	$50.48

Total Millage	23.0452	Total Taxes	$868.83

Non-Ad Valorem Assessments

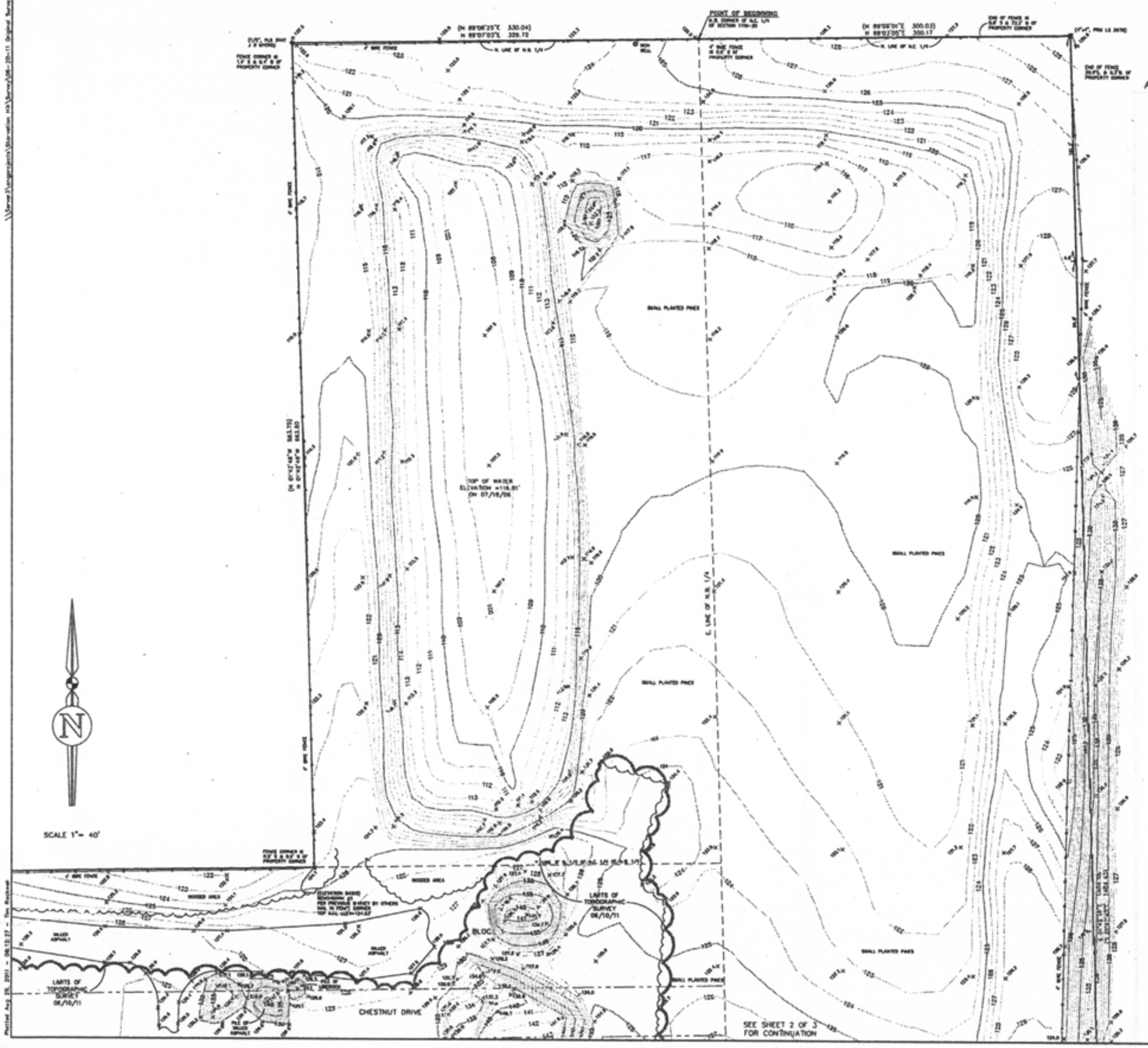
Code	Levying Authority	Amount

Total Assessments	$0.00
Taxes & Assessments	$868.83

If Paid By	Amount Due
	$0.00

Date Paid	Transaction	Receipt	Year	Amount Paid
11/30/2010	PAYMENT	3014500.0006	2010	$834.08

Prior Year Taxes Due
NO DELINQUENT TAXES



TOPOGRAPHIC SURVEY

IN

A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND A PORTION OF RIDGE CREST SUBDIVISION AS RECORDED IN PLAT BOOK "B", PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

FOR

V.E. WHITEHURST AND SONS, INC.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALSO A PORTION OF RIDGE CREST SUBDIVISION, AS RECORDED IN PLAT BOOK "B", PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, THENCE RUN NORTH 89 DEGREES, 09 MINUTES, 01 SECONDS EAST, ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11, A DISTANCE OF 300.03 FEET; THENCE DEPARTING SAID NORTH LINE OF THE NORTHEAST QUARTER, RUN SOUTH 01 DEGREES, 42 MINUTES, 48 SECONDS EAST, A DISTANCE OF 1404.43 FEET; THENCE RUN NORTH 81 DEGREES, 20 MINUTES, 14 SECONDS WEST, A DISTANCE OF 407.81 FEET; THENCE RUN SOUTH 01 DEGREES, 42 MINUTES, 34 SECONDS EAST, A DISTANCE OF 153.84 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 507.08 FEET; THENCE RUN NORTH 26 DEGREES, 09 MINUTES, 53 SECONDS EAST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 285.31 FEET; THENCE RUN SOUTH 26 DEGREES, 09 MINUTES, 53 SECONDS WEST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 63 DEGREES, 50 MINUTES, 07 SECONDS WEST, A DISTANCE OF 464.85 FEET; THENCE RUN NORTH 01 DEGREES, 28 MINUTES, 50 SECONDS WEST, A DISTANCE OF 283.78 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES, 08 MINUTES, 30 SECONDS EAST, ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 863.39 FEET; THENCE RUN NORTH 01 DEGREES, 42 MINUTES, 48 SECONDS WEST, A DISTANCE OF 863.75 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE RUN NORTH 89 DEGREES, 08 MINUTES, 25 SECONDS EAST, ALONG SAID NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 11, A DISTANCE OF 330.04 FEET TO CLOSE ON THE POINT OF BEGINNING. CONTAINING 29.86 ACRES, MORE OR LESS.

NOTES:

1) ELEVATIONS SHOWN HEREON WERE BASED ON AN ELEVATION OF 124.63 FEET TOP OF A NAIL IN FENCE CORNER, "TBM #3" AS SHOWN ON TOPOGRAPHIC SURVEY FOR V.E. WHITEHURST AND SONS, INC. PREPARED BY JOHN W. MYERS.

2) BEARINGS AS SHOWN HEREON WERE PROJECTED FROM A BEARING OF N 89°08'30" E ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST.

3) BEARINGS AND DISTANCES SHOWN IN PARENTHESES () REFER TO LEGAL DESCRIPTION WHERE THEY DIFFER FROM FIELD MEASUREMENT.

4) THIS SURVEY CONSISTS OF 3 SHEETS AND IS NOT VALID WITHOUT ALL SHEETS.

5) NO UNDERGROUND UTILITIES HAVE BEEN FIELD LOCATED.

6) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SURVEYOR, THEREFORE, THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

7) THE RIGHT-OF-WAYS AND LOTS IN RIDGE CREST SUBDIVISION LYING WITHIN THE BOUNDARIES OF THIS SURVEY WERE VACATED AS PER RESOLUTION 93-100, RECORDED IN OFFICIAL RECORDS BOOK 1936, PAGES 1147-1150 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

8) THE BOUNDARY INFORMATION SHOWN HEREON IS AS PER A PREVIOUS SURVEY BY THIS OFFICE, DATED: 7/26/06.

LEGEND OF SYMBOLS & ABBREVIATIONS:

CONC	=	CONCRETE
dip	=	DUCTILE IRON PIPE
ELEV	=	ELEVATION
ID	=	IDENTIFICATION
Inv	=	INVERT
No.	=	NUMBER
O.R.	=	OFFICIAL RECORDS BOOK
PGS.	=	PAGES
R/W	=	RIGHT OF WAY
SECTION 11-10-20	=	SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST
w/	=	WITH
ANCHOR	=	GUY ANCHOR
■	=	FOUND CONCRETE MONUMENT (size, ID)
●	=	FOUND REBAR & CAP (size, ID)
FH	=	FIRE HYDRANT
MON WELL	=	MONITORING WELL
PP	=	POWER POLE
□	=	SET 5/8" REBAR & CAP (LB 2389)
□	=	SET 4"x4" CONCRETE MONUMENT (NO ID)
⊕	=	SET NAIL & DISC (LB 2389)
	=	SIGN
120	=	ELEVATION CONTOUR LINE
	=	FENCE LINE
	=	OVERHEAD POWER LINE
99.85 X	=	SPOT ELEVATION
	=	TREE LINE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. COPYRIGHT ©2011

Field Book	Page	Survey Date	Drawing Completed	Revised
841	3-27	06/10/11	06/20/11	
868	47-49			

PREPARED FOR: 1) V.E. WHITEHURST AND SONS, INC.
2)
3)
4)

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2010), FLORIDA STATUTES.
THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF 06/10/11

ENG, DENMAN & ASSOCIATES, INC.
ENGINEERS-SURVEYORS-PLANNERS
www.engdenman.com
2404 N.W. 43rd Street
Gainesville, FL 32606-6602
Tel. (352) 373-3541 Fax (352) 373-7249

Project No. 2006-186 S01
Drawn A.L.
Check B.G.

ENG, DENMAN & ASSOC, INC.
Corporate Authorization No. LB 2389
BY: ROBERT M. CRAVER P.S.M. 4239

Plotted: Aug 29, 2011 - 08:12:27 - Tim Rockwell
\\Survey\Jobs\projects\Starwalton not\Survey\06-186-20-11 Original Survey\TOPO\06_DWG - Sheet1

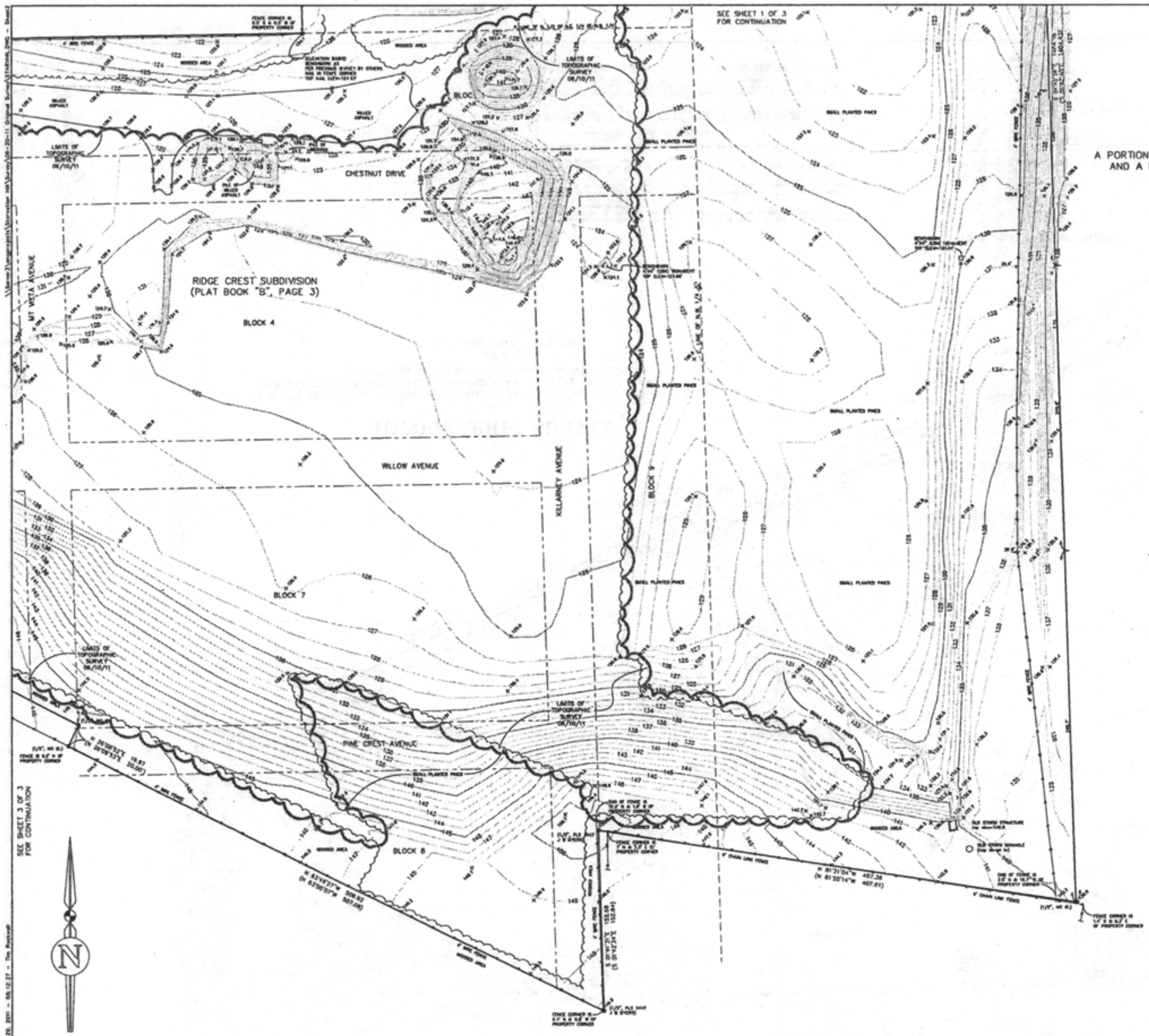
TOPOGRAPHIC SURVEY

IN

A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA
AND A PORTION OF RIDGE CREST SUBDIVISION AS RECORDED IN PLAT BOOK "B", PAGE 3
OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

FOR

V.E. WHITEHURST AND SONS, INC.



NOTES:

1) ELEVATIONS SHOWN HEREON WERE BASED ON AN ELEVATION OF 124.83 FEET TOP OF A NAIL IN FENCE CORNER "TBM #3" AS SHOWN ON TOPOGRAPHIC SURVEY FOR V.E. WHITEHURST AND SONS, INC. PREPARED BY JOHN W. MYERS.

2) BEARINGS AS SHOWN HEREON WERE PROJECTED FROM A BEARING OF N 89°06'30" E ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST.

3) BEARINGS AND DISTANCES SHOWN IN PARENTHESES () REFER TO LEGAL DESCRIPTION WHERE THEY DIFFER FROM FIELD MEASUREMENT.

4) THIS SURVEY CONSISTS OF 3 SHEETS AND IS NOT VALID WITHOUT ALL SHEETS.

5) NO UNDERGROUND UTILITIES HAVE BEEN FIELD LOCATED.

6) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SURVEYOR, THEREFORE, THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

7) THE RIGHT-OF-WAYS AND LOTS IN RIDGE CREST SUBDIVISION LYING WITHIN THE BOUNDARIES OF THIS SURVEY WERE VACATED AS PER RESOLUTION 93-100, RECORDED IN OFFICIAL RECORDS BOOK 1938, PAGES 1147-1150 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

8) THE BOUNDARY INFORMATION SHOWN HEREON IS AS PER A PREVIOUS SURVEY BY THIS OFFICE, DATED: 7/26/06.

LEGEND OF SYMBOLS & ABBREVIATIONS:

conc	=	CONCRETE
dip	=	DUCTILE IRON PIPE
ELEV	=	ELEVATION
ID	=	IDENTIFICATION
Inv	=	INVERT
No.	=	NUMBER
O.R.	=	OFFICIAL RECORDS BOOK
PGS.	=	PAGES
R/W	=	RIGHT OF WAY
(SECTION 11-10-20)	=	SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST
w/	=	WITH
GUY	=	GUY ANCHOR
⊙	=	FOUND CONCRETE MONUMENT (size, ID)
●	=	FOUND REBAR & CAP (size, ID)
⊙ FH	=	FIRE HYDRANT
⊙ MW	=	MONITORING WELL
⊙ PP	=	POWER POLE
○	=	SET 5/8" REBAR & CAP (LB 2389)
□	=	SET 4"x4" CONCRETE MONUMENT (NO ID)
●	=	SET NAIL & DISC (LB 2389)
	=	SIGN
60	=	ELEVATION CONTOUR LINE
	=	FENCE LINE
	=	OVERHEAD POWER LINE
100.00 SPOT	=	SPOT ELEVATION
	=	TREE LINE

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841 / 888	3-27 / 47-49	06/10/11	06/30/11
Fieldbook	Page	Survey Date	Drawing Completion

PREPARED FOR: 1) V.E. WHITEHURST AND SONS, INC
2)
3)
4)

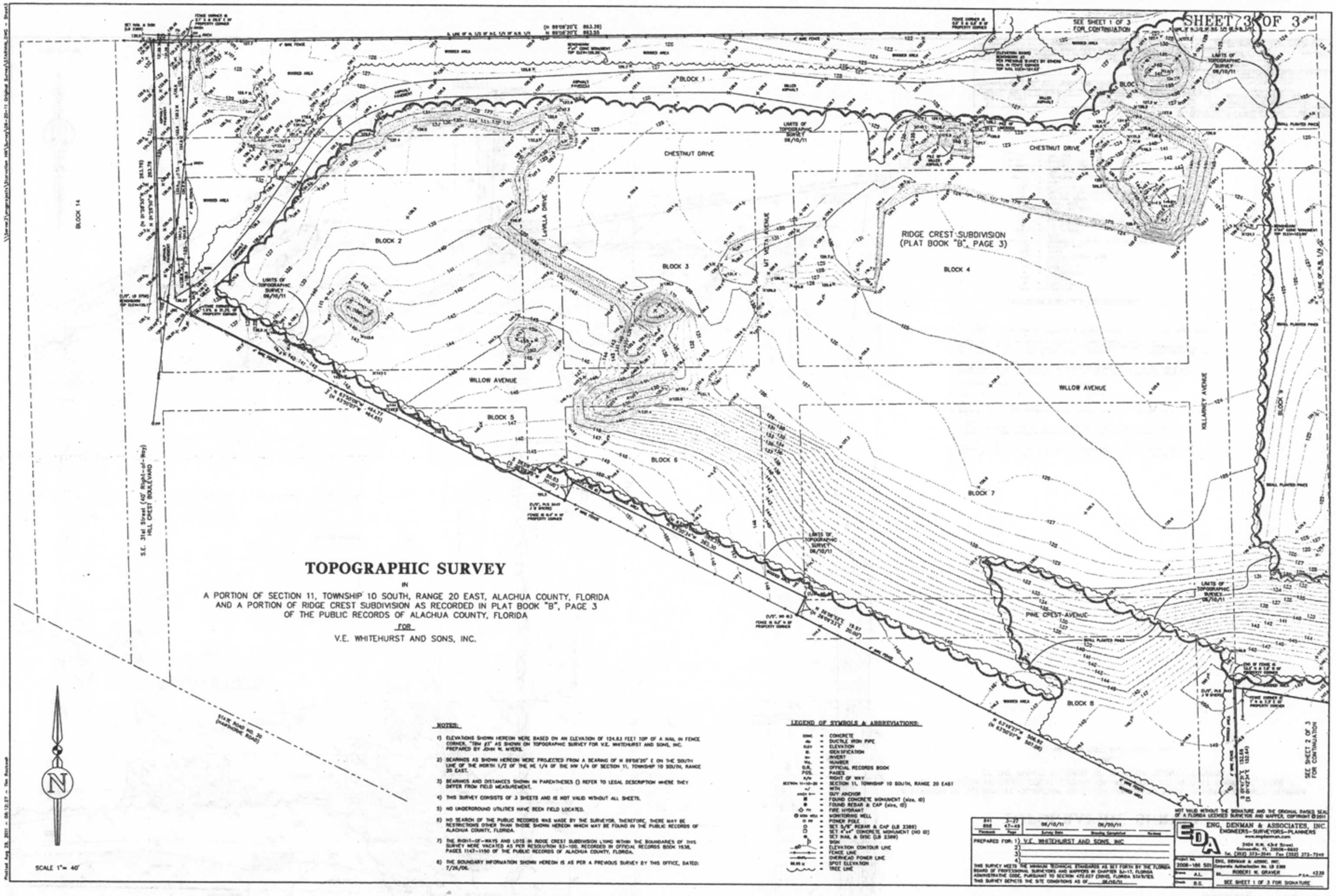
THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2010), FLORIDA STATUTES.
THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF: JUNE/JULY

ENG, DENMAN & ASSOCIATES, INC.
ENGINEERS--SURVEYORS--PLANNERS
www.engdenman.com
2404 N.W. 43rd Street
Gainesville, FL 32606-6602
Tel. (352) 373-3541 Fax (352) 373-7249

Project No. 2006-186 S01
Drawn A.L.
Check B.G.
ENG, DENMAN & ASSOC. INC.
Corporate Authorization No. LB 2389
By: ROBERT W. GRAVER P.S.M. 4230

SEE SHEET 1 OF 3 FOR SIGNATURE

Plotted: Aug 29, 2011 - 08:12:27 - Tim Rockwell



TOPOGRAPHIC SURVEY

IN

A PORTION OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA
AND A PORTION OF RIDGE CREST SUBDIVISION AS RECORDED IN PLAT BOOK "B", PAGE 3
OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

FOR

V.E. WHITEHURST AND SONS, INC.

NOTES:

1) ELEVATIONS SHOWN HEREON WERE BASED ON AN ELEVATION OF 124.63 FEET TOP OF A NAIL IN FENCE CORNER, "TBM #3" AS SHOWN ON TOPOGRAPHIC SURVEY FOR V.E. WHITEHURST AND SONS, INC. PREPARED BY JOHN W. MYERS.
2) BEARINGS AS SHOWN HEREON WERE PROJECTED FROM A BEARING OF N 89°08'20" E ON THE SOUTH LINE OF THE NORTH 1/2 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST.
3) BEARINGS AND DISTANCES SHOWN IN PARENTHESES () REFER TO LEGAL DESCRIPTION WHERE THEY DIFFER FROM FIELD MEASUREMENT.
4) THIS SURVEY CONSISTS OF 3 SHEETS AND IS NOT VALID WITHOUT ALL SHEETS.
5) NO UNDERGROUND UTILITIES HAVE BEEN FIELD LOCATED.
6) NO SEARCH OF THE PUBLIC RECORDS WAS MADE BY THE SURVEYOR, THEREFORE, THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
7) THE RIGHT-OF-WAYS AND LOTS IN RIDGE CREST SUBDIVISION LYING WITHIN THE BOUNDARIES OF THIS SURVEY WERE VACATED AS PER RESOLUTION 93-100, RECORDED IN OFFICIAL RECORDS BOOK 1938, PAGES 1147-1150 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
8) THE BOUNDARY INFORMATION SHOWN HEREON IS AS PER A PREVIOUS SURVEY BY THIS OFFICE, DATED: 7/26/06.

LEGEND OF SYMBOLS & ABBREVIATIONS:

CONC	=	CONCRETE
dip	=	DUCTILE IRON PIPE
ELEV	=	ELEVATION
ID.	=	IDENTIFICATION
Inv	=	INVERT
No.	=	NUMBER
O.R.	=	OFFICIAL RECORDS BOOK
PGS.	=	PAGES
R/W	=	RIGHT OF WAY
SECTION 11-10-20	=	SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST
w/	=	WITH
ANCH 6	=	GUY ANCHOR
■	=	FOUND CONCRETE MONUMENT (size, ID)
●	=	FOUND REBAR & CAP (size, ID)
◇ FH	=	FIRE HYDRANT
⊙ MON WELL	=	MONITORING WELL
○ PP	=	POWER POLE
○	=	SET 5/8" REBAR & CAP (LB 2389)
□	=	SET 4"x4" CONCRETE MONUMENT (NO ID)
●	=	SET NAIL & DISC (LB 2389)
	=	SIGN
60	=	ELEVATION CONTOUR LINE
	=	FENCE LINE
	=	OVERHEAD POWER LINE
66.65 x	=	SPOT ELEVATION
	=	TREE LINE

Fieldbook	Page	Survey Date	Drawing Completed	Revised
841	3-27	06/10/11	06/20/11	
898	47-49			

PREPARED FOR: 1) V.E. WHITEHURST AND SONS, INC
2)
3)
4)

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2010), FLORIDA STATUTES.
THIS SURVEY DEPICTS THE SITE CONDITIONS AS OF 06/10/11

ENG, DENMAN & ASSOCIATES, INC.
ENGINEERS-SURVEYORS-PLANNERS
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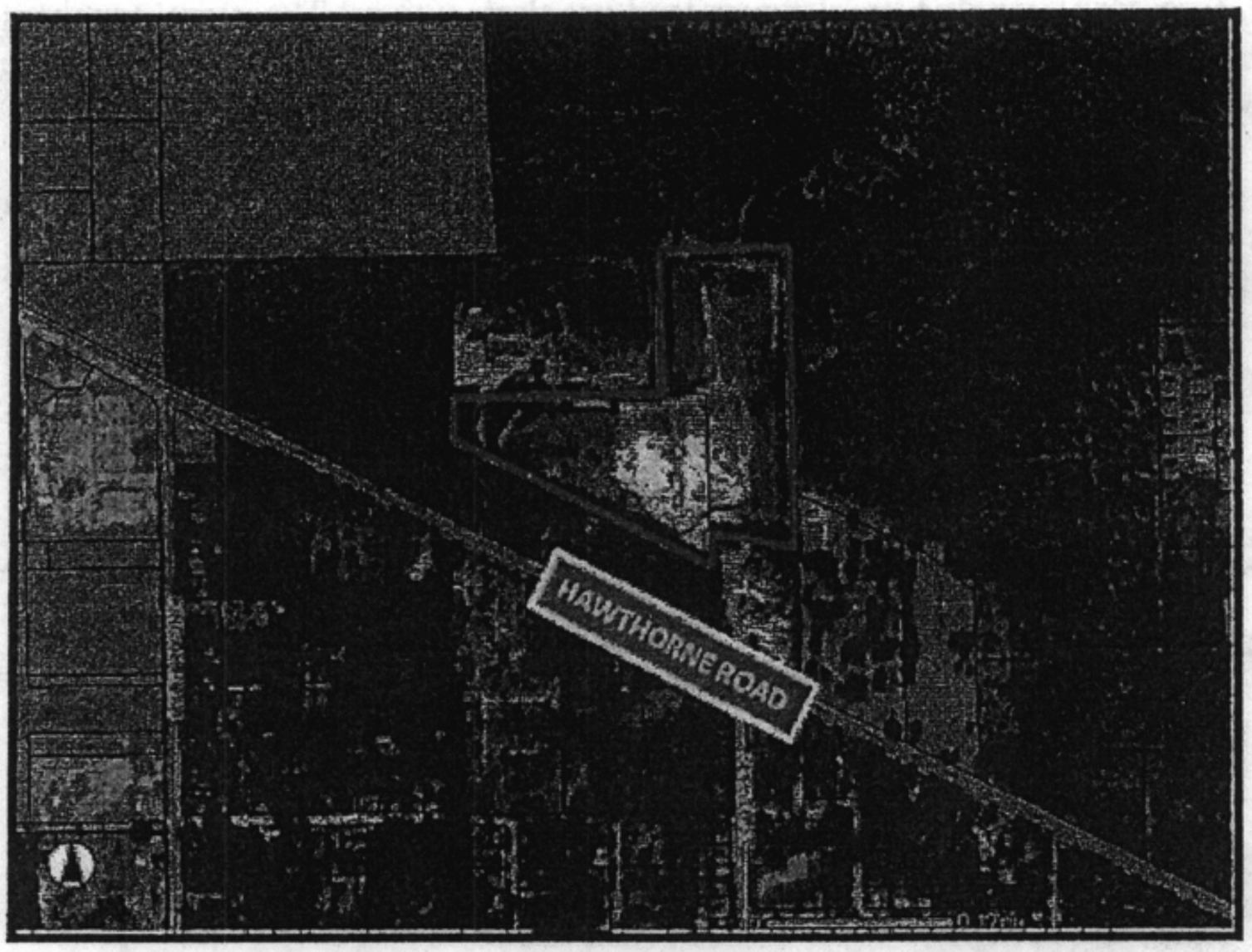
2404 N.W. 43rd Street
Gainesville, FL 32606-6602
Tel. (352) 373-3541 Fax (352) 373-7249

Project No. 2006-186 501
Drawn A.L.
Check B.C.
ENG, DENMAN & ASSOC. INC.
Corporate Authorization No. LB 2389
By ROBERT W. GRAVER P.S.M. 4239
SEE SHEET 1 OF 3 FOR SIGNATURE

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. COPYRIGHT © 2011

ENG, DENMAN & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

Special Use Permit Amendment Application



Project Request: **An amendment to renew the existing Special Use Permit for the Starvation Hill Borrow Pit Facility**

Project Location: **30 (+/-) acre property located at 3207 SE Hawthorne Road (parcel numbers 16127-001-001 and a portion of 16108-000-000)**

Project Owner: **V.E. Whitehurst & Sons, Inc.**

Submittal Date: **August 29, 2011**

Prepared By: **Eng, Denman and Associates, Inc.**

2404 NW 43RD STREET • GAINESVILLE, FLORIDA 32606-6602 • TEL. (352) 373-3541 • FAX (352) 373-7249
eda@atlantic.net www.engdenman.com

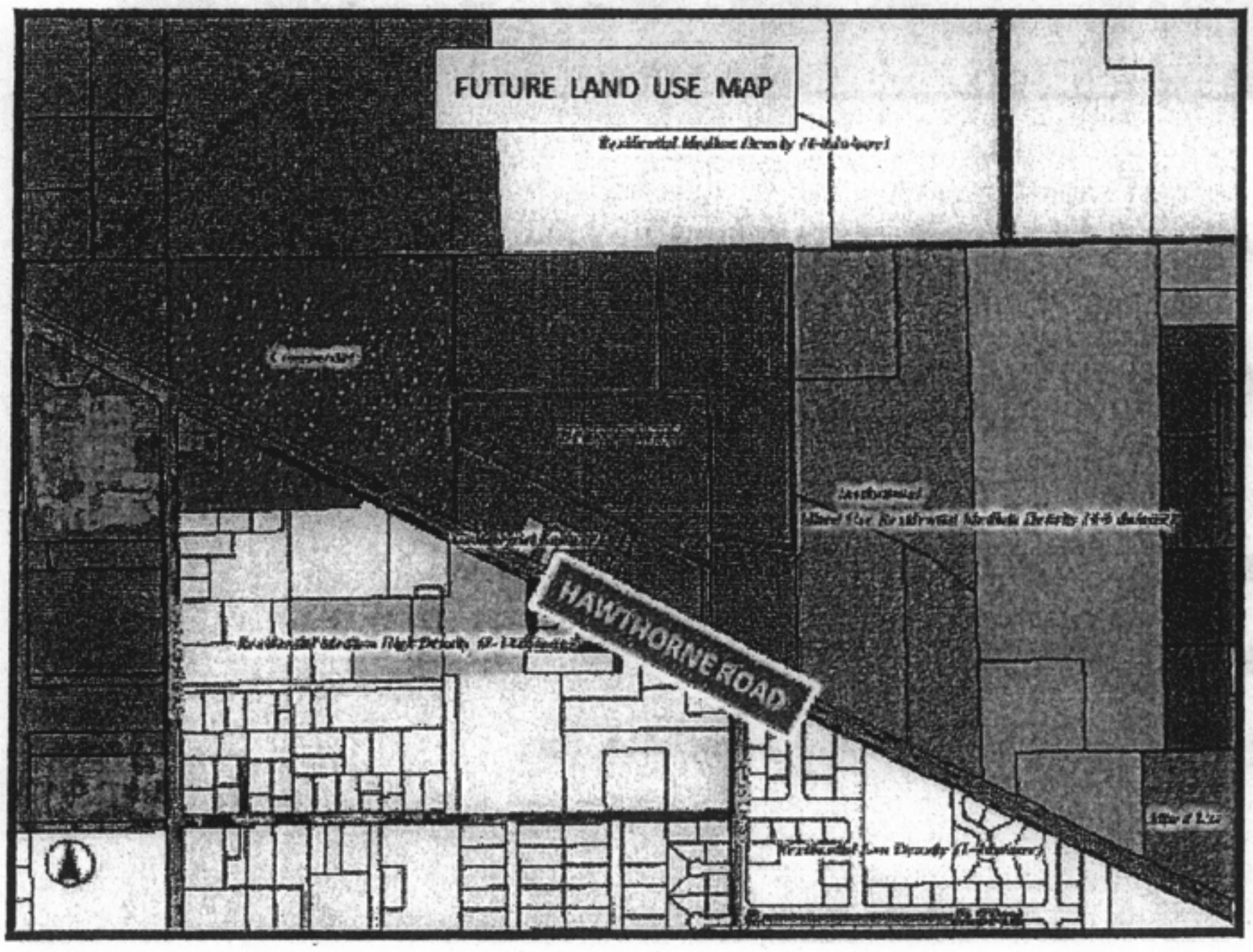
Project Summary / Background:

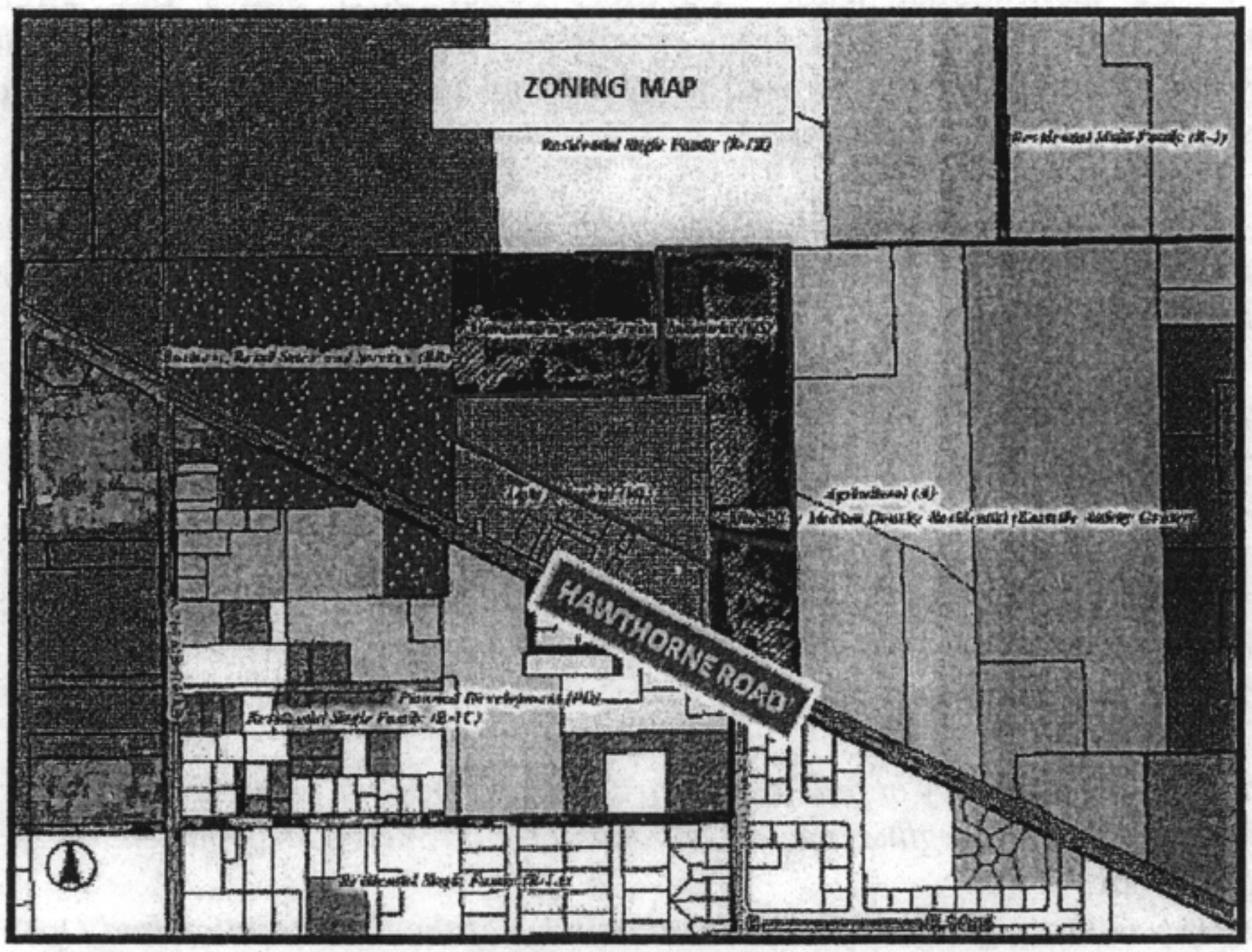
The project request is to renew the special use permit for the V.E. Whitehurst & Sons, Inc. facility on approximately 30 acres located at 3207 SE Hawthorne Road. The subject property has Manufacturing and Service Industrial (MS) and Light Industrial (ML) zoning districts and a Heavy Industrial future land use designation. The parcel numbers associated with the project are 16127-001-001 and a portion of 16108-000-000. The facility has been in continuous operation for approximately 45 years.

The current special use permit, issued on January 23, 2007, renewed the permit for an additional 5 years. The proposed special use permit application will renew the application for an additional 20 years (2012-2032), which reflects the anticipated life of the facility. The operation will not increase in geographic area (acreage) and the existing setbacks, buffers, hours of operation and operation plan will continue as seen today.

Future Land Use Designation and Zoning District:

The subject property currently has a Heavy Industrial Future Land Use map designation and Light Industrial (ML) and Manufacturing and Service Industrial (MS) zoning districts, as shown on the following maps:





Comprehensive Plan Consistency:

The proposed SUP renewal is consistent with the Future Land Use Element, the Solid Waste Element, and the Conservation and Open Space Element of the Comprehensive Plan, and is compatible with surrounding land uses. This operation will be properly regulated to ensure proper solid waste disposal methods are followed.

Future Land Use Element

Policy 5.1.1 Potential locations for major future institutional uses are identified on the Future Land Use Maps. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0, and within the Comprehensive Plan as a whole.

Policy 5.1.2 The following uses are considered institutional and governmental uses in Alachua County:

c. Public Utility, Communications and Infrastructure Services (e.g. utility transmission and distribution facilities, landfills)

Consistency: Policy 5.1.2(c) indicates that this type of facility (related to landfills) is considered to be institutional uses. Further, Policy 5.1.1 states that such institutional uses may be allowed in areas specifically designated for institutional use on the Future Land Use Map, as well as other land use categories (such as the Heavy Industrial on the subject property).

Policy 5.2.1 The following criteria shall determine the appropriateness of potential institutional locations and uses requiring special use permits shall be demonstrated prior to establishing the institutional use:

a. Optimum service area
b. Optimum operating size
c. Access to clientele
d. Compatibility of the scale and intensity of the use in relation to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.
e. Nature of service provision.
f. Needs of the clientele
g. Availability and adequacy of public infrastructure to serve the particular use.
h. Preservation and strengthening of community and neighborhood character through design.
i. Consistency with the goals, objectives and policies of the Conservation and Open Space Element.

Policy 5.2.2 Institutional uses shall be designed and located for integration into the surrounding community. Land use decisions concerning location of institutional uses shall take into consideration environmental justice.

Consistency: These policies indicate that institutional land uses shall not be located where they would have an adverse impact on surrounding land uses. Uses adjacent to the subject property include a compatible excavation and fill operation and transfer station to the north, undeveloped property to the east and west and commercial activities to the south. In, addition, a few residences are located to the south behind adequate buffering and setbacks from the excavation area. Therefore, the proposed SUP renewal should not create any additional impact upon these surrounding uses.

Policy 5.5.2 Sanitary landfills, solid waste transfer stations, and regional sewage treatment plants shall be adequately buffered from residential neighborhoods.

Consistency: The setbacks and buffers required in the SUP conditions have effectively protected surrounding residential areas and are maintained in the conditions of the SUP renewal.

Policy 7.1.2 Proposed changes in the zoning map shall consider:

a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan.*
b. *the availability and capacity of public facilities required to serve the development...*
c. *the relationship of the proposed development to existing development in the vicinity and considerations related to environmental justice.*

Consistency: The continued operation and renewal of the facility will not cause level of service standards to be exceeded. The proposed SUP application should not result in an increased use of any public facilities. The facility is compatible with the existing development pattern in the area.

Solid Waste Element

Objective 1.3 Regulate, consistent with local, state, and federal regulations, all privately-operated landfills, including C&D landfills, and solid waste management facilities to ensure proper disposal methods and protection of natural resources including groundwater.

Consistency: This objective requires that private excavation operations (such as the project site) be regulated consistent with local, state and federal regulations to ensure proper disposal methods and protection of natural resources including groundwater. This operation is properly regulated on the site by the conditions in the existing special use permit. In addition, the facility is exempt from the St. Johns River River Water Management District permitting requirements.

Policy 1.3.1 Each landfill operator, including C&D landfill operators, shall be required to maintain accurate daily logs of, and report to the County, the volume or weight of materials disposed by material type. Penalties will be imposed for failure to report. The County will track landfill, including C&D landfill, disposal reporting.

Consistency: While this facility is not a landfill but rather is excavation-only (borrow pit), the existing facility will maintain daily logs to track all on-site activity.

Policy 1.3.2 Solid waste disposal systems shall be designed to prevent air, water and soil pollution, and danger to public health and safety. The use of land, water or air for uncontrolled disposal of any waste shall be prohibited. Development regulations shall require use of appropriate methods for preventing leachates which violate water quality standards from entering ground and surface water at all active landfill sites. At the County's discretion additional regulatory methods may include, but not be limited to, periodic inspections and monitoring programs during the permitting, operation, closure, and after closure of landfills. The need for additional regulatory methods will be based upon site specific conditions such as hydrogeology, ecological characteristics, and neighboring land use. Additional inspections and groundwater monitoring requirements shall be at the expense of the owner. It shall be the responsibility of the permit holder and/or land owner to provide for the cost of monitoring and proper closure. Monitoring

and closure shall be reviewed by the County and/or appropriate agencies. This policy does not preclude the proper use of manure, mulching or composting of yard waste, or regulated use of biosolids for land application.

Consistency: The SUP for the facility does not permit backfill of any materials within the project site. The operation is excavation-only and therefore, monitoring for solid waste disposal is not required.

1.3.2.1 Each landfill operator, including C&D landfill operators, shall be required to monitor soil and groundwater, using sufficient methods to ensure no contamination of ground and surface waters as a result of the landfill activity. Monitoring programs shall be, at a minimum, in accordance with Florida Department of Environmental Protection landfill permits. The County may require a more stringent monitoring program at specific landfill sites. A monitoring program imposed by the County that is more stringent than that called for in the FDEP permit(s) shall consider the expense of the increased requirements.

Consistency: This operation will continue to operate in full compliance with all applicable federal, state and local regulations, including site specific SUP conditions to ensure that the facility is properly operated.

Policy 1.3.3 Land based solid waste disposal systems shall provide for the eventual closure and reuse of the site.

Consistency: This existing operation contains a reclamation plan to provide for the closure and eventual reuse of the site. No changes to the reclamation plan are proposed as part of this application.

Conservation and Open Space Element

Objective 4.3 Regulate extraction activities so that they do not adversely affect the quality of air, groundwater, surface water, land and wildlife.

Consistency: The on-site activities will continue to operate in full compliance with all applicable federal, state and local regulations, including site specific SUP conditions to ensure that the facility is properly operated. In addition, the amended SUP application does not propose to increase the size (acreage) of excavation, thus not impacting any additional undisturbed areas.

Policy 4.3.3 The development shall address mining, land excavation and filling activities, and shall include provisions for reclamation and reuse, and assure successful completion of approved reclamation and reuse plans. Mining, land excavation, and filling activities shall be consistent, at a minimum, with the Alachua County Excavation and Fill Ordinance and the Alachua County Surface Mining and Land Reclamation Ordinance which provide for permit requirements and standards for site location, site design, environmental protection and reclamation.

Consistency: **The existing operation will continue to operate in full compliance with the ULDC and all applicable federal, state and local regulations, including site specific SUP conditions to ensure that the facility is properly operated. In addition, the operator will ultimately restore the current excavation and fill area through the implementation of a reclamation plan for the land. The conditions applied to this special use permit ensure that the operation complies with all applicable regulations.**

Policy 4.3.4 The quality and quantity of ground and surface waters shall not be significantly altered through extraction operations. Potential groundwater impacts shall be evaluated by the applicant prior to commencement of mining activities as part of the permitting process. Water quality and quantity monitoring activities at extraction sites shall be reviewed by the County. Costs for providing water quality and quantity monitoring at extraction sites shall be borne by the extractor.

Consistency: **The approved Special Use Permit does not require a groundwater monitoring plan for the existing facility. As the facility proposes no changes to the existing operation and does not impact any ground or surface waters, no groundwater monitoring plan is required.**

Policy 4.9.2 During the land use planning and development review processes, the County shall minimize the effects of development on significant plant and wildlife habitat. All developments shall protect the significant plant and wildlife habitat that occurs on site, subject to the limitation of 4.9.12.

Consistency: **The SUP renewal application does not propose any expansion of the geographic area of the project and subsequently, will not affect any additional undisturbed lands.**

Policy 5.1.1 Potential locations for major future institutional uses are identified on the Future Land Use Maps. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0, and within the Comprehensive Plan as a whole.

Policy 5.1.2 The following uses are considered institutional and governmental uses in Alachua County:

c. Public Utility, Communications and Infrastructure Services (e.g. utility transmission and distribution facilities, landfills)

Consistency: **Policy 5.1.2(c) indicates that infrastructure services (borrow pits) are considered to be institutional uses. Further, Policy 5.1.1 states that such institutional uses may be allowed in areas specifically designated for institutional use on the Future Land Use Map, as well as other land use categories (such as the Industrial designation on the subject property).**

Policy 5.2.1 The following criteria shall determine the appropriateness of potential institutional locations and uses requiring special use permits shall be demonstrated prior to establishing the institutional use:

a. Optimum service area
b. Optimum operating size
c. Access to clientele
d. Compatibility of the scale and intensity of the use in relation to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.
e. Nature of service provision.
f. Needs of the clientele
g. Availability and adequacy of public infrastructure to serve the particular use.
h. Preservation and strengthening of community and neighborhood character through design.
i. Consistency with the goals, objectives and policies of the Conservation and Open Space Element.

Policy 5.2.2 Institutional uses shall be designed and located for integration into the surrounding community. Land use decisions concerning location of institutional uses shall take into consideration environmental justice.

Consistency: These policies indicate that institutional land uses shall not be located where they would have an adverse impact on surrounding land uses. Uses adjacent to the subject property include a solid waste transfer station, a cemetery, undeveloped land and a single family residence. The Starvation Hill facility has been in operation for many years and has been a good neighbor with surrounding property owners. The proposed SUP amendment should not create any additional impact upon these surrounding uses as the project area will remain in the same geographic area and will not intensify.

Policy 7.1.2 Proposed changes in the zoning map shall consider:

a. consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan.
b. the availability and capacity of public facilities required to serve the development...
c. the relationship of the proposed development to existing development in the vicinity and considerations related to environmental justice.

Consistency: The continued operation and modification of the borrow pit facility will not cause level of service standards to be exceeded. The proposed SUP application should not result in an increased use of any public facilities. The facility is compatible with the existing development pattern in the area. The facility has proven to be a good neighbor with these neighbors over the years and several

conditions of this special use permit minimize the impact on surrounding neighborhoods, including: general setbacks and buffers for the site, setbacks from potable wells, limited hours of operation, and the proper maintenance of the site to reduce dust emissions.

Unified Land Development Code (ULDC) Consistency:

Sec. 400.02 is adopted for the purpose of promoting the public health, safety and general welfare of the residents and property owners of Alachua County, and to encourage the orderly, harmonious and judicious use of land, consistent with the goals, policies and strategies of the Alachua County Comprehensive Plan. This application demonstrates consistency with the intent of the ULDC through compliance with all applicable federal, state and local regulations, including site-specific conditions.

Sec. 402.125 states that, in granting any special use permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health safety, and welfare, in conformity with the ULDC. Again, this application demonstrates consistency through compliance with all applicable federal, state and local regulations, including site-specific conditions.

Sec. 402.126 defines minor and major amendments to existing special use permits. The County has determined that renewals of existing SUP's and amendments as proposed are considered to be a minor amendment. Therefore, the application shall be reviewed at a public hearing before the board of county commissioners.

Sec. 404.90 states that the purpose of this article is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or preservation areas identified on the future land use map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the county. The proposed application addresses these criteria through the provision of setbacks, landscape buffers, operations plans, monitoring plans and a reclamation plan (included in the application).

Sec. 404.91 states that the requirements of this article shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special use permit, mining master plan, development plan or mining permit approved by January 30, 2006. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this article. In addition, any mining or excavation and fill operation shall be subject to the requirements of this article as part of any annual report, as required by section 404.102, or as a result of an application to expand or modify the facility.

Sec. 404.95(a) states that the approval of a special use permit and development plan for a mining or excavation and fill operation shall be valid for a maximum of five years or for

a period specified in the special use permit necessary for the completion of all operations, including necessary reclamation. This application requests a twenty year renewal of the SUP from the date of expiration in 2012, which will extend the SUP permit for the anticipated life of the facility.

Sec. 404.96 outlines the general standards for mining or excavation and fill operations. This ULDC section is indicated below with the applicant's statement of consistency listed after each section.

(a) Prohibited activities. Unless permitted by a special use permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.

(1) Surface waters and wetlands. Mining, excavation or filling shall not be permitted in surface waters or wetlands, except as provided in the applicable requirements of this ULDC. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated except as provided in the approved development plan.

Consistency: There are no wetlands located on the subject property. A surface water, constituting the existing stormwater management area is located on the subject property but will not be disturbed as a result of this SUP amendment.

(2) Operations in groundwater. Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of an aquifer beyond the boundaries of the approved mining or excavation and fill operation.

Consistency: No activities are proposed within groundwater of the Floridan or intermediate aquifer systems.

(3) Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.

Consistency: No vibration that would cause damage or any kind to persons or property is anticipated as any part of this special use permit.

(4) Blasting. Where specifically permitted by the conditions of a special use permit, blasting or other use of explosives shall comply with all applicable federal, state and county standards.

Consistency: No blasting shall occur on site.

(5) Degradation of water quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.

Consistency: All surface drainage from site runoff shall be directed away from open excavation operations to avoid groundwater contamination nor any pollutants or substances of any kind will be permitted to enter the surface drainage system.

(b) Limited disposal of materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to construction and demolition debris or further limited to clean debris and land clearing debris, as specified by the approved special use permit for the site.

(1) Construction and demolition debris. Construction and demolition debris shall be limited to glass, brick, concrete, asphalt material, gypsum wallboard, and lumber (excluding CCA pressure-treated), nonrecyclable scrap metal (steel, iron, aluminum), clay construction materials (brick, pipe), and plastics (pipe, sheeting), uncontaminated soil and rock and land-clearing debris from construction projects. Asbestos materials are specifically excluded. Contamination of construction and demolition debris with any amount of other types of solid or hazardous waste will cause it to be classified as other than construction and demolition debris.

Consistency: Construction and demolition debris used as fill is not permitted as part of this proposed operation.

(2) Clean debris and land clearing debris. Clean debris shall be limited to brick, glass, ceramics, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees, and other vegetative matter from land clearing for a construction project.

Consistency: Clean debris and land clearing debris used as fill is not permitted as part of this proposed operation.

(c) Hours of operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special use permit.

Consistency: The proposed hours of operation are limited to 6:00 a.m. to 8:00 p.m., Monday through Saturday.

(d) Access routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.

Consistency: Truck traffic shall enter and exit the site from SE Hawthorne Road. No modifications to the existing access route are proposed.

(e) Temporary road stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The development plan shall include an identification of all areas proposed as asphalt or material storage areas and a procedure for the disposal of material utilized for temporary road stabilization.

Consistency: The existing facility complies with this regulation. No permanent storage or burial of asphalt will be permitted on-site. Temporary storage of reclaimed asphalt pavement and broken concrete is permitted within the project site within the area designated on Sheet P0.20.

(f) Dust controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation with the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the DRC and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

Consistency: Dust control measures shall be incorporated as part of the facility as needed.

Section 404.98 contains the following additional excavation and fill operation requirements.

(a) Method of excavation. The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one part of the property and then proceeds to the remainder of the property.

Consistency: **On-site excavation will occur in a logical pattern that is in compliance with the approved SUP and consistent with this requirement. The excavation pattern is indicated on the attached Site Plan.**

(b) Depth of excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than 15 vertical feet above the top of the Floridan Aquifer, to ensure that a minimum of 15 feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks at 500 foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure 15 feet of undisturbed soil remains above the top of the Floridan Aquifer.

Consistency: **The future excavation areas shall limit excavation activity to El. 124 M.S.L. per the existing SUP requirements. In addition, no excavation will occur within 15 feet of the Floridan Aquifer.**

(c) Continuous reclamation. Permanent vegetative cover shall be established in five or ten acre increments. Upon filling of five acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten acres of the site is being actively filled. For those areas that are not planned for backfilling, 1:4 (rise:run) side slopes shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than 90 days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil's condition and terrain features prevalent on the site.

Consistency: **The reclamation plan is consistent with the requirements of this ULDC section.**

Sec. 404.100 provides a comprehensive list of all required materials for special use permit review. This application addresses each of the following applicable criteria:

The information in this section shall be submitted by an applicant as part of special use permit review.

(a) Project description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:

(1) Types of minerals or materials to be mined or excavated on the site;

(2) The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;

(3) Estimated total area, in acres, to be mined or excavated and filled;
(4) Proposed approximate dates for beginning and completing all mining or excavation and fill operations;
(5) Proposed days and hours of operation;
(6) Proposed method for onsite processing of minerals or materials;
(7) Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;
(8) A description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within 1,000 feet of the site;
(9) A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;
(10) The anticipated number of trips per day to or from the site; and
(11) The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transportation.

Consistency: The SUP submittal addresses each applicable item described above, including the following information:

General Description:

The site is operated for excavation of construction grade materials as defined by Alachua County and Florida Department of Environmental Protection. The total site area is approximately 30 acres, including buffers and the remaining excavation area (Area B) is 19.33 (+/-) acres.

Planned Life:

The planned life of the facility is approximately 20 years from the approval of the proposed SUP extension. A summary of the facility's operation (past and future) is indicated below:

	Project Area	% of Total Area	Operational Years
Existing Activity Area (To Date)	20+/-	67%	45
Remaining Activity Area	10+/-	33%	20
Total	30+/-	100%	65

Operation:

Hours of operation shall be 6:00am to 8:00pm, Monday thru Saturday; and they will be clearly posted. Equipment utilized on-site during active operations typically includes one front end loader and/or one bulldozer which are brought to the site as needed. No backfill activities are conducted on site. However,

temporary stockpiling of asphalt materials from local paving projects will occur on-site where indicated on the Site Plan.

(b) Location map. This map shall show the location of the site and boundaries of property lines in relation to state and county roads.

Consistency: Indicated on the plan cover sheet (C0.00).

(c) Aerial photograph. An aerial photograph taken within one year of application submittal, showing property lines and areas proposed for mining, excavation or fill.

Consistency: An aerial photograph is included as an exhibit in this application (Sheet P0.10).

(d) Development plan. This graphic shall include the following features:

(1) All property lines within 500 feet of subject property: **See sheet P0.10**

(2) Public and private roads, paved or unpaved: **Access to Borrow pit is through an existing privately maintained road connection to SE Hawthorne Road (sheet C0.20).**

(3) Planned access from public or private roads: **Access to borrow pit is through a direct connection to SE Hawthorne Road (sheet P0.20).**

(4) Utility lines and easements on site: **See attached survey.**

(5) Septic tanks and drain fields on site: **There are no existing or proposed septic tanks or drainfields at the project site.**

(6) Conservation areas on or adjacent to site: **There are no designated conservation areas adjacent to the project site.**

(7) The approximate location and acreage of existing and proposed mining or excavation and fill areas, with a legend relating approximate time frames of activity within these areas: **Location of mining areas and acreage with time frames are shown on sheet P0.20.**

(8) Cross-sectional of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic materials, based on test borings performed on the site: **Cross sections are shown on sheet P0.20.**

(9) Proposed location of groundwater monitoring wells on the site: **No groundwater monitoring wells are required or proposed on the project site.**

(10) Proposed location of buildings and structures on site, including pipelines: **There are no existing or proposed buildings, structures or pipelines within the site.**

(11) Proposed location of height of milled asphalt storage piles, stockpiles, and spoil or other excavated materials: **A temporary stockpile area is located within the project area and is identified on Site Plan Sheet P0.20.**

(12) Proposed location of tanks for liquids stored on the site: **No storage of liquids is proposed at this facility.**

(13) *Location of all fences, walls, earth berms or vegetative buffers to be installed or existing on site;* **Location of fences and buffers are shown in sheet C0.20.**

(14) *Dimensions and total square feet of existing and planned impervious areas on the site:* **No impervious areas are proposed within this facility.**

(15) *Location and dimensions of planned stormwater management facilities:* **The existing stormwater management facility on the project site is located on Sheet P0.20**

(16) *Setbacks proposed for all structures and operations:* **Setbacks and buffers are shown in sheet C0.20.**

(17) Existing potable water wells within 500 feet of the site boundaries. **The potable water wells within 500 feet of the site boundaries are indicated on Sheet P0.20**

Consistency: The attached overall site plan indicates all the applicable features listed above. Summary responses are indicated in bold above.

(e) Floodplain map. A USGS floodprone area map or USGS topographic map with 100-year floodprone areas is acceptable. The map shall include property lines of the proposed mining or excavation and fill site. The director shall have the right to require the applicant to submit data to establish the location of the 100-year floodprone area.

Consistency: A floodplain map is included in the SUP renewal submittal.

(f) Soils map. A map of generalized soils, with property lines delineated. Natural Resource Conservation Service (NCRS) maps may be used for general reference.

Consistency: A soils map is included in the SUP renewal submittal.

(g) Site topography. A map of topography consistent with the 7 1/2 USGS Minute Series or any more recent replacement, showing property lines and contour lines on the site at a maximum of two-foot intervals.

Consistency: A topographic map is included in this application (Sheet C0.20 and survey).

(h) Water resources. A map of all wetlands and aquifer recharge areas on the site, delineating project property lines. This map shall show the proposed location of test wells on the site, which will be used to determine average and seasonal high water table depths and the direction of flow gradient.

Consistency: No wetlands or aquifer recharge areas are located on the site. Test wells are shown on sheet C0.20.

(i) Survey of site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one year prior to

the application submittal. The survey shall include locations and elevations of required 500-foot-centered benchmarks in areas designated for mining, excavation, or fill.

Consistency: A survey is included in this application.

Proposed Revisions to Special Use Permit Conditions:

~~**2b. The pond shoreline shall remain stable and vegetated. Revegetation of the entire site shall be included as part of the reclamation plan.**~~

3. This Special Use Permit shall ~~**expire on January 23, 2012**~~ **be valid for 20 years from the date of SUP renewal by the Board of County Commissioners.** The applicant may submit a request for renewal of the permit prior to its expiration.

ENG, DENMAN & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • PLANNERS

Hazardous Materials Management Plan

There will not be any hazardous materials utilized onsite. The only equipment that will be onsite is construction equipment; such as excavators, dump trucks and front end loaders. The equipment will not be maintained onsite. The borrow pit operations will include regular inspections of the equipment, and the maintenance of the equipment will be sent offsite. The dust will be controlled with spraying of water as needed when the facility is active.

If a spill does occur, the machine will be immediately taken off site and any further spillage will be prevented. The spill will be absorbed using approved materials. The absorbed materials will then be placed inside the covered metal containers and disposed of at a permitted facility, such as the Alachua County Hazardous Waste Collection Center.

Mining Operations Plan

This borrow pit operation does not permit a dewatering plan. The borrow pit generally utilizes one front end loader, one bulldozer, one motor grader and the transfer dump truck. These machines will produce insignificant airborne emissions to contaminate the 30 acre borrow pit operation. When the reclamation is finished, the ground level will be below natural ground, therefore, no surface water will be transferred to a different watershed. Water will not be moved to the borrow pit site from other sources. There will not be any mineral-resource processing done at this borrow pit. There will not be any wash water consumption on this property.

Reclamation Plan

The areas that are to be reclaimed are shown in more detail on the attached site plan. The excavation areas will be re-graded and pine trees and/or grass will be planted as part of the reclamation plan. Final buffers and screening required for reclamation are also located on the site map. Erosion control will include a stabilized construction entrance, the use of silt fence, shallow slopes and the use of plantings.

Waste Management Plan

The Whitehurst Starvation Hill facility is an excavation only operation and does not permit any backfill of materials on-site. Therefore, a Waste Management Plan is not applicable to this project.

Groundwater Quality Monitoring Plan

The Whitehurst Starvation Hill facility is not required to implement a groundwater quality monitoring plan. However, an existing monitoring well has been left in place on the northern property line (Area A) for possible future use.

2404 NW 43RD STREET • GAINESVILLE, FLORIDA 32606-6602 • TEL. (352) 373-3541 • FAX (352) 373-7249
eda@atlantic.net www.enodenman.com

29a

Environmental Resource Assessment

Special Use Permit Amendment Application
Starvation Hill Borrow Pit Facility
Alachua County, Florida

2011

Starvation Hill Borrow Pit Facility



Applicant: V. E. Whitehurst & Sons, Inc.
20551 NE 75th Street
Williston, FL 32696

Engineer: Ralph Eng, P.E., Consulting Engineer
Gainesville, FL
and Sergio Reyes, P.E.
Eng, Denman & Associates, Inc.
2404 NW 43rd Street
Gainesville, FL 32606
352.373.3541

Peter M. Wallace and Jenny C. Carter

Ecosystem Research Corporation
2906 NW 142nd Ave
Gainesville, FL 32609
386.462.5005

8/22/2011

ERC
Ecosystem Research Corporation

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Section 1. Environmental Resource Assessment Checklist-Signed

The purpose of this report is to provide an inventory of the natural resources that occur on the project site and adjacent properties. In this context, this report has been prepared with reference to the Environmental Resource Assessment Checklist required for development review by Alachua County. The report contains a set of figures, tables, and photos that document the existing condition of the proposed project site and to assess, in general terms, the effects of the project on the existing resources. The report format consists of a section addressing each checklist item followed by the respective figures, tables, and photos for that section.

A comprehensive ERA report was prepared by ERC for this project in August 2006. All items required by the ERA checklist were submitted within the report at that time. The current ERA document represents an update to that report. As requested by the County, the extensive descriptive environmental data submitted in 2006 has not been resubmitted as part of this application. However, an update to the plant community and listed species surveys has been prepared and is discussed within this report.

This document has been prepared by

Peter M. Wallace, President
ECOSYSTEM RESEARCH CORPORATION
2906 NW 142nd Avenue
Gainesville, FL 32609
386.462.5005; 352.538.0755 (cell)
pete@ecosysfl.com

The Engineer of Record for the project is

Ralph Eng, P.E., Consulting Engineer
Gainesville, FL
and Sergio Reyes, P.E.
Eng, Denman & Associates, Inc.
2404 NW 43rd Street
Gainesville, FL 32606
352.373.3541

Natural Resources Checklist: *All items on the checklist were extensively addressed in the ERA submitted August 2006. The items checked below are addressed with supplemental data within this report.

Yes	☐	N/A	☒	Surface Waters (ponds, lakes, streams, springs, etc.)
Yes	☐	N/A	☒	Wetlands
Yes	☐	N/A	☒	Surface Water or Wetland Buffers
Yes	☒	N/A	☐	Floodplains (100-year)
Yes	☐	N/A	☒	Special Area Study Resource Protection Areas (Cross Creek, Idylwild/Serenola, etc)
Yes	☐	N/A	☒	Strategic Ecosystems (within or adjacent to mapped areas)
Yes	☐	N/A	☒	Significant Habitat (biologically diverse natural areas)
Yes	☒	N/A	☐	Listed Species/Listed Species Habitats (FNAI S1, S2, & S3; State or Federally E, T, SSC)
Yes	☐	N/A	☒	Recreation/Conservation/Preservation Lands
Yes	☐	N/A	☒	Significant Geological Features (caves, springs, sinkholes, etc.)
Yes	☐	N/A	☒	High Aquifer Recharge Areas
Yes	☐	N/A	☒	Wellfield Protection Areas
Yes	☐	N/A	☒	Wells
Yes	☒	N/A	☐	Soils
Yes	☒	N/A	☐	Mineral Resource Areas
Yes	☒	N/A	☐	Topography/Steep Slopes
Yes	☐	N/A	☒	Historical and Paleontological Resources
Yes	☐	N/A	☒	Hazardous Materials Storage Facilities
Yes	☐	N/A	☒	Contamination (soil, surface water, ground water)

SIGNED: Peter M. Wallace **PROJECT #** _____ **DATE:** **22 August 2011**

Section 2. Project Description

The applicant proposes to renew an existing Special Use Permit for the Starvation Hill Borrow Pit. The project site is an existing 29.66-acre borrow pit located at 3207 SE Hawthorne Road (SR20) in eastern Alachua County. The existing Special Use Permit was issued 23 January 2007 and renewed activity on the project site for a period of 5 years. The current Special Use Permit application proposes to renew the permit for a period of 20 years, which reflects the anticipated life of the facility activity. The proposed activity will not increase the current footprint of previously disturbed areas by expanding into adjacent areas not previously considered to be part of the borrow activity. The borrow pit has been in operation under previous Special Use Permits for over 20 years. The primary materials involved in the excavation are sands to be used for construction fill and making of asphalt. The applicant's name and contact information are given, as follows:

V. E. Whitehurst & Sons, Inc.
20551 NE 75th Street
Williston, FL 32696
Phone 352-528-2101

The borrow operation is located within the boundaries of tax parcels 16127-001-001 and 16108-000-000, which are located totally within Section 11, Township 10 South, Range 20 East and is found within the Gainesville East USGS quadrangle.

The parcel location maps are shown on **Figures 1 and 2**. To further aid in review of the project site, the following figures are presented:

Figure 3	USGS Gainesville East Quad map for the Starvation Hill Borrow Pit project site and surrounding area
Figure 4	NRCS Soils Map for the Starvation Hill Borrow Pit project site and surrounding area
Figure 5	FEMA Flood Hazard Map
Figure 6	Topographic Survey (sheet 1 of 3), date of survey: 06/10/11
Figure 7	Topographic Survey (sheet 2 of 3), date of survey: 06/10/11
Figure 8	Topographic Survey (sheet 3 of 3), date of survey: 06/10/11
Figure 9	Site development plan

The proposed site development plan designates an 11.58 acre area to be used for future excavation. This acreage includes existing setback and a future 4:1 reclaimed side-slope area. The maximum excavation depth will extend to the 124-ft contour. This area, which is designated as Area C on the development plan (Figure 9), will additionally be used for the temporary stockpile of reclaimed asphalt pavement and broken concrete.

Section 3. Results of the Site-Specific Ecological Survey

An extensive on-ground survey of the project site was performed on 5 July 2011. On this date, a 100% gopher tortoise was performed on all areas that will be affected by future excavation. In addition, gopher tortoise surveys were performed on current excavation areas and reclaimed areas. The GPS points showing the locations of ground survey areas are shown in **Figure 10**. The GPS icons are color coded to show the existing plant communities present in the area of the GPS data point. **Photos 1 through 10** document the existing on ground conditions found within the project site on 5 July 2011. The photographs are referenced to photo stations shown in **Figure 11**. The photo station number equals the GPS location where the photo was taken during the site survey.

The renewal of the Special Use Permit will result in no net loss of intact, undisturbed, native plant communities. The project site within the bounds of the proposed future excavation is already severely disturbed. The buffers surrounding the south perimeter of the borrow pit represent the only remaining native plant communities on the project site. There is a remnant xeric habitat consisting of sand pine (*Pinus clausa* [Chapm. ex Engelm.] Vasey ex Sarg.), scrub live oak (*Quercus geminata* Small), pineland three-awn grass (*Aristida stricta* Michx.), and gopher apple (*Licania michauxii* Prance.). All other perimeter buffers are either planted or successional communities located on berms or previously graded areas. The previously graded areas consist of a mosaic of ruderal old field species. A large, excavated pond is located within the northwestern section of the property. The pond is hyper-eutrophic with a dense cover of algae and lemnids. The pond will not be affected by the proposed activity.

There were three (3) gopher tortoise burrows found during the on ground survey. The burrow number, associated burrow activity, and burrow location is shown in **Figure 12**. Photos of each burrow are provided in **Photos 11, 12, and 13.** There are two active burrows present and one abandoned burrow. These burrows are in the same locations as those found during previous surveys conducted on the site 13 July 2006, 2 August 2006, and 10 August 2006 as part of the permitting process for the existing permit. A take permit for these burrows and the corresponding existing gopher habitat was issued by the Game Commission 11 March 2007 and authorized removal of these burrows. Permit ALA-36 is attached for review. The applicant never exercised this option nor intends to exercise the options outlined by the permit. The existing burrows are outside of any activity areas that were proposed 2006. In addition, the current location of burrows lie outside of any future proposed disturbance area; therefore, no harm will come to the burrows as a result of this project. Burrow numbers 632 and 646 lie ±230 and 290 feet, respectively, east of the proposed outer boundary of the proposed excavation area (Area C; Figure 9).

Figure 1. Project site location map shown in relation to local and regional access roads.

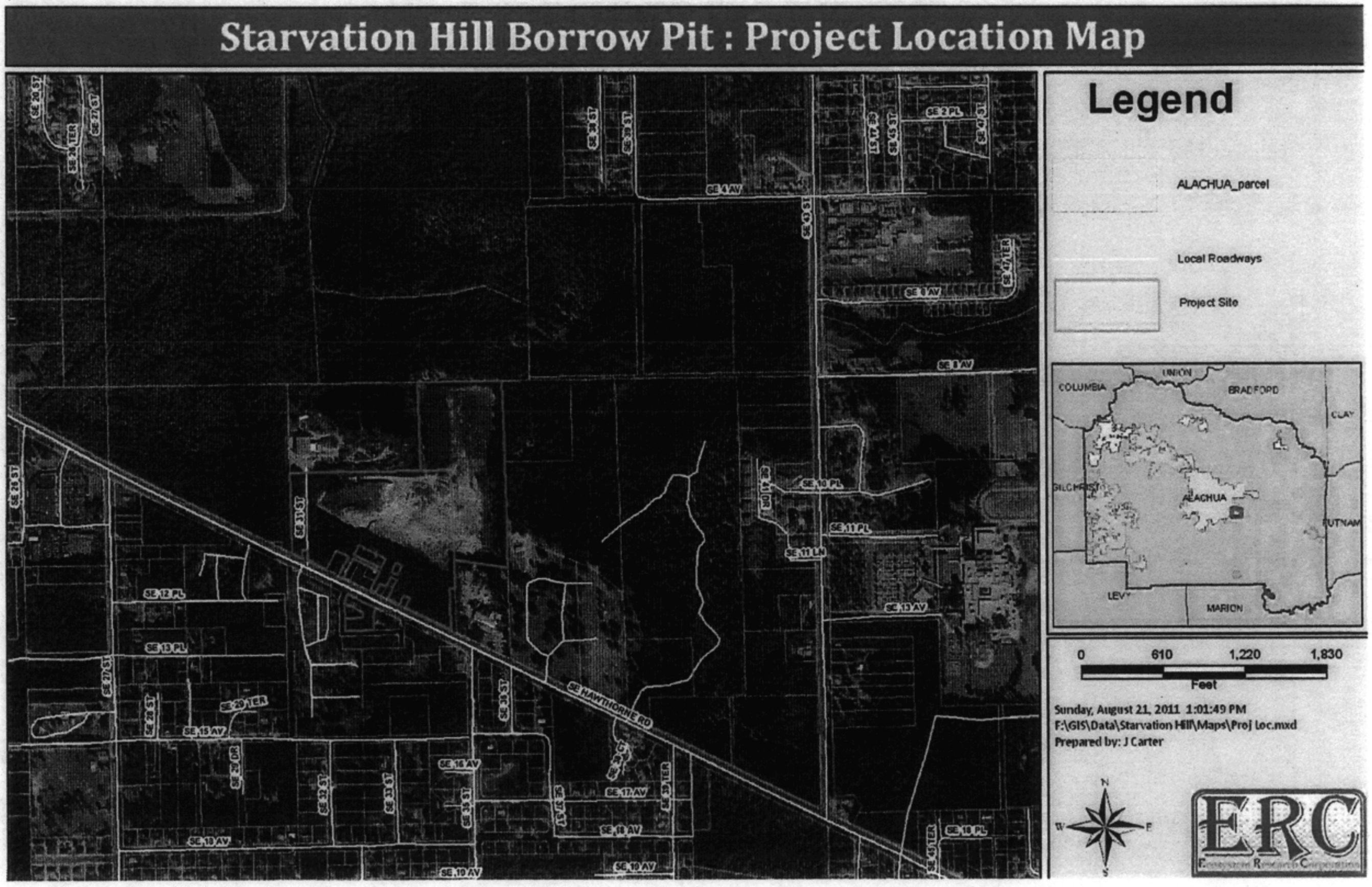

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Figure 2. Parcel location map showing parcel in relation to adjacent land uses.

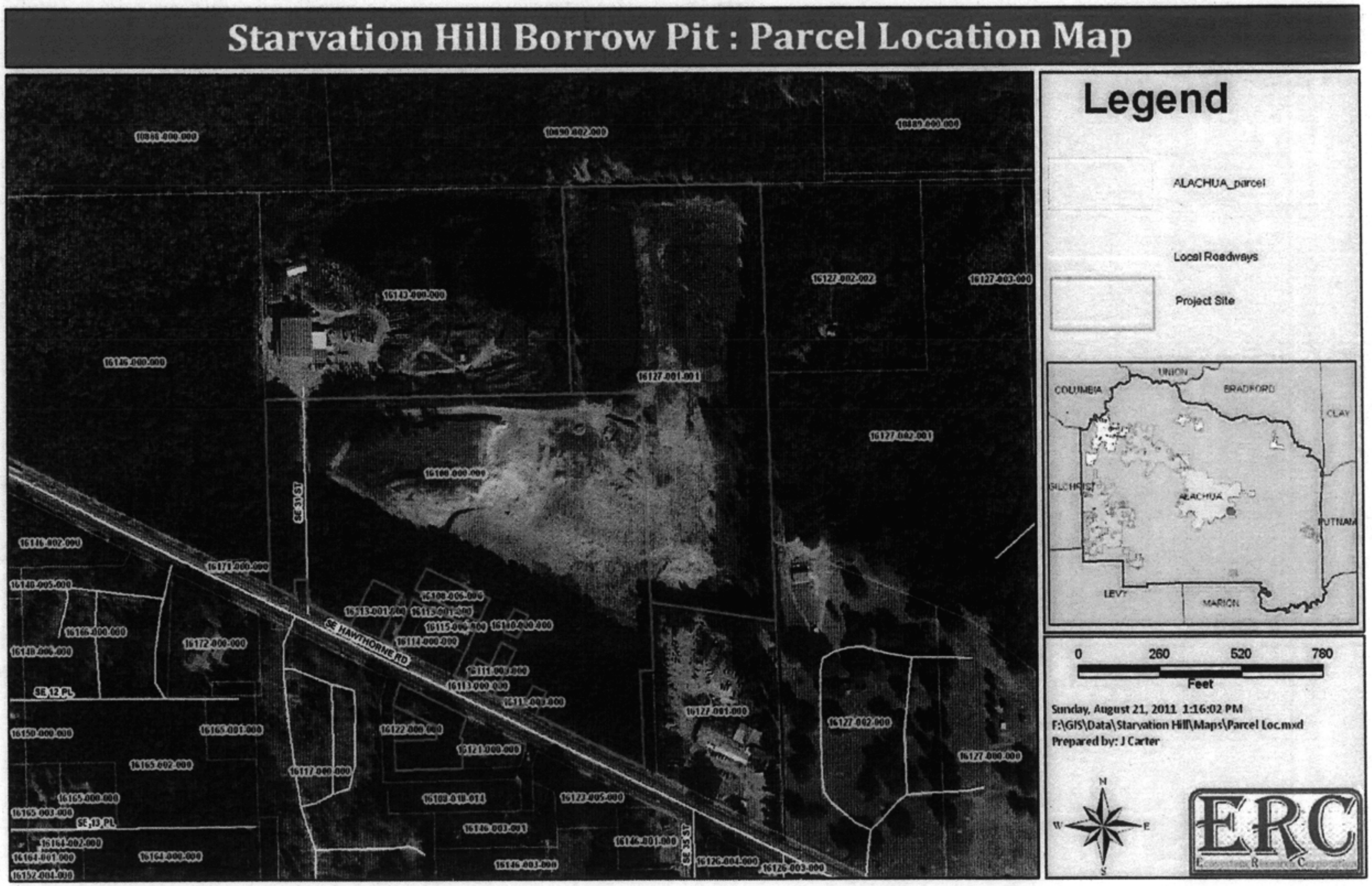

Figure 3. USGS Gainesville East quadrangle topographic map showing the project site and surrounding area.

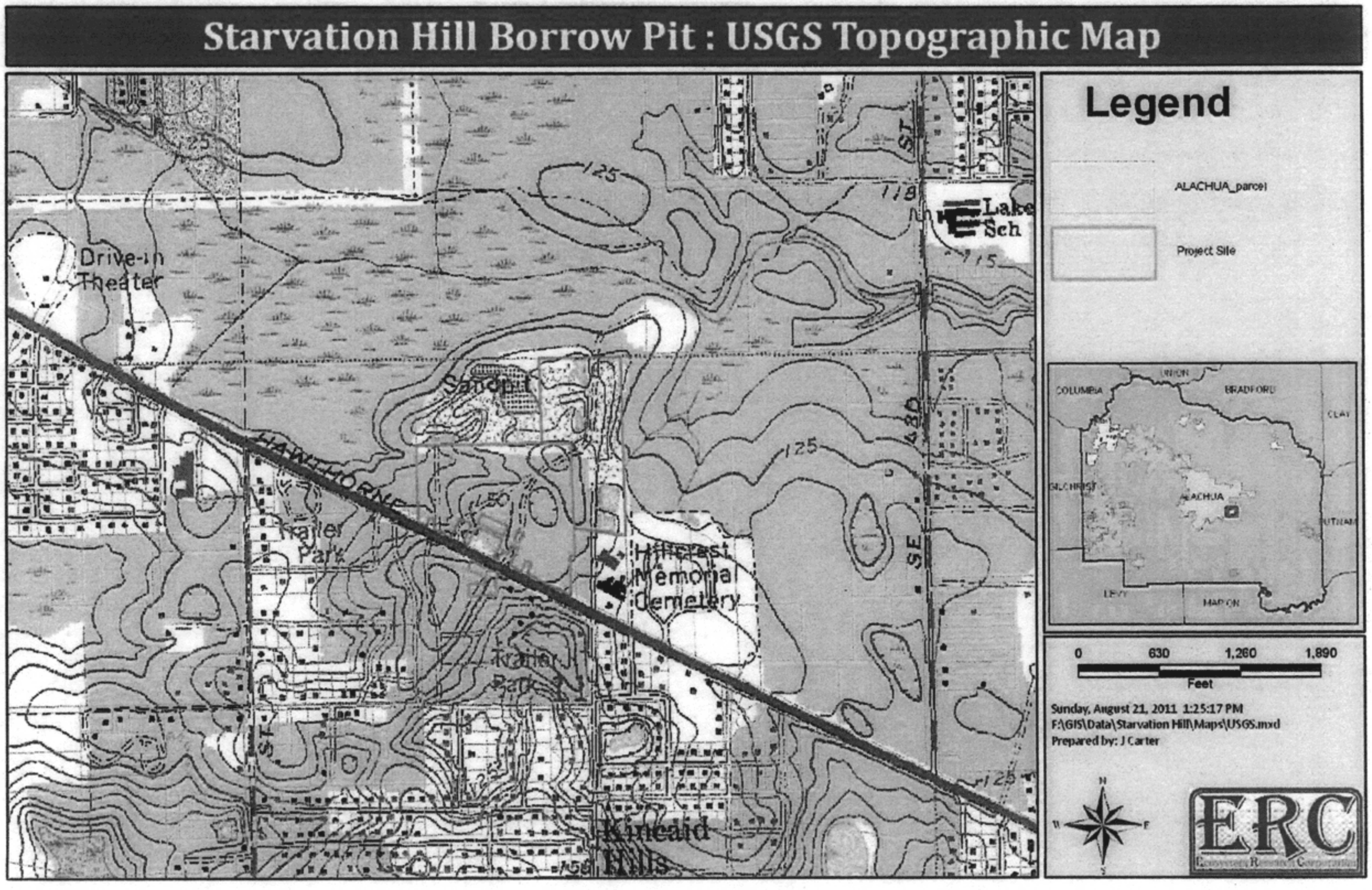

Figure 4. NRCS soils map showing the project site and surrounding area.

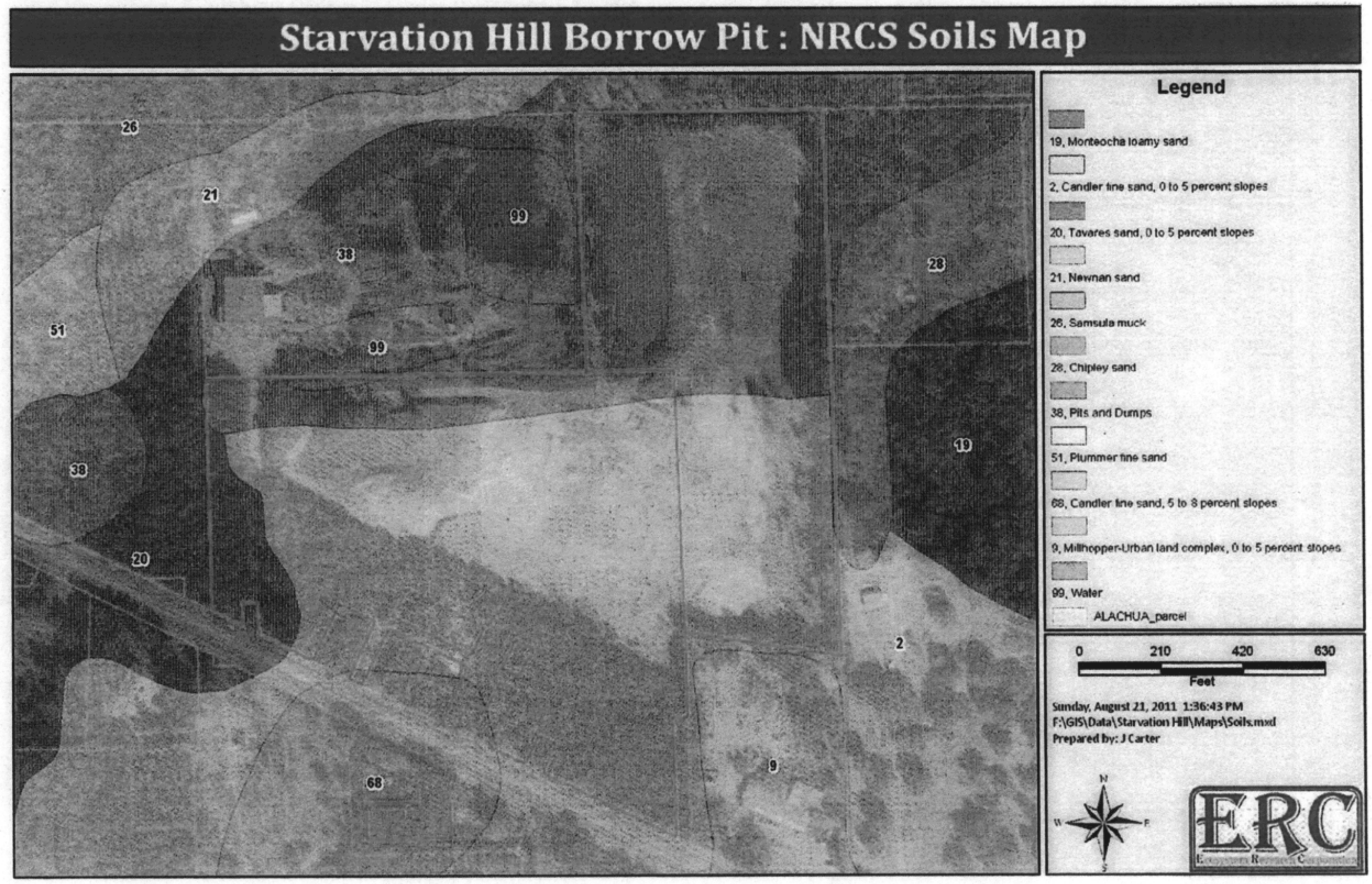

Figure 5. FEMA flood hazard map showing the project site and adjacent areas.

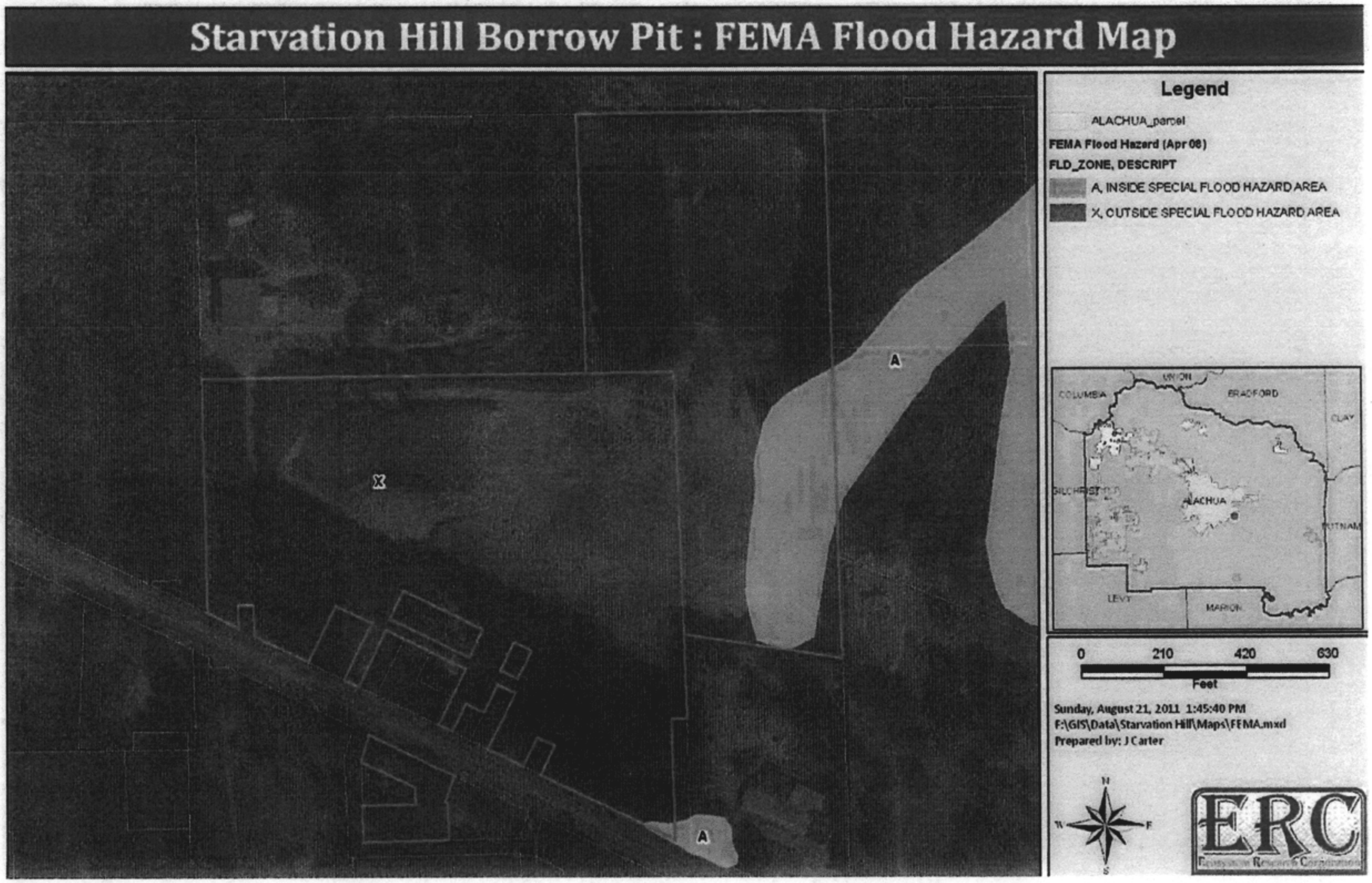

Figure 6. Topographic survey (sheet 1 of 3) of the project site.

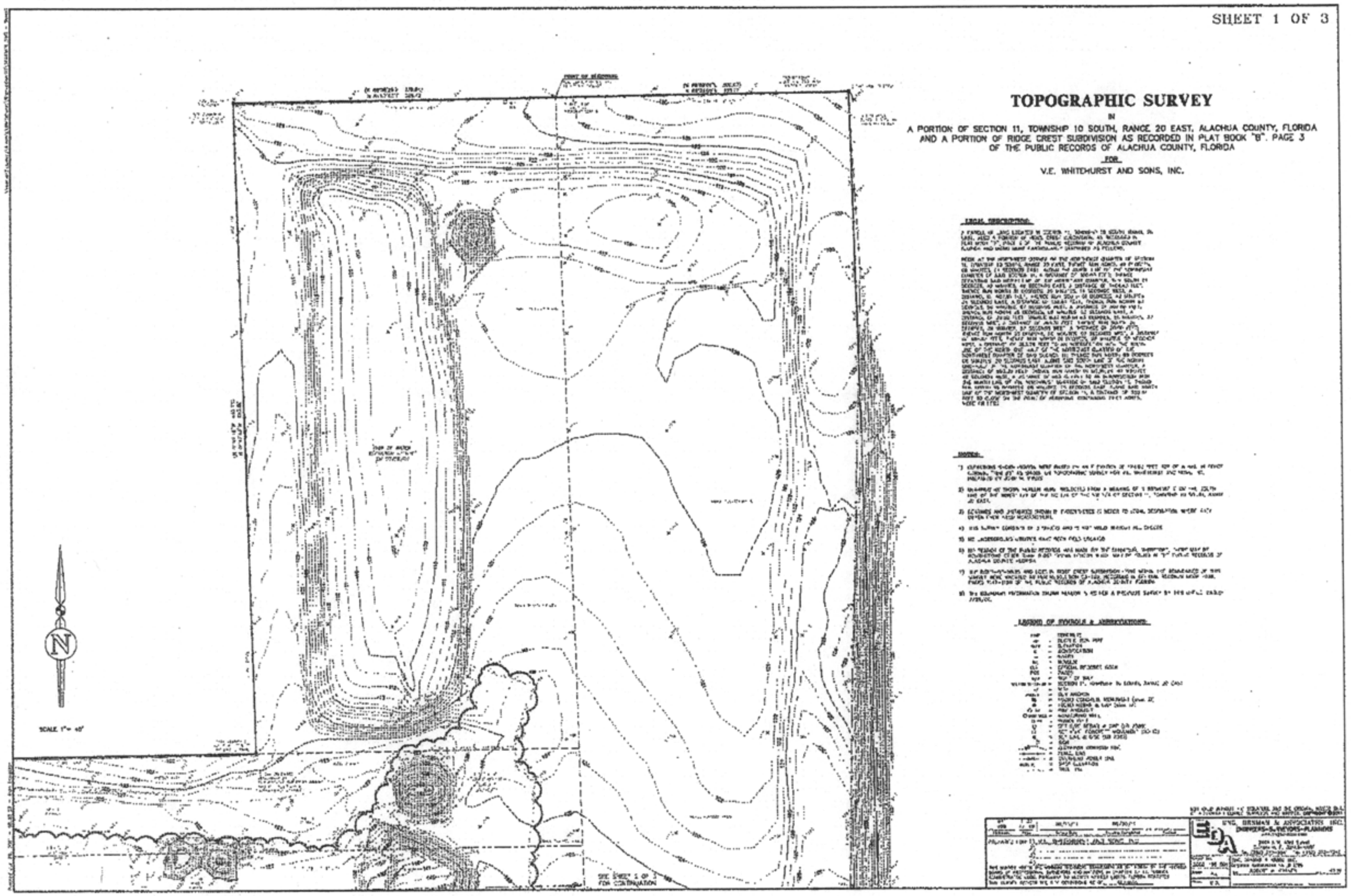

Figure 7. Topographic survey (sheet 2 of 3) of the project site.

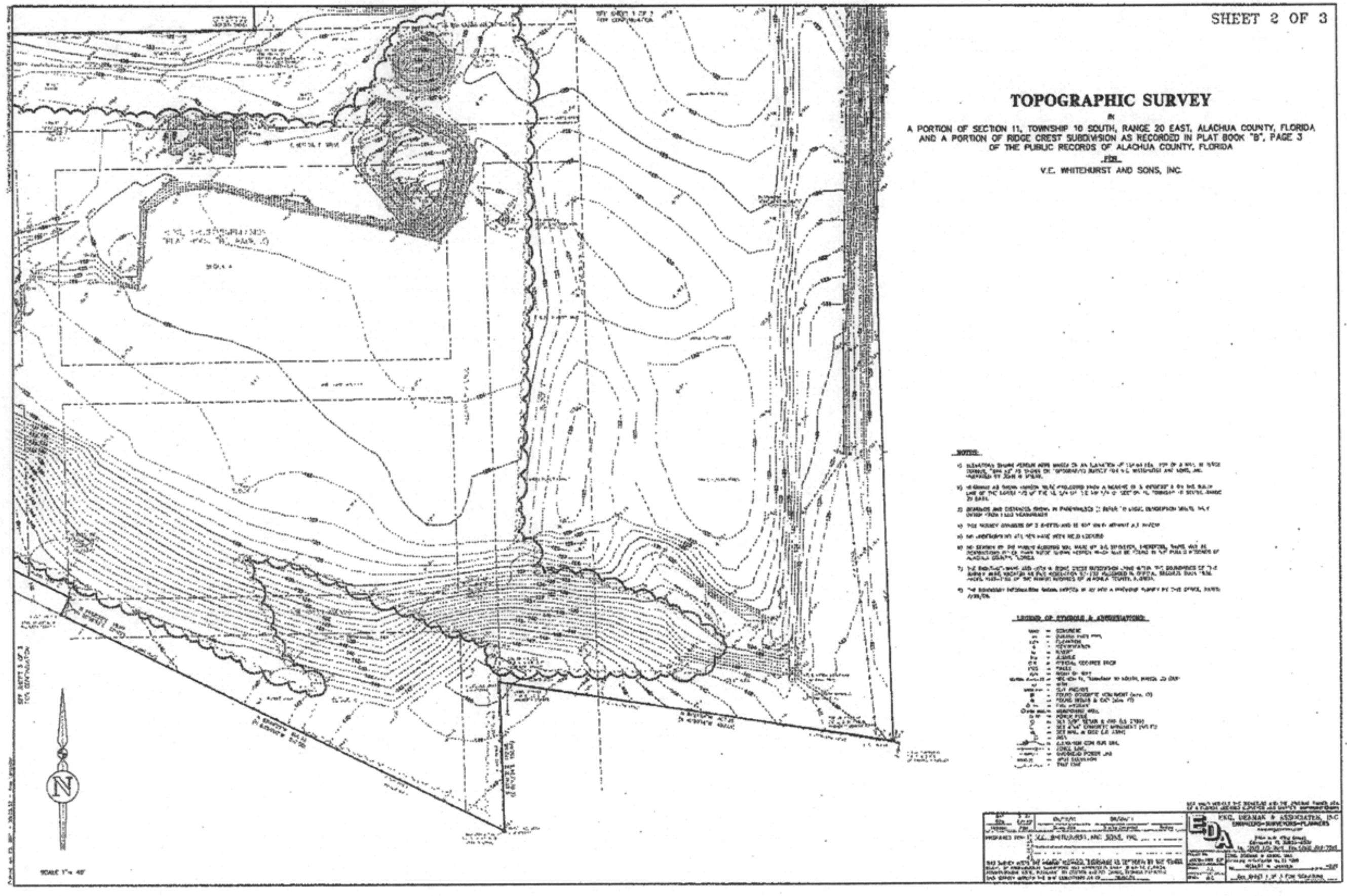

Figure 8. Topographic survey (sheet 3 of 3) of the project site.

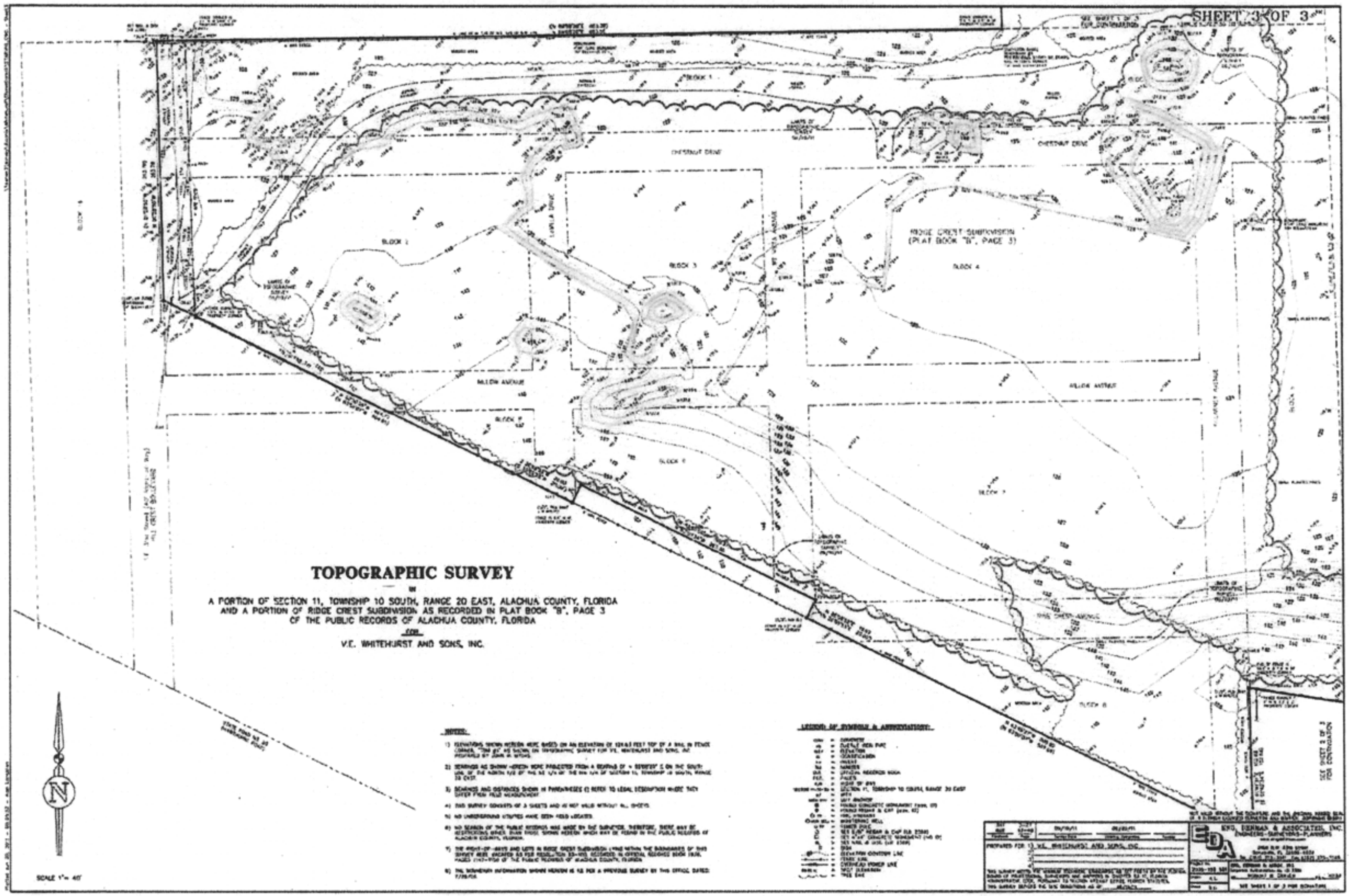

Figure 9. Site development plan.

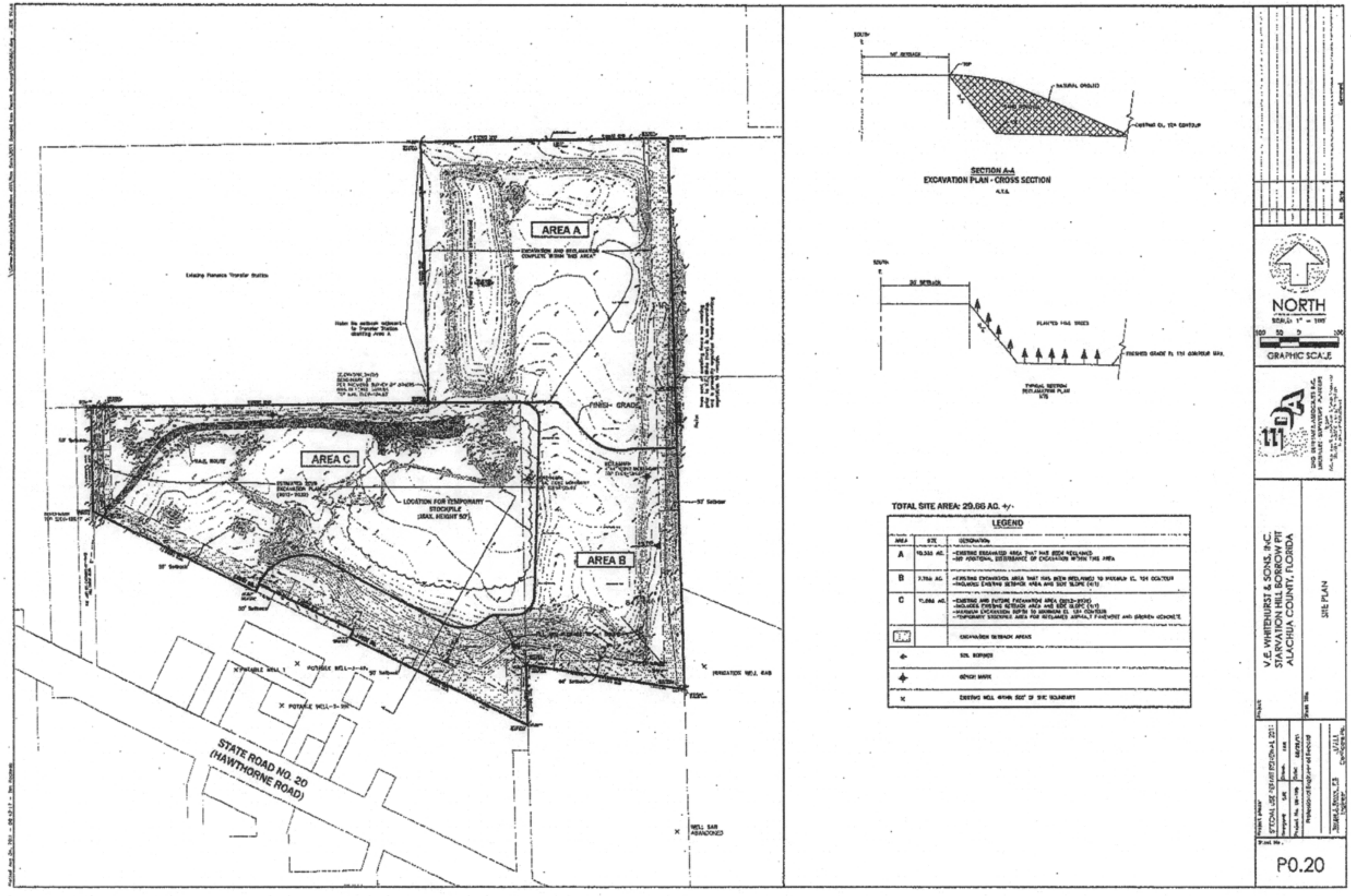

Figure 10. GPS location map where on ground data were collected on the project site.

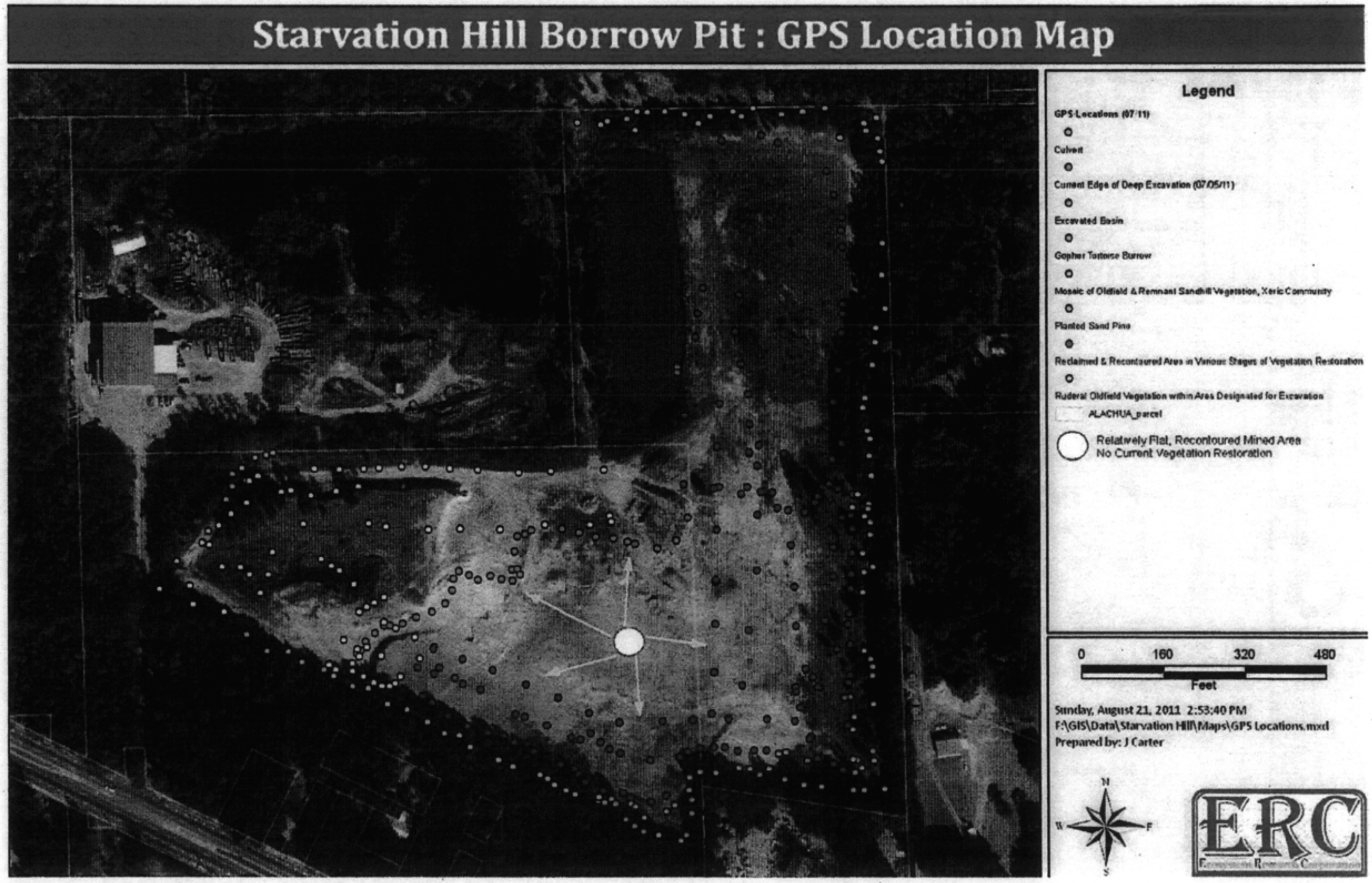

Figure 11. Photo station location map.



Figure 12. Gopher tortoise burrow location map.

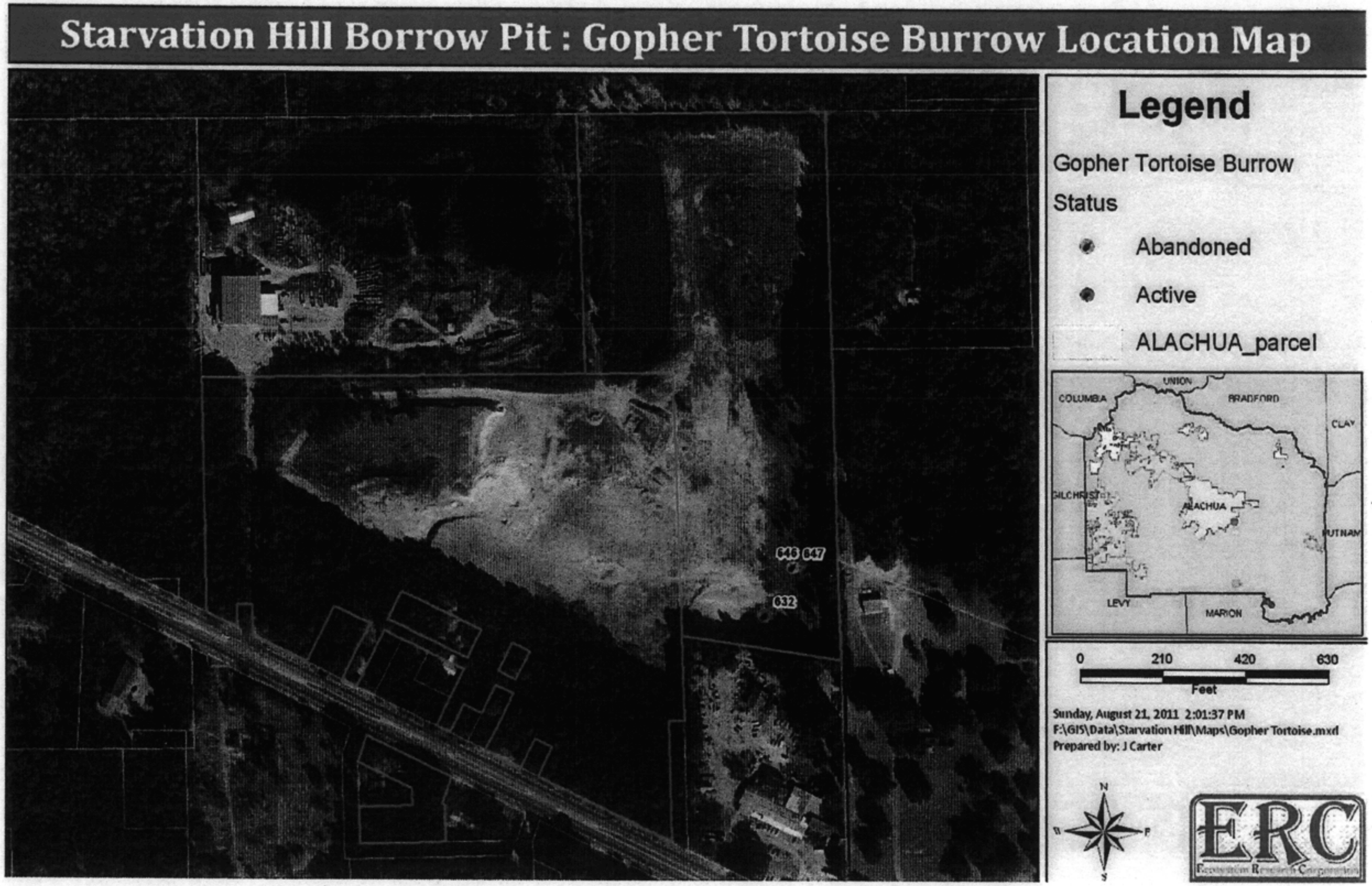

Photo 1. Boundary of the active excavation area as seen looking west to east from GPS location 600.



Photo 2. Panoramic view of the restoration area as seen looking east from GPS location 612.



Photo 3. **Panoramic view of the newly recontoured area and planted sand pine restoration area as seen looking east from GPS location 555.**



Photo 4. Panoramic view of the proposed sand extraction area as seen looking west from GPS location 600.



Photo 5. Panoramic view of the restoration area as seen looking southwest from GPS location 618.

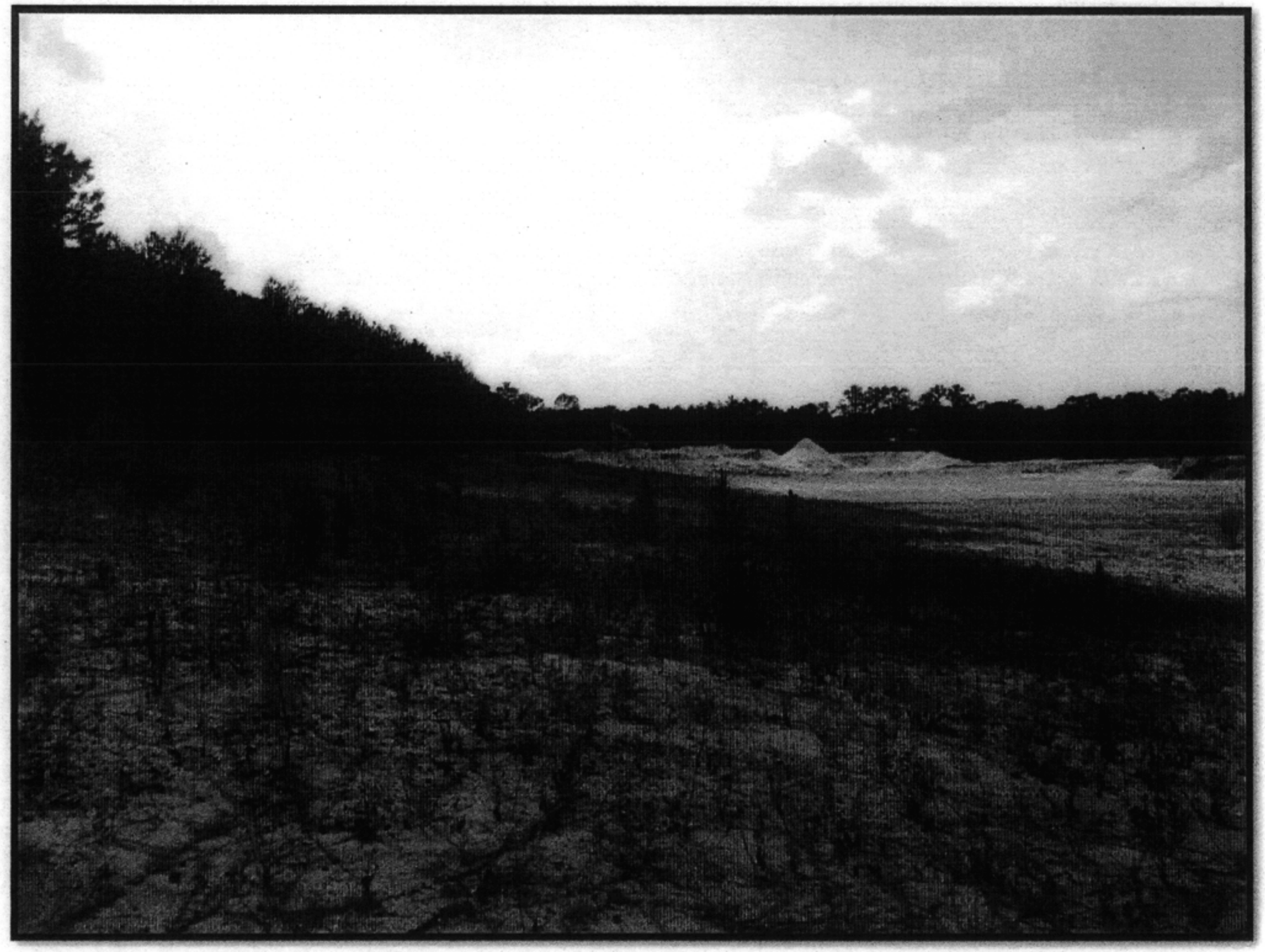

Photo 6. **Panoramic view of the restoration area and remnant Sandhill community as seen looking east from GPS location 618.**



Photo 7. View of the restoration area as seen looking south (upslope) from GPS location 660.



Photo 8. View of the base of the slope of the restoration area as seen looking southwest from GPS location 660.



Photo 9. Panoramic view of the project site as seen looking west to east from GPS location 660.



Photo 10. Panoramic view of the restoration area as seen looking north from GPS location 683.



Photo 11. Gopher tortoise burrow (Active) located at GPS location 632.



Photo 12. Gopher tortoise burrow (Active) located at GPS location 646.



Photo 13. Gopher tortoise burrow (Abandoned) located at GPS location 647 (burrow collapsed).



Attachment 1. Permit ALA-36 issued March 12, 2007, for After-the-Fact Incidental Take.

03/12/2007 15:32 8504885297 FWCDHSC PAGE 02/06

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

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DIVISION OF HABITAT AND SPECIES CONSERVATION
(850) 488-3831 TDD: (850) 488-9542

March 12, 2007

Mr. William Whitehurst
V. E. Whitehurst and Sons, Inc.
20551 N. E. 75th Street
Williston, Florida 32696

Re: Gopher Tortoise Partially After-the-Fact
Incidental Take Permit
ALA-36, Alachua County

Dear Mr. Whitehurst:

Enclosed is permit ALA-36 for the incidental taking of gopher tortoises, their eggs and their burrows within the development boundaries specified. The application for this permit was complete as of February 20, 2007.

Please contact me at (850)488-1653 if you have any questions regarding this permit.

Sincerely,

Richard D. McCann

Richard D. McCann
Biological Scientist IV
Division of Habitat and Species Conservation

rdm/js
ENV 3-2/5
Enclosure
gtpermit.ltr
cc: Mr. Peter Wallace, Ecosystem Research Corporation
Alachua County Planning Department

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03/12/2007 15:32 8504885297 FWCDHSC PAGE 03/06

PARTIALLY AFTER-THE-FACT
PERMIT FOR TAKING OF GOPHER TORTOISES AND
THEIR BURROWS
Chapter 68A-27.005(1)(a) F.A.C.

STATE OF FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Issuance Date: March 11, 2007

Permittee: V.E. Whitehurst and Sons, Inc.
Permittee Address: 20551 N.E. 75th Street
Williston, FL 32696
(Attn: Mr. William Whitehurst)

Consultant: Mr. Peter Wallace
Consultant Address: Ecosystem Research Corporation
2906 Northwest 142nd Avenue
Gainesville, FL 32609-4026

Permit Number: ALA-36

Location of Affected Site: 9.29 acres of the 29.66-acre Starvation Hill Borrow Pit site, including approximately 1.92 acres of occupied gopher tortoise habitat, situated north of S.E. Hawthorne Road (S.R. 20) and east of S.E. 24th Street, within the north-central portion of Section 11, T10S, R20E, in Alachua County (see Attachments 1 and 2).

Permitted Action: The permittee or its agents are authorized to take gopher tortoises, their eggs and their burrows within its development boundaries where such taking is incidental to development activities. The criteria of Rule 68A-27.005(1)(a), F.A.C., have been satisfied and the taking, as conditioned below, will not be detrimental to the survival potential of the species.

Provisions/Conditions:

1. The permittee shall contribute to the acquisition of 0.48 acres of tortoise habitat by paying $2,812.00 ($5,859.00 X 0.48 acres) to the **FWC-Land Acquisition Trust Fund, Northeast Florida account,** of the Florida Fish and Wildlife Conservation Commission. Payment shall be sent to the **Florida Fish and Wildlife Conservation Commission, Post Office Box 6150, Tallahassee, FL 32314-6150.**

2. This permit will not go into effect until the permittee has obtained a receipt from the FWC for the mitigation funds specified under condition #1. As described in the permit Notice of Rights Statement, a concerned party may appeal issuance of this permit within 21 days of the permittee's receipt of this notice. If a Petition for Administrative Hearing is timely filed within the prescribed time period, the permittee will be notified by the FWC. Upon such notification, the permittee shall cease all work authorized by this permit until the petition is resolved.

3. Receipt of payment must occur in a timely manner so that regional habitat conservation areas can be purchased. Payment shall be made within 21 days from the date of this notice. If complete payment of the prescribed mitigation funds is not received by the FWC within the specified time frame, this permit is subject to being voided.

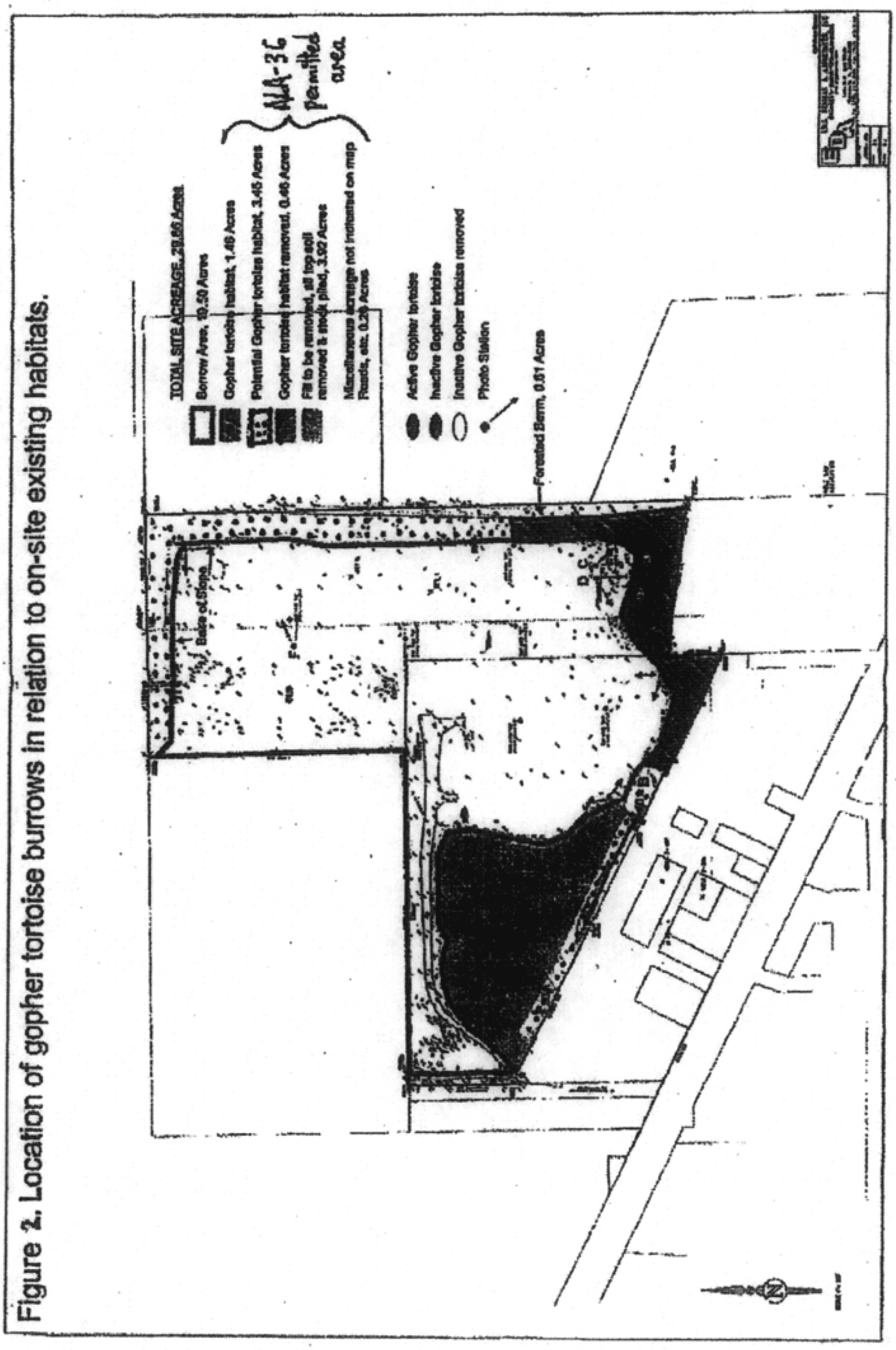


Figure 2. Location of gopher tortoise burrows in relation to on-site existing habitats.

4. This permit does not relieve the permittee from any other "taking" requirements by the U.S. Fish and Wildlife Service (USFWS) or the FWC as to other listed species. Specifically, this permit does not authorize any destruction of scrub jays or scrub jay habitat. Consultation with the USFWS should be sought if this species is present.

5. The permittee or its approved agents are authorized to move tortoises, at their discretion, within the property boundaries to minimize taking. This permit does not authorize the permittee or its agents to possess or move tortoises off the contiguous ownership of the permittee nor to move tortoises into areas previously authorized as a relocation site by a FWC permit. A separate relocation permit from the FWC shall be required for those activities.

6. This permit does not authorize any taking of gopher tortoises beyond that which is a direct result of development activities or the on-site movement of animals addressed in condition #5. Any other form of taking or relocation will require a separate permit from the Executive Director.

7. Either this original permit or a complete copy, including all applicable receipts, must be clearly posted at the affected site at all times while engaged in the permitted activities.

8. This permit is transferable to subsequent owners of the property.

Notice of Rights Statement: In accordance with Rules 28-5.111 and 28-6.008, F.A.C., and Section 120.60, F.S., any party may request a hearing on this matter pursuant to Section 120.57, F.S., by filing a completed Elections of Rights form (copy attached) by certified mail, return receipt requested, with the undersigned within twenty-one (21) days of receipt of this notice. If timely requested and a hearing is granted, the hearing will be conducted under the procedures established by Section 120.57, F.S. A party will be given the opportunity to be represented by counsel or other qualified representative, to take testimony, to call and cross-examine witnesses, and to have subpoenas issued on your behalf.

Kenneth D. Haddad
Executive Director

By: Richard D. McCain

ENV 3-2/5
gtala-36.atf

Attachments:
1. General location map
2. Project boundaries map
3. Notice of Rights form

03/12/2007 15:32 8504885297 FWCDHSC PAGE 05/06

Page 1 of 1

STARVATION HILL BORROW PIT

Figure 1. Schematic location map for Starvation Hill Borrow Pit.

Parcels Local
County Boundaries
Parcel Outlines

- PROJECT SITE
- permitted area

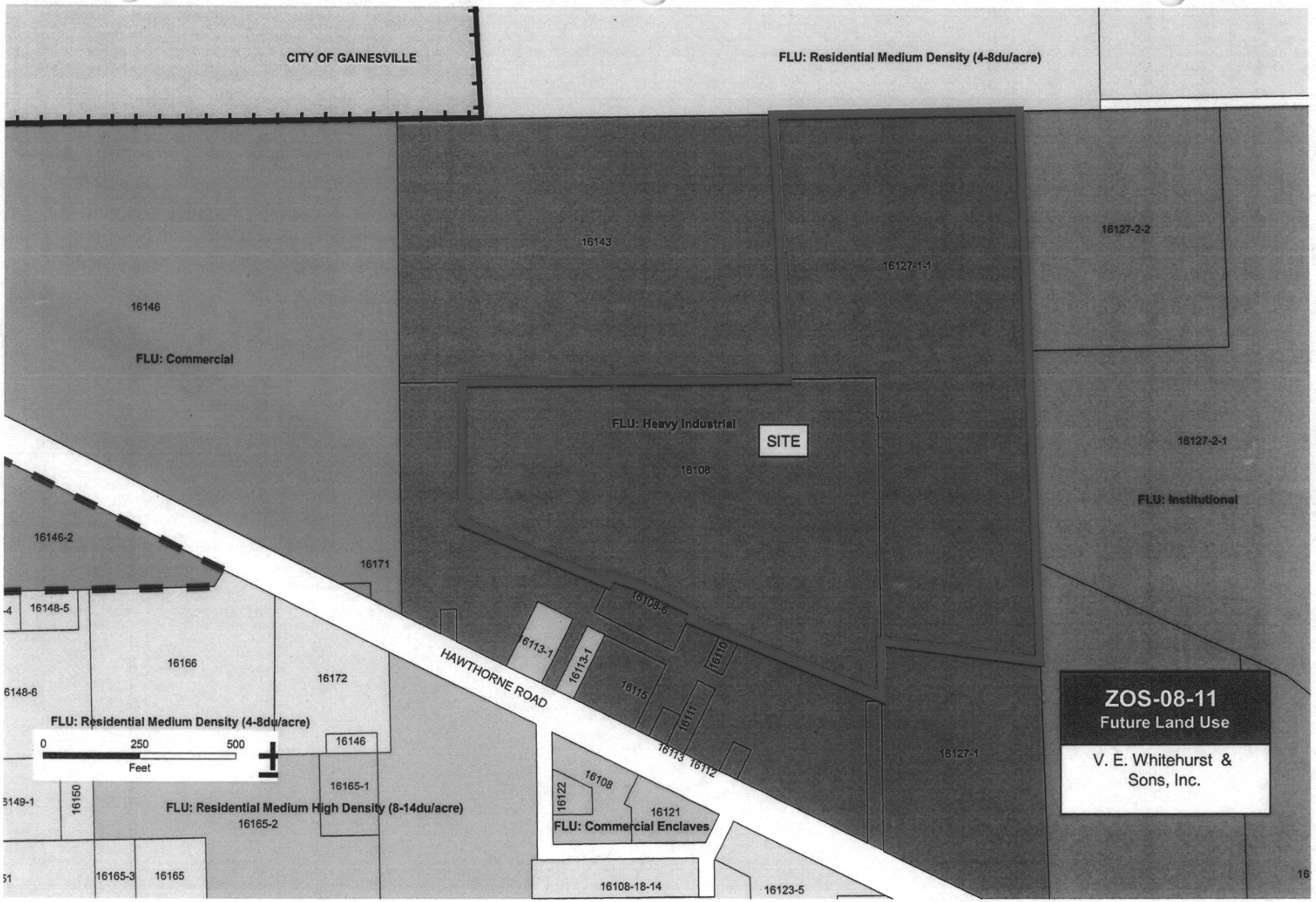
N

8/11/2006

SITE

http://maps.mapwise.com/timi/print_17x11.gbtmi?sid=44dc9e7780b424:tiff=STARVATION HILL BORROW PIT

Figure 1
MapWise 17 x 11 Map


CITY OF GAINESVILLE
FLU: Residential Medium Density (4-8du/acre)
16143
16127-2-2
16127-1-1
16146
FLU: Commercial
FLU: Heavy Industrial
SITE
16108
16127-2-1
FLU: Institutional
16146-2
16171
16148-5
16166
16172
16108-6
16113-1
16113-1
16110
16115
16111
6148-6
HAWTHORNE ROAD
FLU: Residential Medium Density (4-8du/acre)
0
250
500
Feet
16146
16165-1
16113
16112
16127-1
16108
16122
16121
FLU: Commercial Enclaves
6149-1
16150
FLU: Residential Medium High Density (8-14du/acre)
16165-2
16165-3
16165
16108-18-14
16123-5
ZOS-08-11
Future Land Use
V. E. Whitehurst & Sons, Inc.

FLORENCE RECYCLING & DISPOSAL

MAILING ADDRESS

5745 SW 75TH Street - # 305 - Gainesville, Florida 32608

PHYSICAL LOCATION

3222 SE Hawthorne Road

352 375-9919 - 352 375-5189

352 375-5299 fax

RECEIVED
10-06-11
AC Growth Mgt.

We support this application and ask that it be approved. Our two companies own land along two sides and the back of the subject property. Our parcel #'s are 10890-002-000 and 16143-000-000. The Whitehurst are great neighbors, their operation is well run and a benifit to Alachua Co.

Sincerely

Paul Florence

October 11, 2011 Regular BoCC Meeting
Agenda Item #29

Title
ZOM-10-10 A request for a zoning change from A (Agriculture) to PD (Planned Development) at the SW corner of CR 232 and NW 290th Terrace. (Amended)

Amount
N/A

Description
A request by Oak Tree Landing, LTD for a zoning change from A(Agriculture) to PD (Planned Development) to allow five residential lots, outdoor recreation uses including a golf course with accessory uses, a tennis center, a community garden and a vineyard-winery on parcel numbers 01772-000-000, 01765-001-000, 01770-000-000, and 01772-001-000.

Recommendation
Approve Resolution Z-17-11 amending the zoning on parcel numbers 01772-000-000, 01765-001-000, 01770-000-000, 01772-001-000 from A(Agriculture) to PD(Planned Development)

Alternative(s)
Do not approve resolution Z-17-11 as submitted.

Requested By
Missy Daniels, Senior Planner 374-5249

Originating Department
Growth Management

Attachment(s) Description
Resolution, staff report, application materials including traffic report, consistency analysis, introduction statement, legal description, survey, zoning master plan mailed notice affidavit, neighborhood meeting summary, public comments

Documents Requiring Action
Resolution Z-17-11

Executive Summary
The applicant, Oak Tree Landing, LTD, is requesting a zoning change from an A (Agriculture) district to a PD (Planned Development) district on approximately 160.18 acres in a portion of Alachua County that borders Gilchrist County. The applicant is proposing five (5) residential lots, outdoor recreation including a golf course and driving range with amenities, a tennis center, community gardens and vineyard with a winery tasting room, an equestrian barn and equestrian trails throughout the development. The proposed development is part of a larger 654 acre development in Gilchrist County. All of the uses proposed for the Alachua County side including the outdoor recreation uses are allowed within the A (Agriculture) zoning district. Outdoor recreation has required standards in Chapter 404, Article 14, Section 404.64 in the ULDC. The applicant is requesting to deviate from those standards, specifically, to allow longer hours, lighting, and larger accessory buildings for the outdoor recreation uses than would be allowed in the standard A(Agriculture) district thus the need to rezone to a Planned Development.

Background
This proposed development is part of a larger development most of which lies in Gilchrist County. The Gilchrist County

Comprehensive Plan was recently amended to designate the Gilchrist County portion of this property as a Rural Florida Destination Village (RFD). This designation requires a community "that captures the essence of traditional Florida rural settlements". Oak Tree Landing is proposed to be a rural village with resort style amenities that allow for a unique blend of activities including arts programs, recreational activities and agricultural experiences. The Gilchrist County side will allow an airport (existing), 600 housing units both single-family and multi-family. Approximately 75,000 square feet of retail and office uses, 75,000 square feet of public and civic building space, 75,000 square feet of lodging, public squares, a fine arts school for post-secondary and community programs, a golf course, tennis courts, clubhouses, and sporting clay courses. The Alachua County side is proposed to allow 5 residential lots, a golf course and driving range with customary uses not to exceed 22,500 square feet, a tennis center with buildings not to exceed 8,000 square feet, a winery with publically accessible areas not to exceed 3,000 square feet, and other agricultural uses allowed as permitted uses within the A (agricultural) zoning district.

Issues

Most of this proposed development is located in Gilchrist County. The property has direct frontage on NW 78th Avenue (CR 232). The pavement surface of NW 78th Avenue is in a deteriorating condition. The additional impacts of this development, when coupled with the more significant portion of the development located in Gilchrest County, will accelerate the deterioration of this roadway and expedite the need for the County to move this project up in the priorities of the pavement management program.

Fiscal Recommendation

N/A

Fiscal Alternative(s)

N/A

Funding Sources

N/A

Account Code(s)

N/A

Attachment: OTL_PD_Zoning_Master_Plan_20110928.pdf
Attachment: OTL_042211_Traffic_Report.pdf
Attachment: OTL_Consistency_Analysis.pdf
Attachment: OTL_introduction_statement.pdf
Attachment: OTL_Mailed_Notice_Affidavit.pdf
Attachment: OTL_Neighborhood_Meeting.pdf
Attachment: OTL_PD_CommentResponseLetter.pdf
Attachment: OTL_Public_Comments.pdf
Attachment: OTL_Survey.pdf
Attachment: PowerPoint_ZOM1010.pdf
Attachment: Staff_Report_ZOM_10_10.pdf
Attachment: OTL_LEGAL_DESCRIPTION_110805.pdf
Attachment: Resolution_Z_17_11_ZOM_10_10.pdf

ZOM-10-10 Condition Number # 8

8. Lighting of outdoor recreation uses, <u>excluding the links style golf course,</u> is allowed consistent with the lighting standards in the ULDC at time of final site plan submittal and subject to Development Review Committee approval of a photometric study showing no spill over to adjacent properties not within the Oak Tree Landing development.

RESOLUTION Z-17-11

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO REZONE FROM 'A' (AGRICULTURE) DISTRICT TO 'PD' (PLANNED DEVELOPMENT) DISTRICT TO ALLOW FIVE (5) RESIDENTIAL LOTS, OUTDOOR RECREATION USES INCLUDING A GOLF COURSE WITH CUSTOMARY ACCESSORY USES, A TENNIS CENTER, A COMMUNITY GARDEN AND A VINEYARD/WINERY IN A RURAL AGRICULTURE LAND USE DESIGNATION ON APPROXIMATELY 160.18 ACRES LOCATED AT THE SW CORNER OF COUNTY ROAD 232 AND NW 290TH TERRACE ON TAX PARCEL NUMBERS 01772-000-000, 01765-001-000, 01770-000-000, 01772-001-000.

WHEREAS, Zoning Application ZOM-10-10 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of September 21, 2011; and,

WHEREAS, the Alachua County Board of County Commissioners considered the item at its regular meeting of October 11, 2011;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application Z0M-10-10, a request by George F. Young, agent, for Oak Tree Landing, LTD, owners, to rezone from 'A' (Agriculture) district to 'PD' (Planned Development) district to allow five (5) residential lots, outdoor recreation uses including a golf course with customary accessory uses, a tennis center, a community garden and a vineyard/winery on approximately 160.18 acres located at the SW corner of County

2011 OCT 18 PM 3:08
CLERK OF CIRCUIT COURT
PLANNING & ZONING
RECEIVED

Road 232 and NW 290th Terrace on Tax Parcel Numbers 01772-000-000, 01765-001-000, 01770-000-000, 01772-001-000, as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

Conditions

1. The Planned Development is approved allowing the following uses and square footages as generally depicted on the Zoning Master Plan:

   a. development of 5 residential lots,

   b. a golf course and driving range with a clubhouse with food and beverage services, course management offices, pro shop, and other customary uses associated with a golf course. The maximum building area shall not exceed 22,500 square feet gross floor area,

   c. a tennis center with buildings not to exceed 8,000 square feet,

   d. a winery with publically accessible areas not to exceed 3,000 square feet,

   e. other agricultural uses allowed as permitted uses within the A(agricultural) zoning district.

. 2. Only one functional access point to the Oak Tree landing PD is required along with the emergency access.

3. West bound left and east bound right turn lanes are required at the proposed connection to County Road 232 (NW 78th Avenue). Opposing eastbound and westbound left turn lanes are required to be constructed on CR 232 at the US 41 intersection as an operational and safety improvement. These improvements

shall be designed for a 60 MPH design speed.

4. If the internal roadways are private streets, transportation easements must be dedicated so that the major street network is available for the use of the public.

5. Impact Fees for the golf holes will be assessed during the building permit for the clubhouse.

6. Submittal of preliminary and final development plans shall include an irrigation plan and nutrient removal management plan with an appropriate set of best management practices that address water, fertilizer and integrated pest management strategies for the community garden, vineyard and golf course designed to meet the nutrient goals identified in the plan submitted pursuant to condition number 16 and to contain strong water conservation strategies.

7. The golf course shall be designed as a links style course that retains existing terrain and native vegetation to the maximum extent practicable and minimizes the use of managed turf grass by generally including it only on greens, tees and landing areas.

8. Lighting of outdoor recreation uses, excluding the links style golf course, is allowed consistent with the lighting standards in the ULDC at time of final site plan submittal and subject to Development Review Committee approval of a photometric study showing no spill over to adjacent properties not within the Oak Tree Landing development.

9. Outdoor recreation uses may operate between the hours of 7:00 am and 11:00 pm.

10. No buffer shall be required along the Gilchrist County boundary.

11. Multi-use paths required by ULDC Table 407.141.1 may be located more than 300 feet from the edge of streets in keeping with the rural character of the development.

12. For the areas depicted as Outdoor Recreation/Open Space on the Zoning Master Plan only those areas consistent with ULDC Chapter 407, Article 5 Open Space, shall be credited toward required open space.

13. Agricultural uses allowed as permitted uses within the A(agricultural) zoning district may also be permitted within the area depicted on the Zoning Master Plan as Outdoor Recreation/Open Space. Only agriculture uses that qualify as open space as consistent with ULDC Chapter 407, Article 5, Open Space, shall be credited toward required open space.

14. Non-residential uses within the Planned Development may connect to the private water and wastewater system to be built in Gilchrist County for the Oak Tree Landing Rural Florida Destination Village upon a finding by the Development Review Committee that the facility will comply with an approved plan pursuant to condition number 16.

15. Stormwater facilities shall be designed using low impact development techniques

to enhance aquifer recharge.

16. As part of final development plan submittal for the first phase of development of the Oak Tree Landing PD, the developer shall submit a plan for nutrient protection goals applicable to waters migrating from the site with potential impacts to the applicable springshed. The plan shall, at minimum, meet standards of advanced treatment with nutrient removal but may establish higher goals if determined necessary to ensure that the Oak Tree Landing PD does not degrade springshed water quality. The plan shall establish an agreed methodology for monitoring ongoing compliance with the goals and will include irrigation, landscaping, ground water monitoring, and nutrient management plans. The Developer has agreed to work with the County and the Program for Resource Efficient Communities at the Institute of Food and Agricultural Sciences at the University of Florida in a collaborative effort to determine the appropriate goals and implementation measures to be set forth in the plan.

17. The golf course shall be designed to be protective of springs (e.g. capture and recycle drainage water from the greens to lined biofilter areas for cleaning and recycling to minimize the potential for nutrient and pesticide discharge into the Floridan aquifer).

18. Harvested rainfall and reclaimed water shall be used to irrigate landscaped areas within the Oak Tree Landing PD common areas including the golf course. The irrigation system shall be designed for maximum water conservation.

19. All common area landscaping shall comply with the xeriscaping requirements of ULDC Chapter 407.

20. Oak Tree landing shall comply with all applicable provisions of ULDC Chapter 406, regulating high aquifer recharge areas and springshed protection areas that are in existence at the time of final development plan approval.

Bases

1. As required by Policy 6.1.3 of the Future Land Use Element that states, the most recent, applicable best management practices for agriculture and silviculture shall be required consistent with Section 5.5, Agricultural and Silvicultural Practices, the development has been conditioned to require the use of the most recent applicable best management practices for the community gardens and vineyards and for maintenance of the golf course.

2. Policy 6.1.4 of the Future Land Use Element states the County shall support the development of markets and programs that promote … agritourism opportunities. This community is being planned as a vacation destination with agritourism opportunities in both the community gardens and the vineyard.

3. Objective 6.2 of the Future Land Use Element states that the Rural/Agriculture land use designation is in part for agricultural activities, agritourism activities, rural residential uses and outdoor activity-based recreation. The proposed PD is

consistent with this objective as the uses in the PD as conditioned will allow rural residential uses, agricultural activities including a winery, and outdoor activity-based recreation including a golf course and tennis center.

4. Policy 6.2.6 of the Future Land Use Element states that no subdivision may be created without paved public road access. The proposed PD is located at the SW corner of County Road 232 and NW 290th Terrace and is therefore consistent with this policy.

5. Policy 6.2.10 of the Future Land Use Element states that the overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category. The subject property is 160.18 acres and only five residential lots are proposed, thus meeting the density requirements of this policy.

6. Policy 3.4.1 of the Conservation and Open Space Element states that all applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information. That inventory has been submitted in accordance with this requirement.

7. Objective 4.5 of the Conservation and Open Space Element (COSE) of the Comprehensive Plan requires protection and conservation of the quality and quantity of groundwater and springs resources to ensure long-term public health

and safety, potable water supplies from surficial, intermediate, and Floridan aquifers, adequate flow to springs, and the ecological integrity of natural resources. Policy 4.5.8 states that applicants for new development or additions to existing development shall address potential groundwater quality impacts. Development applications shall be denied if they are insufficiently protective of groundwater quality. This property is in the Blue Spring and Ginnie Spring springsheds and is in an area of high Floridan aquifer vulnerability, and in proximity to the Santa Fe River. This project is proposing uses that likely will require significant fertilizer and pesticide use, and additional water use beyond what is necessary for the residential lots. Staff has placed conditions on the development of this property including advanced treatment of wastewater with nutrient removal for reclaimed water use and the connection into Gilchrist County's private wastewater system, designing the irrigation system for maximum water conservation, and including an appropriate set of best management practices that address water, fertilizer and integrated pest management. These conditions will ensure consistency with the groundwater and springs protection policies.

8. ULDC Chapter 406, Section 406.59 states that all new development or modifications to existing development shall provide stormwater treatment consistent with the Stormwater Element of the Comprehensive Plan and Chapter 407 of this ULDC. All stormwater basins on parcels containing high aquifer recharge areas shall be designed and constructed to provide for at least three (3)

feet of unconsolidated solid materials such as sand, silts, and clays between the surface of limestone bedrock and the bottom and sides of the stormwater basin. The development is conditioned to meet this policy. In addition, the developer is required to design the stormwater management system using low impact development techniques.

9. Policy 7.1.2 of the Future land Use Element states that proposed changes in the zoning map shall consider consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan, availability of public facilities to serve the development, environmental justice and factors relating to health safety and welfare. The proposed Planned Development with specific conditions is consistent with the Alachua County Comprehensive Plan. Adequate public facilities are available to this property, including the use of private well and septic. Surrounding development is agricultural in nature and this development will not have an adverse impact on neighboring properties or the surrounding community. There are no environmental justice issues related to approval of this planned development. Approval of this development will also not cause adverse impacts to health, safety or welfare of surrounding property owners or future property owners within this development. This proposed PD is consistent with Policy 7.1.2 of the Future Land Use Element.

10. Policies 1.1.3 and 1.1.4 of the Economic Element of the Comprehensive Plan states that Alachua County shall promote tourism, including eco-tourism,

agritourism, heritage tourism and tourism-related businesses that complement the County's environmental, social and economic quality. The Gilchrist County side of this development was approved as a Rural Florida Destination Village. These villages are "intended to provide resort-based economic development opportunities on rural and agricultural lands by attracting visitors wishing to enjoy a 'real Florida' experience based on rural landscapes, active agriculture, and the surrounding North Florida region's unique natural environment of forests, springs, rivers and tidelands. A Gilchrist County RFD shall be a second home and visitor destination community designed to provide visitors and part-time residents with a Florida rural village experience". The Alachua County side of this development is fully incorporated with the Gilchrist County side and intends to have agritourism opportunities in the form of community gardens, equestrian trails and a vineyard/winery. This proposed PD is thus consistent with Policies 1.1.3 and 1.1.4 of the Economic Element.

11. Objective 6.4 and Policy 6.4.1 of the Energy Element of the Comprehensive Plan discuss supporting local agricultural operations in the use of sustainable agricultural practices and working with landowners to facilitate participation in programs that meet or exceed best management practices. This proposed Planned Development is conditioned on using best management practices as relates to water, fertilizer and integrated pest management strategies and is thus consistent with Objective 6.4 and Policy 6.4.1 of the Energy Element.

12. Section 407.140 of the ULDC states that for a development containing only one access, an emergency service access shall be provided in addition to the primary access and shall be maintained. The proposed PD has only one functional access on the Alachua County side and so is providing an emergency access as well. Because there are additional access points that join to Alachua County from the Gilchrist County side, the approval of the proposed PD has been conditioned to allow the one access with an emergency access with west bound left and east bound right turn lanes at the proposed connection to County Road 232 (NW 78th Avenue) and is thus consistent with Section 407.140 of the Unified Land Development Code.

13. Section 402.77 of the ULDC requires that when considering any application for rezoning, consistency with the Comprehensive Plan, compatibility with surrounding uses, adequacy of public services, access, and impacts to public health, safety and welfare shall be considered. This rezoning request with conditions as proposed is consistent with the ULDC and the Alachua County Comprehensive Plan. The proposed use as a tourist destination community with residential homes, a golf course, tennis center and vineyard/winery is consistent with the surrounding land uses and character of the area. The property does not contain sensitive environmental areas and is suitable for the proposed zoning uses. Adequate public facilities with the addition of private well and septic exist to serve the development. In order to ensure that the proposed use does not adversely impact the public health, safety or welfare, conditions have been

placed including the requirement of using best management practices for water, fertilizer and integrated pest management, low impact development techniques for stormwater management, and the addition of west bound left and east bound right turn lanes at County Road 232 to ensure safe access to the property.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this 11th day in October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF

ALACHUA COUNTY, FLORIDA

By: _____

Lee Pinkoson, Chair

ATTEST: _____

J. K. Irby, Clerk

APPROVED AS TO FORM

_____

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

_____

Department of Growth Management

Authorized Designee

EXHIBIT A

Legal Description

Exhibit "A"
Parcel 3:
That part of the Southeast Quarter (SE 1/4) of Section 1, Township 9 South, Range 16 East Gilchrist County, Florida, that lies Southerly of County Road 232; LESS the East 15 feet for county road right of way as described in Deed Book 10, page 553, of the Public Records of Gilchrist County, Florida.

Parcel 4:
The South Half of the Northeast Quarter (S 1/2 of NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 5:
The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 6:
The Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

EXHIBIT "B"
The S 1/2 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, LESS the West 15 feet thereof as described in Deed Book 10, Page 406.

EXHIBIT "C"

Parcel:
That portion of Section 6, Township 9 South, Range 17 East, Alachua County, Florida, lying Southwesterly of the right of way of County Road No. 232 (formerly State Road S-232: 80-foot right of way), said right of way as described in Deed Book 326, pages 341; LESS AND EXCEPT the West 15 feet thereof as described in Deed Book 308, page 241;

LESS AND EXCEPT the South 33 feet thereof as described in Deed Book 253, page 317; all of the Public Records of Alachua County, Florida.

Parcel 2:
The Northwest Quarter (NW 1/4) of Section 7, Township 9 South, Range 17 East, Alachua County, Florida; LESS the right of way for County Road 232 as described in Deed Book 326, Page 348, and LESS the North 33 feet of thereof as described in Deed Book 253, Page 328.

CONDITIONS:

1. ALLOWED LAND USES:

RESIDENTIAL	SINGLE-FAMILY LOTS
AGRICULTURE	ALL USES ALLOWED BY AGRICULTURAL ZONING AND INCLUDING A WINERY WITH TASTING ROOM.
OUTDOOR RECREATION	GOLF COURSE WITH TRADITIONAL ACCESSORY USES SUCH AS CLUBHOUSE WITH BAR, RESTAURANT, AND PRO-SHOP; DRIVING RANGE; TENNIS CENTER, AND EQUIPMENT STORAGE

2. THE FOLLOWING STANDARDS FOR RESIDENTIAL LOTS SHALL APPLY:

STANDARDS FOR RESIDENTIAL LOTS	
MAXIMUM RESIDENTIAL DENSITY	1 UNIT PER 5 AC
AREA, MIN (ACRES)	3
AREA, MAX (ACRES)	N/A
WIDTH AT FRONT BUILDING LINE, MIN (FT)	250
DEPTH, MIN (FT)	250
MAXIMUM BUILDING COVERAGE (PERCENT OF GROSS LAND AREA)	20%
BUILDING HEIGHT	35'
SETBACKS	
FRONT, MIN (FT)	40 FT
REAR, MIN (FT)	40 FT
INTERIOR SIDE, MIN (FT)	20 FT
STREET SIDE, MIN (FT)	40 FT
REAR LOT LINE SETBACK - ACCESSORY BUILDINGS, MIN (FT)	25
ACCESSORY BUILDINGS ON RESIDENTIAL LOTS SHALL MEET THE REQUIREMENTS OF THE ALACHUA COUNTY LDC.	

3. THE FOLLOWING STANDARDS FOR NONRESIDENTIAL BUILDINGS SHALL APPLY:

STANDARDS FOR NONRESIDENTIAL LOTS		
MAXIMUM SQUARE FOOTAGE	CLUBHOUSE AND CART BARN	22,500
	TENNIS CENTER	8,000
	AGRICULTURAL BUILDING	N/A, EXCEPT THAT THE PUBLICALLY ACCESSIBLE AREAS OF THE WINERY SHALL BE LIMITED TO 3,000 SQUARE FEET.
AREA, MIN (ACRES)		N/A
AREA, MAX (ACRES)		143.23
WIDTH AT FRONT BUILDING LINE, MIN (FT)		N/A
DEPTH, MIN (FT)		N/A
MAXIMUM BUILDING COVERAGE (PERCENT OF GROSS LAND AREA)		20%
BUILDING HEIGHT		NO MORE THAN 3 STORIES OR A MAXIMUM HEIGHT OF 50'
SETBACKS FROM PROPERTY LINE		
FRONT, MIN (FT)		50 FT
REAR, MIN (FT)		50 FT
INTERIOR SIDE, MIN (FT)		NONE
STREET SIDE, MIN (FT)		50 FT

4. THE FOLLOWING PHASING SCHEDULE SHALL APPLY:

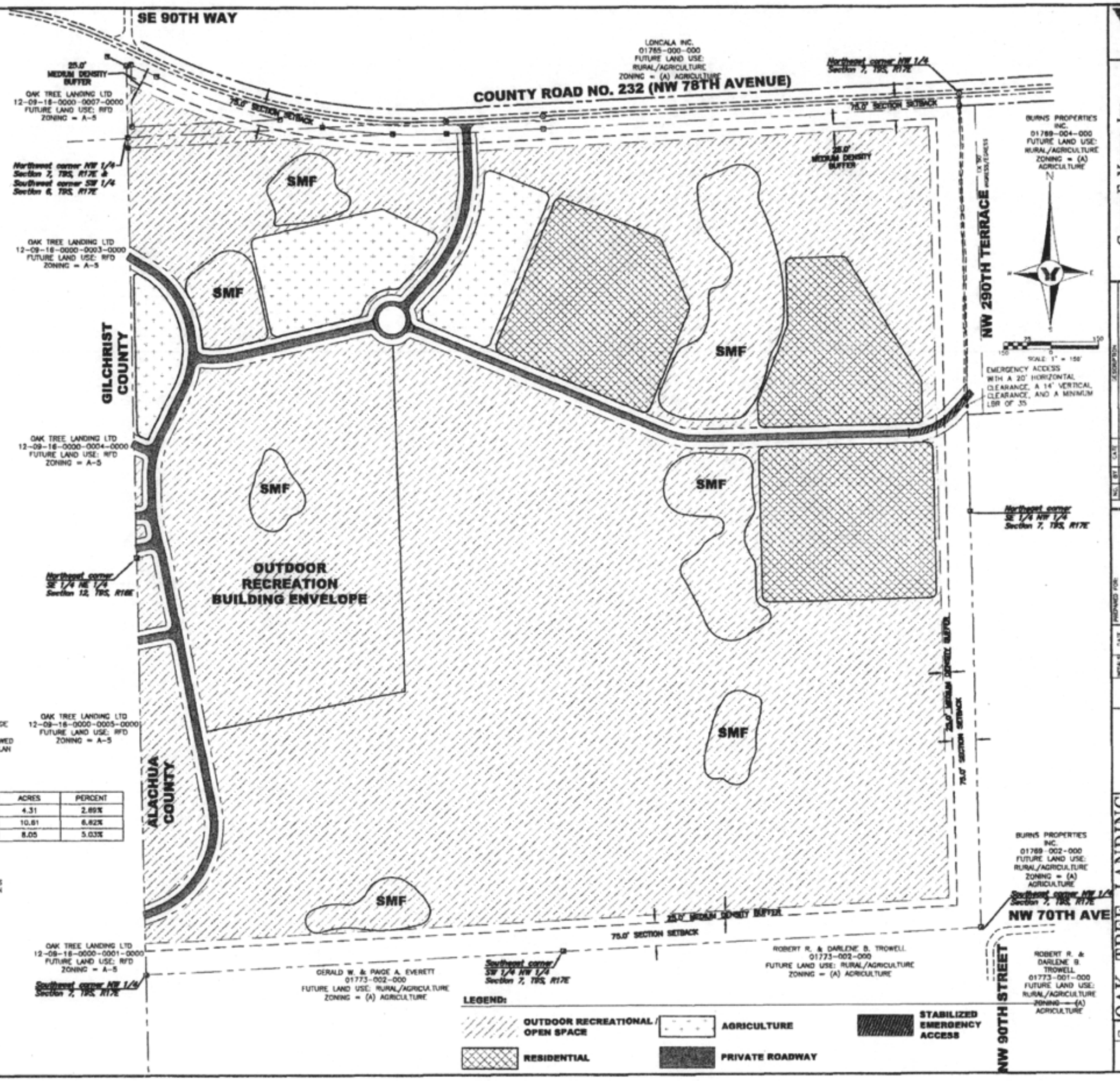
PHASE	BEGIN DATE:	END DATE	ACREAGE	NONRESIDENTIAL SQ. FOOTAGE
RESIDENTIAL	OCTOBER 1, 2011	SEPTEMBER 30, 2021	15 MINIMUM	N/A
ALL OTHER USES	OCTOBER 1, 2011	SEPTEMBER 30, 2021	137 MAXIMUM	ALL SQUARE FOOTAGE ALLOWED BY THIS ZONING MASTER PLAN

DISTRIBUTION OF USES SHOWN ON PD MASTER PLAN

USE	ACRES	PERCENT	USE	ACRES	PERCENT
RESIDENTIAL	16.86	10.53%	BUFFERS	4.31	2.69%
AGRICULTURE	7.84	4.89%	SETBACKS	10.61	6.62%
OUTDOOR RECREATIONAL/OPENSPACE	112.51	70.24%	INGRESS/EGRESS	8.05	5.03%

NOTES:

1. THE CONFIGURATION OF STREETS AND STORMWATER MANAGEMENT FACILITIES DEPICTED ON THIS ZONING MASTER PLAN ARE NOT INTENDED TO BE EXACT. THE DRC IS HEREBY AUTHORIZED TO APPROVE ADJUSTMENTS TO THE PLACEMENT AND CONFIGURATION OF STREETS AND STORMWATER MANAGEMENT FACILITIES DEPICTED ON THIS ZONING MASTER PLAN WHEN REQUESTED BY THE DEVELOPER IN ORDER TO ACHIEVE AN IMPROVED SITE PLAN.
2. THE LOCATION AND BOUNDARIES FOR EACH LAND USE AND THE BUILDING ENVELOPE DEPICTED ON THIS ZONING MASTER PLAN ARE NOT INTENDED TO BE EXACT. THE DRC IS HEREBY AUTHORIZED TO APPROVE ADJUSTMENTS REQUESTED BY THE DEVELOPER TO ALL LAND USE AND BUILDING ENVELOPE BOUNDARIES DURING DEVELOPMENT REVIEW SO LONG AS THE ALLOCATION OF ACREAGE AMONG THE VARIOUS LAND USE AREAS MEETS THE FOLLOWING STANDARDS:
   a. THE RESIDENTIAL ACREAGE DEPICTED ON THE ZONING MASTER PLAN IS 16.86 ACRES. THE RESIDENTIAL ACREAGE MAY BE INCREASED WITH A CORRESPONDING REDUCTION IN AREAS DESIGNATED OUTDOOR RECREATION/OPEN SPACE.
   b. ADDITIONAL BOUNDARY ADJUSTMENTS MAY BE REQUESTED BY THE DEVELOPER SO LONG AS THE ALLOCATION OF ACREAGE REMAINS WITHIN 25% OF THE ACREAGE INDICATED ON THIS ZONING MASTER PLAN AND AFTER ANY ADJUSTMENT AUTHORIZED BY SUBPARAGRAPH A, ABOVE.



George F. Young, Inc.
Since 1919
PREPARED FOR:
STILES COMPANY
300 SE 2nd STREET
FORT LAUDERDALE, FL 33301
(954) 627-9150

OAK TREE LANDING

PLANNED DEVELOPMENT ZONING MASTER PLAN

SECTION 8&7 TOWNSHIP 9 S., RANGE 17 E.

JOB NO. 0721021604

SHEET NO. C0.10

A Boundary & Topographic Survey In Sections 6 & 7, Township 9, South, Range 17 East

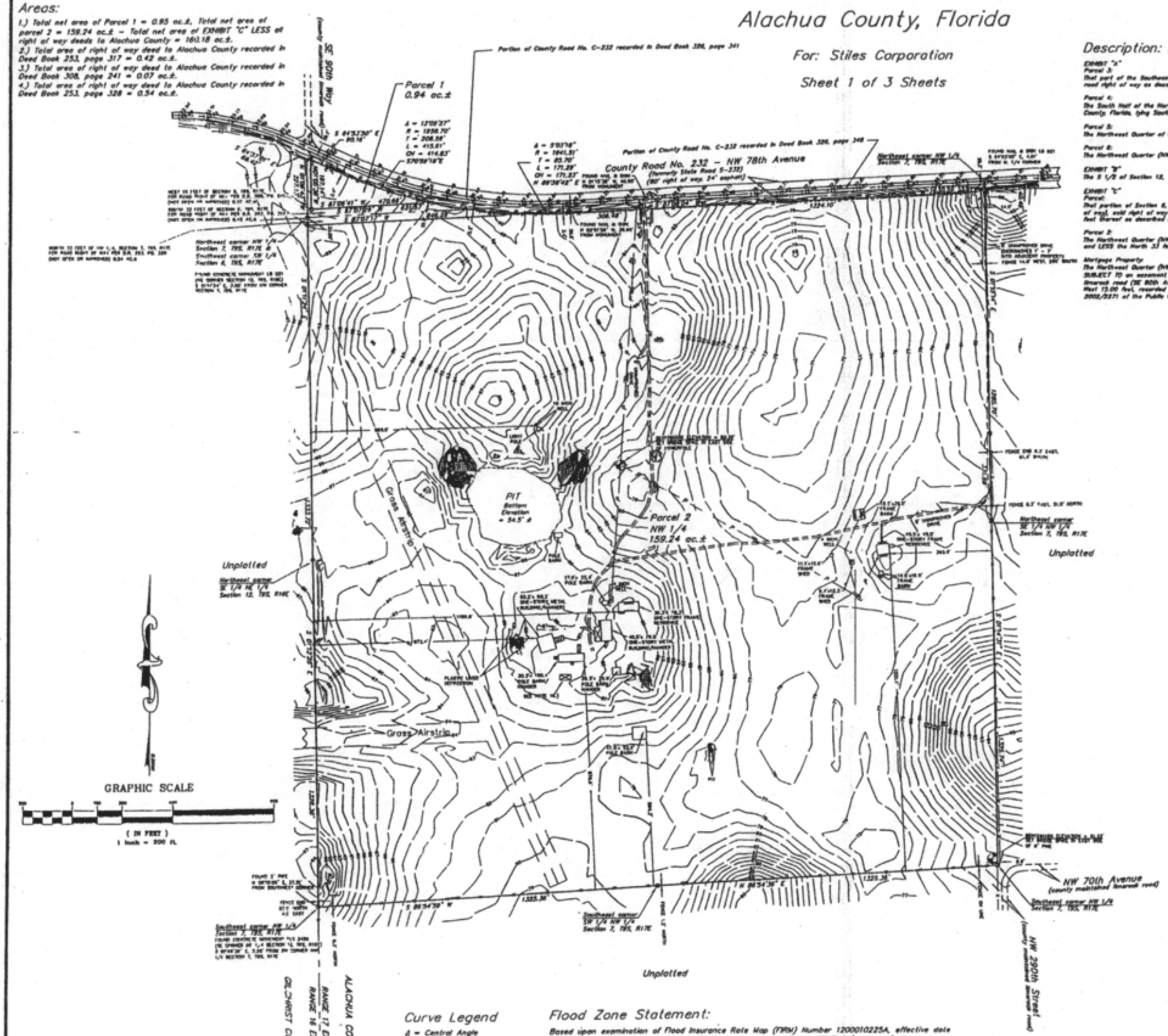
Alachua County, Florida

For: Stiles Corporation

Sheet 1 of 3 Sheets

Areas:

1.) Total net area of Parcel 1 = 0.85 ac.±, Total net area of parcel 2 = 158.24 ac.± - Total net area of EXHIBIT "C" LESS all right of way deeds to Alachua County = 160.18 ac.±.
2.) Total area of right of way deed to Alachua County recorded in Deed Book 253, page 317 = 0.42 ac.±.
3.) Total area of right of way deed to Alachua County recorded in Deed Book 308, page 241 = 0.07 ac.±.
4.) Total area of right of way deed to Alachua County recorded in Deed Book 253, page 328 = 0.54 ac.±.


Parcel 1
0.94 ac.±
Portion of County Road No. C-232 recorded in Deed Book 326, page 341
Portion of County Road No. C-232 recorded in Deed Book 326, page 348
County Road No. 232 - NW 78th Avenue
(Formerly State Road S-232)
(80' right of way, 24' asphalt)
Parcel 2
NW 1/4
159.24 ac.±
PIT
Bottom Elevation
= 34.5' ±
Grass Airstrip
Unplatted
Unplatted
Unplatted
NW 70th Avenue
(county maintained dirt road)
NW 290th Street
(county maintained dirt road)
ALACHUA COUNTY
GILCHRIST COUNTY
RANGE 17 EAST
RANGE 16 EAST
GRAPHIC SCALE
(IN FEET)
1 inch = 200 ft.

Curve Legend

Δ = Central Angle
R = Radius
T = Tangent
L = Arc Length
CH = Chord

Flood Zone Statement:

Based upon examination of Flood Insurance Rate Map (FIRM) Number 12000102254, effective date November 4, 1988, Alachua County, Florida, this property lies in ZONE X (unshaded), Areas determined to be outside the 500-year flood plain.

Certified To:

Oak Tree Landing, LTD
First American Title Insurance Company
Theodore M. Burt, P.A.

Description: (per title commitment)

EXHIBIT "A"
Parcel 3:
That part of the Southeast Quarter (SE 1/4) of Section 1, Township 9 South, Range 16 East Gilchrist County, Florida, that the Southerly of County Road 232; LESS the East 15 feet for county road right of way as described in Deed Book 10, page 553, of the Public Records of Gilchrist County, Florida.

Parcel 4:
The South Half of the Northeast Quarter (S 1/2 of NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 5:
The Northeast Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 6:
The Northeast Quarter (NW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

EXHIBIT "B"
The S 1/2 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, LESS the West 15 feet thereof as described in Deed Book 10, Page 406.

EXHIBIT "C"
Parcel:
That portion of Section 6, Township 9 South, Range 17 East, Alachua County, Florida, lying Southeasterly of the right of way of County Road No. 232 (Formerly State Road S-232; 80-foot right of way), said right of way as described in Deed Book 326, pages 341; LESS AND EXCEPT the West 15 feet thereof as described in Deed Book 308, page 241; LESS AND EXCEPT the South 33 feet thereof as described in Deed Book 253, page 317; all of the Public Records of Alachua County, Florida.

Parcel 2:
The Northwest Quarter (NW 1/4) of Section 7, Township 9 South, Range 17 East, Alachua County, Florida; LESS the right of way for County Road 232 as described in Deed Book 326, Page 348, and LESS the North 33 feet of thereof as described in Deed Book 253, Page 328.

Mortgage Property:
The Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, LESS road right of way for County Road No. C-232 along the Northerly margin thereof. SUBJECT TO an easement for the purpose of ingress-egress, recorded in Instrument No. 2002/83442 of the Public Records of Gilchrist County, Florida. ALSO SUBJECT TO a county maintained dirt road (SE 80th Avenue) along the Westerly margin thereof. AND The Southwest Quarter (SW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, LESS the West 15.00 feet, recorded in Deed Book 10, Page 406 of the Public Records of Gilchrist County, Florida. SUBJECT TO an easement for the purpose of ingress-egress, recorded in Instrument No. 2002/5271 of the Public Records of Gilchrist County, Florida. ALSO SUBJECT TO a county maintained dirt road (SE 80th Avenue) along the Westerly margin thereof.

Legend:

- ■ Denotes 4"x 4" concrete monument found - PLS 3456
- ■ Denotes 4"x 4" concrete monument found - PSM 4929
- ■ Denotes 4"x 4" concrete monument found - LB 021
- ■ Denotes 6"x 6" concrete monument found - State Road Department
- ■ Denotes 4"x 4" concrete monument found - no number
- ● Denotes nail & disk found - no identification
- ○ Denotes nail & disk found - PLS 3456
- Denotes power pole
- ——P—— Denotes aerial electric line
- ——x—— Denotes existing wire fence
- ——o—— Denotes existing board fence
- Denotes concrete
- Denotes covered concrete
- D.B. Denotes Deed Book
- PG. Denotes Page
- Denotes spot elevation
- Denotes trees with diameter of 48" or larger

Surveyor's Notes:

1.) Bearings referenced to the South right of way line of County Road No. 232, (S 87°08'04" W) based on an assumed meridian.
2.) Below ground foundations not located.
3.) Improvements are shown hereon.
4.) Below ground utilities not located.
5.) Bearings and distances shown hereon reflect field measurements.
6.) Boundary determined from existing and locally accepted monumentation.
7.) Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements that were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land use regulations, and any other facts that an accurate and current title search may disclose.
8.) DECLARATION is made solely to those that this survey is certified to. It is not transferable to additional institution or subsequent owners.
9.) Survey "Not valid without the signature and the original raised seal of a Florida Surveyor and Mapper." Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
10.) Certification of survey data shown upon this plat is valid as per the field work completion date and not as per signature date.
11.) This Survey was prepared with the benefit of a Title Commitment issued by First American Title Insurance Company, file number 1068-1194621, commitment date August 16, 2006 at 8:00 a.m..
12.) Elevations are based on North American Vertical Datum of 1988. Benchmark used was an aluminum Alachua County GIS disk and rod, stamped "Azimuth A 2,36, with an elevation of 90.781 feet.
13.) Width of grass airstrips determined by maintenance line.
14.) Portions of the title commitment - Schedule B - Section 2 - exception items No. 11 and No. 12 are not plottable instruments.
15.) Based upon Southwest Water Management District Realigning the Waccasassa River Basin Resolution 654, filed September 13, 1976 and recorded in Official Record Book 81, Page 489, public records of Gilchrist County, Florida, Exhibits A and B of the title commitment now lie within the boundaries of the Suwannee River Water Management District.
16.) ⊠ Indicates the approximate location of underground pollutant storage facility recorded in Official Record Book 1764, page 1893, public records of Alachua County, Florida. Based upon said recorded document, the storage tanks were removed from this site on 12/5/89 under County Permit No. 0910A014.
17.) Property recorded in Deed Book 326, pages 341 & 348, Public Records of Alachua County, Florida, describe the portion of County Road No. C-232 (formerly State Road No. S-232) that lies in the S 1/2 of S 1/2 of S 1/2 of Section 6, T9S, R17E and the N 1/2 of N 1/2 of NW 1/4, Section 7, T9S, R17E.

Certificate:

I hereby certify that this is a true and correct representation of a survey made under my responsible direction and supervision, that meets the minimum technical standards set forth by the Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

6/5/10
Dated

Ronald E. Parrish, PSM Cert. No. 4929

Field work completed 05/15/2006 - Job No. G-122-06 - Field Book 2006-FGP - Drawn by RMI.
Revised 9/8/06 to reflect title commitment revisions.
Revised 9/15/06 to reflect additional title commitment revisions.
Revised 8/24/2010 to verify boundary corners, improvements, topography and exterior fencing. Field work completed 8/23/2010.

RECEIVED
JUN 11 2010
BY:

Alachua County
Office of Planning and Development Staff Report ZOM-10-10

Application Number: ZOM-10-10

Staff Contact: Missy Daniels
352-374-5249

Local Planning Agency — **Hearing Date: September 21, 2011**
Board of County Commissioners — **Hearing Date: October 11, 2011**

SUBJECT: A request for a zoning change from A (Agriculture) district to PD (Planned Development) district to allow five (5) residential lots, outdoor recreation uses including a golf course with customary accessory uses, a tennis center and a community garden and vineyard/winery.

APPLICANT/AGENT: George F. Young

PROPERTY OWNER: Oak Tree Landing, LTD

PROPERTY DESCRIPTION:
Location: SW corner of County Road 232 and NW 290th Terrace
Parcel Numbers: 01772-000, 01765-001, 01770-000, 01772-001
Section/Township/Range: 6/7-9-17
Land Use: Rural Agriculture
Zoning: A (Agriculture) district
Existing Use: Vacant house
Acreage: 160.18

ZONING VIOLATION HISTORY: A Code violation was issued on this property on July 27, 2011 for substandard/minimum housing and unpermitted expansion to a residence. This has been taken care of and there are no current violations.

STAFF RECOMMENDATION: **Approval** with conditions and bases as found in the staff report.

PLANNING COMMISSION RECOMMENDATION: Approval 5-1

Analysis of Request

Background

The applicant, Oak Tree Landing, LTD, is requesting a zoning change from an A (Agriculture) district to a PD (Planned Development) district on approximately 160.18 acres in a portion of Alachua County that borders Gilchrist County. The applicant is proposing five (5) residential lots, outdoor recreation including a golf course and driving range with amenities, a tennis center, community gardens and vineyard with a winery tasting room, an equestrian barn and equestrian trails throughout the development.

This proposed development is part of a larger development most of which lies in Gilchrist County. The Gilchrist County Comprehensive Plan was recently amended to designate the Gilchrist County portion of this property as a Rural Florida Destination Village (RFD). The RFD land use designation requires a community "that captures the essence of traditional Florida rural settlements." Oak Tree landing is proposed to be a rural village with resort style amenities that allow for a unique blend of activities including arts programs, recreational activities and agricultural experiences. The Gilchrist County Ordinance amending the land use designation is provided in the background section of this packet. That ordinance and the conceptual master plan contain details of how this development is to be built in Gilchrist County. The Gilchrist County side of the development encompasses 654 acres and is approved for the following uses:

- a landing strip and airport facility,
- various housing types – 380 single family lots, 100 single family lots with hangars, 120 multifamily units,
- less than 75,000 square feet of retail and office uses,
- less than 75,000 square feet of public and civic building space,
- less than 75,000 square feet of lodging,
- a main public square within 1,300 feet of the airport and 95 % of the housing within 1,300 ft. of this square or a village square (1/4 mile walking distance),
- a fine arts school for post-secondary and community programs,
- a golf course, tennis courts, clubhouses, sporting clay courses and
- a vineyard

The conceptual master plan for Gilchrist County is also attached for information purposes, though it is not accurate for the Alachua County side of the development.

The current Zoning Master Plan that is being considered for the Alachua County side is attached to this staff report as Exhibit 1.

All of the various uses proposed for the Alachua County side including the outdoor recreation uses are allowed within the A (Agriculture) zoning district. Though outdoor recreation (tennis, golf) is an allowed use in the A (agriculture) district, the applicant's proposal did not meet the required standards for outdoor recreation. These standards are located in Chapter 404, Article 14, Section 404.64, of the Unified Land Development Code (ULDC). Specifically, the applicant is requesting longer hours, lighting, and larger accessory buildings for the outdoor recreation uses than would be allowed in the standard A(Agriculture) district.

As the total development plan for Oak Tree Landing is unique and does not fit one particular zoning district, the applicant is requesting a PD (Planned Development) zoning. As stated in Chapter 403, Article 6, Section 403.17 of the ULDC, the purpose of a PD district is to promote development of land as a phased planned community and the utilization of creative concepts for development planning not otherwise provided in the ULDC, in a manner consistent with the Comprehensive Plan.

Aerial View of Subject Property



Alachua County
Office of Planning and Development Staff Report ZOM-10-10

Chronology

Application originally submitted: August 10, 2010
Application Resubmitted: April 25, 2011
Original Staff Report Released: August 10, 2011
Local Planning Agency Hearing: September 21, 2011
BoCC Hearing: October 11, 2011

Comprehensive Plan and Unified Land Development Code Analysis

The proposed planned development has been analyzed for consistency with the Comprehensive Plan and Unified Land Development Code (ULDC) . The land use designation for the property is Rural/Agriculture so the proposed Planned Development (PD) must be consistent with the Rural/Agriculture policies in the Comprehensive Plan as well as consistent with the Comprehensive Plan and ULDC as a whole.

Future Land Use Element

Section 6 Rural and Agriculture

OBJECTIVE 6.1- GENERAL

Rural and agricultural areas shall be protected in a manner consistent with the retention of agriculture, open space, and rural character, and the preservation of environmentally sensitive areas, and efficient use of public services and facilities.

Policy 6.1.3 *The most recent, applicable* ***best management practices for agriculture and silviculture shall be required consistent with Section 5.5, Agricultural and Silvicultural Practices****, of the Conservation and Open Space Element. The County shall encourage sustainable and conservation-oriented agricultural practices for agriculture and silviculture,…*

Policy 6.1.4 *The County shall support the development of markets and programs that promote the sale of locally produced agricultural goods, including but not limited to farmers markets, community gardens, farm to institution programs, and* ***agritourism opportunities****.*

Consistency: The applicant will be required to use the most recent applicable best management practices for the community gardens and vineyards and for maintenance of the golf course. This community is being planned as a vacation destination with agritourism opportunities in both the community gardens and the vineyard.

OBJECTIVE 6.2- RURAL/AGRICULTURE

Areas identified for Rural/Agriculture on the Future Land Use Map are for agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, farmers' markets, ***agritourism activities****, composting, limited agricultural processing as provided in Policy 6.1.8 above, and agricultural products distribution.* ***Rural residential uses****, home-based businesses, heritage tourism and ecotourism activities, resource-based recreation and* ***outdoor activity-based recreation*** *are also allowed. Other uses involving animals not normally associated with agricultural activities, which would be suitable in the Rural/Agricultural areas, such as animal sanctuaries, kennels, and commercial animal raising, may be approved by the County Commission.* ***New residential uses at a maximum density of one dwelling unit per five acres*** *shall be permitted subject to the restrictions in Policy 6.2.7.*

Policy 6.2.6 *No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards.*

Policy 6.2.7 *The Development Review Committee shall not authorize more than 150 lots smaller than eight acres in the Rural/Agricultural area in any calendar year except for lots that are clustered according to the provisions of 6.2.9 – 6.2.14*

Policy 6.2.10 *Density and Intensity*

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category.

Unified Land Development Code Chapter 404

404.64 Outdoor Recreation

Outdoor recreational facilities are allowed as limited uses in the A, C-1, RM-1, BR-1, BH, BA, BA-1, BW and MB districts, subject to development plan review by the Development Review Committee and in accordance with the following standards. Any outdoor recreational use that exceeds these standards may be allowed as a special exception within these districts.

(a) *Where outdoor recreational activities will occur on site, the minimum lot area shall be 10 acres in the C-1 district, and five acres in all other districts.*

(b) A medium-density, 25-foot wide buffer, in accordance with Article 4, Landscaping, of Chapter 407, shall be provided to adjacent properties. A medium-density, 50-foot wide buffer shall be provided adjacent to residential land uses.

(c) Permanent structures on the site shall be limited in size to 1000 square feet, and shall be subject to the setbacks and height limitations of the district. Permanent residence or overnight accommodations within these structures is prohibited.

(d) Hours of operation shall be limited to between 7 a.m. and 9 p.m.

(e) Commercial uses shall be limited to payment for rental of equipment and for use of facilities, and retail sales of goods related to the activity on site.

(f) Outdoor lighting of recreational activities on the site is prohibited within the A and C-1 zoning districts.

(g) Within the C-1 district, only activities considered as resource-based recreation shall be permitted to occur on the site, provided that they do not significantly alter the natural functions of the conservation area.

(h) Within the A district, only activities consistent with the Rural/Agricultural policies of the Comprehensive Plan shall be allowed.

Consistency: The applicant is proposing to include five (5) residential lots ranging in size with a minimum size of three (3) acres, outdoor recreation uses including a golf course with customary accessory uses, a tennis center and a community garden or vineyard. All of these uses are allowed within the Rural/Agriculture land use designation and the A(Agriculture) zoning district by the Comprehensive Plan policies and Unified Land Development regulations cited above. The Rural/Agriculture land use allows resource-based recreation and outdoor activity-based recreation. (Definitions in Exhibit 2).

The property is 160.18 acres. The creation of five residential lots is well within the maximum density of 1 unit per 5 acres found in Policy 6.2.10 cited above. The creation of the proposed five residential lots will not exceed the limit in Flue Policy 6.2.7 (cited above) that the Development Review Committee may not authorize more than 150 lots smaller than eight acres in any calendar year, unless they are clustered according to Policies 6.2.9-6.2.14.

As part of this proposed request, the applicant is asking that the hours of operation for the outdoor recreation facilities be from 7:00 am – 11:00 pm and to allow outdoor lighting. Approval of the PD has been conditioned to allow outdoor lighting necessary for the operation of the recreation facilities after dark with the requirement that a photometric plan be presented to the Development Review Committee that shows no spillover from the lighting onto adjacent properties outside of the Oak Tree Landing development and that all lighting meet standards in the ULDC in place at time of final development plan approval.

Potable Water and Sanitary Sewer Element

Policy 2.1.4 *New community water systems, other than municipal systems, shall be prohibited, except in rural clusters, rural employment centers, or in instances where the public health is at risk.*

Policy 2.1.6 *The use of new package wastewater treatment plants may be considered outside of the Urban Cluster in areas not served by centralized wastewater treatment plants only in instances where the public health is at risk, or where rural employment centers or specialized uses, such as institutional,* tourist/entertainment, *material-oriented industrial development, or resource-based recreational uses are appropriate. For purposes of this policy, new package treatment plants for residential uses are specifically prohibited, except as a last resort to remedy a public health problem associated with existing septic tanks.*

Conservation and Open Space Element

Policy 4.6.18 *Wastewater treatment facilities shall be planned and constructed at a scale that is compatible with the natural hydroperiod and the assimilative and hydraulic loading capacities of receiving surface waters and associated wetlands. The use of alternative technologies that are more protective of water quality, biological health, and the function of the natural ecosystem shall be encouraged*

ULDC Chapter 407 Article 11 Water and Wastewater Service

407.113 Existing Water Supply Systems

Existing water supply systems located within areas designated on the Future Land Use Map as Rural/Agriculture, Rural Cluster or Rural Employment Center may continue to operate provided the requirements of Chapter 406 are being adhered to. The County shall have the authority to require correction, where possible, or remove from service and properly close existing public water supply systems in Alachua County where there is a failure to consistently meet minimum primary and secondary drinking water standards or to properly maintain and operate the system. The County shall address issues such as:

b. Availability of a centralized system and connection requirements;

...

d. Intergovernmental coordination with centralized system providers to support their connection programs where consistent with the County's objectives.

407.114 New Package Wastewater Treatment Plants

New package treatment plants shall require a special use permit, according to the process outlined in Chapter 402, Article 18. Approval shall be granted only for package treatment plants that meet the following requirements.

(a) *Location*

1. ***Outside Urban Cluster***

New package wastewater treatment plants may be considered outside the Urban Cluster for the following areas:

a. *Within a rural employment center;*

b. *Where specialized uses (institutional, tourist/entertainment, material-oriented industrial, resource-based recreational uses) are appropriate; or*

c. *For residential uses, but only as a last resort to remedy a public health problem associated with septic tanks.*

...

(e)Ground and Surface Waters

All new package treatment plants shall demonstrate that there shall be no adverse impacts to groundwater or surface water quality resulting from the installation and operation of the plant.

(f)Aquifer Recharge Areas

Within aquifer recharge areas (Chapter 406,Article 9) or in the unconfined and semi-confined portions of Alachua County, advanced treatment including nutrient removal prior to discharge shall be required.

Consistency: The applicant is intending to use well and septic for the private residential lots as required by Policy 2.1.6 of the Potable Water and Sanitary Sewer Element cited above. The Gilchrist County side of the development will be served by a private water and wastewater treatment plant owned by the Oak Tree Landing Homeowner's Association. The applicant is requesting that the non-residential uses in Alachua County be allowed to connect to the water and wastewater treatment plant in Gilchrist County in order to better protect the Floridan aquifer and springshed. The policies and Code cited above do not specifically address this situation as no new water system or package treatment plant is being proposed in Alachua County. The policies and regulations serve as a guide though to allowing the non-residential components of the development to connect into the system proposed on the Gilchrist County side. The use is a tourist-based use and county staff agrees that if the water is treated to County standards of advanced wastewater treatment with nutrient removal that connecting to the private system in Gilchrist County is a better option than well and septic for the non-residential uses.

In order to ensure no adverse impacts to the groundwater, the developer will submit a plan for nutrient protection goals applicable to waters migrating from the site with potential impacts to the applicable springshed. The plan will at a minimum meet the standard of advanced wastewater treatment with nutrient removal as required by the above policies (Proposed Condition # 16).

Conservation and Open Space Element

Section 3.4 Development Review Process

Objective 3.4- DEVELOPMENT REVIEW PROCESS

Protect natural resources during the land use planning and development review process from activities that would significantly damage the ecological integrity of these areas. The applicability of the policies and standards in this section shall be determined for all development at each stage of the land use planning, zoning, and development review and permitting process.

Policy 3.4.1 *All applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information.*

Consistency: The applicant has submitted and staff has analyzed the required natural resources information. That analysis is incorporated into the consistency analyses throughout this report.

Section 4.5 Groundwater

Objective 4.5- GROUNDWATER AND SPRINGS

Protect and conserve the quality and quantity of groundwater and springs resources to ensure long-term public health and safety, potable water supplies from surficial, intermediate, and Floridan aquifers, adequate flow to springs, and the ecological integrity of natural resources.

Policy 4.5.5 *Appropriate local planning, development design standards, and special construction practices shall be required to ensure both short and long-term mitigation of impacts on groundwater created by activities occurring in high aquifer recharge areas. The following provisions shall apply:*

(a) *All new development or modifications to existing development shall provide stormwater treatment consistent with the Stormwater Element of the Comprehensive Plan.*

(b) *All stormwater basins in high aquifer recharge areas shall be designed and constructed to provide for at least three (3) feet of unconsolidated solid materials such as sand, silts, and clays between the surface of limestone bedrock and the bottom and sides of the stormwater basin. Utility lines shall not be installed beneath stormwater basins in karst*

sensitive areas. Any lines for temporary irrigation of vegetation in and around stormwater management systems shall be installed to minimize excavation in karst sensitive areas.

Policy 4.5.6 *Appropriate development regulations shall be established to control land uses and activities in proximity to wellfields and designated High Aquifer Recharge Areas. These controls will be based at a minimum upon:*

a. The potential of the land use or activity to contaminate groundwater;
b. Distance from a public wellfield;
c. Local aquifer geology; and
d. The capability of the activity to contain or eliminate the hazard of contamination.

These regulations shall control activities involving fuel storage tanks, hazardous waste generators and hazardous material users, private wells, waste water treatment systems, landfilling operations, dairies or other uses with a high potential for ground water contamination. Interim control of activities shall be through the development review Committee process and shall be consistent, at a minimum, with the Hazardous Materials Management Code.

Policy 4.5.8 *Applicants for new development or additions to existing development shall address potential groundwater quality impacts. Development applications shall be denied if they are insufficiently protective of groundwater quality.*

Policy 4.5.19 *Disposal of effluents of wastewater treatment processes shall be accomplished by environmentally sound procedures consistent with FDEP regulations which may include land application, deep well injection, and reuse or wetlands disposal. … All new wastewater treatment plants in high aquifer recharge areas shall provide advanced treatment including nutrient removal prior to discharge. All existing wastewater treatment plants in high aquifer recharge areas shall be encouraged to upgrade to provide for advanced treatment. Alachua County shall emphasize the reuse of water where economically feasible. For the purposes of this policy, slow rate land application of treated effluent shall be considered a form of advanced treatment and nutrient removal. High rates of infiltration shall not be permitted in high aquifer recharge areas unless the effluent has received advanced treatment and nutrient removal and the wastewater treatment plant has been built and is being operated according to DEP Class I reliability standards.*

Policy 4.5.22 *The County shall establish a comprehensive springshed protection program to protect the resource from potential adverse effects from incompatible land uses and activities.*

(a) *Springshed protection areas shall be identified for all springs in the County; springsheds within the County that extend from springs located outside the County shall also be identified.*

(b) *The latest scientific modeling shall be reviewed and, as necessary, updated to assist in the identification of springshed, springs, and Floridan aquifer high recharge areas.*

(c) *For these springs and groundwater protection areas, land development regulations shall specify the size, location, and applicable requirements of protection zones, including specific requirements on activities associated with domestic waste treatment including septic tanks, package plants, and regional wastewater treatment facilities and their effluent disposal practices.*

(d) *Fertilizer shall be regulated to ensure that excess nitrogen and phosphorus are not leached into the Floridan aquifer.*

...

ULDC Chapter 406 Natural and Historic Resources Protection

Article 9 High Aquifer Recharge Areas

406.58 Definition

High aquifer recharge areas are those areas in Alachua County where stream-to-sink surface water basins occur, and areas where the Floridan aquifer system is designated as unconfined or semi-confined in Florida Geological Survey Open File Report 21, "Geologic Interpretation of the Aquifer Pollution Potential in Alachua County, Florida."

406.59 Standards

The following planning and design principles shall control development on parcels containing high aquifer recharge areas to ensure both short and long-term mitigation of impacts on groundwater created by activities occurring in high aquifer recharge areas.

(a) *Stormwater*

All new development or modifications to existing development shall provide stormwater treatment consistent with the Stormwater Element of the Comprehensive Plan and Chapter 407 of this ULDC.

(b) *All stormwater basins on parcels containing high aquifer recharge areas shall be designed and constructed to provide for at least three (3) feet of unconsolidated solid materials such as sand, silts, and clays between the surface of limestone bedrock and the bottom and sides of the stormwater basin.*

Consistency: As stated in the policies above, the Comprehensive Plan has strong policies and requirements to protect the Floridan aquifer and springsheds including requiring advanced treatment of wastewater including nutrient removal prior to discharge in high aquifer recharge areas. This property is in the Blue Spring and Ginnie Spring springsheds and is in an area of high Floridan aquifer vulnerability and in proximity to the Santa Fe River, an Outstanding Florida Water and an impaired water body for nitrates and dissolved oxygen. Because golf courses typically require significant fertilizer, pesticide use, and irrigation, the developer will submit a plan establishing nutrient protection goals applicable to waters migrating from the site with potential impacts to the applicable springshed in an effort to address these concerns. This project is also in an area where the Floridan aquifer is unconfined, groundwater levels show decreasing trends and spring flow to the springs along the Santa Fe River is diminished. Customary practices and BMPs for a winery and golf course likely will not be sufficient to protect these water resources so fertilizer, landscaping, and irrigation/water conservation strategies and plans will need to be required.

Staff agrees that requiring the types of conditions discussed above will help ensure consistency with the Comprehensive Plan policies requiring protection of high aquifer recharge areas and springhsheds. Staff has placed conditions on the development of this property and included a condition requiring an irrigation and nutrient management plan with an appropriate set of best management practices that address water, fertilizer and integrated pest management. In addition, the conditions for approval of this PD require Low Impact Development (LID) techniques for designing the stormwater management system.

Conservation and Open Space Element

Section 5.2 Open Space

Objective 5.2- OPEN SPACE

Preserve open space within developments to ensure public health, safety, and welfare; protect and enhance natural resources; provide public gathering spaces; promote pedestrian and bicycle connectivity; and enhance recreational opportunities.

Policy 5.2.2 Pervious open space shall be provided on at least 20% of the development site through a variety of features such as:

(a) Open spaces dedicated primarily to public, recreation, or pedestrian use, such as community gardens, community fields, greens, plazas, and squares.

(b) *Natural areas of non-invasive trees and plants.*

(c) *Landscaped areas, including street trees, utilizing a variety and balanced mix of canopy and understory trees, shrubs, and groundcovers, consistent with xeriscape principles and emphasizing native species.*

(d) *Linkages to larger open space corridors.*

(e) *Portions of stormwater management areas that meet conservation, recreation, or open space design criteria as specified in the Land Development Code.*

(f) *Portions of green roofs that meet open space design criteria to be specified in the Land Development Code.*

ULDC Open Space Regulations

Chapter 407 General Development Standards, Article 5 Open Space

407.55 Designation of Open Space Areas

(a) Prior to submitting a development plan or as part of the Pre-application conference, when applicable, an applicant shall consult with staff to identify the most appropriate portion of the development site to be designated as open space.

(b) In addition to the specific standards and priorities set forth in this Article, the following goals shall guide the designation of open space:

1. *Open space areas shall be useable and contiguous to the extent consistent with the character and protection of the resource.*
2. *Open spaces should be contiguous to greenways, trails, public parks, or other open spaces on adjoining parcels in order to promote the creation of larger open spaces with greater usability, resource protection, and connectivity.*

407.57Access to Open Space

(a) Required open space shall be accessible from the development, with the exception of Family Homestead Subdivisions as described in subsection (d) of this Section. Access to the open space areas shall be provided in the form of pedestrian paths that connect the open space to the transportation network, the mowed path around stormwater facilities, and open spaces on adjacent developments. These pedestrian paths shall be shown clearly on the development plan, maintained, and marked formally at entrances with explanatory signs describing their function and purpose. When agricultural

activities comprise part or all of the open space within a Rural/Agriculture Clustered Subdivision, accessibility to these areas is not required.

(b) For purposes of this Section, the following factors shall be considered in determining whether the open space is useable and accessible:

1. *Areas useable for passive recreation such as walking, picnicking, wildlife viewing and similar activities shall be considered accessible for purposes of this requirement;*
2. *Wet and natural areas that are not directly or easily accessible may be considered to meet the requirements of this Section if they can be viewed easily from adjacent land areas that are also part of the stormwater or open space system;*
3. *A periodic lack of public access due to significant rainfall shall not disqualify such areas from counting toward the required open space percentage.*

Consistency: The Zoning Master Plan combines the open space category with outdoor recreation. This is because parts of the golf course will be natural and will be able to count towards the open space requirement. Open space is required to be delineated on the preliminary development plan. A condition has been added to ensure that the applicant is aware that for the areas depicted as Open Space on the zoning master plan only those areas designed in accordance with the above policies and ULDC Chapter 407, Article 5 Open Space, shall be credited toward required open space. This development has 160.18 acres, 32 of which need to be permanent open space meeting the requirements of the Comprehensive Plan and Land Development Regulations.

Future Land Use Element

Section 7 Implementation

Policy 7.1.2 of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

a. *consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

b. *the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the*

requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.

c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.*

d. *those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare.*

Consistency: As outlined in the consistency analysis for the Comprehensive Plan policies listed in this report, the proposed Planned Development with specific conditions is consistent with the Alachua County Comprehensive Plan. As described below, adequate public facilities are available to serve this property, including the use of private well and septic. Surrounding development is agricultural in nature and this development will not have an adverse impact on neighboring properties or the surrounding community. There are no environmental justice issues related to approval of this planned development. Approval of this development will also not cause adverse impacts to health, safety or welfare of surrounding property owners or future property owners within this development.

Capital Improvements Element

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. 'Concurrent' shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a specific timeframe. Per **Policies 1.2.4** and **1.2.5** of the Capital Improvements Element of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

The Alachua County portion of the proposed development has the potential to generate 498 Average Annual Daily Trips (AADT), 38 PM Peak hour trips according to the proposed uses. This traffic will directly impact CR 232 which has a capacity of 8,100 AADT at Level of Service "C" and existing traffic of 2,830 AADT. The roadway currently operates within its adopted level of service and will continue to based on the traffic generated from the Alachua County portion of the development. The Gilchrist portion of the development will add additional traffic to this facility and will also additionally impact the intersection of CR 232 and US 41/27. The April 2011 traffic study submitted by the applicant indicated that the Gilchrist County portion of the development would generate approximately 4,186 AADT to CR 232.

While the number of trips placed on the road by the proposed development will not cause the level of service to exceeded, there are major concerns about the condition of the CR 232 as described in Public Works comments attached to this report.

Water and Sewer

Central water and sewer services are not available on the Alachua County side of this development. Septic and well will be used to serve the proposed residential development. For the non-residential development the applicant is requesting to connect to a private centralized water and wastewater system being developed for the Gilchrist County side of the development. This has been analyzed under the Water and Sewer Element section of this staff report.

Stormwater Management

Policy 1.2.4 (D) states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation. Any development at this site will be required to meet this standard at the time of final DRC approval.

Emergency Services

Policy 1.2.5 (A) 3. states that in the rural area, initial unit response LOS guideline is within 12 minutes for 80% of all emergency responses within a 12 month period. Fire suppression/protection service level for all properties in the Rural Area shall be at the ISO (Insurance Service Office) Class Protection of <10. Development will provide adequate water supply for fire suppression and protection, and fire service compliant fire connections, required through land development regulations. A fire station is also being proposed for the Gilchrist County side of this development. Any development at this site will be required to meet levels of service at the time of final DRC approval.

Solid Waste

Policy 1.2.4 (C) states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.73 tons per person per year. The proposed development will not cause the solid waste level of service standards to be exceeded.

Recreation

Recreation LOS Standards: The County shall adopt and maintain, at a minimum, the following level of service standards for recreation of: (1) 0.5 acres of improved activity-based recreation sites per 1000 persons in the unincorporated area of Alachua County; (2) 5.0 acres of improved resource-based recreation sites per 1000 persons in the unincorporated area of Alachua County. The proposed development will not cause the recreation level of service standards to be exceeded and is in fact supplying recreational amenities within the development.

Schools

Public School Facilities Element Policy 1.1.2 Coordinate School Capacity with Planning Decisions

Alachua County shall coordinate land use decisions with the School Board's Long Range Facilities Plans over the 5-year, 10-year and 20-year periods by requesting School Board review of proposed comprehensive plan amendments and rezonings that would increase residential density. This shall be done as part of a planning assessment of the impact of development proposals on school capacity

The proposed zoning change will not have an impact on public school enrollment in Alachua County. The requested zoning amendment is for a tourist vacation destination and only includes 5 residential lots. The information for this project was sent to the School Board and no reply was received.

Economic Element

Policy 1.1.3 *Alachua County shall implement the goals of the Alachua County Visitors and Convention Bureau to promote North Central Florida as a tourism destination through events, advertising and accessible recreation sites. The County shall promote tourism, including eco-tourism, agritourism, heritage tourism and tourism-related businesses which complement the County's environmental, social and economic quality.*

Policy 1.1.4 *Alachua County shall promote partnerships with local arts/cultural organizations and sports organizations, and promote unique recreational tourism opportunities including agritourism, paddling trails, the African American Heritage Trail and the Old Florida Heritage Highway master plan.*

Consistency: The Gilchrist County side of this development was approved as a Rural Florida Destination Village. These villages are "intended to provide resort-based economic development opportunities on rural and agricultural lands by attracting visitors wishing to enjoy a 'real Florida' experience based on rural landscapes, active agriculture, and the surrounding North Florida region's unique natural environment of forests, springs, rivers and tidelands. A Gilchrist County RFD shall be a second home and visitor destination community designed to provide visitors and part-time residents with a Florida rural village experience". The Alachua County side of this development is fully incorporated with the Gilchrist County side and intends to have agritourism opportunities in the form of community gardens, equestrian trails and a vineyard/winery.

Energy Element

OBJECTIVE 6.4

Support and encourage local agricultural operations in the use of sustainable agricultural practices including organic farming.

Policy 6.4.1 *In accordance with the policies of Objective 6.1 of the Future Land Use Element, the County shall work with landowners to facilitate participation in programs that meet or exceed best management practices, cost share programs, and to assist in the pursuit of funding sources to aid in the development of a sustainable local food system.*

Policy 6.4.2 *Reduce use of and dependence on fossil-fuel based synthetic fertilizers in Alachua County consistent with adopted Best Management Practices and Florida Statutes, incorporating research based information.*

Consistency: This proposed Planned Development is conditioned on using best management practices as relates to water, fertilizer and integrated pest management strategies and is planned to be a walkable and bikeable development with an extensive trail system throughout that also connects to the non-residential uses.

ULDC Chapter 407 Article 13 Access Management

407.140 Street Network Standards

...

(a) External Connectivity

6. For a development containing only one access, an emergency service access shall be provided in addition to the primary access and shall be maintained, unless a waiver is granted in subsection (a)8 below.

Consistency: The proposed PD has only one functional access and an emergency access on the Alachua County side. Because there are additional access points that join to Alachua County from the Gilchrist County side, the approval of the proposed PD has been conditioned to allow the one access with an emergency access. West bound left and east bound right turn lanes at the proposed connection to County Road 232 (NW 78th Avenue) are also being required.

ULDC Chapter 402 Article 13 Rezoning

Section 402.77 states that *When considering any application for rezoning, the standards and criteria listed below shall apply.*

a) Consistency
The proposed rezoning is consistent with the Comprehensive Plan and this ULDC.

b) Compatibility
The proposed rezoning is compatible with the present zoning pattern and conforming uses of nearby property and the character of the surrounding area.

c) Development Patterns
The proposed rezoning shall result in logical and orderly development patterns.

d) Suitability
The affected property is suitable for the uses that are permitted by the proposed zoning districts.

e) Adequate Public Services
The proposed rezoning is consistent with the adequate public facilities requirements of Chapter 407 of this ULDC.

f) Access
Available ingress and egress is adequate for potential uses in the proposed zoning district.

g) Public Health, Safety, and Welfare
The uses allowed within the proposed zoning district shall not adversely affect health, safety, and welfare.

Consistency: As discussed in this staff report, the proposed request with conditions is consistent with the ULDC and the Alachua County Comprehensive Plan. The proposed use as a tourist destination community with residential homes, a golf course and vineyard/winery is consistent with the surrounding land uses and character of the area. The property does not contain sensitive environmental areas and is suitable for the

proposed zoning uses. Adequate public facilities with the addition of private well and septic exist to serve the development. In order to ensure that the proposed use does not adversely impact the public health, safety or welfare, conditions have been placed on approval of this development such as including the requirement of best management practices for water, fertilizer and integrated pest management, low impact development techniques for stormwater management, and the addition of west bound left and east bound right turn lanes at County Road 232.

Staff Recommendation

Staff recommends **approval** of ZOM-10-10, a request to rezone from A (Agriculture) district to PD (Planned Development) district, with the following conditions and bases.

Conditions

1. The Planned Development is approved allowing the following uses and square footages as generally depicted on the Zoning Master Plan:

   a. development of 5 residential lots,
   b. a golf course and driving range with a clubhouse with food and beverage services, course management offices, pro shop, and other customary uses associated with a golf course. The maximum building area shall not exceed 22,500 square feet gross floor area,
   c. a tennis center with buildings not to exceed 8,000 square feet,
   d. a winery with publically accessible areas not to exceed 3,000 square feet,
   e. other agricultural uses allowed as permitted uses within the A(agricultural) zoning district.

2. Only one functional access point to the Oak Tree landing PD is required along with the emergency access.

3. West bound left and east bound right turn lanes are required at the proposed connection to County Road 232 (NW 78th Avenue). Opposing eastbound and westbound left turn lanes are required to be constructed on CR 232 at the US 41 intersection as an operational and safety improvement. These improvements shall be designed for a 60 MPH design speed.

4. If the internal roadways are private streets, transportation easements must be dedicated so that the major street network is available for the use of the public.

5. Impact Fees for the golf holes will be assessed during the building permit for the clubhouse.

6. Submittal of preliminary and final development plans shall include an irrigation plan and nutrient removal management plan with an appropriate set of best management practices that address water, fertilizer and integrated pest management strategies for the community garden, vineyard and golf course designed to meet the nutrient goals identified in the plan submitted pursuant to condition number 16 and to contain strong water conservation strategies.

7. The golf course shall be designed as a links style course that retains existing terrain and native vegetation to the maximum extent practicable and minimizes the use of managed turf grass by generally including it only on greens, tees and landing areas.

8. Lighting of outdoor recreation uses is allowed consistent with the lighting standards in the ULDC at time of final site plan submittal and subject to Development Review Committee approval of a photometric study showing no spill over to adjacent properties not within the Oak Tree Landing development.

9. Outdoor recreation uses may operate between the hours of 7:00 am and 11:00 pm.

10. No buffer shall be required along the Gilchrist County boundary.

11. Multi-use paths required by ULDC Table 407.141.1 may be located more than 300 feet from the edge of streets in keeping with the rural character of the development.

12. For the areas depicted as Outdoor Recreation/Open Space on the Zoning Master Plan only those areas consistent with ULDC Chapter 407, Article 5 Open Space, shall be credited toward required open space.

13. Agricultural uses allowed as permitted uses within the A(agricultural) zoning district may also be permitted within the area depicted on the Zoning Master Plan as Outdoor Recreation/Open Space. Only agriculture uses that qualify as open space as consistent with ULDC Chapter 407, Article 5, Open Space, shall be credited toward required open space.

14. Non-residential uses within the Planned Development may connect to the private water and wastewater system to be built in Gilchrist County for the Oak Tree Landing Rural Florida Destination Village upon a finding by the Development Review Committee that the facility will comply with an approved plan pursuant to condition number 16.

15. Stormwater facilities shall be designed using low impact development techniques to enhance aquifer recharge.

16. As part of final development plan submittal for the first phase of development of the Oak Tree Landing PD, the developer shall submit a plan for nutrient protection goals applicable to waters migrating from the site with potential impacts to the applicable springshed. The plan shall, at minimum, meet standards of advanced treatment with nutrient removal but may establish higher goals if determined necessary to ensure that the Oak Tree Landing PD does not degrade springshed water quality. The plan shall establish an agreed methodology for monitoring ongoing compliance with the goals and will include irrigation, landscaping, ground water monitoring, and nutrient management plans. The Developer has agreed to work with the County and the Program for Resource Efficient Communities at the Institute of Food and Agricultural Sciences at the University of Florida in a collaborative effort to determine the appropriate goals and implementation measures to be set forth in the plan.

17. The golf course shall be designed to be protective of springs (e.g. capture and recycle drainage water from the greens to lined biofilter areas for cleaning and recycling to minimize the potential for nutrient and pesticide discharge into the Floridan aquifer).

18. Harvested rainfall and reclaimed water shall be used to irrigate landscaped areas within the Oak Tree Landing PD common areas including the golf course. The irrigation system shall be designed for maximum water conservation.

19. All common area landscaping shall comply with the xeriscaping requirements of ULDC Chapter 407.

20. Oak Tree landing shall comply with all applicable provisions of ULDC Chapter 406, regulating high aquifer recharge areas and springshed protection areas that are in existence at the time of final development plan approval.

Bases

1. As required by Policy 6.1.3 of the Future Land Use Element that states, *the most recent, applicable best management practices for agriculture and silviculture shall be required consistent with Section 5.5, Agricultural and Silvicultural Practices,* the development has been conditioned to require the use of the most recent applicable best management practices for the community gardens and vineyards and for maintenance of the golf course.

2. Policy 6.1.4 of the Future Land Use Element states *the County shall support the development of markets and programs that promote … agritourism opportunities.* This community is being planned as a vacation destination with agritourism opportunities in both the community gardens and the vineyard.

3. Objective 6.2 of the Future Land Use Element states that the Rural/Agriculture land use designation is in part for agricultural activities, agritourism activities, rural residential uses and outdoor activity-based recreation. The proposed PD is consistent with this objective as the uses in the PD as conditioned will allow rural residential uses, agricultural activities including a winery, and outdoor activity-based recreation including a golf course and tennis center.

4. Policy 6.2.6 of the Future Land Use Element states that *No subdivision may be created without paved public road access.* The proposed PD is located at the SW corner of County Road 232 and NW 290th Terrace and is therefore consistent with this policy.

5. Policy 6.2.10 of the Future Land Use Element states that *the overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category.* The subject property is 160.18 acres and only five residential lots are proposed, thus meeting the density requirements of this policy.

6. Policy 3.4.1 of the Conservation and Open Space Element states that *all applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information*. That inventory has been submitted in accordance with this requirement.

7. Objective 4.5 of the Conservation and Open Space Element (COSE) of the Comprehensive Plan requires protection and conservation of *the quality and quantity of groundwater and springs resources to ensure long-term public health and safety, potable water supplies from surficial, intermediate, and Floridan aquifers, adequate flow to springs, and the ecological integrity of natural resources*. Policy 4.5.8 states that *applicants for new development or additions to existing development shall address potential groundwater quality impacts. Development applications shall be denied if they are insufficiently protective of groundwater quality.* This property is in the Blue Spring and Ginnie Spring springsheds and is in an area of high Floridan aquifer vulnerability, and in proximity to the Santa Fe River. This project is proposing uses that likely will require significant fertilizer and pesticide use, and additional water use beyond what is necessary for the residential lots. Staff has placed conditions on the development of this property including advanced treatment of wastewater with nutrient removal for reclaimed water use and the connection into Gilchrist County's private wastewater system, designing the irrigation system for maximum water conservation, and including an appropriate set of best management practices that address water, fertilizer and integrated pest management. These conditions will ensure consistency with the groundwater and springs protection policies.

8. ULDC Chapter 406, Section 406.59 states that *all new development or modifications to existing development shall provide stormwater treatment consistent with the Stormwater Element of the Comprehensive Plan and Chapter 407 of this ULDC. All stormwater basins on parcels containing high aquifer recharge areas shall be designed and constructed to provide for at least three (3) feet of unconsolidated solid materials such as sand, silts, and clays between the surface of limestone bedrock and the bottom and sides of the stormwater basin*. The development is conditioned to meet this policy. In addition, the developer is required to design the stormwater management system using low impact development techniques.

9. Policy 7.1.2 of the Future land Use Element states that proposed changes in the zoning map *shall consider consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan, availability of public facilities to serve the development, environmental justice and factors relating to health safety and welfare*. The proposed Planned Development with specific conditions is consistent with the Alachua County Comprehensive Plan. Adequate public facilities are available to this property, including the use of private well and septic. Surrounding development is agricultural in nature and this development will not have an adverse impact on neighboring properties or the surrounding community. There are no environmental justice issues related to approval of this planned development. Approval of this development will also not cause adverse

impacts to health, safety or welfare of surrounding property owners or future property owners within this development.

10. Policies 1.1.3 and 1.1.4 of the Economic Element of the Comprehensive Plan states that Alachua County shall promote tourism, including eco-tourism, agritourism, heritage tourism and tourism-related businesses that complement the County's environmental, social and economic quality. The Gilchrist County side of this development was approved as a Rural Florida Destination Village. These villages are "intended to provide resort-based economic development opportunities on rural and agricultural lands by attracting visitors wishing to enjoy a 'real Florida' experience based on rural landscapes, active agriculture, and the surrounding North Florida region's unique natural environment of forests, springs, rivers and tidelands. A Gilchrist County RFD shall be a second home and visitor destination community designed to provide visitors and part-time residents with a Florida rural village experience". The Alachua County side of this development is fully incorporated with the Gilchrist County side and intends to have agritourism opportunities in the form of community gardens, equestrian trails and a vineyard/winery.

11. Objective 6.4 and Policy 6.4.1 of the Energy Element of the Comprehensive Plan discuss supporting local agricultural operations in the use of sustainable agricultural practices and working with landowners to facilitate participation in programs that meet or exceed best management practices. This proposed Planned Development is conditioned on using best management practices as relates to water, fertilizer and integrated pest management strategies.

12. Section 407.140 of the ULDC states that *for a development containing only one access, an emergency service access shall be provided in addition to the primary access and shall be maintained.* The proposed PD has only one functional access on the Alachua County side and so is providing an emergency access as well. Because there are additional access points that join to Alachua County from the Gilchrist County side, the approval of the proposed PD has been conditioned to allow the one access with an emergency access with west bound left and east bound right turn lanes at the proposed connection to County Road 232 (NW 78th Avenue).

13. Section 402.77 of the ULDC requires that when considering any application for rezoning, consistency with the Comprehensive Plan, compatibility with

surrounding uses, adequacy of public services, access, and impacts to public health, safety and welfare shall be considered. This rezoning request with conditions as proposed is consistent with the ULDC and the Alachua County Comprehensive Plan. The proposed use as a tourist destination community with residential homes, a golf course, tennis center and vineyard/winery is consistent with the surrounding land uses and character of the area. The property does not contain sensitive environmental areas and is suitable for the proposed zoning uses. Adequate public facilities with the addition of private well and septic exist to serve the development. In order to ensure that the proposed use does not adversely impact the public health, safety or welfare, conditions have been placed including the requirement of using best management practices for water, fertilizer and integrated pest management, low impact development techniques for stormwater management, and the addition of west bound left and east bound right turn lanes at County Road 232 to ensure safe access to the property.

Exhibit 1

Zoning Master Plan

Exhibit 2 - Staff and Agency Comments

Traffic/Concurrency:

The Alachua County portion of the proposed development has the potential to generate 1,834 Average Annual Daily Trips (AADT), 60 AM Peak hour trips and 112 PM Peak hour trips according to the proposed uses. This traffic will directly impact CR 232 which has a capacity of 8,100 AADT at Level of Service "C" and existing traffic of 2,830 AADT. The roadway currently operates within its adopted level of service and will continue to based on the traffic generated from the Alachua County portion of the development. The Gilchrist portion of the development will add additional traffic to this facility and will also additionally impact the intersection of CR 232 and US 41/27. The April 2011 traffic study submitted by the applicant indicated that the Gilchrist County portion of the development would generate approximately 4,186 AADT to the Alachua County portion of CR 232.

Public Safety: No comments.

Environmental Protection:

This project is located in the Blue Spring and Ginnie Spring springsheds, in an area of high Floridan aquifer vulnerability, and in proximity to the Santa Fe River, an Outstanding Florida Water and an impaired water body for nitrates and dissolved oxygen. Because golf courses typically require significant fertilizer, pesticide use, and irrigation, staff and the applicant are proposing a developer agreement establishing numeric nutrient protection standards applicable to waters migrating from the site with potential impacts to the applicable springshed in an effort to address these concerns. This project is also in an area where the Floridan aquifer is unconfined, groundwater levels show decreasing trends and spring flow to the springs along the Santa Fe River is diminished. Customary practices and BMPs for a winery and golf course likely will not be sufficient to protect these water resources so fertilizer, landscaping, and irrigation/water conservation strategies and plans will need to be required. The applicant will need to demonstrate that the project will not adversely impact ground water and springs prior to final approval of this project (Conservation & Open Space Element Policy 4.5.8).

Public Works:

The Public Works Department has serious concerns regarding the impact of this project, particularly when considering the remainder of the development program that is proposed for the Gilchrest County side of the development. The property has direct frontage on NW 78th Avenue (CR 232). The pavement surface of NW 78th Avenue is in a deteriorating condition.

The Department has already had to undertake an ambitious crack-sealing program in hopes of extending the useful life of the pavement surface. The additional impacts of this development, when coupled with the more significant portion of the development located in Gilchrest County, will accelerate the deterioration of this roadway and expedite the need for the County to move this project up in the priorities of the pavement management program. Public Works staff would like to recommend denial due to the condition of the roadway and the impacts from the total development but does not have a Comprehensive Plan or Code basis to do so.

Additionally, the April, 2011 traffic impact analysis needs to be updated once the final development program is determined. The traffic impact analysis should include the development program in Gilchrest County for purposes of determining the total impacts. Turn-lane improvements will be required at the connection to NW 78th Avenue because of traffic impacts and the proximity to the reverse curve located at the Alachua/Gilchrest County line. Based on the April traffic impact analysis, opposing eastbound and westbound left turn lanes are required to be constructed on CR 232 at the US 41intersection as an operational and safety improvement.

Public Works staff recommend the following conditions:

1. West bound left and east bound right turn lanes are required at the proposed connection to NW 78th Avenue. Opposing eastbound and westbound left turn lanes are required to be constructed on CR 232 at the US 41intersection as an operational and safety improvement. These improvements shall be designed for a 60 MPH design speed.

2. If the internal roadways are private streets, transportation easements must be dedicated so that the major street network is available for the use of the public.

Exhibit 3 ULDC Regulations Referenced

Chapter 407 General Development Standards, Article 4 Landscaping

407.43 Open Space, Buffer, Landscaping and Tree Planting Requirements

(g) *Xeriscape Requirements*

Xeriscaping is a type of quality landscaping that conserves water and protects the environment and is adaptable to local conditions and which are drought tolerant. Xeriscape techniques maximize the conservation of water use with site appropriate plants, an efficient watering system, proper planning and design, soil analysis, practical use of turf, the use of mulches (which may include the use of solid waste compost) and

proper maintenance. The following water efficient principles shall be applied to the landscape or planting plan:

1. All plantings shall be grouped in zones according to water requirements and shall be irrigated in zones separating high water use areas from drought tolerant zones. The zones are as follows:
   - **a.** *High water use zone: A zone containing plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes most turf grasses.*
   - **b.** Moderate water use zone: A zone containing plants which survive on natural rainfall with supplemental water during seasonal dry periods.
   - c. Low water use zone: A zone containing plants which survive on natural rainfall without supplemental water.
2. Fifty percent of the plants used in all vehicular use area landscape designs shall be drought tolerant and located in groupings according to zones designated by the water requirements.
3. Turf grass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as berms, slopes and swales, where turf grass is used as a design unifier or other similar practical use.
4. All planting areas shall be mulched with three inches of organic mulch, such as pine bark or shredded hardwood chips. Mulch shall be placed directly on soil or landscaping fabric and be properly edged to retain mulch.

5. Plant material shall be selected that is best suited to withstand the growing and soil conditions which are found in the microclimate of each particular location on the site.

ULDC Chapter 410 Definitions

Outdoor Recreation: Outdoor recreation uses include public or private golf courses, tennis courts, ball courts, ball fields and similar outdoor sports and uses that are not in completely enclosed buildings. This shall also include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs, maintenance buildings or similar uses that are designed and intended primarily for the use of patrons of the principal recreational uses or for the maintenance and servicing of the facilities. This definition shall not include entertainment and recreation uses such as amusement parks, miniature golf, race car tracks or motorcross facilities or similar motorized sports.

Recreation, resource-based: Recreational activities that are essentially dependent upon the natural, scenic, or historic resources of the area provided the associated activities do not have significant adverse impacts on the ecological integrity or ecological or historical values of the resources in these areas.

TRAFFIC IMPACT ANALYSIS

OAK TREE LANDING

Alachua County, Florida

Prepared for:

Oak Tree Landing, Ltd.

Prepared by:

Kimley-Horn and Associates, Inc.

142228000
October 2010
Revised April 2011
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and Associates, Inc.

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Kimley-Horn
and Associates, Inc.

EXECUTIVE SUMMARY

Kimley-Horn and Associates, Inc. was retained by Oak Tree Landing, Ltd. to provide an analysis detailing the traffic impacts associated with a proposed Planned Development. The site is a proposed residential community with recreational and agricultural amenities. The site includes an existing aircraft landing strip in Gilchrist County and will incorporate fly-in travel. The site is located south of CR 232, just east of the Gilchrist County line in Alachua County, Florida (see ***Figure 1***). The development program in Alachua County consists of five single family residential units as well as recreational and agricultural amenities primarily serving residents and guests of Oak Tree Landing. The site will also include an 18-hole golf course that will allow public access. The golf club house will be located in Alachua County, but some of the holes will be located in Gilchrist County. In addition, up to 620 residential units, 75,000 square feet of local commercial retail, and 75,000 square feet of hotel and/or lodging are planned for the adjacent portion of the property located in Gilchrist County. The Gilchrist County and Alachua County portions of the project will be internally connected by private roads and trails. A site plan has been provided in the ***Appendix***. The portion of the development located in Alachua County is expected to generate approximately **498 new daily trips** on the local roadway network. Access to the site is proposed by one driveway on CR 232 in Alachua County, in addition to access locations along CR 232 and CR 337 in Gilchrist County.

The Alachua County roadway segments in the vicinity of the project are expected to operate within their maximum service volume with the addition of project traffic from the Oak Tree Landing development.

The intersection of NW 78th Avenue (CR 232) and SR 45 was examined during the PM peak hour. This intersection currently operates at an acceptable level of service. At project build-out, the following improvement was identified for the intersection to operate with an acceptable level of service:

- Construction of a 400 foot westbound left turn lane

In addition, a 400 foot westbound left turn lane is recommended on CR 232 at the project driveway to accommodate ingress vehicles. No other off-site improvements are required for concurrency reservation.

Kimley-Horn
and Associates, Inc.

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- Roadway Segment Sheets
- Intersection Volume Development Sheets
- Turn Lane Analysis
- Synchro Analysis

Kimley-Horn
and Associates, Inc.

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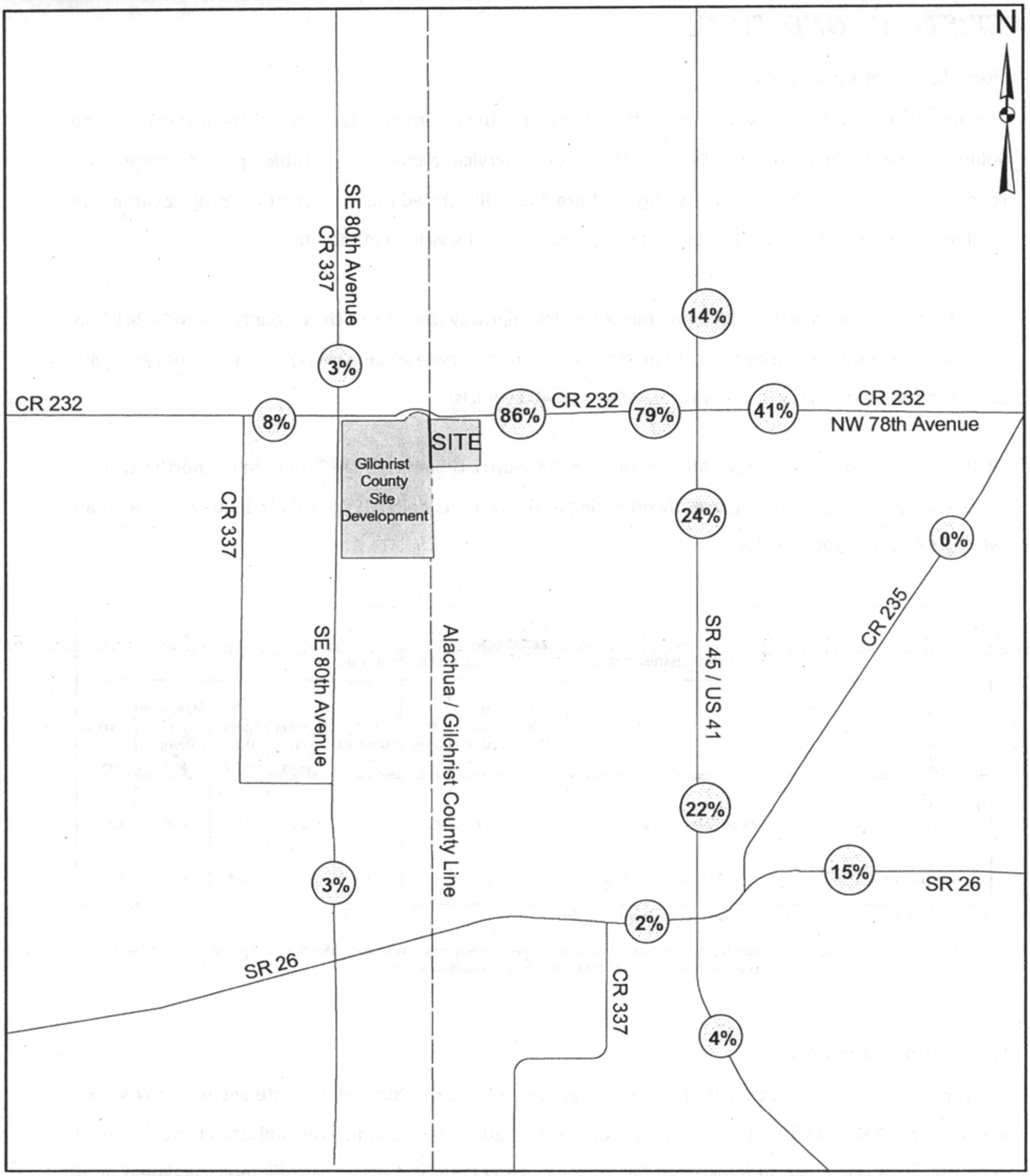
INTRODUCTION

Kimley-Horn and Associates, Inc. was retained by Oak Tree Landing, Ltd. to provide an analysis detailing the traffic impacts associated with a proposed Planned Development. The site is a proposed residential community with recreational and agricultural amenities. The site includes an existing aircraft landing strip in Gilchrist County and will incorporate fly-in travel. The site is located south of CR 232, just east of the Gilchrist County line in Alachua County, Florida (see ***Figure 1***). The development program in Alachua County consists of five single family residential units as well as recreational and agricultural amenities primarily serving residents and guests of Oak Tree Landing. The site will also include an 18-hole golf course that will allow public access. The golf club house will be located in Alachua County, but some of the holes will be located in Gilchrist County. In addition, up to 620 residential units, 75,000 square feet of local commercial retail, and 75,000 square feet of hotel and/or lodging are planned for the adjacent portion of the property located in Gilchrist County. The Gilchrist County and Alachua County portions of the project will be internally connected by private roads and trails. A site plan has been provided in the ***Appendix***. Access to the site is proposed by one driveway on CR 232 in Alachua County, in addition to access locations on CR 232 and CR 337 in Gilchrist County.

This traffic impact analysis is presented in accordance with the *Alachua County Unified Land Development Code* Concurrency Management guidelines. This study is an update to a study submitted in April 2008 and a traffic analysis letter submitted in May 2010, and addresses comments received from Alachua County staff on September 27, 2010. The traffic study was based on data provided by Alachua County, Florida Department of Transportation (FDOT), and / or collected by Kimley-Horn and Associates, Inc. All efforts related to this traffic study observed the established procedures published in Institute of Transportation Engineers (ITE) sources, FDOT sources, and the *Highway Capacity Manual* (HCM).

Study Area

The study area for this project includes NW 78th Avenue (CR 232) from the Gilchrist County Line to CR 241 and SR 45, from the North city limit of Newberry to the South city limit of High Springs. This study area is in accordance with *Alachua County Unified Land Development Code* Concurrency Management guidelines, which specifies that all roadway segments within one-half mile of the project driveways, or to the nearest intersecting major street, be examined. The unsignalized intersection of NW 78th Avenue/CR 232 & SR 45/US 41 was also analyzed in the study.



LEGEND
= Project Site Location
25% = Project Trip Distribution

Figure 1
Project Trip Distribution
Oak Tree Landing
Alachua County, Florida

EXISTING CONDITIONS

Road Segment Conditions

The most recent traffic data was obtained from Alachua County's Growth Management Department. Service volumes were obtained from the FDOT 2009 generalized service volume tables. ***Table 1*** provides the existing roadway conditions in the study area. ***Figure 1*** previously illustrated the location of the project within the local road network. There are no signalized intersections in the vicinity of the site.

CR 232 is a rural two-lane undivided uninterrupted flow highway from the Gilchrist County Line to CR 241. This segment is currently operating at 42.0% of its daily maximum service volume (MSV) within the study area with an existing Average Annual Daily Traffic (AADT) of 3,400 vehicles.

SR 45 is a rural two-lane undivided state road from the south city limits of High Springs to the north city limits of Newberry. The segment is currently operating at 63.0% of its daily MSV within the study area with an existing AADT of 5,100 vehicles.

TABLE 1
OAK TREE LANDING
DAILY ROADWAY SEGMENT ANALYSIS - EXISTING CONDITIONS

Roadway From	To	Roadway Functional Classification	Area Type	LOS Standard	Number of Lanes	2009 Annual Daily Traffic [1]	Maximum Service Volume (MSV) [2]	Percent of MSV
CR 232/NW 78th Avenue								
Gilchrist/Alachua County limits	CR 241 / NW 143rd	Uninterupted Flow	Rural	C	2L	3,400	8,100	42.0%
SR 45								
North City Limit of Newberry	South City Limit of High Springs	State Arterial	Rural	C	2L	5,100	8,100	63.0%

k:\oca_tpto\142228000-fly-in_community\xls\[0411 updated traffic analysis.xls]table1

Note 1 : The Annual Daily Traffic was provided by Alachua County Growth Management Department. The Segment Data Tables are provided in the Appendix.
Note 2 : The Maximum Service Volume was obtained from the FDOT 2009 Generalized Service Volume Tables.

Intersection Conditions

A PM peak period (4:00-6:00 PM) turning movement count was taken at the intersection of NW 78th Avenue/CR 232 & SR 45/US 41 on Thursday, October 14th, 2010. The volumes were adjusted to peak season using the latest FDOT weekly adjustment factors for Alachua County. Existing lane geometry and peak hour factors were observed in the field.

The operating conditions at the intersection of CR 232 & SR 45 were analyzed using Synchro 7.0, which is a traffic analysis software tool that calculates level of service and delay for intersections based on procedures outlined in the *Highway Capacity Manual*. ***Table 2*** provides the intersection level of service and delay (seconds per vehicle) during the PM peak hour. The turning movement count, intersection volume development worksheets, and Synchro worksheets can be found in the ***Appendix***.

TABLE 2
OAK TREE LANDING
2010 EXISTING CONDITIONS
PM PEAK HOUR INTERSECTION ANALYSIS

INTERSECTION	Stop-Controlled Direction	Level of Service	Delay (sec/veh)
Unsignalized			
CR 232 & SR 45/US 41	EB	B	13.8
	WB	C	18.0

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PROJECT TRAFFIC

Project Trip Generation

The proposed site is a residential resort community that will include on-site recreational and agricultural amenities, including local commercial retail uses (located on the Gilchrist County side) that will primarily serve on-site residents. Other ancillary recreational uses will be present on-site, primarily for the benefit of residents and guests. The site will contain an 18-hole golf course that will allow public access. The golf club house is located in the Alachua County portion of the site, although some holes are located in Gilchrist County. For the purpose of trip generation, the main trip generator for the golf course was assumed to be located in Alachua County.

Trip generation for the site was calculated using ITE's *Trip Generation, Eighth Edition*. The trip generation is presented for the portion of the site in Gilchrist County (to be used as background traffic) and Alachua County (for concurrency reservation and level of service compliance). Land use code 260 (Recreational Homes) was used to calculate the trip generation potential for the residential portion of the site, as it applies to resorts containing local services and complete recreational facilities. Land use code 430 (Golf Course) was used to calculate the trip generation for the golf course. Land use code 814 (Specialty Retail) and land use code 310 (Hotel) were used to calculate the trip generation for the retail and lodging services located in Gilchrist County. ***Table 3*** presents the land use categories, trip generation formulas, daily and PM peak hour project trips. An internal capture of 25% was assumed between the residential and retail /recreational uses of the development based on the local nature of the services. Approximately 498 net new daily trips can be expected to be generated by the portion of the development located in Alachua County.

Project Trip Distribution

The project trip distribution was determined using the Gainesville Urban Area Transportation Model, which is based on the Florida Standard Urban Transportation Model Structure (FSUTMS). The existing plus committed (E+C) network was used as a base, with the ZDATA 1 and ZDATA 2 files being updated to reflect the project's land use and intensity. ***Figure 1*** shows the resulting project distribution. The plot of the model output is provided in the ***Appendix***.

Project trips on study area roadways were calculated by applying the distribution to the project's trip generation calculations. ***Figure 2*** illustrates the PM peak hour project trips (from the Gilchrist and Alachua County portions of the site) within the study area.

TABLE 3
OAK TREE LANDING
TRIP GENERATION

Land Use	Intensity	Units	Daily Trips	PM Peak Hour of Adjacent Street		
				Total	In	Out
Proposed Site Traffic						
Gilchrist County (Background Traffic)						
Recreational Homes	620	DU	1,959	161	66	95
Hotel	75	rooms	298	44	23	21
Specialty Retail	75	1,000 SF	3,324	201	88	113
Subtotal			5,581	406	177	229
Internal Capture	25%		1,395	102	44	57
Subtotal - Gilchrist County			4,186	304	133	172
Alachua County (for Concurrency Reservation)						
Recreational Homes	5	DU	16	1	0	1
Golf Course	18	Holes	643	50	23	27
Subtotal			659	51	23	28
Internal Capture	25%		161	13	6	7
Subtotal - Alachua County			498	38	17	21

NOTE: Trip generation was calculated using the following data from ITE's *Trip Generation, 8th Edition* :

Recreational Homes [ITE 260]

Daily	T = 3.16 * (X) (X is # of Dwelling Units; 50% in, 50% out)
PM Peak Hour of Adjacent Street	T = 0.26 * (X) (X is # of Dwelling Units; 41% in, 59% out)

Hotel [ITE 310]

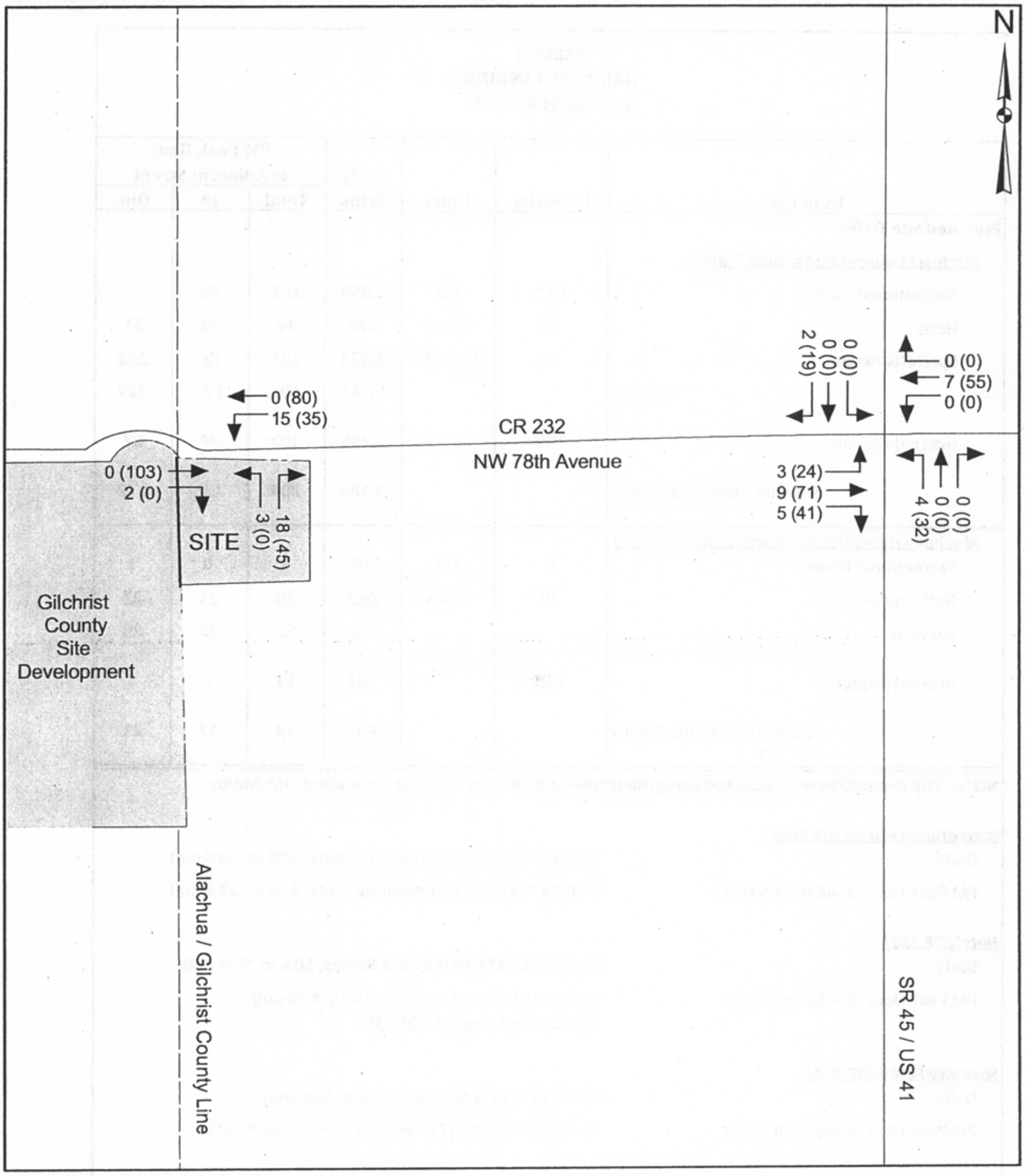
Daily	T = 8.95*X - 373.16 (X is # of Rooms, 50% in, 50% out)
PM Peak Hour of Adjacent Street	T = 0.59*X (X is # of Rooms, 53% in, 47% out) * Assuming 1 Room / 1,000 SF

Specialty Retail [ITE 814]

Daily	T = 44.32*X (X is SF/1000, 50% in, 50% out)
PM Peak Hour of Adjacent Street	T = 2.40*X + 21.48 (X is SF/1000, 44% in, 56% out)

Golf Course [ITE 430]

Daily	T = 35.74 * (X) (X is # of Holes; 50% in, 50% out)
PM Peak Hour of Adjacent Street	T = 2.78 * (X) (X is # of Holes; 45% in, 55% out)



LEGEND

0 = Alachua County Project Traffic

(0) = Gilchrist County Project Traffic

Figure 2
Project Trip Assigment - PM Peak Hour
Oak Tree Landing
Alachua County, Florida

SITE ACCESS AND INTERNAL CIRCULATION

Internal Circulation

Proposed access to the portion of the development in Alachua County will be provided by one driveway onto CR 232. This driveway will also serve a portion of the site located in Gilchrist County. The site plan and access locations were reviewed to determine the daily traffic that can be expected on the site internal roadways in Alachua County. The projected daily trips include consideration for the internal trip circulation related to on-site recreational facilities and the external trips from the Alachua County and Gilchrist County portions of the site that access the driveway on CR 232. Approximately 26% of the external project traffic from the Gilchrist portion of the site is expected to use the driveway connection in Alachua County to access CR 232. This equates to approximately 1,050 daily trips on the main internal roadway in Alachua County. No roadways in Alachua County are expected to have greater than 1,200 daily trips.

Site Access Analysis

A site access analysis was performed in accordance with the National Cooperative of Highway Research Programs (NCHRP) and guidelines from the Florida Department of Transportation (FDOT) Driveway Handbook. The project driveway on CR 232 in Alachua County was reviewed to determine if turn lanes are warranted for ingress vehicles and to recommend storage lengths to accommodate the expected queues.

According to the FDOT Driveway Handbook, the determination of the need for a right turn bay is based on the number of vehicles turning right in the peak hour and the posted speed for through traffic on the adjacent roadway. According to the criteria contained in Section 7.1, a right turn lane is recommended if the posted speed limit is greater than 45 mph and the number of vehicles turning right is between 35 to 55 vph. The posted speed limit on CR 232 is 55 mph. Because of the proposed access locations and trip distribution west of the project driveway on CR 232 in Alachua County, only two vehicles are expected to make the eastbound right turn movement at the project driveway during the PM peak hour. Therefore, based on the FDOT criteria, an eastbound right turn lane is not required for ingress vehicles. An excerpt from Section 7.1 of FDOT's Driveway Handbook is given in the ***Appendix***.

An analysis was undertaken to determine if a westbound left turn lane on CR 232 is warranted for ingress at the site driveway in Alachua County. A turn bay warrant was conducted based on guidelines set forth in the NCHRP Report 457. The criteria used for a turn bay warrant include the speed limit, lane geometry, and volume of peak hour traffic on the roadway. With a posted speed of 55 mph on CR 232 and a westbound left

turning volume of 50 vph during the PM peak hour at site build-out, a left turn lane is recommended by NCHRP Report 457. Furthermore, the Alachua County Unified Land Development Code requires a left turn storage lane for a residential subdivision that proposes 50 or more lots or 50 or more peak hour trips connecting to a two-lane collector.

The recommended length of the proposed westbound left turn lane into the site was determined from the summation of the required deceleration length and storage length. The required deceleration length was obtained from the FDOT Design Standards Index 301. The storage length was taken as the 95th percentile queue length reported in Synchro 7, rounded up to the nearest 25 feet. A minimum storage of 50 feet was assumed. ***Table 4*** shows the results of the turn lane analysis, including the recommended turn lane length. The turn lane warrant worksheet is provided in the ***Appendix***.

TABLE 4
OAK TREE LANDING
TURN LANE ANALYSIS

Intersection	Movement	Turning Volume	Warranted Per NCHRP? [1]	Required Decel. Length (ft)	95th Percent. Storage Length[3] (ft)	Recommended Total Length[4] (ft)
CR 232 & Project Driveway	EBR	0	NO	--	--	--
	WBL	30	YES	350	50	400

k:\oca_tpto\142228000-fly-in_community\xls\[0411 updated traffic analysis.xls]table 4

Note 1: The left turn lane warrant is based on NCHRP Report 457. The right turn lane warrant is based on the FDOT Driveway Handbook, which is based on NCHRP Report 420.
Note 2: The required deceleration length is from the FDOT Design Standards Index 301, using a design speed of 55 mph and a rural section.
Note 3: The 95th percentile storage is that reported from Synchro 7, rounded up to the nearest 25 feet. A minimum of 50 ft storage was assumed.
Note 4: The recommended total length is the summation of the required deceleration length and the 95th percentile storage length.

FUTURE CONDITIONS ANALYSIS

Segment Analysis

The most recent roadway segment volume sheets were obtained from the Alachua County Growth Management Department, and are provided in the ***Appendix***. ***Table 5*** provides the calculation of total daily future traffic by providing the breakdown of existing, reserved, Gilchrist County project traffic, and Alachua County project traffic. ***Table 6*** provides the calculation of total PM peak hour future traffic by providing the breakdown of existing, reserved, Gilchrist County project traffic, and Alachua County project traffic. Maximum service volume (MSV), percent of MSV, and remaining available capacity are also provided. ***Figure 3*** illustrates the daily and PM peak hour total future traffic on the roadway network within the study area. Both study area segments will have available daily and PM peak hour trips after the addition of project traffic from both the Alachua and Gilchrist portions of the site.

Intersection Analysis

The intersection of CR 232 & SR 45 and CR 232 & the project driveway were analyzed using Synchro 7.0 with the addition of project traffic from the Gilchrist and Alachua County portions of the site. The approach volumes at the intersection of CR 232 & SR 45 were used to determine the existing through traffic on CR 232 at the project driveway. The reserved trips provided in the Alachua County roadway segment tables were included in the future volume development.

Figure 4 illustrates the PM peak hour total future traffic at the study intersections. Intersection volume development worksheets in the ***Appendix*** provide the breakdown of components for each movement. ***Table 7*** shows the expected intersection level of service and delay with the addition of project traffic. The Synchro printouts can be found in the ***Appendix***. The project driveway is expected to operate with an acceptable level of service with the project traffic and build-out geometry.

The intersection of CR 232 & SR 45 is expected to operate with a level of service "F" for the westbound approach during the PM peak hour with the addition of project traffic. The following improvement is recommended for the intersection to operate with an acceptable level of service:

- Construction of a 400 foot westbound left turn lane

Table 8 shows the intersection level of service and delay at project build-out with the recommended improvements.

TABLE 5
OAK TREE LANDING
ROADWAY SEGMENT FUTURE CONDITIONS
DAILY BIDIRECTIONAL TRAFFIC

Roadway From	To	Roadway Functional Classification	Area Type	LOS Standard	Number of Lanes	Existing Daily Traffic [1]	Reserved Trips [1]	Percent Project Traffic	Gilchrist Project Traffic	Alachua Project Traffic	Total Traffic	Max. Service Volume (MSV) [2]	Percent of MSV	Available Capacity (after project)
CR 232/NW 78th Avenue														
Gilchrist/Alachua County limits	CR 241	Uninterupted Flow	Rural	C	2	3,400	552	86.0%	3,600	428	7,980	8,100	98.5%	120
SR 45														
North City Limit of Newberry	South City Limit of High Springs	State Arterial	Rural	C	2	5,100	0	24.0%	1,005	120	6,225	8,100	76.9%	1,875

K:\OCA_TPTO\142228000-Fly-In_Community\xls\[0411 Updated Traffic Analysis.xls]Table 5

Note 1 : The Annual Daily Traffic was provided by Alachua County Growth Management Department. The Segment Data Tables are provided in the Appendix.
Note 2 : The Maximum Service Volume was obtained from the FDOT 2009 Generalized Service Volume Tables.

TABLE 6
OAK TREE LANDING
ROADWAY SEGMENT FUTURE CONDITIONS
PM PEAK HOUR TRAFFIC

Roadway From	To	Roadway Functional Classification	Area Type	LOS Standard	Number of Lanes	2010 Existing PM Peak Hour Traffic [1]	Reserved Trips [2]	Percent Project Traffic	Gilchrist Project Traffic	Alachua Project Traffic	Total Traffic	Max. Service Volume (MSV) [3]	Percent of MSV	Available Capacity (after project)
CR 232/NW 78th Avenue														
Gilchrist/Alachua County limits	CR 241	Uninterupted Flow	Rural	C	2	303	55	86.0%	261	33	652	790	82.5%	138
SR 45														
North City Limit of Newberry	South City Limit of High Springs	State Arterial	Rural	C	2	328	0	24.0%	73	9	410	790	51.9%	380

K:\OCA_TPTO\142228000-Fly-In_Community\xls\[0411 Updated Traffic Analysis.xls]Table 6

Note 1: The 2010 Existing PM Peak Hour Traffic was obtained from the PM peak hour turning movement count performed at the interseciton of CR 232 & SR 45.
Note 2: The reserved trips are assumed to be 10% of the daily reserved trips provided by Alachua County.
Note 3: The MSV was obtained from the 2009 FDOT Generalized Service Volume Tables.

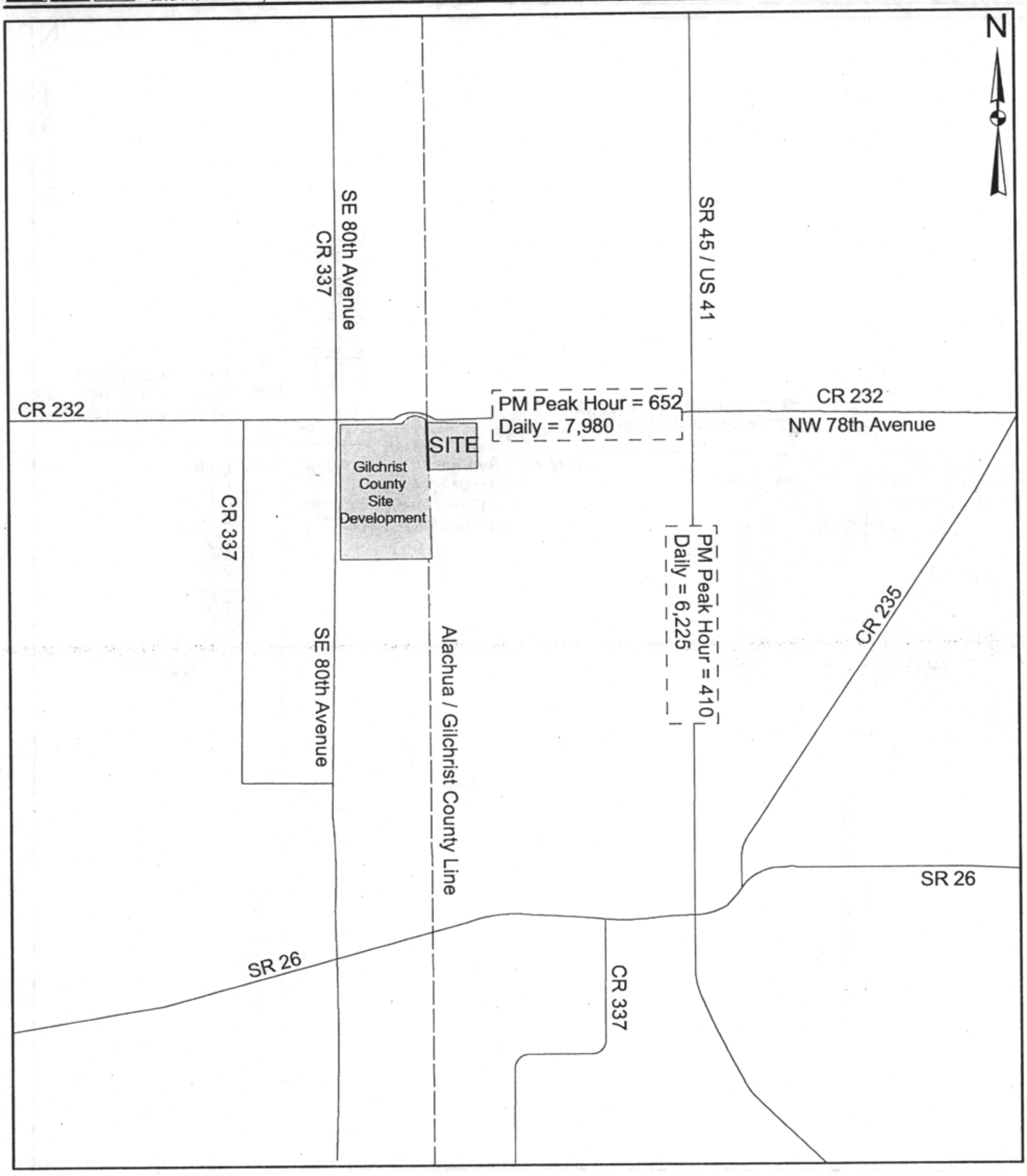
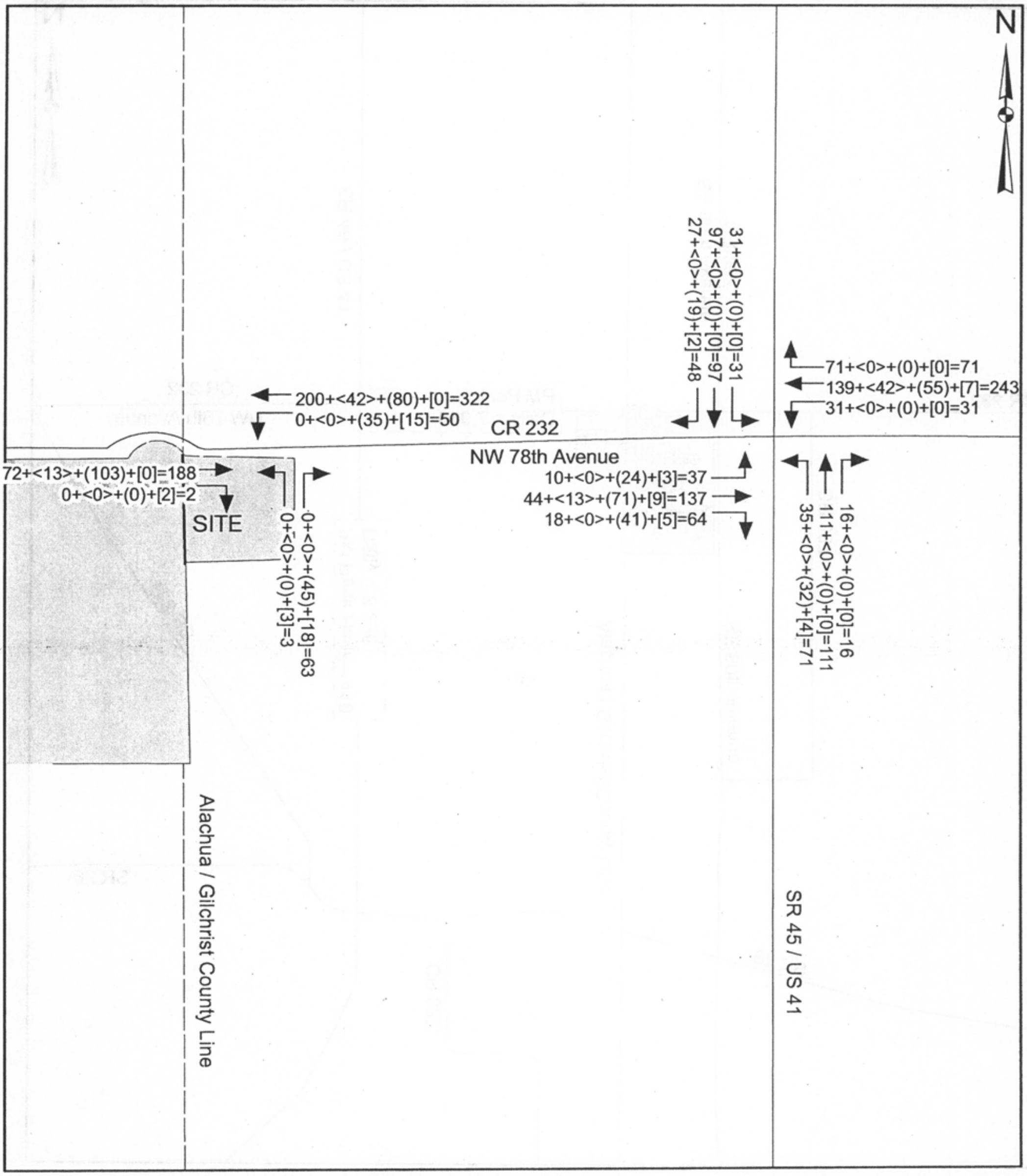


Figure 3
Build-out Roadway Segment Traffic
Oak Tree Landing
Alachua County, Florida



LEGEND	
200 = Existing Traffic	(69) = Gilchrist County Project Traffic
<42> = Reserved Trips	[0] = Alachua County Project Traffic

Figure 4
Build-out PM Intersection Traffic
Oak Tree Landing
Alachua County, Florida

TABLE 7
OAK TREE LANDING
FUTURE CONDITIONS (Existing + Gilchrist Project Traffic + Alachua Project Traffic)
PM PEAK HOUR INTERSECTION ANALYSIS

INTERSECTION	Stop-Controlled Direction	Level of Service	Delay (sec/veh)
Unsignalized			
CR 232 & SR 45/US 41	EB	E	47.5
	WB	F	61.4
CR 232 & Project Driveway	NB	B	10.1

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TABLE 8
OAK TREE LANDING
FUTURE CONDITIONS WITH IMPROVEMENT
PM PEAK HOUR INTERSECTION ANALYSIS

INTERSECTION	Stop-Controlled Direction	Level of Service	Delay (sec/veh)
Unsignalized			
CR 232 & SR 45/US 41	EB	E	47.5
	WB	D	34.6

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CONCLUSION

The foregoing traffic analysis shows that the proposed Oak Tree Landing Planned Development located in Alachua County will be within the Concurrency Management requirements of the Alachua County Land Development Code at build-out of the site. There is sufficient capacity on the study area roadway segments to accommodate the traffic from the proposed development in Alachua County along with the background traffic impacts from the portion located in Gilchrist County.

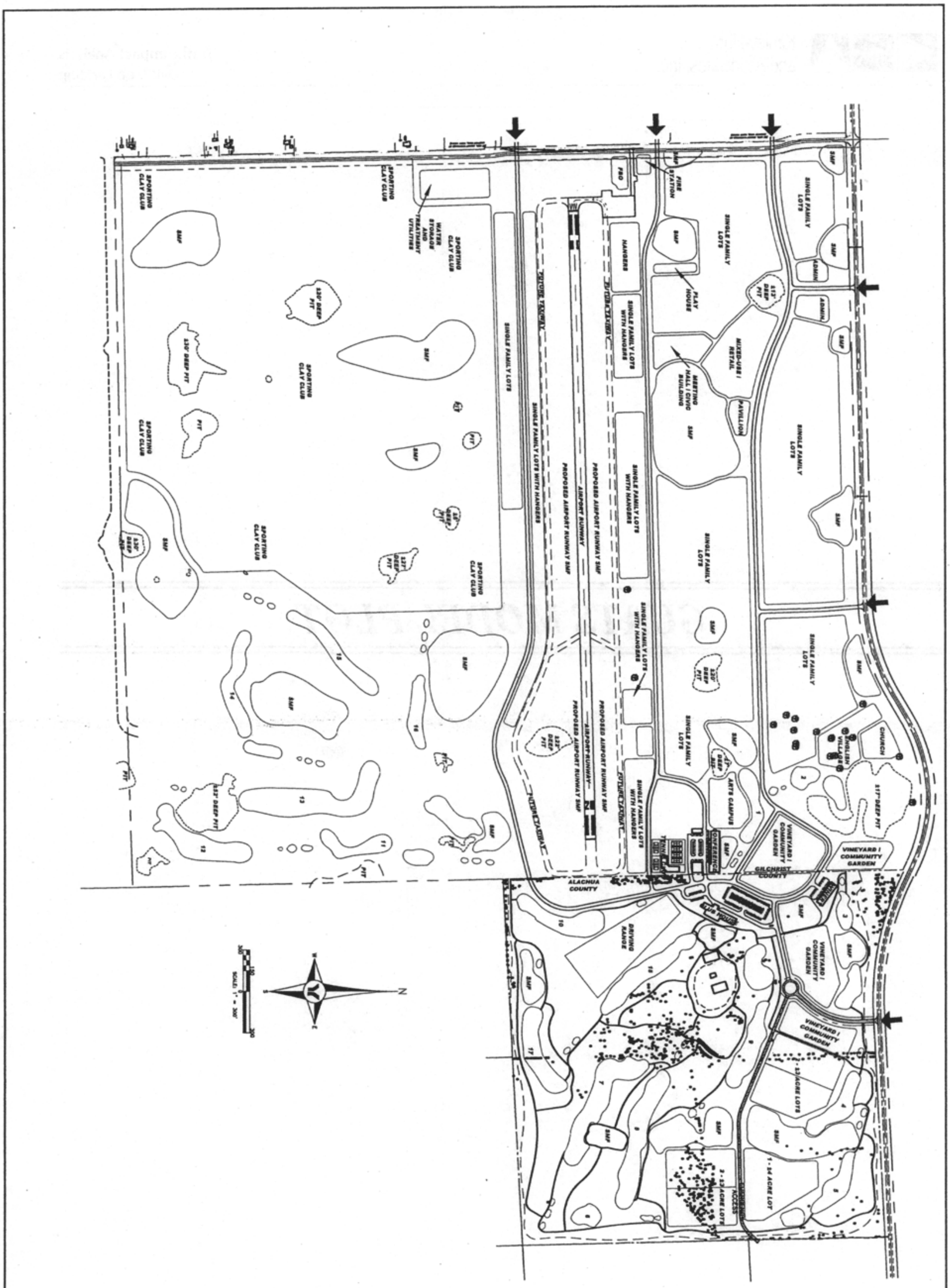
The following improvement was identified for the intersection of CR 232 & US 41 to operate with an acceptable level of service at project build-out:

- Construction of a 400 foot westbound left turn lane

In addition, a 400 foot westbound left turn lane is recommended on CR 232 at the project driveway to accommodate ingress vehicles. No other off-site improvements are required for concurrency reservation.

APPENDIX

CONCEPTUAL SITE PLAN



PRELIMINARY "NOT FOR CONSTRUCTION"

C3.00

JOB NO. 0721021604

SHEET NO.

OAK TREE LANDING

OVERALL SITE DEVELOPMENT PLAN

SECTION 6&7 TOWNSHIP 9 S., RANGE 17 E.

John Stanton No. 37232

DATE

	INITIALS	DATE
DESIGN	RD	-
DRAWN	AJA	-
CHECKED	JB	-
QUALITY CHK		
SCALE	AS NOTED	

PREPARED FOR:

STILES COMPANY
300 SE 2nd STREET
FORT LAUDERDALE, FL 33301
(954) 627-9150

NO.	BY	DATE	DESCRIPTION
1	-	-	-
2			
3			
4			
5			
6			
7			

REVISIONS

George F. Young, Inc.
1905 SOUTH MAIN STREET GAINESVILLE, FLORIDA 32601
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ENGINEERING CERTIFICATE OF AUTHORIZATION #AAA#### 21
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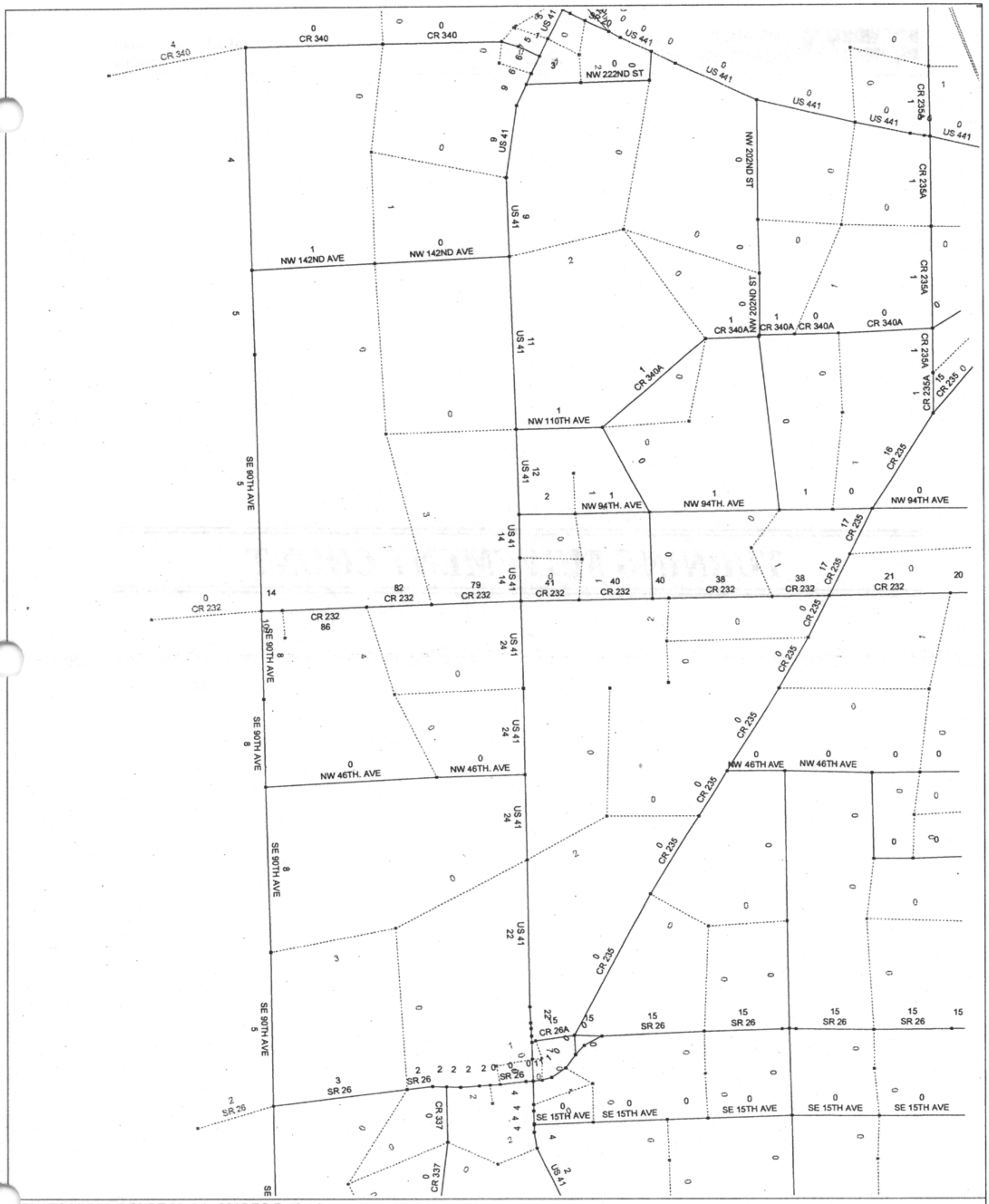
GUATS MODEL PLOT



GUATS Validated CUBE Model - 2015 EC Revised
Combined Select Zone Plot (TAZs 175) - Oak Tree Landing Alachua County
Thu 25 Oct 2007 C:\FSUTMS\d2\Alachua\Base\EC 2015 Oak Tree Landing\LOADED.NET

cube

Licensed to Kimley-Horn and Associates, Inc.

TURNING MOVEMENT COUNT

Kimley-Horn and Associates, Inc.
1321 SE 25th Loop, Suite 101
Ocala, Florida 34471

SR 45/US 41 & CR 232/NW 78th Ave
Thursday, October 14th 2010
4:00 - 6:00 PM
Alachua County, Florida

File Name : SR 45 & CR 232_PM
Site Code : 00000000
Start Date : 10/14/2010
Page No : 1

Groups Printed- Cars - Trucks

	SR 45 From North					CR 232 From East					SR 45 From South					CR 232 From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
04:00 PM	7	22	5	0	34	4	19	9	0	32	6	28	4	0	38	2	6	2	0	10	114
04:15 PM	5	16	5	0	26	11	22	5	0	38	12	23	3	0	38	0	4	1	0	5	107
04:30 PM	10	25	4	0	39	2	22	9	0	33	9	20	2	0	31	4	12	3	0	19	122
04:45 PM	8	22	5	0	35	2	27	14	0	43	8	31	5	0	44	8	7	2	0	17	139
Total	30	85	19	0	134	19	90	37	0	146	35	102	14	0	151	14	29	8	0	51	482
05:00 PM	6	12	10	0	28	4	29	16	0	49	7	27	3	0	37	1	6	5	0	12	126
05:15 PM	8	20	4	0	32	9	37	23	0	69	11	28	3	0	42	4	12	1	0	17	160
05:30 PM	9	32	8	0	49	6	42	12	0	60	9	31	6	0	46	1	16	7	0	24	179
05:45 PM	7	31	4	0	42	11	28	19	0	58	7	23	4	0	34	4	9	5	0	18	152
Total	30	95	26	0	151	30	136	70	0	236	34	109	16	0	159	10	43	18	0	71	617
Grand Total	60	180	45	0	285	49	226	107	0	382	69	211	30	0	310	24	72	26	0	122	1099
Apprch %	21.1	63.2	15.8	0		12.8	59.2	28	0		22.3	68.1	9.7	0		19.7	59	21.3	0		
Total %	5.5	16.4	4.1	0	25.9	4.5	20.6	9.7	0	34.8	6.3	19.2	2.7	0	28.2	2.2	6.6	2.4	0	11.1	
Cars	60	170	43	0	273	49	221	103	0	373	67	195	29	0	291	24	69	26	0	119	1056
% Cars	100	94.4	95.6	0	95.8	100	97.8	96.3	0	97.6	97.1	92.4	96.7	0	93.9	100	95.8	100	0	97.5	96.1
Trucks	0	10	2	0	12	0	5	4	0	9	2	16	1	0	19	0	3	0	0	3	43
% Trucks	0	5.6	4.4	0	4.2	0	2.2	3.7	0	2.4	2.9	7.6	3.3	0	6.1	0	4.2	0	0	2.5	3.9

	SR 45 From North					CR 232 From East					SR 45 From South					CR 232 From West					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	6	12	10	0	28	4	29	16	0	49	7	27	3	0	37	1	6	5	0	12	126
05:15 PM	8	20	4	0	32	9	37	23	0	69	11	28	3	0	42	4	12	1	0	17	160
05:30 PM	9	32	8	0	49	6	42	12	0	60	9	31	6	0	46	1	16	7	0	24	179
05:45 PM	7	31	4	0	42	11	28	19	0	58	7	23	4	0	34	4	9	5	0	18	152
Total Volume	30	95	26	0	151	30	136	70	0	236	34	109	16	0	159	10	43	18	0	71	617
% App. Total	19.9	62.9	17.2	0		12.7	57.6	29.7	0		21.4	68.6	10.1	0		14.1	60.6	25.4	0		
PHF	.833	.742	.650	.000	.770	.682	.810	.761	.000	.855	.773	.879	.667	.000	.864	.625	.672	.643	.000	.740	.862

2009 Peak Season Factor Category Report - Report Type: ALL

Category: 2600 ALACHUA COUNTYWIDE

MOCF: 0.96

Week	Dates	SF	PSCF
1	01/01/2009 - 01/03/2009	1.04	1.09
2	01/04/2009 - 01/10/2009	1.03	1.08
3	01/11/2009 - 01/17/2009	1.02	1.07
4	01/18/2009 - 01/24/2009	1.01	1.06
5	01/25/2009 - 01/31/2009	1.00	1.05
6	02/01/2009 - 02/07/2009	0.99	1.04
* 7	02/08/2009 - 02/14/2009	0.98	1.02
* 8	02/15/2009 - 02/21/2009	0.97	1.01
* 9	02/22/2009 - 02/28/2009	0.96	1.00
*10	03/01/2009 - 03/07/2009	0.95	0.99
*11	03/08/2009 - 03/14/2009	0.95	0.99
*12	03/15/2009 - 03/21/2009	0.94	0.98
*13	03/22/2009 - 03/28/2009	0.94	0.98
*14	03/29/2009 - 04/04/2009	0.94	0.98
*15	04/05/2009 - 04/11/2009	0.94	0.98
*16	04/12/2009 - 04/18/2009	0.94	0.98
*17	04/19/2009 - 04/25/2009	0.96	1.00
*18	04/26/2009 - 05/02/2009	0.97	1.01
*19	05/03/2009 - 05/09/2009	0.99	1.04
20	05/10/2009 - 05/16/2009	1.00	1.05
21	05/17/2009 - 05/23/2009	1.00	1.05
22	05/24/2009 - 05/30/2009	1.00	1.05
23	05/31/2009 - 06/06/2009	1.01	1.06
24	06/07/2009 - 06/13/2009	1.01	1.06
25	06/14/2009 - 06/20/2009	1.01	1.06
26	06/21/2009 - 06/27/2009	1.02	1.07
27	06/28/2009 - 07/04/2009	1.02	1.07
28	07/05/2009 - 07/11/2009	1.03	1.08
29	07/12/2009 - 07/18/2009	1.04	1.09
30	07/19/2009 - 07/25/2009	1.03	1.08
31	07/26/2009 - 08/01/2009	1.03	1.08
32	08/02/2009 - 08/08/2009	1.02	1.07
33	08/09/2009 - 08/15/2009	1.02	1.07
34	08/16/2009 - 08/22/2009	1.02	1.07
35	08/23/2009 - 08/29/2009	1.02	1.07
36	08/30/2009 - 09/05/2009	1.01	1.06
37	09/06/2009 - 09/12/2009	1.01	1.06
38	09/13/2009 - 09/19/2009	1.01	1.06
39	09/20/2009 - 09/26/2009	1.00	1.05
40	09/27/2009 - 10/03/2009	1.00	1.05
41	10/04/2009 - 10/10/2009	0.99	1.04
42	10/11/2009 - 10/17/2009	0.98	1.02
43	10/18/2009 - 10/24/2009	0.99	1.04
44	10/25/2009 - 10/31/2009	0.99	1.04
45	11/01/2009 - 11/07/2009	0.99	1.04
46	11/08/2009 - 11/14/2009	1.00	1.05
47	11/15/2009 - 11/21/2009	1.00	1.05
48	11/22/2009 - 11/28/2009	1.01	1.06
49	11/29/2009 - 12/05/2009	1.02	1.07
50	12/06/2009 - 12/12/2009	1.03	1.08
51	12/13/2009 - 12/19/2009	1.04	1.09
52	12/20/2009 - 12/26/2009	1.03	1.08
53	12/27/2009 - 12/31/2009	1.02	1.07

* Peak Season

ROADWAY SEGMENT SHEETS

ROADWAY	FROM	TO	LOS Standard	# of Lanes	AADT	Daily Capacity	Bike Facility	Sidewalk Coverage	Existing LOS	V/C Ratio	Reserved Trips	Available Capacity
Urban / Transitioning Area County Roadways												
Ft. Clarke Blvd	Newberry Road (SR 26)	NW 23rd Avenue	D	2	14,300	16,400	No	100	D	0.87	1,494	606
Kinkaid Loop	Kinkaid Loop	Kinkaid Loop	D	2	2,950	14,600	No	0	C	0.20	898	10,752
NW 53rd Avenue (CR 235)	Waldo Road (SR 24)	US 441	D	2	12,000	16,400	Yes	0	C	0.73	0	4,400
NW 53rd Avenue (CR 235)	US 441	NW 43rd Street	D	2	16,900	16,400	Yes	50	C	1.03	0	-500
Millhopper Road (CR 235)	NW 43rd Street	Interstate 75	D	2	11,000	14,600	Yes	25	D	0.75	88	3,512
Millhopper Road (CR 235)	Interstate 75	NW 143rd (CR 241)	C	2	3,700	11,000	Yes	0	C	0.34	0	7,300
NW 143rd (CR 241)	Newberry Road (SR 26)	NW 39th	D	2	12,000	15,500	Yes	50	C	0.77	3,000	500
NW 143rd (CR 241)	NW 39th Avenue	Millhopper Road	D	2	9,400	13,100	Yes	0	C	0.72	163	3,537
NW 23rd Avenue	NW 43rd Street	NW 55th Street	D	4	23,000	35,700	Yes	100	B	0.64	84	12,616
NW 23rd Avenue	NW 55th Street	NW 98th Street	D	2	18,000	21,300	No	100	D	0.85	2,781	519
NW 39th Avenue	Interstate 75	NW 115th Street	D	2	10,600	16,400	Yes	100	C	0.65	3,080	2,720
NW 39th Avenue	NW 115th Street	NW 143rd (CR 241)	D	2	10,000	15,500	Yes	0	C	0.65	3,690	1,810
NW 43rd Street	NW 23rd Avenue	Millhopper Road (CR 235)	D	4	30,000	35,700	Yes	100	C	0.84	3,520	2,180
NW 43rd Street	Millhopper Road (CR 235)	US 441	D	2	14,600	15,500	Yes	50	D	0.94	4,000	-3,100
NW 51st Street	NW 23rd Avenue	NW 39th Ave (SR 222)	D	2	10,300	14,600	Yes	100	D	0.71	82	4,218
NW 83rd Street	NW 39th Avenue (SR-222)	NW 23rd Avenue	D	2	13,800	16,400	Path	100	D	0.84	2,569	31
NW 98th Street	Newberry Road (SR 26)	NW 39th Avenue	D	2	10,000	16,400	No	50	C	0.61	2,712	3,688
Rocky Point Road	SR 331 (Williston Road)	US 441	D	2	3,400	14,600	No	0	C	0.23	28	11,172
SE 43rd Street	University Ave (SR 26)	Hawthorne Road (SR 20)	D	2	3,850	14,600	No	100	C	0.26	0	10,750
SW 122nd Street (Parker Road)	Newberry Road (SR 26)	SW 24th Avenue	D	2	8,000	16,400	Yes	0	C	0.49	3,595	4,805
SW 122nd Street (Parker Road)	SW 24th Avenue	Archer Road (SR 24)	C	2	5,000	13,100	No	0	C	0.38	2,046	6,054
SW 20th Avenue	SW 34th Street (SR 121)	SW 62nd Boulevard	D	2	25,000	21,300	Yes	75	F	1.17	4,698	-8,398
SW 20th Avenue	SW 62nd Boulevard	Tower Road (SW 75th Street)	D	2	18,500	21,300	Yes	75	D	0.87	3,372	-572
SW 24th Avenue	Tower Road (SW 75th Street)	SW 91st Street	D	2	11,850	14,600	No	100	D	0.81	2,888	-138
SW 24th Avenue	SW 91st Street	SW 122nd Street (Parker Road)	D	2	7,000	14,600	Path	75	C	0.48	5,726	1,874
SW 40th Blvd./SW 42nd/43rd St.	Archer Road (SR 24)	SW 20th Ave	D	2	14,000	14,600	No	0	D	0.96	1,163	563
SW 46th Blvd	Tower Road (SW 75th)	SW 104th Terrace	D	2	5,400	14,600	No	0	C	0.37	1,525	7,675
SW 62nd Avenue/SW 63rd Blvd	Archer Road (SR 24)	Williston Road (SR 121)	D	2	5,500	10,000	No	0	C	0.55	219	4,281
Tower Road (NW 75th Street)	Newberry Road (SR 26)	SW 8th Avenue	D	4	25,000	35,700	Yes	100	B	0.70	2,361	8,339
Tower Road (SW 75th Street)	SW 8th Avenue	Archer Road (SR 24)	D	2	17,500	21,300	No	100	D	0.82	8,917	-5,117
SW 75th Street	Archer Road (SR 24)	SW 85th Ave	D	2	3,400	14,600	No	75	C	0.23	2,085	9,115
SW 8th Avenue	Tower Road (SW 75th)	SW 91st Street	D	2	5,800	14,600	Yes	100	C	0.40	46	8,754
SW 8th Avenue	SW 91st Street	SW 122nd Street (Parker Road)	D	2	2,100	14,600	Yes	0	C	0.14	774	11,726
SW 91st Street	Newberry Road (SR 26)	SW 24th Avenue	D	2	8,200	14,600	Path	100	C	0.56	0	6,400
SW 91st Street	SW 24th Avenue	Archer Road (SW 24)	D	2	7,500	14,600	No	100	C	0.51	1,920	5,180
Highlighted roadways are either significantly within the limits of the City of Gainesville or have been recently annexed. Recently annexed roadways are outside the City of Gainesville's TCEA												

ROADWAY	FROM	TO	LOS Standard	# of Lanes	AADT	Daily Capacity	Bike Facility	Sidewalk Coverage	Existing LOS	V/C Ratio	Reserved Trips	Available Capacity
CR 219A	SR 26	US 301	C	2	500	7,900	No	0	A	0.06	0	7,400
CR 235A	Interstate 75	CR 236	C	2	500	7,900	No	0	A	0.06	0	7,400
CR 235A	US 441	Interstate 75	C	2	500	7,900	No	0	A	0.06	0	7,400
CR 329B/Lakeshore Drive	University Ave (SR 26)	Hawthorne Road (SR 20)	D	2	650	9,400	No	0	A	0.07	0	8,750
CR 1469	SR 26	US 301	C	2	1,000	7,900	No	0	A	0.13	0	6,900
CR 1491	NW CR 236	CR 241	C	2	700	7,900	No	0	A	0.09	77	7,123
Monteocha Road (NE 38th Street)	NE 53rd Avenue	NE 77th Avenue	D	2	3,164	7,900	No	0	B	0.40	0	4,736
NE 77th Avenue/CR 225A	CR 225 (NE 38th Street)	SR-24	C	2	680	7,900	No	0	A	0.09	0	7,220
NW 32nd / NW 186th / NW 46th	CR 241 (NW 143rd)	CR 235	C	2	2,500	7,900	No	20	B	0.32	199	5,201
NW 78th Avenue (CR 232)	CR 241 (NW 143rd)	Gilchrist County	C	2	3,400	7,900	No	0	B	0.43	552	3,948
NW 94th Avenue	CR 241 (NW 143rd)	US 41 / SR 45	C	2	800	7,900	No	0	A	0.10	124	6,976
NW 143rd (CR 241)	Millhopper Road	South City Limit of Alachua	D	2	8,500	13,100	Yes	0	C	0.65		4,600
NW 140th (CR 241)	US 441	Union County	C	2	1,500	7,900	No	0	A	0.19	0	6,400
NW 156th Ave	East City Limit of Alachua	CR 237	C	2	700	7,900	No	0	A	0.09	0	7,200
NW 156th Avenue	CR 237	CR 231	C	2	800	7,900	No	0	A	0.10	0	7,100
NW 202nd Street	NW 94th Avenue	US 441	C	2	1,500	7,900	No	0	A	0.19	0	6,400
NW CR 235	Alachua	Newberry	C	2	3,700	7,900	No	0	B	0.47	0	4,200
NW CR 236	Interstate 75	NW SR 121	C	2	3,500	7,900	No	0	B	0.44	383	4,017
NW CR 236	NW US 441	Interstate 75	C	2	2,500	7,900	No	0	B	0.32	58	5,342
NW CR 239	NW CR 239	NW CR 239	C	2	1,900	7,900	No	0	A	0.24	358	5,642
SE 171st Street/163rd Street	CR 147	SR 20	C	2	500	7,900	No	0	A	0.06	0	7,400
SE CR 325	US 301	Hawthorne RD (SR 20)	C	2	1,000	7,900	No	0	A	0.13	0	6,900
SE CR 1469	NE SR 26	CR 219-A	C	2	650	7,900	No	0	A	0.08	58	7,192
SW 170th (CR 241)	Archer Road (SR 24)	Newberry Road (SR 26)	C	2	3,000	13,100	No	0	A	0.23	0	10,100
SW 91st / SW 137th (CR 346A)	Williston Road (SR 121)	CR 346	C	2	500	7,900	No	0	A	0.06	482	6,918
SW Wacahoota Road	SW Wacahoota Road	SW Wacahoota Road	C	2	900	7,900	No	0	A	0.11	116	6,884

ROADWAY	FROM	TO	LOS Standard	# of Lanes	AADT	Daily Capacity	Bike Facility	Sidewalk Coverage	Existing LOS	V/C Ratio	Reserved Trips	Available Capacity
STATE ROADS												
Archer Road (SR 24)	SW 34th Street (SR 121)	Interstate 75	D	6	50,500	49,200	No	100	D	1.03	8,540	-9,840
Archer Road (SR 24)	Interstate 75	Tower Road (SW 75th)	D	4	27,000	35,700	Yes	100	B	0.76	12,452	-3,752
Archer Road (SR 24)	Tower Road (SW 75th)	SW 91st St	D	2	16,000	21,300	Yes	100	D	0.75	11,506	-6,206
Archer Road (SR 24)	SW 91st St	SW 122nd St (Parker Road)	D	2	12,000	21,100	Yes	0	C	0.57	2,600	6,500
Archer Road (SR 24)	SW 122nd St (Parker Road)	SR 45 (US 41)	D	2	10,500	13,900	Yes	0	D	0.76	2,600	800
Archer Road (SR 24)	US 41 (SR 45)	Levy County Line	D	2	7,000	13,700	Yes	0	C	0.51	0	6,700
East University Ave (SR 26)	Hawthorne Road (SR 20)	CR 329B (Lakeshore Dr)	D	4	10,500	35,700	No	100	B	0.29	0	25,200
SR 26	East University Ave	SE 222 (NE 39th Ave)	D	2	5,200	13,700	Yes	0	C	0.38	0	8,500
SR 26	SE 222 (NE 39th Ave)	US 301	D	2	9,800	13,700	Yes	0	D	0.72	345	3,555
SR 26	US 301	Putnam County Line	D	2	9,000	13,700	Yes	0	D	0.66	0	4,700
Hawthorne Rd. (SR 20)	SE 27th Street	SE 43rd Street	C	4	14,900	34,700	Yes	100	C	0.43	1,051	18,749
Hawthorne Rd. (SR 20)	SE 43rd Street	CR 329B (Lakeshore Dr)	C	4	9,600	32,800	Yes	100	B	0.29	10	23,190
Hawthorne Rd. (SR 20)	CR 329B (Lakeshore Dr)	West City Limit of Hawthorne	B	4	8,100	28,600	Yes	0	A	0.28	0	20,500
Hawthorne Rd. (SR 20)	East City Limit of Hawthorne	Putnam County Line	B	4	8,600	28,900	Yes	0	A	0.30	0	20,300
Interstate 75	Marion County Line	CR 234	B	6	57,625	54,300	No	0	C	1.06	0	-3,325
Interstate 75	CR 234	Williston Rd (SR 121)	B	6	60,225	59,800	No	0	C	1.01	83	-508
Interstate 75	Williston Rd (SR 121)	Archer Road (SR 24)	C	6	64,000	81,700	No	0	C	0.78	425	17,275
Interstate 75	Archer Road (SR 24)	Newberry Road (SR 26)	C	6	79,000	85,300	No	0	C	0.93	725	5,575
Interstate 75	Newberry Road (SR 26)	NW 39th Ave (SR 222)	C	6	72,000	85,300	No	0	C	0.84	116	13,184
Interstate 75	NW 39th Ave (CR 222)	US 441	B	6	51,000	59,800	No	0	C	0.85	20	8,780
Interstate 75	US 441	Columbia County Line	B	6	52,000	54,300	No	0	C	0.96	0	2,300
Newberry Road (SR 26)	NW 8th Ave	I-75	D	4	46,000	44,700	No	100	E	1.03	3,069	-4,369
Newberry Road (SR 26)	I-75	NW 122nd St (Parker Rd)	C	4	28,500	34,700	No	100	B	0.82	10,930	-4,730
Newberry Road (SR 26)	NW 122nd St (Parker Road)	NW 143rd St (CR 241)	C	4	24,000	35,700	Yes	100	B	0.67	15,400	-3,700
Newberry Road (SR 26)	NW 143rd St (CR 241)	NW 170th (CR 241)	C	4	14,700	32,800	Yes	100	B	0.45	2,500	15,600
Newberry Road (SR 26)	NW 170th (CR 241)	East City Limits of Newberry	C	4	15,200	32,800	Yes	0	B	0.46	0	17,600
Newberry Road (SR 26)	West City Limits of Newberry	Gilchrist County Line	B	2	9,400	8,700	Yes	0	C	1.08	0	-700
NE 39th Avenue	Gainesville Regional Airport Dr	SR 26	C	2	6,600	13,700	Yes	0	B	0.48	0	7,100
NW 39th Ave (SR 222)	NW 43rd St	NW 83rd St	D	4	31,000	35,700	Yes	100	C	0.87	3,901	799
NW 39th Ave (SR 222)	NW 83rd St	I-75	D	4	29,000	32,700	Yes	100	D	0.89	2,821	879

ROADWAY	FROM	TO	LOS Standard	# of Lanes	AADT	Daily Capacity	Bike Facility	Sidewalk Coverage	Existing LOS	V/C Ratio	Reserved Trips	Available Capacity
SR 121	North City Limits of Gainesville	Union County Line	C	2	2,800	7,900	Yes	0	B	0.35	749	4,351
SR 121 (SW 34th)	SW 20th Avenue	Archer Road (SR 24)	D	6	43,500	49,200	Yes	100	D	0.88	0	5,700
SR 235	East City Limit of LaCrosse	Bradford County Line	C	2	3,500	7,900	Yes	0	B	0.44	0	4,400
SR 235	CR 239	SR 121	C	2	2,700	7,900	Yes	0	B	0.34	573	4,627
US 301	Marion County Line	South City Limits of Hawthorne	B	4	7,700	28,600	Yes	0	A	0.27	8,250	12,650
US 301	North City Limits of Hawthorne	SR 26	B	4	11,600	28,600	Yes	0	A	0.41	230	16,770
US 301	SR 26	South City Limits of Waldo	B	4	10,600	28,600	Yes	0	A	0.37	543	17,457
US 301	North City Limits of Waldo	Bradford County Line	B	4	23,000	28,600	Yes	0	B	0.80	0	5,600
US 41 (SR 45)	Levy County Line	South City Limit of Archer	C	2	3,900	7,900	Yes	0	B	0.49	0	4,000
US 41 (SR 45)	North City Limit of Archer	South City Limit of Newberry	C	2	3,124	7,900	Yes	0	B	0.40	0	4,776
US 41 (SR 45)	North City Limit of Newberry	South City Limit of High Springs	C	2	5,100	7,900	Yes	0	B	0.65	0	2,800
US 441	Marion County Line	Williston Road (SR 331)	B	4	12,400	28,600	Yes	0	A	0.43	257	15,943
US 441	Williston Road (SR 331)	Archer Road (SR 24)	D	4	17,000	35,700	Yes	0	B	0.48	129	18,571
Waldo Road (SR 24)	NE 53rd	West City Limit of Waldo	B	4	15,700	28,600	Yes	0	A	0.55	172	12,728
Williston Rd (SR 331)	University Ave	US 441 (SW 13th St)	C	4	15,700	34,700	Yes	100	B	0.45	183	18,817
Williston Rd (SR 331)	US 441 (SW 13th St)	I-75	C	4	26,000	34,700	Yes	100	B	0.75	549	8,151
Williston Rd (SR 121)	I-75	SW 62nd Ave	D	2	11,400	15,500	Yes	0	C	0.74	4,121	21
Williston Road (SR 121)	SW 62nd Ave	SW 85th Avenue	D	2	9,400	15,500	Yes	0	C	0.61	0	6,100
Williston Road (SR 121)	SW 85th Avenue	Levy County Line	D	2	8,100	13,700	Yes	0	D	0.59	0	5,600
Highlighted roadways are either significantly within the limits of the City of Gainesville or have been recently annexed. Recently annexed roadways are outside the City of Gainesville's TCEA												

INTERSECTION VOLUME DEVELOPMENT SHEETS

INTERSECTION VOLUME SPREADSHEET
SR 45/US 41 @ CR 232
PM Peak Hour

Case	SR 45/US 41 Northbound			SR 45/US 41 Southbound			CR 232 Eastbound			CR 232 Westbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
10/14/10 Observed Volumes	34	109	16	30	95	26	10	43	18	30	136	70
Peak Season Factor	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02	1.02
2010 Peak Season Volume	35	111	16	31	97	27	10	44	18	31	139	71
Reserved Traffic	0	0	0	0	0	0	0	13	0	0	42	0
Background Project Traffic												
Gilchrist County Project Traffic	24% IN	0% --	0% --	0% --	0% --	14% IN	14% OUT	41% OUT	24% OUT	0% --	41% IN	0% --
Background Project Total	32	0	0	0	0	19	24	71	41	0	55	0
Non-Project Traffic	67	111	16	31	97	46	34	128	59	31	236	71
Project Assignment	24% IN	0% --	0% --	0% --	0% --	14% IN	14% OUT	41% OUT	24% OUT	0% --	41% IN	0% --
Project Traffic (Driveway Vol.)	4	0	0	0	0	2	3	9	5	0	7	0
Total Build Out Volumes	**71**	**111**	**16**	**31**	**97**	**48**	**37**	**137**	**64**	**31**	**243**	**71**

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Weekly Adjustment Factor:	0.98	Peak Hour Factor:	0.862
100th Highest Hour Factor:	0.96	% Trucks:	3.90%
Raw-To-Peak Season Factor:	1.02		

INTERSECTION VOLUME SPREADSHEET
Project Driveway @ CR 232
PM Peak Hour

Case	Project Driveway Northbound			n/a Southbound			CR 232 Eastbound			CR 232 Westbound		
	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
10/14/10 Observed Volumes	0	0	0	0	0	0	0	71	0	0	196	0
Peak Season Factor								1.02			1.02	
2010 Peak Season Volume	0	0	0	0	0	0	0	72	0	0	200	0
Reserved Traffic	0	0	0	0	0	0	0	13	0	0	42	0
Background Project Traffic												
Gilchrist County Project Traffic	0%	0%	26%	0%	0%	0%	0%	60%	0%	26%	60%	0%
	--	--	OUT	--	--	--	--	OUT	--	IN	IN	--
Background Project Total	0	0	45	0	0	0	0	103	0	35	80	0
Non-Project Traffic	0	0	45	0	0	0	0	188	0	35	322	0
Project Assignment	14%	0%	86%	0%	0%	0%	0%	0%	14%	86%	0%	0%
	OUT	--	OUT	--	--	--	--	--	IN	IN	--	--
Project Traffic (Driveway Vol.)	3	0	18	0	0	0	0	0	2	15	0	0
Total Build Out Volumes	**3**	**0**	**63**	**0**	**0**	**0**	**0**	**188**	**2**	**50**	**322**	**0**

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Weekly Adjustment Factor:	0.98	Peak Hour Factor:	0.862
100th Highest Hour Factor:	0.96	% Trucks:	3.90%
Raw-To-Peak Season Factor:	1.02		

TURN LANE ANALYSIS

should be provided in the median when openings are constructed for left turn movements from divided highways.

(b) *Auxiliary lanes*. Auxiliary lanes refers to acceleration, deceleration and storage lanes. The need for auxiliary lanes shall be given consideration on all access connections to collector and arterial facilities.

1. Acceleration lanes should also be considered on any facility where there is a large percentage of truck traffic.

2. All auxiliary lanes shall be constructed in accordance with FDOT Standard Index 526.

3. A residential subdivision that proposes 50 or more lots or a development with 50 or more total peak hour trips connecting to a two-lane collector or arterial roadway shall require a left turn storage lane. This shall include the construction of a left turn storage lane on any collector or arterial that provides access to the development via a local road that is within ½ mile of the development. The development shall also be required to resurface the local roadway from the limits of the connection to the local road to the collector or arterial facility.

4. Class II, III and IV connections to a two-lane collector or arterial roadway with a posted speed limit of 45 mph or greater shall require a deceleration lane. Class II connections shall require a deceleration lane.

(c) *Intersection analysis*. Off-site intersections shall be evaluated by the developer to determine operational and safety improvements attributable to the development. The intersections to be evaluated and the timing of the analysis shall be established during preliminary development plan review, in accordance with Chapter 402, Article 10. The analysis shall be submitted with final development plans per the timing established during preliminary development plan review. The development shall be responsible for the construction of necessary improvements including turn lanes, turn lane storage, traffic control devices and transit, bicycle and pedestrian facilities.

1. Developments which generate more than 1,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development.

2. Developments which generate more than 5,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development and significant intersections within ¼ mile of the development or the first major significant intersection if greater than ¼ mile.

3. Developments which generate more than 10,000 cumulative daily trips shall be required to evaluate intersections of collectors and arterials with all roadways providing access to the development and significant intersections within 1/2 mile of the development or the first major significant intersection if greater than 1/2 mile.

407.137 Expiration of Permit

A permit shall expire within one year of the application date if construction of the connection has not commenced. Incomplete construction may also cause permits to be considered null and void and subject to removal of partially constructed access if not completed within the one-year period.

7.2

WHEN SHOULD WE BUILD RIGHT TURN LANES?

Exhibit 44
Recommended Guidelines for Exclusive Right Turn Lanes to Unsignalized* Driveway

Roadway Posted Speed Limit	Number of Right Turns Per Hour
45 mph or less	**80-125** (see note 1)
Over 45 mph	**35-55** (see note 2)

*May not be appropriate for signalized locations where signal phasing plays an important role in determining the need for right turn lanes.

1. The lower threshold of 80 right turn vehicles per hour would be most used for higher volume (greater than 600 vehicles per hour, per lane in one direction on the major roadway) or two-lane roads where lateral movement is restricted. The 125 right turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with a large entry radius (50 feet or greater).

2. The lower threshold of 35 right turn vehicles per hour would be most appropriately used on higher volume two-lane roadways where lateral movement is restricted. The 55 right turn vehicles per hour upper threshold would be most appropriate on lower volume roadways, multilane highways, or driveways with large entry radius (50 feet or greater).

Note: A posted speed limit of 45 mph may be used with these thresholds if the operating speeds are known to be over 45 mph during the time of peak right turn demand.

Note on Traffic projections: Projecting turning volumes is, at best, a knowledgeable estimate. Keep this in mind especially if the projections of right turns are close to meeting the guidelines. In that case, consider requiring the turn lane.

NCHRP Left Turn Lane Warrant
CR 232 at Project Driveway
Project Build-out Conditions

Figure 2 - 5. Guideline for determining the need for a major-road left-turn bay at a two-way stop-controlled intersection.

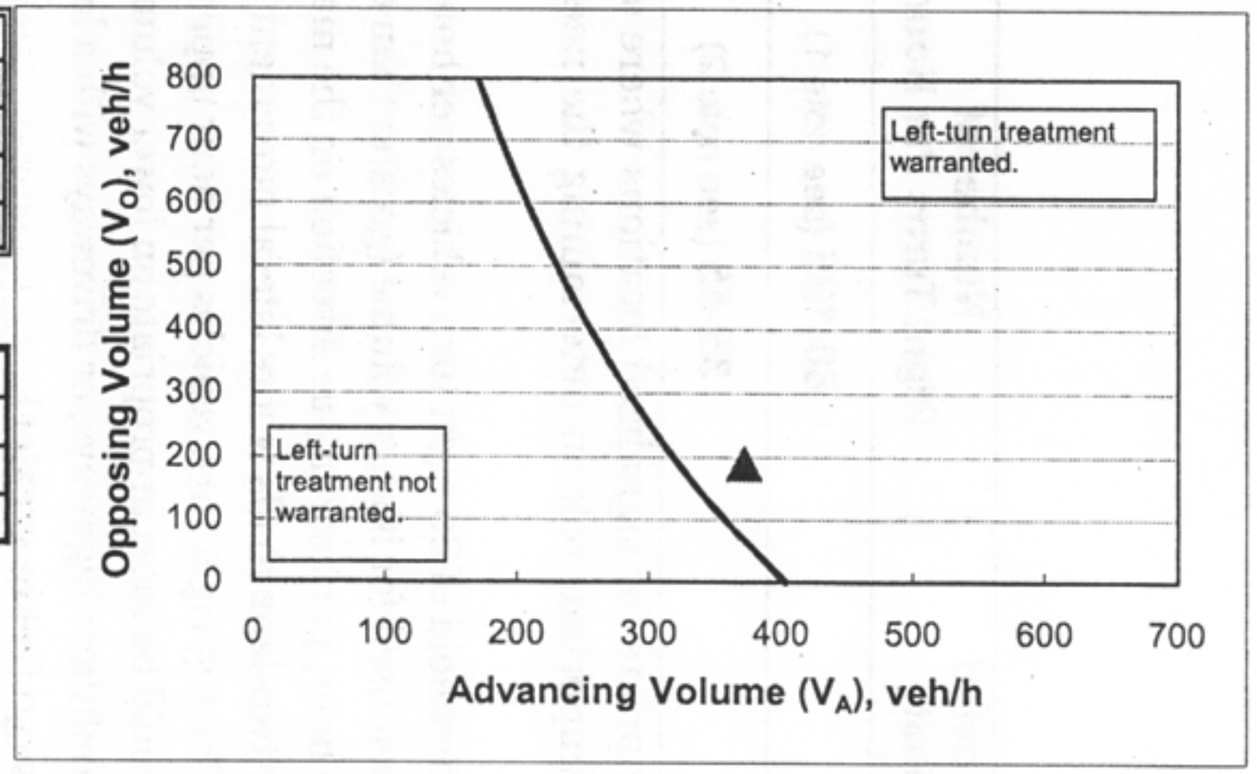
2-lane roadway (English)

INPUT

Variable	Value
85th percentile speed, mph:	55
Percent of left-turns in advancing volume (V_A), %:	13%
Advancing volume (V_A), veh/h:	372
Opposing volume (V_O), veh/h:	190

OUTPUT

Variable	Value
Limiting advancing volume (V_A), veh/h:	322
Guidance for determining the need for a major-road left-turn bay:	
Left-turn treatment warranted.	



CALIBRATION CONSTANTS

Variable	Value
Average time for making left-turn, s:	3.0
Critical headway, s:	5.0
Average time for left-turn vehicle to clear the advancing lane, s:	1.9

SYNCHRO ANALYSIS

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	10	44	18	31	139	71	35	111	16	31	97	27
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Hourly flow rate (vph)	12	51	21	36	162	83	41	129	19	36	113	31
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	574	430	128	451	436	138	144			148		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	574	430	128	451	436	138	144			148		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	96	90	98	92	67	91	97			97		
cM capacity (veh/h)	276	488	916	444	484	905	1426			1422		

Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1	SB 2
Volume Total	84	280	41	148	36	144
Volume Left	12	36	41	0	36	0
Volume Right	21	83	0	19	0	31
cSH	493	553	1426	1700	1422	1700
Volume to Capacity	0.17	0.51	0.03	0.09	0.03	0.08
Queue Length 95th (ft)	15	71	2	0	2	0
Control Delay (s)	13.8	18.0	7.6	0.0	7.6	0.0
Lane LOS	B	C	A		A	
Approach Delay (s)	13.8	18.0	1.6		1.5	
Approach LOS	B	C				

Intersection Summary			
Average Delay	9.3		
Intersection Capacity Utilization	37.6%	ICU Level of Service	A
Analysis Period (min)	15		

HCM Unsignalized Intersection Capacity Analysis
1: CR 232 & SR 45/US 41

Build-Out Conditions
Timing Plan: PM Peak Hour

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Volume (veh/h)	37	137	64	31	243	71	71	111	16	31	97	48
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Hourly flow rate (vph)	43	159	74	36	283	83	83	129	19	36	113	56
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	731	526	141	642	544	138	169			148		
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	731	526	141	642	544	138	169			148		
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1			4.1		
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2			2.2		
p0 queue free %	66	62	92	85	31	91	94			97		
cM capacity (veh/h)	126	417	902	233	407	905	1397			1422		

Direction, Lane #	EB 1	WB 1	NB 1	NB 2	SB 1	SB 2
Volume Total	277	401	83	148	36	169
Volume Left	43	36	83	0	36	0
Volume Right	74	83	0	19	0	56
cSH	343	426	1397	1700	1422	1700
Volume to Capacity	0.81	0.94	0.06	0.09	0.03	0.10
Queue Length 95th (ft)	171	270	5	0	2	0
Control Delay (s)	47.5	61.4	7.7	0.0	7.6	0.0
Lane LOS	E	F	A		A	
Approach Delay (s)	47.5	61.4	2.8		1.3	
Approach LOS	E	F				

Intersection Summary			
Average Delay	34.8		
Intersection Capacity Utilization	44.1%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Volume (veh/h)	188	2	50	322	3	63
Sign Control	Free			Free	Stop	
Grade	0%			0%	0%	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86
Hourly flow rate (vph)	219	2	58	374	3	73
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None			None		
Median storage veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume			221		710	220
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol			221		710	220
tC, single (s)			4.1		6.4	6.2
tC, 2 stage (s)						
tF (s)			2.2		3.5	3.3
p0 queue free %			96		99	91
cM capacity (veh/h)			1336		382	820

Direction, Lane #	EB 1	WB 1	WB 2	NB 1
Volume Total	221	58	374	77
Volume Left	0	58	0	3
Volume Right	2	0	0	73
cSH	1700	1336	1700	779
Volume to Capacity	0.13	0.04	0.22	0.10
Queue Length 95th (ft)	0	3	0	8
Control Delay (s)	0.0	7.8	0.0	10.1
Lane LOS		A		B
Approach Delay (s)	0.0	1.1		10.1
Approach LOS				B

Intersection Summary			
Average Delay	1.7		
Intersection Capacity Utilization	27.7%	ICU Level of Service	A
Analysis Period (min)	15		

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	37	137	64	31	243	71	71	111	16	31	97	48
Sign Control		Stop			Stop			Free			Free	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86	0.86
Hourly flow rate (vph)	43	159	74	36	283	83	83	129	19	36	113	56
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type								None			None	
Median storage veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	731	526	141	642	544	138	169				148	
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	731	526	141	642	544	138	169				148	
tC, single (s)	7.1	6.5	6.2	7.1	6.5	6.2	4.1				4.1	
tC, 2 stage (s)												
tF (s)	3.5	4.0	3.3	3.5	4.0	3.3	2.2				2.2	
p0 queue free %	66	62	92	85	31	91	94				97	
cM capacity (veh/h)	126	417	902	233	407	905	1397				1422	

Direction, Lane #	EB 1	WB 1	WB 2	NB 1	NB 2	SB 1	SB 2
Volume Total	277	36	365	83	148	36	169
Volume Left	43	36	0	83	0	36	0
Volume Right	74	0	83	0	19	0	56
cSH	343	233	464	1397	1700	1422	1700
Volume to Capacity	0.81	0.15	0.79	0.06	0.09	0.03	0.10
Queue Length 95th (ft)	171	13	176	5	0	2	0
Control Delay (s)	47.5	23.3	35.8	7.7	0.0	7.6	0.0
Lane LOS	E	C	E	A		A	
Approach Delay (s)	47.5	34.6		2.8		1.3	
Approach LOS	E	D					

Intersection Summary			
Average Delay	25.1		
Intersection Capacity Utilization	55.6%	ICU Level of Service	B
Analysis Period (min)	15		

Comprehensive Plan Consistency Analysis

The Alachua County Board of County Commissioners adopted amendments to the Alachua County Comprehensive Plan on April 5, 2011 which are not yet in effect. This analysis addresses consistency with both the Comprehensive Plan provisions currently in effect and the Plan amendments adopted on April 5, 2011. Language quoted from the amendments adopted on April 5, 2011 is shown in blue.

Oak Tree Landing PD is consistent with the following applicable goals, objectives, and policies of the Alachua County Comprehensive Plan now in effect and amendments thereto adopted on April 5, 2011.

FUTURE LAND USE ELEMENT

Rural and Agricultural Policies
Objective 6.1 General *Rural areas shall protect rural and agriculture areas in a manner consistent with the retention of agriculture, open space, and rural character, and the preservation of environmentally sensitive areas, and efficient use of public services and facilities.*

Objective 6.1. *General Rural and agricultural areas shall be protected in a manner consistent with the retention of agriculture, open space, and rural character, and the preservation of environmentally sensitive areas, and efficient use of public services and facilities.*

Policy 6.1.4 The County shall support the development of markets and programs that promote the sale of locally produced agricultural goods., including but not limited to farmers markets, community gardens, farm to institution programs, and agritourism opportunities. The County shall partner with local community groups and organizations and other local governments to pursue funding sources for the development of a sustainable local food system.

The proposed winery is intended to serve as a small-scale incubator in collaboration with the University of Florida to develop viticulture as an agricultural industry in the region.

Objective 6.2 Rural/Agriculture
Policy 6.2 *Areas identified for Rural/Agriculture on the Future Land Use Map are for rural residential uses, home-based businesses, resource-based recreation, outdoor recreation and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution. Other uses involving animals not normally associated with agricultural activities, which would be suitable in the Rural/Agricultural areas, such as animal sanctuaries, kennels, and commercial animal raising, may be approved by the County Commission. New residential uses at a maximum density of one dwelling unit per five acres shall be permitted subject to the restrictions in Policy 6.2.7, except that the total allowable dwelling units may be increased pursuant to the Planned Development-Transfer of Development Rights program in accordance with 6.2.5.1 or the incentive bonuses for clustering of rural residential subdivisions in accordance with Policies 6.2.9 - 6.2.14.*

Policy 6.2 *Areas identified for Rural/Agriculture on the Future Land Use Map are for agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other*

uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, farmers' markets, agritourism activities, composting, limited agricultural processing as provided in policy 6.1.8 above, and agricultural products distribution. Rural residential uses, home-based businesses, heritage tourism and ecotourism activities, resource-based recreation and outdoor activity-based recreation are also allowed. Other uses involving animals not normally associated with agricultural activities, which would be suitable in the Rural/Agricultural areas, such as animal sanctuaries, kennels, and commercial animal raising, may be approved by the County Commission. New residential uses at a maximum density of one dwelling unit per five acres shall be permitted subject to the restrictions in Policy 6.2.7, except that the total allowable dwelling units may be increased pursuant to the Planned Development-Transfer of Development Rights program in accordance with 6.2.5.1 or the incentive bonuses for clustering of rural residential subdivisions in accordance with Policies 6.2.9 - 6.2.14.

The Oak Tree Landing PD consists of rural residential at an extremely low density coupled with rural agricultural, outdoor recreation and open space uses that are consistent with its Rural/Agriculture land use designation. In keeping with the Rural/Agriculture land use, a majority of the 162 acres located within Alachua County will be designed for agricultural uses, outdoor recreation, and open space. The PD authorizes five residential lots, each between three and five acres. Agricultural uses such as a community garden and/or vineyard will be included on site for the use of residents and may involve a limited small-scale winery serving the larger Oak Tree Landing community. It is also intended that the winery will be operated in collaboration with the University of Florida and will serve as an incubator to promote viticulture as an agricultural industry in the region. Outdoor recreational uses such as a golf course and driving range with customary accessory uses primarily for the benefit of residents and guests, as well as extensive multi-use trails within a rural setting are proposed. A square footage cap on the accessory uses is established to ensure structures are at an appropriate scale for serving Oak Tree Landing residents in both Alachua and Gilchrist County. At buildout, less than one percent of the PD site is used for buildings to support the recreational amenities. The community golf course and other recreational and agricultural amenities are intended primarily for the benefit of residents and guests of the entire Oak Tree Landing community. The proposed golf course outdoor recreation use is proposed as a membership course but may be open to general public play for a premium fee.

Policy 6.2.2 *Central water and sanitary sewer lines shall not be extended into the Rural/Agricultural area, unless these services are needed to correct a public or environmental health threat, or as necessary for the efficient delivery of services to the Urban Cluster, as provided in the adopted Potable Water and Sanitary Sewer element.*

The residential lots will use individual private wells and septic tanks. The Gilchrist County portion of Oak Tree Landing will be served by a private water and wastewater treatment plant owned by the Oak Tree Landing Homeowner's Association. The applicant requests that the nonresidential uses in Alachua County be allowed to connect to the water and wastewater treatment plant in Gilchrist County. The plant will allow for greater protection of the aquifer and the springshed than could be achieved by septic. The applicant is committed to a standard for water quality that results in no adverse impact to the springshed. At a minimum, Oak Tree Landing will treat wastewater to meet Alachua County's standard for advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality.

Policy 6.2.3 *Stormwater facilities consistent with the level of service standards for drainage shall be required as a condition of new development.*

All required stormwater facilities will be designed and built to be consistent with the LOS for drainage.

Policy 6.2.6.1 *Subdivisions of no more than six lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than six lots without having paved roads throughout the subdivision.*

The Oak Tree Landing Planned Development (PD) proposes five residential lots with recreational amenities served by private internal roads. These private internal roads will be designed to comply with county standards for minimum width and stabilization. The Oak Tree Landing Homeowners Association will be responsible for maintenance of the roads. The internal roads will be accessed from County Road 232, which is a paved public road. Two additional access roads will be located in Gilchrist County.

Policy 6.2.10 Density and Intensity *The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except as a result of the provisions for the family homestead exception found in Policy 6.2.14.3, of a hardship variance or other temporary permit issued by the Growth Management Department or as a result of incentive bonuses for clustering as provided under item 4 below, subject to the resource protection standards in the Conservation and Open Space Element. . . .*

The Oak Tree Landing PD proposes five residential lots with recreational and agricultural amenities, which will not exceed the maximum gross density of one dwelling unit per five acres. There are no wetlands, surface waters, strategic ecosystems or other conservation areas located on the property. Density and open space requirements will be consistent with the Conservation and Open Space Element.

TRANSPORTATION MOBILITY ELEMENT

Goal *Establish a multi-modal transportation system that provides mobility for pedestrians, bicycles, transit users, motorized-vehicle users, users of rail and aviation facilities, and is sensitive to the cultural and environmental amenities of Alachua County.*

Oak Tree Landing is proposed as a Rural Florida Destination Village in Gilchrist County and a Planned Development in Alachua County. Most of the development will take place in Gilchrist County with a majority of the residential units within a five minute walking distance of retail and civic uses designed to serve the residents and guests. The recreational facilities and other amenities will be accessible within the development through an internal system of pathways designed to serve pedestrians, bicycles, golf carts, and horses, as well as internal roadways. Oak Tree Landing also takes advantage of an existing airport runway located in the Gilchrist County portion that will serve residents and guests with small planes. Additionally, Oak Tree Landing will be accessible by County Road 232, which is a paved collector road. Two additional entrances will be located in Gilchrist County.

POTABLE WATER & SANITARY SEWER ELEMENT

Goal 1. *To provide an adequate, safe, efficient, economical, reliable and environmentally sound system of potable water supply and sanitary sewer collection, treatment and disposal to meet the needs of the Current and projected Alachua County population.*

Policy 1.1 *For private package treatment plants, community water systems, and non-community water systems, the level of service standards shall be the minimum design and operating standards as established by the authorized federal, state, regional, water management districts, and local regulatory agencies.*

Policy 1.5 *No new public or private water or sanitary sewer system shall be permitted unless it is consistent with the policies established in all elements of the Comprehensive Plan.*

The residential lots will use individual private wells and septic tanks. The Gilchrist County portion of Oak Tree Landing will be served by a private water and wastewater treatment plant owned by the Oak Tree Landing Homeowner's Association. The applicant requests that the nonresidential uses in Alachua County be allowed to connect to the water and wastewater treatment plant in Gilchrist County. The plant will allow for greater protection of the aquifer and the springshed than could be achieved by septic. The applicant is committed to a standard for water quality that results in no adverse impact to the springshed. At a minimum, Oak Tree Landing will treat wastewater to meet Alachua County's standard for advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality.

Objective 5 *To prevent the discharge of inadequately treated wastewater.*

Policy 5.1 *All wastewater treatment and disposal systems shall meet or exceed applicable federal, state, regional, water management districts, and local treatment requirements.*

Policy 5.2 *Wastewater effluent not meeting applicable water quality standards shall not be discharged.*

Any wastewater permitted by Alachua County to be discharged on site will, at a minimum, be treated to meet Alachua County's standard for advanced treatment with nutrient removal and will provide additional treatment as needed to ensure no degradation of water quality.

Objective 6 *The County shall encourage wastewater effluent reuse and other incentives for the maximum utilization of reclaimed water to the greatest extent possible by facilitating the approval of environmentally-sound facilities.*

Consistent with Objective 6, the Oak Tree Landing PD proposes to use reclaimed water to irrigate the golf course, when available and permitted by Alachua County. Any reclaimed water discharged on site will, at a minimum, be treated to meet Alachua County's standard for advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality. .

Policy 7.4.1 *Septic tanks and drainfields shall be placed no closer to wells, surface water areas and conservation areas than the minimum distances provided for in applicable federal, state, regional, water management districts and local regulations. County development regulations shall provide for increased distances where soils or other environmental conditions are particularly unsuitable for on-site sewage systems.*

All septic tanks and drainfields will meet all applicable federal, state, and local laws relating to setbacks from wells, surface water areas, and conservation areas. .

Objective 8 *To promote the increased conservation and reuse of water.*

Consistent with Objective 8, the Oak Tree Landing PD will promote the "increased conservation and reuse of water" by using reclaimed water to irrigate the golf course, when available and permitted; using drought-tolerant native vegetation to landscape the course; and by implementing Xeriscape principles. Additionally, the applicant is proposing a links style golf course that minimizes the need for irrigation associated with heavily turfed courses.

SOLID WASTE ELEMENT

Oak Tree Landing will coordinate with Alachua County to ensure proper pickup and disposal of all solid waste produced by the development.

STORMWATER ELEMENT

Objective 3 *Coordinate improvements to the stormwater management system which serve new or future needs with the Future Land Use map and level of service standards as adopted in this plan.*

Policy 3.1 *To ensure water quality and flood protection, new development shall provide facilities designed to control and treat stormwater runoff at the following levels of service: . . .*

. . . .

Water Quality
All new development, redevelopment, and, when expansion occurs, existing developed areas, must provide adequate stormwater treatment so as not to degrade the water quality of the receiving water body. Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this Comprehensive Plan, must ensure that its post-development stormwater runoff will not contribute pollutants which will degrade the water quality of the watershed. Regardless of the area served, the stormwater treatment provided must provide a level of treatment which meets or exceeds Chapter 62-25 F.A.C. and applicable federal, state, regional, WMD and local requirements in effect on the date of adoption, April 8, 2002 of the Comprehensive Plan.

Policy 3.2 *Stormwater management facilities for new development shall be provided concurrent with the impacts of such development as part of the County's Concurrency Management Program.*

Objective 5 *Alachua County will ensure the protection of natural drainage features, including surface water quality and groundwater aquifer quality and quantity recharge functions, from stormwater runoff.*

Policy 5.1 *All development outside a regional master plan shall control post-development runoff rates and/or volumes to not exceed pre-development runoff rates and/or volumes.*

Policy 5.3 *All stormwater management facilities shall be constructed and operated in accordance with State Water Policy and shall not cause violations of State water quality standards.*

Policy 5.6 *All new development, redevelopment, and, when expansion occurs, existing developed areas located within the High Aquifer Recharge Areas shall provide treatment of the stormwater before it enters the Floridan Aquifer. This shall be presumed to have been met by designing and constructing a stormwater management system to control postdevelopment water runoff rate and/or volume and water quality to not exceed predevelopment runoff rate and/or volume and water quality.*

Policy 5.11 *Stormwater management facilities shall utilize contours of the site and minimize disturbance to existing natural features to maximum extent feasible. The county shall develop land development regulations that incentivize, encourage, and require where necessary, environmentally sensitive approaches to stormwater management, including Low Impact Development (LID) techniques and the protection of natural areas and features.*

Consistent with Policy 3.2, the Oak Tree Landing PD will provide stormwater management facilities concurrent with the impacts of the development. All stormwater management facilities will be designed to meet or exceed Chapter 62-25, FAC, and applicable federal, state, regional, and local requirements, including compliance with the policies implementing Objective 5 relating to control of the quantity and quality of stormwater runoff. The Oak Tree Landing Homeowner's Association will be responsible for insuring that the stormwater management facilities continue to operate in compliance with those requirements. Consistent with Policy 5.11, the stormwater management facilities for Oak Tree Landing will be located in existing low areas where stormwater runoff naturally collects. Furthermore, Oak Tree Landing is committed to using low impact development techniques in order to maintain or replicate the pre-development hydrologic regime, including using integrated and distributed microscale stormwater retention and detention areas.

CONSERVATION & OPEN SPACE ELEMENT

3.4. Development Review Process

Objective 3.4: *Protect natural resources during the land use planning and development review process from activities that would significantly damage the ecological integrity of these areas. The applicability of the policies and standards in this section shall be determined for all development at each stage of the land use planning, zoning, and development review and permitting process.*

Policy 3.4.1 All applications for land use change, zoning change and development approval shall be required to submit an inventory of natural resource information.

1. *The inventory shall include site specific identification, mapping, and analysis of each natural resource or natural resource characteristic present on or adjacent to the site.*
2. *The inventory shall be prepared by person(s) qualified in the appropriate fields of study, and conducted according to professionally accepted standards.*
3. *The County shall provide a natural resources checklist to each applicant identifying natural resources that must be analyzed.*
4. *The analysis shall consist of a resources management plan that includes the following:*
    a. *an assessment of the existing quality and characteristics of each natural resource,*
    b. *an evaluation of the impact of the proposed land use change, zoning change, or development on the resource, with consideration of the indicators in Policy 2.1.2,*
    c. *a discussion of the proposed measures to protect or mitigate the impacts on the resource, and*
    d. *a maintenance and monitoring plan.*
5. *In the land use and zoning context, the County shall use this information to determine whether the requested change is consistent with protection of natural resources. In the development review context, the County shall use this information to determine appropriate site designs and*

strategies that maintain and protect the character and amenities of the natural environment on the site during construction and after development.

A Natural Resource Inventory consistent with Policy 3.41 has been performed for the Oak Tree Landing PD site. A copy of the report is attached as part of this PD application.

4.0 NATURAL RESOURCES

With respect to natural resources present on the Oak Tree Landing PD, there are no known significant geological resources, surface waters, wetlands, floodplains, or strategic ecosystems on site. Should such areas be determined to be present during development review, appropriate planning and management techniques will be implemented for management of these areas. All resource protection standards applicable to the site will be complied with. Additional natural resource issues are addressed below.

Objective 4.2: Soils and Slopes *Reduce the rate of soil erosion and sedimentation from development activities and encourage the utilization of the soil consistent with the ability of the physical properties of the soil to support appropriate land use.*

Soil types found on the site are described in paragraph 2.14 of the attached Natural Resource Inventory. Soils and slopes are not anticipated to limit the proposed development.

Objective 4.5. Ground Water*. Protect and conserve the quality and quantity of groundwater resources to ensure long-term public health and safety, potable water supplies from surficial, intermediate, and Floridan aquifers, and the ecological integrity of natural resources.*

4.5 Groundwater and Springs
Objective 4.5: *Protect and conserve the quality and quantity of groundwater and springs resources to ensure long-term public health and safety, potable water supplies from surficial, intermediate, and Floridan aquifers, adequate flow to springs, and the ecological integrity of natural resources.*

Policy 4.5.19 *Disposal of effluents of wastewater treatment processes shall be accomplished by environmentally sound procedures consistent with FDEP regulations which may include land application, deep well injection, and reuse or wetlands disposal. New deep well injection shall be prohibited except for the return of non-contact water from residential and commercial heat pumps, and injection of high-quality treated water and for the purpose of aquifer storage and recovery. Expansion or renewal of existing deep well injection operations shall require a special use permit through which monitoring conditions will be established. All new wastewater treatment plants in high aquifer recharge areas shall provide advanced treatment including nutrient removal prior to discharge. All existing wastewater treatment plants in high aquifer recharge areas shall be encouraged to upgrade to provide for advanced treatment. Alachua County shall emphasize the reuse of water where economically feasible. ~~For the purposes of this policy, slow rate land application of treated effluent shall be considered a form of advanced treatment and nutrient removal.~~ High rates of infiltration shall not be permitted in high aquifer recharge areas unless the effluent has received advanced treatment and nutrient removal and the wastewater treatment plant has been built and is being operated according to DEP Class I reliability standards. ~~Acceptable rates of land application shall be included in the County's land development regulations to implement this policy. In the vulnerable zone of the Alachua County Floridan Aquifer High Recharge Area map, the above standards shall be met unless it can be demonstrated that the proposed effluent disposal site is not located in a high aquifer recharge area.~~*

The Oak Tree Landing PD is located in an area where the Floridan Aquifer is unconfined. To help ensure protection of the aquifer, the applicant is committed to a standard for water quality that results in no adverse impact to the springshed. At a minimum, Oak Tree Landing will treat wastewater to meet Alachua County's standard of advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality. Reclaimed water will, if permitted, be used to irrigate the golf course and other landscaped areas. At development review, the applicant will provide an integrated pest management/fertilizer/irrigation strategy for both the golf course and the vineyard that meets the applicant's commitment to nondegradation of water quality and quantity. Additionally, Oak Tree Landing will minimize the use of groundwater by using drought-tolerant native vegetation for landscaping purposes, building a links style golf course, and implementing Xeriscape principals.

Objective 4.9: Biodiversity *Maintain and enhance plant and animal species diversity and distribution within Alachua County by protecting significant plant and wildlife habitats, providing for habitat corridors, and preventing habitat fragmentation.*

There are no known significant plant or animal habitats within the Oak Tree Landing PD. Should such significant habitat be identified during development review, all county set-aside and conservation management requirements will be adhered to.

Objective 5.2: Open Space *Preserve or establish open space within developments to ensure public health, safety and welfare and to protect recreational and natural resources and functions.*

Objective 5.2 *Preserve open space within developments to ensure public health, safety, and welfare; protect and enhance natural resources; provide public gathering spaces; promote pedestrian and bicycle connectivity; and enhance recreational opportunities.*

Policy 5.2.1
Natural features such as steep slopes, ridges, sinkhole areas, floodplains, and other unsuitable areas for urban development shall be retained as open space areas. If appropriate, these areas shall be developed for use as trails, and where possible, used to connect other recreation and open space areas and other developments.

Policy 5.2.2
Pervious open space shall be provided on at least 20% of the development site through a variety of features such as:

1. *Open spaces dedicated primarily to public, recreation, or pedestrian use, such as community gardens, community fields, greens, plazas, and squares.*
2. *Natural areas of non-invasive trees and plants.*
3. *Landscaped areas, including street trees, utilizing a variety and balanced mix of canopy and understory trees, shrubs, and groundcover, consistent with xeriscape principles and emphasizing native species.*
4. *Linkages to larger open space corridors.*
5. *Portions of stormwater management areas that meet conservation, recreation, or open space design criteria ~~to be~~ as specified in the land development ~~regulations~~.*
6. *Portions of green roofs that meet open space design criteria to be specified in the Land Development Code.*

The Oak Tree Landing PD will meet the minimum required 20% open space. Within the extensive open space, the PD will include walking and riding trails, and other passive recreational uses. The open space in Alachua County will also be linked to open space areas on the Gilchrist County side of the Oak Tree Landing community. The site does not include any natural features that would automatically be considered unsuitable for development.

5.3 Scenic Quality
Objective 5.3*: Protect the natural resources and scenic quality of the community to preserve and cultivate a unique sense of place while maintaining economic well-being.*

Policy 5.3.8 *Development shall avoid and minimize adverse environmental and visual impacts through innovative planning, design, and management practices in the context of the natural features of the landscape, such as topography, vegetative edges, and soil types. Built and natural features shall be harmonized to the greatest extent practicable.*

The Oak Tree Landing PD will be designed to take advantage of the existing natural features of the landscape. Buildings will be designed in the Florida vernacular style to harmonize with the natural Florida landscape.

Objective 5.5: Agricultural and Silvicultural Practices *The County shall encourage the retention of agricultural and silvicultural operations that are conducted in accordance with best management practices.*

The Oak Tree Landing PD intends to have a community garden/vineyard. At development review, the applicant will provide an integrated pest management/fertilizer/irrigation strategy that meets the applicant' s commitment to nondegradation of water quality and quantity.
Objective 5.6: Wildfire Mitigation *Protect life, property, and the economy by eliminating or minimizing the present and future vulnerability to wildfire hazards.*

The Oak Tree Landing PD will submit a Wildfire Mitigation Plan to the DRC during Phase One development review and said plan shall be consistent with all applicable Comprehensive Plan policies and that will be incorporated into the HOA documents.

RECREATION ELEMENT

Goal 1 *To provide an integrated recreation and open space system for Alachua County.*

The Oak Tree Landing PD will provide recreational facilities such as a golf course, clubhouse, multi-use trails, and other amenities; although the golf course will be primarily a membership course, it may be open to the public for daily play at a premium fee.

ECONOMIC ELEMENT

Goal 1 *Enhance the economic prosperity of all citizens of Alachua County and expand and diversify the County's tax base.*

Objective 1.3 Environmental Quality and Resource Conservation*. The County shall evaluate and ensure that the types of new or the expansion of existing businesses and industries developing and locating in Alachua County ~~(and the expansion of existing businesses and industries)~~ will contribute to maintaining a clean environment (air, water, soil) including measures to increase energy conservation, reduce greenhouse gas production, consistent with Energy Element Objectives 2.1 and 2.2 and Conservation and Open Space Policy 4.1.2, and ~~be~~ are located in areas with suitable infrastructure and compatible land uses. Each employer shall be a good neighbor by preventing adverse impacts on the environment with emphasis given to the Conservation and Open Space Element of the Comprehensive Plan.*

Objective 1.5[1.1] Economic Diversity and Sustainability *Diversify the County's economy. Achieve a diversified and sustainable economic base in Alachua County to minimize the vulnerability of the local economy and to provide economic opportunity for all segments of the population and attract and retain high-quality employers and employees within the workforce.*

Policy 1.5.2 [1.1.2] *Alachua County shall promote economic development efforts that build on and complement existing commercial, industrial and agricultural assets in the local economic system.*

Policy 1.5.3 [1.1.3] *Alachua County shall implement the goals of the Alachua County Visitors and Convention Bureau to promote North Central Florida as a tourism destination through events, advertising and accessible recreation sites. The County shall promote tourism, including eco-tourism, agritourism, heritage tourism and tourism-related businesses which complement the County's environmental, social and economic quality.*

The Oak Tree Landing PD takes advantage of available infrastructure in the form of an existing airport on the adjacent Gilchrist County property and paved collector roads to provide an accessible, upscale residential community with agricultural and recreational amenities. The entire Oak Tree Landing community will contribute to the economic prosperity of the County by creating job opportunities for local residents and attracting tourists to the area. The Oak Tree Landing community is designed to be environmentally responsible and will serve to enhance the County's existing economy by providing a unique attraction in the area. Additionally, Oak Tree Landing intends to include a winery that will be operated in collaboration with the University of Florida to serve as an incubator for promoting viticulture as an agricultural industry in the region.

ULDC Consistency Analysis

Ch. 403, Article 6, Special Purpose Districts

This application is consistent with the purpose of the PD District set forth in section 403.17(a) "to promote the development of land as phased planned communities and the utilization of creative concepts for development planning not otherwise provided in this ULDC, in a manner that is consistent with the Comprehensive Plan" The Oak Tree Landing PD will be part of a unique and innovative rural community, most of which is located in adjacent Gilchrist County. The PD zoning is required so that the Alachua County portion of the Oak Tree Landing community can be developed in a manner consistent with the Alachua County Comprehensive Plan while allowing the provision of recreational and agricultural amenities consistent with the Rural Florida Destination Village concept being implemented in Gilchrist County.

Ch. 403 and 404, Allowed Uses

Site-specific uses are listed on the Zoning Master Plan. Single-family homes, agricultural uses (such as a community garden/vineyard and winery), and golf courses are all allowed by right within the existing agriculture zoning district. The proposed clubhouse and fitness center are traditional and customary accessory uses to a golf course. The golf course and other amenities will be primarily for the use of residents and their guests but may be opened to the public for daily play at a premium fee. The amenities will be accessed internally by the residents in the Gilchrist County portion of the development. Any accessory uses not mentioned in the Zoning Master Plan will be governed by the appropriate ULDC regulations. A cap of 45,000 square feet is proposed for outdoor recreational uses, which amounts less than one percent of the 162 acres. This is well below the maximum 20% building coverage allowed in the Agriculture district. Additionally, building height of nonresidential buildings will be limited to three stories or 50 feet, whichever is greater.

Residential Uses: Standards for the residential lots and any residential accessory uses shall be consistent with Section 403.04, Rural/Agricultural Districts.

Agricultural Uses: Oak Tree Landing will include agricultural uses such as a community garden/vineyard, winery, an equestrian barn, and additional agricultural support buildings as needed. All agricultural buildings will be set back a minimum of 50 feet from the perimeter property line. This setback will not apply to the Gilchrist County boundary.

Outdoor Recreation/Open Space: Outdoor recreational uses include a golf course and traditional and customary accessory uses such as a fitness center, clubhouse with restaurant, bar and pro-shop, and equipment storage. Because the Oak Tree Landing community is a 'second home and visitor community,' its residents and guests will be operating on a leisure schedule. Consistent with this leisure schedule, the outdoor recreation uses will be open from 7:00 a.m. to 11:00 p.m. and the golf course will be lighted. Because the golf course and clubhouse will primarily serve Oak Tree Landing residents, and will be generally accessed internally, it is not expected that the extended hours and lighting will be incompatible with the area. None of the nonresidential buildings within Alachua County will allow overnight guests. All outdoor recreational buildings will be set back a minimum of 50 feet from perimeter property lines. This setback will not apply to the Gilchrist County boundary. Where the golf course borders an adjacent property, a buffer consistent with Section 404.64 and Chapter 407, Article 4 will be provided.

Chapter 406 Natural and Historic Resources Protections

An environmental resources assessment of the site has been conducted and is attached. The review is consistent with Articles 3 and 4 of the Chapter. No significant habitat was identified. Additionally, the site contains no surface waters, flood plains, wetlands, or significant geological features.

The Floridan Aquifer is unconfined in the area in which the property is situated and thus meets the definition of a high aquifer recharge area. As such, the Oak Tree Landing PD will comply with all applicable provisions of Article 9 regulating high aquifer recharge areas. To help ensure protection of the aquifer, the applicant is committed to a standard for water quality that results in no adverse impact to the springshed. At a minimum, Oak Tree Landing will treat wastewater to meet Alachua County's standard of advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality. Reclaimed water will, if permitted, be used to irrigate the golf course and other landscaped areas. At development review, the applicant will provide an integrated pest management/fertilizer/irrigation strategy for both the golf course and the vineyard that meets the applicant's commitment to nondegradation of water quality and quantity. Additionally, Oak Tree Landing will minimize the use of groundwater by using drought-tolerant native vegetation for landscaping purposes, building a links style golf course, and implementing Xeriscape principals.

There are no documented historical/archeological resources located on or adjacent to the property. There are no overt indications of human burials on the property.

Chapter 407, Article 1. Setbacks, Height, and Other Standards

Except as indicated on the included Zoning Master Plan, Oak Tree Landing shall comply with Article 1.

Chapter 407, Article 2, Parking Loading, and Stacking.

Since there will be shared parking on the Gilchrist County side of the Oak Tree Landing community, and since it is expected that the majority of people using the amenities in the Oak Tree Landing PD will access those amenities by golf cart or by taking advantage of the internal trail system, the Oak Tree Landing PD will request authorization at development review to deviate from the parking schedule in Article 2 by providing less parking than would otherwise be required for the proposed nonresidential uses. The number of parking spaces required will be determined by the DRC at the development review stage pursuant to section 407.18. The number of required bicycle and motorcycle spaces will be determined based on the number of parking spaces required at development review.

Chapter 407, Article 3. Signs.

The Oak Tree Landing PD will comply with Section 407.31(d) regulating neighborhood entry signs. All other signage will be internal to the development.

Chapter 407, Article 4. Landscaping

All buffers required by Article 4 will be provided along the boundary of the property except for that portion of the site bordering the Oak Tree Landing site in Gilchrist County. All landscaping of the Oak Tree Landing PD will comply with Article 4. Additionally, Oak Tree Landing will use native vegetation for landscaping.

Chapter 407, Article 5. Open Space

The Oak Tree Landing PD will contain a minimum of 20% pervious open space that will include community green spaces and multi-use trails. As allowed by Section 407.54(a), the open space may include storm water management facilities meeting the design criteria of Section 407.56. Common open space areas will connect to additional open space on the Gilchrist County portion of the Oak Tree Landing community and will be maintained by the Oak Tree Landing Homeowner's Association consistent with Article 5.

Chapter 407, Article 9 Stormwater Management

All required stormwater management facilities will be designed to satisfy the requirements of Article 9. Furthermore, Oak Tree Landing is committed to using low impact development techniques in order to maintain or replicate the pre-development hydrologic regime, including using integrated and distributed microscale stormwater retention and detention areas.

Chapter 407, Article 13. Access Management and Street Network Standards

In furtherance of the rural character of the PD, the applicant anticipates bringing to the DRC innovative street design and multi-use paths that deviate from the standard requirements for street and multi-use paths (as authorized by ULDC Chapter 407) in order to reduce the creation of excessive impervious surface and provide multi-use trails more rural in character that may need to be placed further from the edge of streets than the normally required 300 feet.

The Oak Tree Landing Community will be served by three standard roadway access points; two in Gilchrist County and one in Alachua County. Additional emergency access points are also proposed. The applicant proposes that the PD be approved with a single access point in Alachua County, notwithstanding the requirement of section 407.140.a.5 of the ULDC that developments generating 250 or more daily trips must have a minimum of two access points on different sides of the subdivision. It is proposed that the PD be approved with the understanding that the vast majority of the Oak Tree Landing community is within Gilchrist County and that the entire community is served by three full roadway access points and additional emergency access points.

ANALYSIS OF IMPACTS ON PUBLIC FACILITIES AND SERVICES

Below is a summary of the proposed development's impacts on public facilities and services.

Potable Water
There is no impact on potable water supplies because the PD lies outside of the urban services line and will be served by private wells and the central system in Gilchrist County.

Wastewater
There is no impact to any sanitary sewer systems within Alachua County because the PD lies outside of the urban services line and will use private septic systems and the private water and wastewater system in Gilchrist County.

Solid Waste
Per the County's current Comprehensive Plan the Leveda Brown Environmental Park has sufficient capacity to serve all of Alachua County until at least 2022. The limited development authorized by the PD will not exceed the maximum capacity of the County transfer station for service.

Transportation/Traffic
Per the included traffic study updated April 2011, the surrounding roads will have capacity to support the traffic generated by the Oak Tree Landing PD. If trips from the Gilchrist County portion of the Oak Tree Landing community are included, then the attached traffic analysis indicates that a 400-foot westbound left turn lane will be required at the intersection of CR 232 & SR 45 to maintain level of service. If it is determined that mitigation is required, the applicant will insure that the necessary facilities are in place when the impact of the development occurs. It is recognized that further analysis of the intersection at County Road 232 and US 41 may be required at the development plan review stage to determine if additional capacity improvements at that intersection will be required. If there are any required mitigation measures, they will also be determined at that stage.

Public Schools
The PD is not expected to have significant impact on public schools. The Oak Tree Landing PD will contain only 5 dwelling units and as such will have minimal impact on school facilities. The 2009 EAR indicates that Alachua County currently meets the level of service for public school facilities and is expected to continue to do so through at least 2014.[1] As shown on the attached Public School Student Generation Calculation Form, to the extent that the Oak Tree Landing PD creates impacts on school facilities, the student generation rate for 5 lots is less than one student at each school level.

Recreation
Oak Tree Landing will contain only five homes in the Alachua County portion of the community so the impact on recreational levels of service will be insignificant. The Alachua County 2009 Evaluation and Appraisal Report indicates that the actual level of service for both active and resourced based recreation currently exceeds the required level of service and is expected to continue to do so through at least 2014.[2] In addition, the Oak Tree Landing PD will provide recreation and open space suitable for both active and passive recreation.

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[1] Alachua County Evaluation and Appraisal Report (adopted August 11, 2009) at 78

[2] Alachua County EAR (adopted August 11, 2009) at 77

Stormwater

The Oak Tree Landing PD will be constructed with stormwater management facilities onsite that are designed to County and SRWMD standards. There should be no impact to the County's stormwater management facilities.

INTRODUCTION

Oak Tree Landing is a unique rural community. Its uniqueness is first derived from the fact that it lies within two counties. More significantly, it is unique in its design and purpose. Its character is first articulated by the Gilchrist County comprehensive plan land use designation of Rural Florida Destination Village.[1] The land use designation requires a community that captures the essence of traditional Florida rural settlements. The applicant's vision for the community not only embraces the traditional Florida rural community fostered by the Gilchrist County Rural Florida Destination Village design requirements, but is also inspired by the successful Chautauqua Institution located in southwestern New York State. The Chautauqua Institution is a summer residential community providing a unique mix of fine and performing arts, lectures, interfaith worship and programs, and recreational activities within a historic lakeside village. Consistent with this vision, the Oak Tree Landing community will be a rural village with resort style amenities that allow for a unique blend of activities including arts programs, recreational activities, and agricultural experiences.

Oak Tree Landing is also unique in its commitment to serve as a model for environmentally friendly development in the state. The applicant recognizes that the Oak Tree Landing community is located in a high aquifer recharge area and in the springshed for some of the Santa Fe River's most pristine springs. Oak Tree Landing is committed to a level of environmental protection for the springs that exceeds all applicable current state and local standards. It is committed to a standard of insuring no adverse impacts to the springs and in furtherance of that commitment will adhere to the best management practice applicable at the time of development. At minimum, the practice will include low impact development techniques, minimized use of pesticides, herbicides, and fertilizers, and utilization of techniques for separately capturing and treating runoff from areas receiving such chemicals.

Most of the Oak Tree Landing acreage and development lies within Gilchrist County (654 acres) and a relatively small portion (162 acres) is to be governed by this Planned Development in Alachua County. The Alachua County portion will be governed by the Oak Tree Landing planned development master plan and will be limited to a maximum of five residential estate lots, agricultural uses, and recreational amenities. To provide context for the Oak Tree Landing PD, a description of the approved Gilchrist County RFD is provided below.

1. Description of Approved Development in Gilchrist County

After extensive review by both the Gilchrist County Board of County Commissioners and the Department of Community Affairs, in November 2010, Gilchrist County adopted both the Rural Florida Destination Village (hereafter "RFD") land use designation and comprehensive plan policies specifically governing the Oak Tree Landing RFD. The Gilchrist County Comprehensive Plan states that RFDs are intended to provide "resort-based economic development opportunities on rural and agricultural lands by attracting visitors wishing to enjoy a 'real Florida' experience based on rural landscapes, active agriculture, and the surrounding North Florida region's unique natural environment of forests, springs, rivers, and tidelands. A

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[1] A Rural Florida Destination Village is a land use designation adopted by Gilchrist County in the Gilchrist County Comprehensive Plan, a copy of which is attached hereto as Attachment A.

Gilchrist County RFD shall be a second home and visitor destination community designed to provide visitors and part-time residents with a Florida rural village experience."[2] An RFD community must be based on "traditional Florida settlements, with a clustered energy-efficient land use pattern . . . ."[3]

The Oak Tree Landing RFD is authorized to have a mix of uses which include the following: detached and attached residential uses of various types and densities (with a gross density of one unit per acre; a centrally managed pool of rental housing, agricultural fields, an equestrian center and trail system, a paved runway and airport facilities, guest lodging, a fine arts school for post-secondary and community programs in the arts, public squares, a theater, a church, tennis courts, clubhouses, golf course, neighborhood office, neighborhood commercial, and sporting clay courses or similar recreational amenities.[4] While the RFD land use designation authorizes a maximum of 650 residential units, 100,000 sq. ft. of commercial, and 100,000 sq. ft. of lodging, it is understood by the applicant and Gilchrist County that residential and commercial development will be limited to 620 residential units, up to 75,000 sq. ft. of commercial, and up to 75,000 sq. ft. of guest lodging.[5]

The Gilchrist County Comprehensive Plan requires the residential areas to have common amenities and interconnecting streets and pathways which "provide for a high quality, village community that enhances opportunities for protecting the natural environment, promoting a healthy, active lifestyle and minimizing the need for vehicular traffic." At least sixty percent of the residences must be within 1,300 feet of the main town square and at least seventy percent of the site must be open areas consisting of civic uses; recreational uses; open space, including agriculture; or other public uses with no vertical structures.[6]

Homes and buildings within Oak Tree Landing will be designed in a Florida vernacular architectural style that includes design elements such as prominent front porches, wide roof overhangs, and other traditional neighborhood features emphasizing a rural ambience.

2. Description of Proposed Development in Alachua County

Oak Tree Landing is seeking planned development rezoning for the Alachua County portion of the project to develop the site consistent with the Alachua County Comprehensive Plan and in furtherance of the Oak Tree Landing RFD. Within Alachua County, the applicant is requesting authorization for five single-family home lots, agricultural uses, outdoor recreation uses and open space serving the entire Oak Tree Landing community.

STATEMENT OF OBJECTIVE

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[2] Gilchrist County Comprehensive Plan Future Land Use Element Obj. 1.15.
[3] *Id.* Policy 1.15.1.
[4] *Id.* Policy 1.15.5.2.(c).
[5] It is Gilchrist County's position that the conceptual site plan submitted by the applicant establishes the actual residential and commercial development maximums and the applicant concurs with this position.
[6] Attached as Attachment B is a copy of the conceptual plan reviewed by Gilchrist County, which illustrates implementation of the RFD design requirements in Gilchrist County. The conceptual plan is not intended to illustrate the Oak Tree Landing PD.

As stated above, Oak Tree Landing is seeking planned development rezoning to authorize the following uses:

- Five single-family residences on three to five acre lots.
- Outdoor recreational uses:
  - A portion of a golf course with traditional and customary ancillary uses such as:
    - A clubhouse with a restaurant, bar, and pro-shop
    - A fitness and tennis center
    - Equipment storage
    - A driving range
  - Indoor storage for recreational equipment such as canoes and kayaks for the use of residents and guests.
- Agricultural uses including
  - community gardens/vineyard
  - A winery with tasting room for residents and guests
  - Agricultural support buildings
  - Equestrian barn
- Pedestrian, equestrian and golf cart trails.

The residential portion is proposed as single-family estate lots a minimum of three acres in size. The homes and residential accessory building will comply with all dimensional and setback standards of the agricultural zoning district.

The nonresidential portion will include outdoor recreational and agricultural uses. The nonresidential uses will primarily serve the residents and guests of Oak Tree Landing, however, the golf course may be open to general public play for a premium fee.

The Oak Tree Landing PD will allow a maximum gross floor area of 45,000 sq. ft. for all outdoor recreational buildings. Thus, outdoor recreational building coverage within the PD area is limited to less than one percent of the Alachua County acreage. Agricultural buildings will comply with all dimensional requirements of the agricultural zoning district. All nonresidential buildings will be set back a minimum of 50 feet from perimeter property lines. The setback is not to apply along the Gilchrist County border.

The development will meet the County's requirement for a minimum 20% of the site to be set aside as open space. Pedestrian, golf cart, and equestrian trails/paths are proposed within the open space.

The Oak Tree Landing community will have an 18-hole golf course, part of which will be located in Gilchrist County and part located in Alachua County. The course will be designed as a links course in order to preserve the natural contours and features of the site and increase the use of native vegetation. A links course only needs fairway grasses at landing zones, thus the links design minimizes the need for the pesticides, fertilizers, and irrigation normally associated with more heavily turfed courses. Additionally, at development review, the applicant will provide an integrated pest management/fertilizer/irrigation strategy that meets the applicant's commitment

to nondegradation of water quality and quantity. That strategy will include capture and reuse of water in the course areas where pesticide or fertilizer use would be heaviest, allowing conservation of resources and preventing nutrients and pesticides from entering the springshed..

The Oak Tree Landing PD will include customary and traditional ancillary uses to a golf course such as a clubhouse and fitness center. Because the Oak Tree Landing community is a 'second home and visitor community,' its residents and guests will be operating on a leisure schedule. It is therefore proposed that the outdoor recreational uses be open until 11:00 p.m. instead of the 9:00 pm. time limit imposed by the ULDC. It is also proposed that the outdoor recreation amenities be allowed to be lighted upon demonstration through photometric analysis that no light would extend beyond the site perimeter.

The proposed winery will produce wine for onsite use only and will be authorized to include a tasting room and sale of wine to residents and guests. It is intended that the winery will be operated in collaboration with the University of Florida and will serve as an incubator to promote viticulture as an agricultural industry in the region. Again, the applicant is committed to a standard of nondegradation of water quality and quantity, and in keeping with that commitment, at development review will provide an integrated pest management/fertilizer/irrigation strategy that allows Oak Tree Landing to meet that standard.

The residential lots in Alachua County will be served by private well and septic. The residential and nonresidential portion of Oak Tree Landing in Gilchrist County will be served by a private water and wastewater treatment plant owned by the Oak Tree Landing Homeowner's Association. The applicant requests that the nonresidential uses in Alachua County be allowed to connect to the water and wastewater treatment plant in Gilchrist County. The plant will allow for greater protection of the aquifer and the springshed than could be achieved by septic. The Gilchrist County Comprehensive Plan requires that the wastewater be treated to an "advanced level of nutrient removal meeting the highest state standards for springshed protection."[7] The applicant is committed to a standard for water quality that results in no adverse impact to the springshed. At a minimum, Oak Tree Landing will treat wastewater to meet Alachua County's standard of advanced treatment with nutrient removal and will also provide additional treatment as needed to ensure no degradation of water quality. If available, reclaimed water from the treatment plant will be used to irrigate the golf course and other vegetated areas within the PD.

In keeping with Oak Tree Landing's environmental commitment, the PD will be developed using low impact design (LID) techniques for stormwater management. Low impact design is a site design strategy for maintaining or replicating the pre-development hydrologic regime. Throughout the approval process for the Oak Tree Landing RFD, the applicant worked with Drs. Mark Clark and Pierce Jones at the University of Florida Program for Resource Efficient Communities (PREC) to develop LID techniques appropriate to the RFD. The applicant intends to continue working with PREC to determine the most appropriate application of LID strategies to the site. At a minimum, Oak Tree Landing will insure the site's natural hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by using integrated and distributed microscale stormwater retention and detention

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[7] Gilchrist County Comprehensive Plan Future Land Use Element Policy 1.15.2.10.

areas, reducing impervious surfaces where practicable, landscaping with native vegetation to the maximum extent practicable; and using low volume irrigation techniques

The applicant is requesting authorization for the Development Review Committee to approve a reduction in required parking during development review. This is due first because a significant amount of the parking needed to support the non-residential uses within the PD area will be met on the Gilchrist County side of the community. It is also anticipated that many users of the amenities within the PD area will, due to the second home visitor nature of the community, arrive by foot, bicycle, golf cart, or neighborhood electric vehicle, all of which reduces the demand for conventional parking fields.

The Oak Tree Landing PD will comply with the existing sign regulations for the agricultural zoning district. A residential entry sign may be placed at the entry to the PD; however, there will be no external commercial signage.

In furtherance of the rural character of the PD, the applicant anticipates bringing to the DRC innovative street design and multi-use paths that deviate from the standard requirements for street and multi-use paths (as authorized by ULDC Chapter 407) in order to reduce the creation of excessive impervious surface and provide multi-use trails more rural in character that may need to be placed further from the edge of streets than the normally required 300 feet.

The Oak Tree Landing Community will be served by three standard roadway access points; two in Gilchrist County and one in Alachua County. Additional emergency access points are also proposed. The applicant proposes that the PD be approved with a single access point in Alachua County, notwithstanding the requirement of section 407.140.a.5 of the ULDC that developments generating 250 or more daily trips must have a minimum of two access points on different sides of the subdivision. It is proposed that the PD be approved with the understanding that the vast majority of the Oak Tree Landing community is within Gilchrist County and that the entire community is served by three full roadway access points and additional emergency access points.

The Oak Tree Landing PD will be built concurrent with the development of the Gilchrist County RFD. The PD will be phased to allow construction over a ten year time-frame.

Attachment A
Gilchrist County Comprehensive Plan Amendment

ORDINANCE 2010-01

AN ORDINANCE OF GILCHRIST COUNTY, FLORIDA, AMENDING ORDINANCE NO. 94-01, AS AMENDED; RELATING TO AN AMENDMENT OF TEN OR MORE ACRES OF LAND TO THE FUTURE LAND USE MAP AND TO THE TEXT OF THE GILCHRIST COUNTY COMPREHENSIVE PLAN; PURSUANT TO AN APPLICATION BY THE PROPERTY OWNER OF SAID ACREAGE, UNDER THE LARGE SCALE COMPREHENSIVE PLAN AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM AGRICULTURAL-2 TO RURAL FLORIDA DESTINATION VILLAGE (RFD) ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF GILCHRIST COUNTY, FLORIDA; PROVIDING FOR AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT, THE CONSERVATION ELEMENT, THE CAPITAL IMPROVEMENTS ELEMENT, AND THE SANITARY SEWER, SOLID WASTE, DRAINAGE, POTABLE WATER AND NATURAL GROUNDWATER AQUIFER RECHARGE ELEMENT; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the County Commission to prepare, adopt and implement a Comprehensive Plan; and

WHEREAS, an application for an amendment, as described herein, to the Future Land Use Plan Map, and to the text of the Land Use Element, of the Gilchrist County Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, has been filed with the County; and

WHEREAS, the Planning Commission of Gilchrist County, Florida, hereinafter referred to as the Planning Commission, has been designated as the Local Planning Agency of Gilchrist County, Florida; and

WHEREAS, pursuant to Section 163.3174, Florida Statutes, the Planning Commission, held the required public hearing, with public notice having been provided, on the proposed amendments, and at the public hearing the Planning Commission reviewed and considered all comments received during the public hearing and recommended that the amendment be forwarded to the County Commission with a recommendation that the proposed amendments be transmitted to the Florida Department of Community Affairs, hereinafter referred to as the DCA; and

WHEREAS, the County Commission held the required public hearing at the transmittal stage, with public notice having been provided, under the provisions of the public hearing procedures established in Sections 163.3161 to 163.3215, Florida Statutes, on the proposed amendments, and at the public hearing, the County Commission reviewed and considered all comments received during the public hearing, including the recommendations of the Planning Commission, and voted to transmit the amendment to the DCA; and

WHEREAS, the DCA issued an Objections, Recommendations, and Comments (ORC) Report regarding the proposed amendments, and the ORC Report raised several objections and recommendations regarding the proposed amendments; and

WHEREAS, in response to the ORC Report, the proposed amendments were modified to address the concerns raised in the ORC Report; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the County Commission held the required public hearing, with public notice having been provided, on the adoption of the proposed amendments, as modified, and at said public hearing the County Commission reviewed and considered all comments received during the public hearing; and

WHEREAS, the County Commission has determined and found the proposed amendments to be compatible with the Future Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; and

WHEREAS, the County Commission has determined and found that adoption of the proposed amendments 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 GILCHRIST COUNTY, FLORIDA, AS FOLLOWS:

Section 1. A new Objective I.15 and associated policies are added to the Land Use Element of the Gilchrist County Comprehensive Plan

Objective I.15	Within areas designated as rural or agricultural on the Future Land Use Map, the County shall provide for Rural Florida Destination Village developments ("RFDs") as approved by a plan amendment to this comprehensive plan. RFDs are intended to provide Gilchrist County with resort-based economic development opportunities on rural and agricultural lands by attracting visitors to enjoy a "real Florida" experience based on rural landscapes, active agriculture, and the surrounding North Florida region's unique natural environment of forests, springs, rivers and tidelands A Gilchrist County RFD shall be a second home and visitor destination community designed to provide visitors and part time

residents with a Florida rural village experience characterized by the following:

1. The form of the community shall be based on traditional Florida settlements, with a clustered energy-efficient land use pattern of village retail, office, residential and civic uses such as churches, community centers and pavilions organized around a main public square, with additional public squares as organizing elements for the design of neighborhoods within the community. An RFD must contain a mix of housing types, from small to large floor plans and from low to high density, consistent with historic village and small town development patterns in Florida.

2. At least 50% of the residences in an RFD must be within 1300 feet of the main public square.

3. At least 70% of the land in the RFD shall be dedicated through community association documents to open areas, made up of:

   (a) Civic uses,

   (b) Recreation uses,

   (c) Open space uses, or

   (d) Other public uses with no vertical structures.

   At least half of the area designated as recreation and open space lands must be one or a combination of grass, native trees and shrubs, agriculture or silviculture.

4. RFDs shall be located based on transportation node –advantaged settlement sites, such as sites where roads intersect, where roads or train tracks cross rivers, and airports. The transportation node must be within 1,300 feet of the RFD main public plaza;

5. There must be a centrally managed pool of rental housing, which may consist of one or a combination of lodging types, including inns, lodges, hotel, bed & breakfast, apartment, townhouse, and detached residence.

6. To prevent conflict with adjacent land uses, the RFD shall be surrounded on all sides by a dedicated vegetated buffer not less than 150 feet wide.

7. All occupied buildings shall be connected to a central water supply and wastewater system. Wastewater shall be treated to an advanced level of nutrient removal meeting the highest state standards for springshed protection and 100% of the wastewater shall be used onsite for irrigation.

Policy I.15.1 An RFD must be approved by amendment to this Comprehensive Plan. Approval requires both a Future Land Use Map amendment and a Comprehensive Plan text amendment for a specific RFD development. RFD Comprehensive Plan amendments for specific RFD developments must include a concept plan and text with sufficient detail to demonstrate that the proposed RFD conforms with all of the characteristics of RFDs described in Objective I.15 and with Policy I.15.2. In order to gain experience with the impacts of this new economic development activity on Gilchrist County capital facilities, the County shall approve no more than five RFDs before the completion of the EAR report scheduled for 2016.

Policy I.15.2 In addition to the characteristics specified in Objective I.15, an RFD shall comply with the following development standards:

1. Minimum Parcel Size. In order to have a sufficient parcel size to provide the mix of residential types, neighborhood commercial, civic, recreational amenities and open space requirements for an RFD while providing the external buffering required to be compatible with surrounding rural and agricultural uses, the minimum parcel size for an RFD shall be 320 acres.

2. Densities/Intensities. Any combination of residential density and housing types is permitted as long as the overall gross density does not exceed one dwelling unit per gross acre. Commercial uses in an RFD shall have a gross floor area no greater than 100,000 square feet and no less than 20,000 square feet. Lodges, inns, hotels, bed and breakfast and similar lodging uses shall have a gross floor area no greater than 100,000 square feet and no less than 10,000 square feet. Civic uses, including community centers, churches, fire stations, theaters, pavilions, and

similar public meeting and gathering places, shall not be limited.

3. External Compatibility. All land uses proposed within a RFD shall be compatible with existing and planned uses of properties surrounding the RFD; that is, internal uses shall be able to coexist in relative proximity to existing or planned surrounding uses in a stable fashion over time such that neither internal nor surrounding uses are unduly negatively impacted, directly or indirectly by such uses.

4. Open areas. At least 70% of the area within an RFD shall be three or more of the following uses: (1)civic, (2)recreation, (3) open space (including agriculture), or (4)other public uses with no vertical structures. These areas shall be dedicated in perpetuity to an incorporated entity with the explicit legal capacity to lien property for non-payment of assessments and fees, such as a homeowner association or community development district (CDD). Civic uses include community centers, churches, fire stations, theaters, pavilions, and similar public meeting and gathering places. Recreation areas include, but are not limited to external and internal buffer areas, conservation areas, native habitats, active and passive parks, stormwater management areas, golf courses, tennis courts, swimming pools, equestrian centers and trails, hiking/running trails, firearms shooting ranges, field archery, boating facilities, and other commonly owned recreation facilities open to the sky, with vertical structures appurtenant to the recreation use such as barns, pavilions, equipment storage, and recreation facility management offices. Open space areas include agriculture and undeveloped lands suitable for passive recreation or conservation uses.

5. External Transportation Access. An RFD shall provide direct access to a major street (arterial or collector). Secondary access may be provided via local roadways.

6. Internal Transportation Access. Every dwelling unit or other permitted use shall have access to a public street either directly or by way of a private road. All transportation systems shall be designed and constructed per Gilchrist County standards. Permitted uses are not required to front on a dedicated public road. Private roads

shall be constructed according to County specifications as found in Article 10, Subdivision Regulations. If the RFD contains private roads, such private roads shall be dedicated to and maintained by CDD homeowners association or similar group. An internal system of access encouraging non-vehicular transportation access shall be provided so that residents are not reliant on vehicles for internal access within the RFD. Non-vehicular transportation access may be any combination of bike lanes, sidewalks, pedestrian trail system, or the like.

7. Conservation and Environmentally Sensitive Areas. RFDs may include within their boundaries areas designated on the Comprehensive Plan as Conservation or Environmentally Sensitive, but no buildings or other development beyond facilities to manage recreation and open space use of the area, such as visitor control and information offices and recreation access rentals (canoes, bicycles, etc.) shall be permitted.

8. Buffering. The developed area within the RFD shall provide a buffer to minimize the negative impacts of the uses within the developed area and uses within the undeveloped area upon each other, such that, the long-term continuance of uses in either area is not threatened by such impact. A 75-foot vegetated buffer shall be maintained along all rivers, streams, and creeks, and a 50-foot vegetated buffer shall be maintained along all the shores of all lakes, ponds and wetlands. The RFD shall maintain a minimum 150-foot wide vegetated buffer, which may include recreation, agriculture or open space areas, along boundaries with external roads and adjacent properties.

9. Landscaping. Development components shall be sited to minimize impacts on existing vegetation, significant tree stands and other natural habitats. The use of native and/or naturalized vegetation is encouraged and the implementation of xeriscape principles is required for all proposed/required plantings.

10. Wastewater. A central wastewater treatment system shall be required and all inhabited structures must connect to the central system. Wastewater shall be treated to an advanced

level of nutrient removal meeting the highest state standards for springshed protection. .

11. Water Source and Conservation. Potable water shall be provided by a central system. Water saving devices such as low flow and low volume fixtures shall be required. Landscape shall be irrigated with reclaimed wastewater. During the initial phase of the project, during periods of establishing new landscape materials, and during drought conditions, potable water and stormwater may be used to supplement reclaimed water to irrigate golf courses and common area open spaces consistent with County and Suwannee River Water Management District regulations..

12. Stormwater. The development shall not adversely impact the quality, quantity, or rate of pre-development discharge of stormwater. Stormwater recharged onsite shall not adversely impact the quality of the groundwater.

Policy I.15.3 An application to amend this Comprehensive Plan to approve an RFD shall include the following information:

1. Existing Conditions

(a) The location of existing property or right-of-way lines both for private and public property, streets, railroads, utilities, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, and any public or private easements.

(b) Any land encumbered by deed restrictions or other legally enforceable limitations affecting the use of the property.

(c) Topography of the site, with contour lines at two-foot intervals and showing all water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types, vegetative cover and any known historic or archaeological resources.

(d) The parcel's existing land use and zoning designations.

(e) A depiction of the abutting property within 400 feet of the proposal, not including public right of way in the measurement, showing land uses, locations of principal structures and major landscape features, densities of residential use, and traffic circulation systems.

2. A description of the proposed development activities and a conceptual plan, showing, as appropriate:

(a) The approximate location and intensity or density of the proposed development, including types of uses, total commercial and lodging building floor area, number of residential units and the approximate acreage for each use.

(b) A general circulation plan, showing points of ingress to and egress from the site, pedestrian ways, and bicycle paths.

(c) General description of proposed drainage systems.

(d) General description of proposed potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.

(e) The approximate location of proposed civic, recreation, open space, and other public use areas, with approximate size, percentage of total area and types of activities proposed to be permitted on them.

(f) A description of lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.

(g) A description of how the plan mitigates or avoids potential conflicts between land uses.

(h) Conceptual plan illustrating internal and perimeter buffers, and any vegetation enhancement areas.

(i) Phasing Plan (if applicable).

Policy I.15.4 The description required by Policy I.15.3 (2) above in an application to amend this Comprehensive Plan is not intended to provide a level of detail appropriate for issuing site plan approval. The required information is intended to confirm that the proposed RFD conforms to Policies I.15.1 and .2. Procedures shall be included in the Land Development Code for issuing final development orders that authorize development within a RFD to proceed. These procedures may include the use of master plan approval, plat approval, site plan approval and construction plan approval.

Policy I.15.5 The Oak Tree Landing RFD

1. The Oak Tree Landing RFD shall encompass an area bounded on the north by County Road 232 and on the east by the Gilchrist County line, as shown on the accompanying amendment to the Future Land Use Map and the attached concept plan.

2. Consistent with Objective I.15 and Policies I.15.1-.4, Oak Tree Landing has the following characteristics:

   (a) Oak Tree Landing contains 654± acres in Gilchrist County. (An additional 161 ± acres of the project is located across the county line in Alachua County.)

   (b) Oak Tree Landing includes an existing public airport, a transportation node advantaged feature per Objective I.15.4

   (c) Oak Tree Landing will contain the following mix of uses:

      (1) Detached single family residential, from bungalows to manor homes.

      (2) Attached residential uses of various types and densities.

      (3) Paved runway and airport facilities, including hangars, tie-down areas, operations office, and fuel facility, but no maintenance facility.

(4) Residences with attached and detached private airplane hangers.

(5) One or more types of lodging in the form of hotels, lodges, inns, or bed & breakfasts.

(6) A main public square within 1300 feet of the public airport.

(7) Public squares and civic building sites, including a fire station and sites for buildings such as a theater, amphitheater, church and pavilion.

(8) Fine arts school for post-secondary and community programs in the arts.

(9) Golf course, driving range and putting area.

(10) Clubhouses for golf and tennis with integrated conference center.

(11) Tennis courts, swimming pools and spa.

(12) Sporting clay courses or similar recreational amenities.

(13) Agricultural fields.

(14) Winery and/or other agricultural processing facilities.

(15) Passive natural recreational areas.

(16) Recreational trails for walking, running and bicycling.

(17) Equestrian center and trail system.

(18) Neighborhood commercial uses.

(19) Neighborhood office uses.

(20) Golf course accessory uses, i.e. food service, pro shop.

(21) Maintenance facilities, offices and equipment storage for maintenance and operation of Oak Tree Landing.

(d) Oak Tree Landing will contain a centrally managed pool of rental housing , including one or more types of lodging, such as hotel, inn, lodge, and bed and breakfasts, and apartments, townhouses, and detached residences.

(e) At least 60% of the residences in Oak Tree Landing will be within 1300 feet of the main town square.

(f) Oak Tree Landing residential lots and multifamily areas will have common amenities, central water and sewer utilities systems with reuse irrigation water serving all residences, and interconnecting streets and pathways in order to provide for a high quality village community that enhances opportunities for protecting the natural environment, promoting a healthy, active lifestyle and minimizing the need for vehicular traffic.

(g) The Oak Tree Landing golf course will be designed to minimize ground disturbance and to protect the aquifer recharge area by:

(1) Reuse irrigation water, reducing demand for groundwater use.

(2) Use of drought-tolerant vegetation and native species for landscaping purposes and implementation of xeriscape principles.

(3) Using environmentally sensitive fertilizing and pest control methods.

(4) Designing fairway areas among natural areas and preserving and planting the maximum number of trees possible.

(h) The Oak Tree Landing airstrip and airport facilities will be designed to FAA, FDOT and Gilchrist LDC standards.

(i) The homes and buildings within the Oak Tree Landing RFD will be designed in the Florida vernacular architectural style within a natural setting. The proposed architecture, especially that within the Village Center shall include design elements such as houses with prominent front porches, wide roof overhangs, small front yards, rear alley-ways, metal roofs and other traditional neighborhood features emphasizing a rural ambiance, compatibility of components within distinctive neighborhoods, characteristically designed streets and public spaces, designed and coordinated entrance gateways and emphasized natural features.

(j) Pedestrian linkages shall be provided between residential neighborhood and commercial components via a network of pathways and sidewalks.

(k) Oak Tree Landing shall contain an overall gross density of no greater than 1.0 dwelling units per acre.

(l) The maximum commercial gross floor area shall be no greater than 100,000 square feet and no less than 20,000 square feet, Lodge, inn, bed and breakfast and hotel uses shall be no greater than 100,000 square feet and no less than 10,000 square feet.

(m) Perimeter buffers surrounding the Oak Tree Landing RFD shall be no less than 150 feet.

(n) Internal buffers and landscaping shall be provided to function as buffering between intensity and diversity of uses, as streetscape enhancement, for vehicular use screening and other functional use screening and for enhancement of built and open/common space areas.

(o) Maximum building height, excluding unoccupied architectural features such as steeples and bell or clock towers shall be 45 feet.

(p) At least 70% of the area within Oak Tree Landing shall be open areas consisting of:

(1) Civic uses,

(2) Recreation uses,

(3) open space uses, including agriculture or

(4) other public uses with no vertical structures, including a runway and taxiways.

The land areas designated for these uses shall be dedicated in perpetuity to an incorporated entity with the explicit legal capacity to lien property for non-payment of assessments and fees, such as a homeowner association or community development district (CDD). Civic uses will include a church, fire station, theater, amphitheater and pavilion.

(q) Parking and lighting requirements shall be per Gilchrist County requirements.

(r) All stormwater will be treated to predevelopment water quality standards and recharged on site.

(s) All water and sewer for occupied non-residential uses shall be connected to the central water and wastewater systems.

Section 2. Policy IV.2.5 in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the Gilchrist County Comprehensive Plan is amended as follows:

The County shall limit development which proposes the construction of package waste water treatment facilities outside the urban development areas to public uses and special use facilities such as parks and resource-based recreation uses and to sites designated by the County Commission as Rural Florida Destination Villages pursuant to an amendment to the Gilchrist County Comprehensive Plan, as provided in Objective I.15 (Future Land Use Element).

Section 3. Policy IV.7.2 in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the Gilchrist County Comprehensive Plan is amended as follows:

The County shall provide for the limitation of development and associated impervious surfaces in high groundwater aquifer recharge areas as identified within Appendix A of this Comprehensive Plan to protect the functions of the recharge area through requirement of the following standards.

1. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers. Where development is proposed on private property with existing private drainage wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter 62-28, Florida Administrative Code and as administered and regulated by the Water Management District, in effect upon amendment of this Comprehensive Plan;
2. Well construction, modification or closure shall be regulated in accordance with the criteria established by the Water Management District and the Florida Department of Health;

3. Abandoned wells shall be closed in accordance with the criteria established in Chapter 62-28, Florida Administrative Code and as administered and regulated by the Water Management District, in effect upon amendment of this Comprehensive Plan;

4. No person shall discharge or cause to or permit the discharge of a regulated material as listed in Chapter 442, Florida Statutes, in effect upon amendment of this Comprehensive Plan, to the soils, groundwater or surface water except, provided that the use of agricultural chemicals per labeled application rates shall be allowed on any lands designated agricultural on the Future Land Use Plan Map of this Comprehensive Plan;

5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system, except as necessary for maintenance or testing of those components; and

6. The County shall require that the following impervious surface coverages, including buildings and paved areas, such as driveways, be maintained, within high groundwater aquifer recharge areas as follows:

   (a) <u>for an overall development parcel</u> equal to or greater than 1 acre - impervious surface shall not exceed 20.0 percent; or

(b) for parcels less than 1 acre - impervious surface shall not exceed 40.0 percent.

Section 4. Policy V.2.11, of the Conservation Element, of the Gilchrist County Comprehensive Plan shall be amended to read as follows:

The County shall, as part of the development review process, limit development to low density uses of less than or equal to one dwelling unit per <u>gross</u> acre in high groundwater aquifer recharge areas designated in the high ground water aquifer recharge policy of the Future Land Use Element of this Comprehensive Plan, in order to maintain the natural features of these areas.

Section 5. The level of service standards for Sanitary Sewer Facilities as established in the Capital Improvements Element of the Gilchrist County Comprehensive Plan are amended as follows:

<u>FACILITY TYPE</u>	<u>LEVEL OF SERVICE STANDARD</u>
Individual Septic Tanks	Standards as specified in Chapter 64E-6, Florida Administrative Code, in effect on January 1, 2003.
City of Trenton Community Sanitary Sewer System	138.7 gallons per capita per day
Lancaster Correctional Institution	62 gallons per capita per day
<u>Oak Tree Landing Sanitary Sewer System</u>	<u>167 gallons per capita per day</u>

Section 6. The level of service standards for Solid Waste Facilities as established in the Capital Improvements Element of the Gilchrist County Comprehensive Plan are amended as follows:

<u>FACILITY TYPE</u>	<u>LEVEL OF SERVICE STANDARD</u>
Solid Waste Landfill	.73 tons per capita per year
<u>Oak Tree Landing Special Area Plan</u>	<u>.68 tons per capita per year</u>

Section 7. The level of service standards for Potable Water Facilities as established in the Capital Improvements Element of the Gilchrist County Comprehensive Plan are amended as follows:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private individual water wells	Standards as specified in Chapter 62-532, Florida Administrative Code and as administered and regulated by the Water Management District, in effect upon adoption of this Comprehensive Plan
City of Fanning Springs Community Potable Water System	192 gallons per capita per day
City of Trenton Community Potable Water System	174 gallons per capita per day
Lancaster Correctional Institution Potable Water System	98 gallons per capita per day
Oak Tree Landing Potable Water System	150 gallons per capita per day

Section 8. The level of service standards for Sanitary Sewer Facilities as established in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the Gilchrist County Comprehensive Plan are amended as follows:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 64E-6, Florida Administrative Code, in effect on January 1, 2003.
City of Trenton Community Sanitary Sewer System	138.7 gallons per capita per day
Lancaster Correctional Institution	62 gallons per capita per day
Oak Tree Landing Sanitary Sewer System	167 gallons per capita per day

Section 9. The level of service standards for Solid Waste Disposal Facilities as established in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the Gilchrist County Comprehensive Plan are amended as follows:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	.73 tons per capita per year
Oak Tree Landing Special Area Plan	.68 tons per capita per year

Section 10. The level of service standards for Potable Water Facilities as established in the Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element of the Gilchrist County Comprehensive Plan are amended as follows:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private individual water wells	Standards as specified in Chapter 62-532, Florida Administrative Code and as administered and regulated by the Water Management District, in effect upon adoption of this Comprehensive Plan
City of Fanning Springs Community Potable Water System	192 gallons per capita per day
City of Trenton Community Potable Water System	174 gallons per capita per day
Lancaster Correctional Institution Potable Water System	98 gallons per capita per day
Oak Tree Landing Potable Water System	150 gallons per capita per day

Section 11. The Future Land Use Map of the Gilchrist County Comprehensive Plan is amended to change the land use designation from AGRICULTURE 2 to RURAL FLORIDA DESTINATION VILLAGE (RFD) on the following-described property:

Tax Parcel	Legal Description
12-09-16-0000-0002-0000	The NW 1/4 of the NE 1/4 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.
01-09-16-0000-0007-0000	That part of the Southeast quarter lying South of county Road No 232 in Section 1, Township 9 South, Range 16 East, Gilchrist County, Florida; LESS the East 15 feet for county road right of way per Deed Book 10, page 553, of the Public Records of Gilchrist County, Florida.
12-09-16-0000-0001-0000	The South ½ of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida.
12-09-16-0000-0005-0000	The South half of the NE 1/4 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida.
12-09-16-0000-0006-0000	The NW 1/4 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232
12-09-16-0000-0003-0000 12-09-16-0000-0004-0000	The NE 1/4 of the NE 1/4 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida; LESS right of way for County Road 232.

Section 12. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within 10 days after enactment by the Board of County Commissioners.

Section 13. The effective date of this plan amendment shall be 31 days following the date of adoption of this plan amendment. However, if any affected person files a petition with the Division of Administrative Hearings pursuant to Section 120.57, Florida Statutes, to request a hearing to challenge the compliance of this plan amendment with Sections 163.3161 through 163.3215, Florida Statutes, within 30 days following the date of adoption of this plan amendment, this plan amendment shall not become effective until the Department of Community Affairs or the Administration Commission, respectively, issues a final order determining this plan amendment is in compliance. No development orders, development permits or land uses dependent on this plan amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this plan 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 Department of Community Affairs, Bureau of Local Planning, 2555 Shummard Oak Boulevard, Tallahassee, Florida, 32399-2100.

This Ordinance is passed this 21st day of June, 2010. On motion made by Commissioner **Kenrick Thomas** ; Second by Commissioner **Randy Durden** ; on a vote of **4** to **0** .

BOARD OF COUNTY COMMISSIONERS
OF GILCHRIST COUNTY, FLORIDA

D. Ray Harrison, Jr., Chair

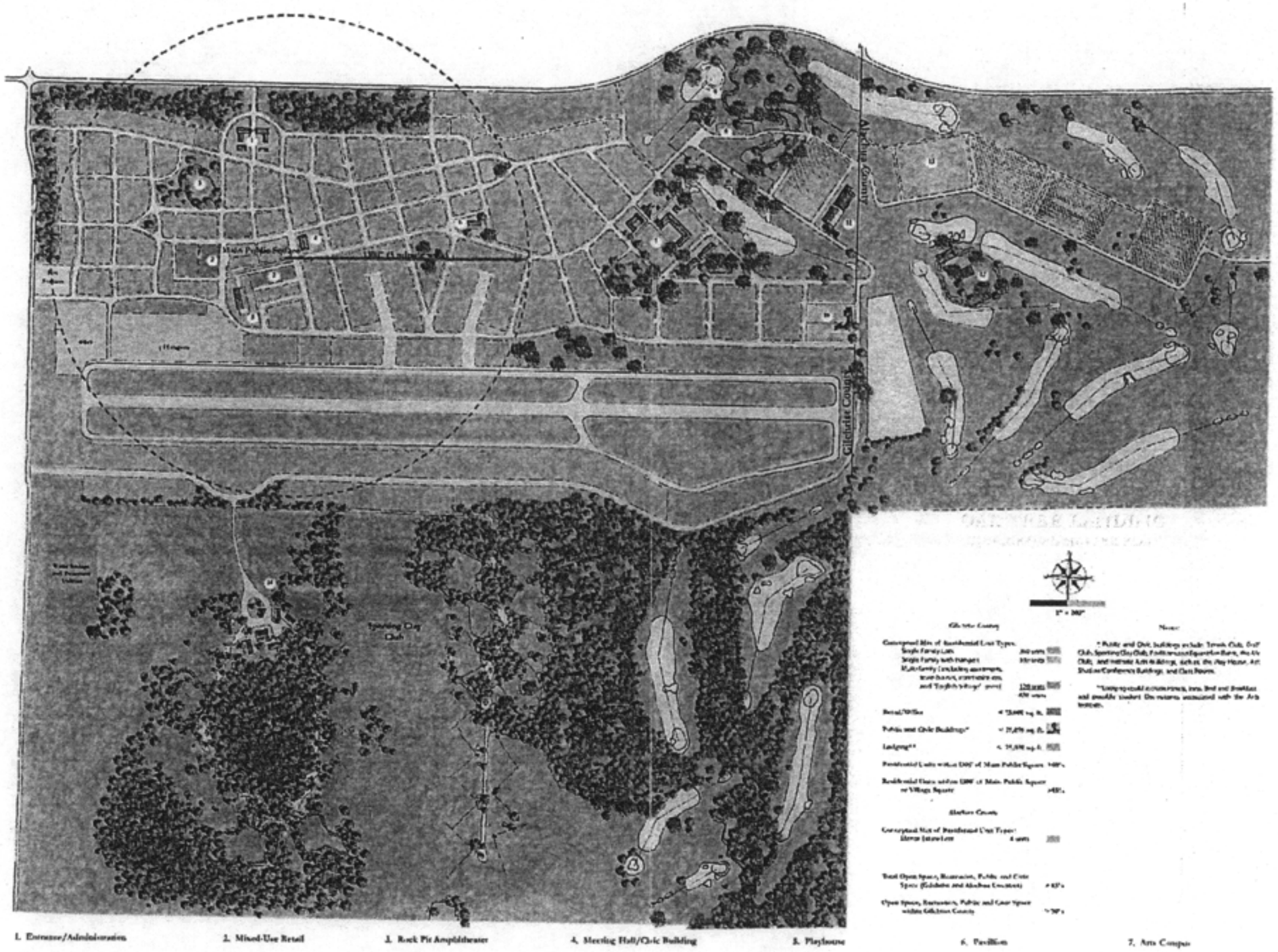
ATTEST:

Joseph W. Gilham
Clerk to the Board of County Commissioners

Attachment B
Conceptual Master Plan for the Oak Tree Landing RFD

Oak Tree Landing

Conceptual Master Plan



1. Entrance/Administration
2. Mixed-Use Retail
3. Rock Pit Amphitheater
4. Meeting Hall/Civic Building
5. Playhouse
6. Pavillion
7. Arts Campus
8. English Village
9. Church
10. Tennis Club
11. Golf Club
12. Pool
13. Vineyards
14. Sporting Clay Club

LEGAL DESCRIPTION

Below is the legal description as shown on the boundary and topographic survey provided by Parrish Land Surveying.

Description: (per title commitment)
EXHIBIT "A"
Parcel 3:
That part of the Southeast Quarter (SE 1/4) of Section 1, Township 9 South, Range 16 East Gilchrist County, Florida, that lies Southerly of County Road 232; LESS the East 15 feet for county road right of way as described in Deed Book 10, page 553, of the Public Records of Gilchrist County, Florida.

Parcel 4:
The South Half of the Northeast Quarter (S 1/2 of NE 1/4) and the Northeast Quarter of the Northeast Quarter (NE 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 5:
The Northwest Quarter of the Northeast Quarter (NW 1/4 of NE 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

Parcel 6:
The Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, lying South of County Road 232.

EXHIBIT "B"
The S 1/2 of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida, LESS the West 15 feet thereof as described in Deed Book 10, Page 406.

EXHIBIT "C"
Parcel:
That portion of Section 6, Township 9 South, Range 17 East, Alachua County, Florida, lying Southwesterly of the right of way of County Road No. 232 (formerly State Road S-232: 80-foot right of way), said right of way as described in Deed Book 326, pages 341; LESS AND EXCEPT the West 15 feet thereof as described in Deed Book 308, page 241; LESS AND EXCEPT the South 33 feet thereof as described in Deed Book 253, page 317; all of the Public Records of Alachua County, Florida.

Parcel 2:
The Northwest Quarter (NW 1/4) of Section 7, Township 9 South, Range 17 East, Alachua County, Florida; LESS the right of way for County Road 232 as described in Deed Book 326, Page 348, and LESS the North 33 feet of thereof as described in Deed Book 253, Page 328.

Mortgage Property:
The Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida. LESS road right of way for County Road No. C-232 along the Northerly margin thereof.
SUBJECT TO an easement for the purpose of ingress-egress, recorded in Instrument No. 2002/5443 of the Public Records of Gilchrist County, Florida. ALSO SUBJECT TO a county maintained limerock road (SE 80th Avenue) along the Westerly margin thereof.
AND The Southwest Quarter (SW 1/4) of Section 12, Township 9 South, Range 16 East, Gilchrist County, Florida. LESS the West 15.00 feet, recorded in Deed Book 10, Page 406 of the Public Records of Gilchrist County, Florida. SUBJECT TO an easement for the purpose of ingress-egress, recorded in Instrument No. 2002/2271 of the Public Records of Gilchrist County, Florida. ALSO SUBJECT TO a county maintained limerock road (SE 80th Avenue) along the Westerly margin thereof.

Alachua County, Board of County Commissioners
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachua.fl.us

Submit Application to:
Development Services Division

MAILED NOTICE AFFIDAVIT

Application No.

November 1, 2010
Mailing Date

Mailed Notice for (check one):

- ☑ Neighborhood Workshop
- ☐ Public Meeting

BEFORE ME personally appeared TERRY W. STILES, who after being duly sworn, and upon personal knowledge, deposes and says:

Notice for the above application was deposited in the mail at least 15 days prior to the scheduled neighborhood workshop or public meeting, and complied with all applicable content and procedural requirements of §402.13 and §402.14 of the Alachua County Unified Land Development Code.

Applicant (signature)

TERRY W. STILES
Name of Applicant (printed)

STATE OF FLORIDA
COUNTY OF ~~ALACHUA~~ BROWARD

SWORN AND SUBSCRIBED BEFORE ME
THIS 26TH DAY OF APRIL, 2011
BY TERRY W. STILES
WHO IS/ARE (PERSONALLY KNOWN TO ME) OR HAS/HAVE PRODUCED AS IDENTIFICATION

(TYPE OF IDENTIFICATION)

Susan San Pedro

(SEAL ABOVE)

Notary Public, Commission No. _____ My Commission expires: _____
(Name of Notary typed, printed, or stamped)

SUSAN SAN PEDRO
Comm# DD0799479
Expires 6/22/2012
Florida Notary Assn., Inc

Minutes of Meeting
Oaktree Landing (Neighborhood Meeting) - 6:00 p.m. to 8:00 p.m.
November 17, 2010

Attendees: John Bastow, George F. Young, Inc.
Julie Cole, Cole Realty
Bill & Carol Bishop, Neighbor
(See sign-in sheet)

The meeting began with the introduction of all parties, and an explanation that the Neighborhood Meeting is a requirement of the Alachua County for new development applications. It was noted the developer is processing an application for a planned development (PD) through Alachua County for land owned within Alachua County. We provided a brief description of the PD process through Alachua County. We provided a layout of the site plan, the PD plan and the overall site plan to view. We described the general components of the plan indicating, 5- estate type lots, golf course and amenities, such as clubhouse, walking trails, community garden/vineyard. We indicated that the theme of the overall Oaktree Landing would be continued into both Alachua and Gilchrist counties. Bill and Carol Bishop asked about the number of homes, amenities and size of aircraft expected for the runway. They asked about the vineyard and the clubhouse. We indicated that a vineyard was an option but the area could be a small community garden for the overall residents. We indicted there will be a community clubhouse for residents. Description for each item was provided. Their overall comments was positive interest in the project.

The meeting lasted until 8 p.m. and was adjourned.

Visitors to Oak Tree Landing, Nov. 17, 2010	Name	Address	Phone and email
Bill & Carol Bishop	———	29308 NW 64th Lane, High Springs	352-284-9532
Julie Cole		3403 NW 63rd Place Gainesville, FL 32605	
John BASTOW	George E. Young	1905 S. Main GV-FL 32601	352-378-1444

Notes about Oak Tree Landing, Nov. 17, 2010

Bill & Carol Bishop asked about number of homes & size of aircraft

Overall approved of the project

"positive" about project.

arrived 6 pm stayed until 7 pm

talked about vineyard

rumored shopping mall.

Alachua County, Board of County Commissioners
Department of Growth Management
10 SW 2nd Ave., Gainesville, Fl 32601
Tel. 352.374.5249, Fax. 352.338.3224
http://growth-management.alachua.fl.us

Submit Application to:
Development Services Division

MAILED NOTICE AFFIDAVIT

March 25, 2010
Mailing Date

Application No.

Mailed Notice for (check one):

☑ Neighborhood Workshop

☐ Public Meeting

BEFORE ME personally appeared Terry Stiles, who after being duly sworn, and upon personal knowledge, deposes and says:

Notice for the above application was deposited in the mail at least 15 days prior to the scheduled neighborhood workshop or public meeting, and complied with all applicable content and procedural requirements of §402.13 and §402.14 of the Alachua County Unified Land Development Code.

Applicant (signature)

Terry Stiles
Name of Applicant (printed)

STATE OF FLORIDA
COUNTY OF ~~ALACHUA~~ Broward

SWORN AND SUBSCRIBED BEFORE ME
THIS 8 DAY OF June, 2010
BY Terry W Stiles
WHO IS/ARE ~~PERSONALLY KNOWN TO ME OR~~ HAS/HAVE PRODUCED AS IDENTIFICATION

(TYPE OF IDENTIFICATION)

(SEAL ABOVE)

Notary Public, Commission No. _____ My Commission expires: _____
(Name of Notary typed, printed, or stamped)

GLORIA J. BALOGH
MY COMMISSION # DD 916003
EXPIRES: December 12, 2013
Bonded Thru Notary Public Underwriters

Jackson officer Colch- ... completion. | Salem from 1984 to 1988. | Actor Robert Patrick is 52. | Jones Brooks,

The Gainesville Sun

Commitment to accuracy

The Gainesville Sun promptly corrects errors of fact appearing in its news columns. If you believe we have made an error, call the news department at (352) 374-5005 days or 374-5085 at night. If you have a question or comment about coverage, write to Jim Osteen, executive editor, P.O. Box 147147, Gainesville, FL 32614-7147, e-mail at osteenj@gvillesun.com. Or call (352) 374-5035.

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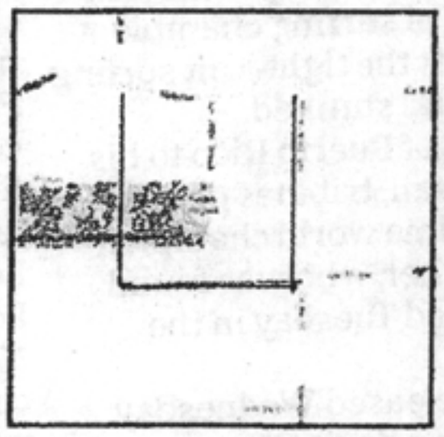
PUBLIC NOTICE

A Neighborhood workshop will be held Nov. 17, 2010, Wednesday, from 6 p.m. to 8 p.m. at Oak Tree Landing (formally known as Rudy's Airport) at 7305 NW 294th Ter., High Springs, FL, 32643, to discuss the proposed application for a rezoning to a planned development and preliminary development plan for Alachua County tax parcel numbers 01765-001-000, 01770-000-000, 01772-000-000, 01772-001-000. The property is located on County Road 232 at the intersections of NW 290th Ter and NW 294th Ter. totaling approximately 160 acres. The project includes proposed 5 residential lots with amenities, such as a club house, winery and golf course.



Date: Wednesday, Nov. 17, 2010
Time: 6 p.m.-8 p.m.
Place: Oak Tree Landing Airport, 7305 NW 294th Ter., High Springs, FL, 32643-9730
The Workshop will be held in the main hanger at the airport.
Contact: Julie Cole, 352-871-5354

Julie Cole is a representative of Oak Tree Landing LTD
The purpose of the workshop is to inform neighborhood property owner about the nature of the proposal and to seek comments. Please come to the main hanger at the end of NW 294th Ter.

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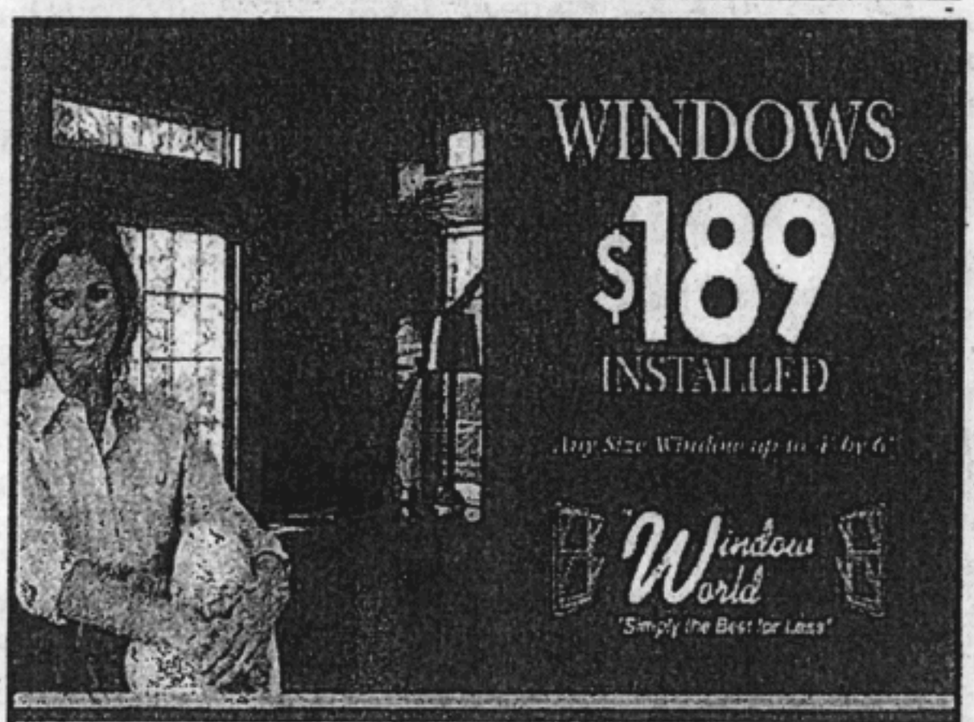


PEOPLE



THE ASSOCIATED PRESS
Singer Tim McGraw.

Singer McGraw to help fight hunger

NASHVILLE, Tenn. — When Tim McGraw was a kid, he didn't always know where his next meal was coming from.

He remembers growing up with a single working mom and remembers "not really having enough money for food sometimes."

Those memories are part of the reason he taped public service announcements that begin airing this month to raise awareness of hunger in America.

The organization, Feeding America, says one in six Americans — 49 million people — struggle to find enough food to eat, and approximately 5.7 million people receive emergency food assistance from them on any given week.

Arrest warrant prepped for Collins

JACKSON, Miss. — Police in Mississippi are



preparing an arrest warrant for actor and former TV host Gary dula Green said Thursday police are waiting for a judge to sign off on the warrant.

Green said the 72-year-old Collins hit a car Tuesday at a stop light. Collins allegedly exchanged information with the other driver, but said it was taking too long for police to arrive and left. An officer went to his house and wrote him a ticket.

Green said the warrant was being prepared because the other driver pressed charges for him allegedly leaving the scene.



THE ASSOCIATED PRESS
CD cover image released by Epic Records, from Michael Jackson entitled "Michael."

New Jackson CD due out next month

NEW YORK — Get ready for more Michael Jackson music.

Sony Records and Jackson's estate announced Thursday that they'll be releasing "Michael" on Dec. 14. The album is billed as "newly completed recordings" from the pop legend who died last year.

The first single is called "Breaking News" and will be streamed on www.michaeljackson.com starting Monday for one week. A teaser of the song will appear on the site Friday.



THE ASSO
In this photo provided by the Association of Surfing Professionals, thr ASP world surfing champion Andy Irons surfs in the Billabong pro tour Teahupoo, Tahiti.

Surfing world mourns unexpe passing of champion Andy Iror

The Associated Press

HONOLULU — The unexpected and mysterious death of surfing champion Andy Irons has left the tight-knit surfing world saddened and stunned.

From the waters of Puerto Rico to his home state of Hawaii, tributes poured out for the three-time world champion and soon-to-be father, who was found dead in his hotel bed Tuesday in the Dallas area.

A police report released Wednesday said the prescription drugs Xanax, an anti-anxiety medication, and the sleeping aid Ambien were found in Irons' hotel room. There were no signs of trauma and foul play.

Tarrant County Medical Examiner Nizam Peerwani said a ruling on the cause of death could take several weeks, pending the completion of lab tests.

Police were called when Irons did not answer his wake-up call and was found by hotel workers, who went to check on him. Irons was on his back with his bed covers and pillows neatly set, according to police. He had checked into tl Monday morning.

Irons was on a layover en route home on Kauai. He was returni Puerto Rico, where he was supp compete in the 2010 Rip Curl Pr Search. However he withdrew S telling tournament organizers t had become ill during an event i Portugal.

The 32-year-old surfer won wo championships in 2002, '03 and was a four-time winner of the pre gious Vans Triple Crown of Surfi

Irons was making a strong com after taking last year away from s He also was looking forward to b father. His wife, Lyndie, is expect couple's first child in December.

Professionally, Irons was a fierc competitor and known for his riva with nine-time world champion K Slater. Out of the water, Irons was remembered as a humble person loved Hawaii. He also was intense devoted to his family, friends and f

NOTABLE DEATH

GERALD "JERRY" LONG, chairman and chief executive of

BIRTHDAYS

Actress **Elke Sommer** is

Singer **Bryan Adam**
Actress **Tilda Swint**

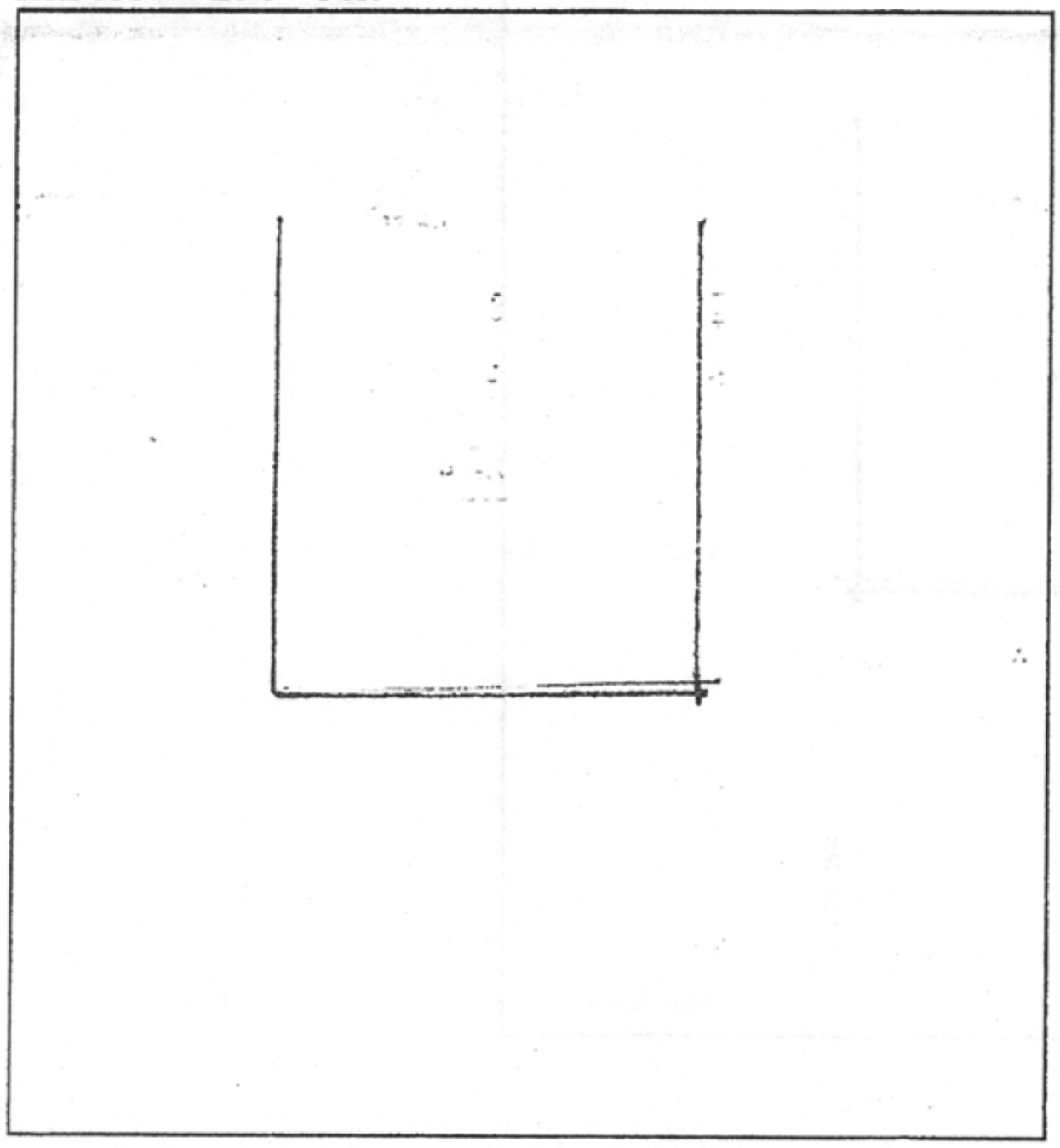
Neighborhood Workshop **(Revised Notice with revised information in blue)**

A Neighborhood workshop will be held Nov. 17, 2010, Wednesday, from 6 p.m. to 8 p.m. at Oak Tree Landing (formally known as Rudy's Airport) at 7305 NW 294th Ter., High Springs, FL, 32643, to discuss the proposed application for a rezoning to a planned development and preliminary development plan for Alachua County tax parcel numbers 01765-001-000, 01770-000-000, 01772-000-000, 01772-001-000. The property is located on County Road 232 at the intersections of NW 290th Ter and NW 294th Ter. totaling approximately 160 acres. The project includes proposed 5 residential lots with amenities, such as a clubhouse, winery and golf course.

Date: Wednesday, Nov. 17, 2010
Time: 6 p.m.- 8 p.m.
Place: Oak Tree Landing Airport, 7305 NW 294th Ter., High Springs, FL, 32643-9730
The Workshop will be held in the main hanger at the airport.
Contact: Julie Cole, 352-871-5354

Julie Cole is a representative of Oak Tree Landing LTD

The purpose of the workshop is to inform neighborhood property owner about the nature of the proposal and to seek comments. Please come to the main hanger at the end of NW 294th Ter.



Neighborhood Workshop

A Neighborhood workshop will be held Nov. 17, 2010, Wednesday, from 6 p.m. to 8 p.m. at Oak Tree Landing (formally known as Rudy's Airport) at 7305 NW 294th Ter., High Springs, FL, 32643, to discuss the proposed special use permit for Alachua County tax parcel numbers 01765-001-000, 01770-000-000, 01772-000-000, 01772-001-000. The property is located on County Road 232 at the intersections of NW 290th Ter and NW 294th Ter. totaling approximately 160 acres.

Date: Wednesday, Nov. 17, 2010
Time: 6 p.m.- 8 p.m.
Place: Oak Tree Landing Airport, 7305 NW 294th Ter., High Springs, FL, 32643-9730
The Workshop will be held in the main hanger at the airport.
Contact: Julie Cole, 352-871-5354

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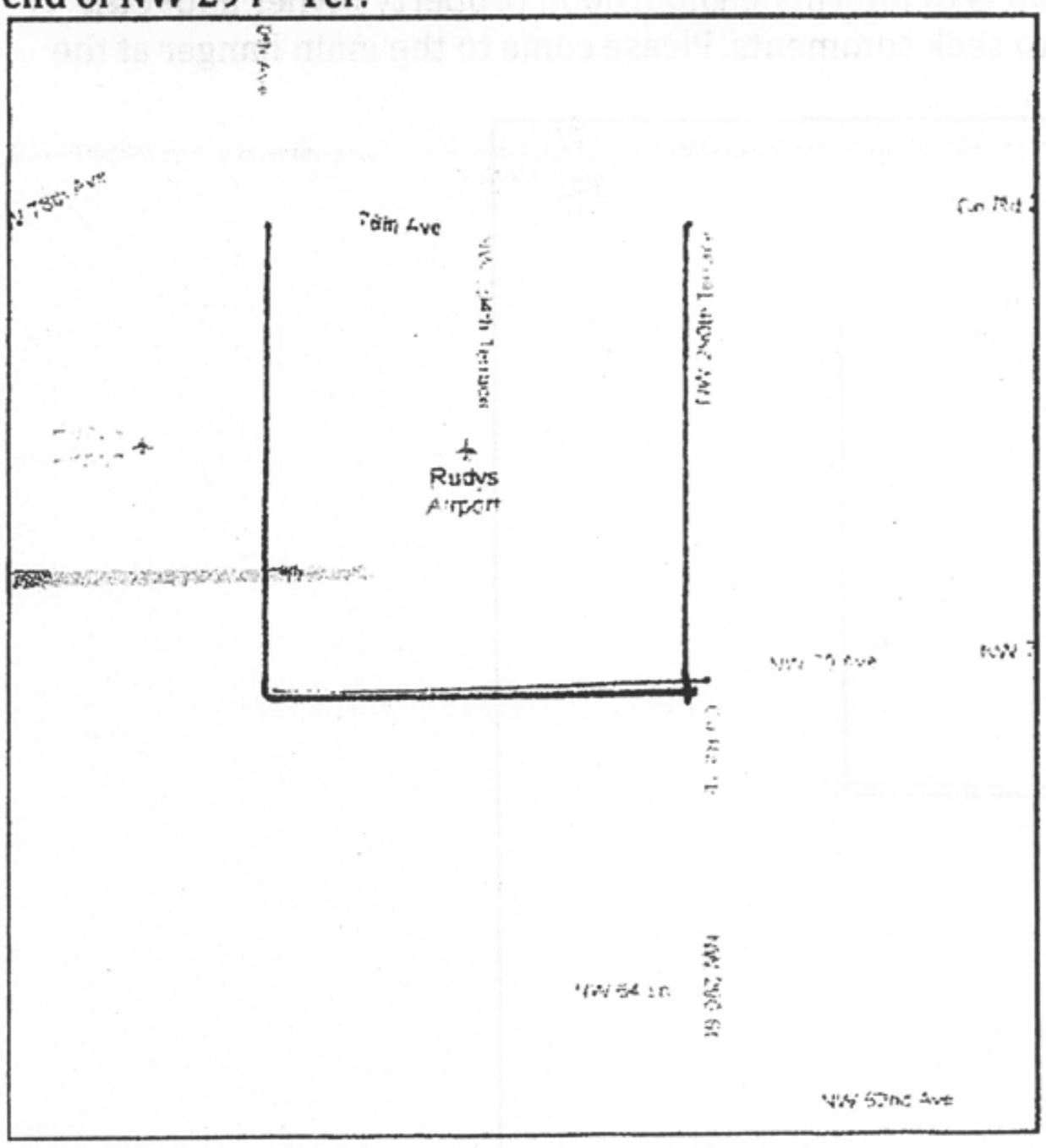

01772-002-000
BURNS PROPERTIES INC
612 N ELM ST
HINDALE, IL 60521

01772-001-000
OAK TREE LANDING LTD
300 SE 2ND ST
FT LAUDERDALE, FL 33301

01772-000-000
OAK TREE LANDING LTD
300 SE 2ND ST
FT LAUDERDALE, FL 33301

01765-001-000
OAK TREE LANDING LTD
300 SE 2ND ST
FT LAUDERDALE, FL 33301

01766-000-000
BUZBEE & BUZBEE CO-TRUSTEES
PO BOX 1313
HIGH SPRINGS, FL 32655

01773-005-000
BILL BISHOP
29308 NW 64TH LN
HIGH SPRINGS, FL 32643-7700

01769-001-000
BURNS PROPERTIES
INCORPORATED
612 N ELM ST
HINSDALE, IL 60521

01773-000-000
RHONDA C BASS
6520 NW 290TH ST
HIGH SPRINGS, FL 32643

01773-002-001
ROBERT R TROWELL
6808 NW 290TH ST
HIGH SPRINGS, FL 32643-5143

01768-000-000
GERALD W EVERETT
6212 NW 290TH ST
HIGH SPRINGS, FL 32643-9821

01766-010-006
PAUL F SEARS
28517 NW 70TH AVE
HIGH SPRINGS, FL 32643

01769-003-000
BURNS PROPERTIES
INCORPORATED
612 N ELM ST
HINSDALE, IL 60521

01773-004-000
BILL M BISHOP
29308 NW 64TH LN
HIGH SPRINGS, FL 32643-7700

01769-004-000
BURNS PROPERTIES
INCORPORATED
612 N ELM ST
HINSDALE, IL 60521

01765-000-000
LONCALA INC
25755 NW 130TH AVE
HIGH SPRINGS, FL 32643

01769-002-000
BURNS PROPERTIES
INCORPORATED
612 N ELM ST
HINSDALE, IL 60521

01770-000-000
OAK TREE LANDING LTD
300 SE 2ND ST
FT LAUDERDALE, FL 33301

01773-001-000
ROBERT R TROWELL
6808 NW 290TH ST
HIGH SPRINGS, FL 32643

01773-002-000
ROBERT R TROWELL
6808 NW 290TH ST
HIGH SPRINGS, FL 32643-5143

01773-003-000
BILL M BISHOP
29308 NW 64TH LN
HIGH SPRINGS, FL 32643-7700

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July 15, 2011

Missy Daniels, Senior Planner
Alachua County
Department of Growth Management
10 SW 2nd Avenue
Gainesville, FL 32601

Re: Oak Tree Landing
PD Comment Responses

Dear Missy,

The letter along with the attached is being submitted in response to comments for the Oak Tree Landing PD rezoning ZOM-10-10 that is dated September 27, 2010. Please find the following attached for your review:

1. One revised Public School Student Generation Calculation Form;
2. A new proof of neighborhood workshop.
3. A revised description of the request and consistency analysis.
4. A revised statement of objectives concerning the proposed development.
5. A revised analysis of the impact of the development on public facilities and services, including a revised traffic report.
6. One copy of the revised PD Zoning Master Plan with a proposed list of development conditions and a phasing table;
7. One copy of the survey; and
8. One CD with PDF's of the above documents and plans.

Please find your comments retyped below with our response to those comments in bold text for you convenience.

Growth Management

1. Staff has several questions regarding the proposed accessory uses and winery and the amount of square footage for these uses. Staff cannot support this amount of building area. Please provide an analysis of how the proposed uses (winery, clubhouse, etc.) are consistent with all the elements the comprehensive plan and code (ULDC 404.64 specifically addresses outdoor recreation). Provide a more detailed use of the requested accessory uses as well as the prohibited uses. Please provide more information about the proposed winery. Will this be open to the public for tours, will wine be processed on site or purchased somewhere else for sell on site, etc.?

   Please see the revised statement of objective and consistency analysis addressing all proposed uses for consistency with the comprehensive plan and ULDC.

2. Provide information on the plan regarding hours of operation consistent with 404.64(d). Also, clarify that there will be no outdoor lighting per 404.64 (f).

The outdoor recreation uses will operate from 7AM to 11PM The outdoor recreation uses will primarily serve Oak Tree Landing residents and guests, and will be accessed internally from the Gilchrist County side. Therefore, it is not expected that the extended hours will be incompatible with the area. The outdoor recreation uses will be lighted subject to DRC approval of a photometric study showing no light spill over to adjacent property not within Oak Tree Landing. Please see the revised statement of objective and consistency analysis.

3. The response to 403.17 (b)2 regarding underground utilities states the overhead lines will be an exception to the requirement to have underground utilities. Please clarify that the only exception for overhead lines are lines along the perimeter of the PD.

All internal utilities will be underground. Please see the revised application.

4. Provide setbacks and dimensional standards for the accessory use buildings with the other information already provided on residential lots per 403.17 (b)1.

Setbacks and dimensional standards for residential accessory buildings will be consistent with ULDC Table 402.04.1. Nonresidential buildings shall be set back a minimum of 50 feet from the property line except no setback shall be required along the Gilchrist County boundary line. Any additional required setbacks will be determined during DRC review.

5. Clarify that all of the buildings and lots will be constructed in one phase?

The project is now proposed to be phased. A table for the project's phasing is shown on the revised Zoning Master Plan.

6. Once an amount of square footage is determined that staff can support, there will be comments regarding the amount of parking that is consistent with ULDC Chapter 407, Article 2.

The amount of parking will be determined during the DRC process.

7. Label the required buffers along the northern, eastern, and southern property boundaries. A minimum medium density 25-foot-wide buffer is required between outdoor recreation and adjacent properties per ULDC 404.64. A roadway buffer is required per 404.43(c). Provide the width and type of buffer (ex. 25-foot-wide medium density buffer).

The 25-foot wide medium density buffers are now shown on the Zoning Master Plan and are labeled accordingly.

Environmental Protection Department

Staff does not recommend approval of this PD as currently submitted. See comments below:

1. The applicant is requesting a PD zoning for a rural/agricultural subdivision located south of CR 232 just east of the Gilchrest County Line. The applicant is proposed 5 single family lots, golf course, vineyard/garden, and recreation center on approximately 160 acres. This site received Preliminary Development Plan approved in 2008 as a Rural/Agricultural Clustered Subdivision.

   Acknowledged.

2. The property is in a rural area of the county and currently consists of open field, pine plantation, two single family residences, and private airport. This proposed development is located in an area where the Floridan aquifer is unconfined and aquifer vulnerability and aquifer recharge are high and is also located within the spring shed for several springs on the Santa Fe River. Staff has concerns about potential fertilizer and water use associated with the project and specifically the golf course.

   Fertilizer use will be addressed in the Common Open Space Management Plan during the DRC process. The residential lots will be on private wells and septic systems. The nonresidential uses are proposed to connect to water, wastewater, and reclaimed water coming from a private treatment plant within Gilchrist County that will be owned and maintained by the Oak Tree Landing Homeowner's Association. . Please see the revised PD report.

3. The 75' section lines and the 10' landscaped buffer along CR 232 should not be counted toward the 20% required Open Space. These areas are not the most appropriate portions of the site to be designated for permanent protection as open space (Section 407.55 ULDC). Staff recommendation is to revise the designated 20% open space areas to not include these areas.

   The buffers and setbacks have been removed from the proposed open space. Open space will be delineated during phase one.

4. The applicant states in the submitted material that the pool and pool house would be located within or adjacent to the limerock pit. However, the pit is identified as protected open space in the open space management plan. Please explain or correct.

   This area has now been designated as Outdoor Recreation/Open Space. Open Space will be delineated during phase one.

5. The Buda Sandhill Strategic Ecosystem is located to the north of CR 232. Several listed animal species also exist of the property. These species include the gopher tortoise, Sherman's fox squirrel, and Southeastern American kestrel. The applicant has obtained a

6. permit from the FFWCC to relocate tortoises on the property to a recipient site in Alachua County.

   Acknowledged. Habitat requirements for listed species will be addressed in the Common Open Space Management Plan during the DRC process.

7. **Updated EPD comment**: The applicant stated that the pool and pool house would be located within or adjacent to the limerock pit. However, the pit is identified as open space in the open space management plan. Please explain or correct.

   This area has now been designated as Outdoor Recreation/Open Space. Open Space will be delineated during development review of phase 1.

Please feel free to contact me at (352) 378-1444 or at rolney@georgefyoung.com if you have any questions or require any additional information to complete your review and approval of the requested rezoning.

Sincerely,
George F. Young, Inc.

Randall S. Olney, P.E.
Project Engineer

Cc: Denny O'Shea & Holly Blumenthal, Esq.

ALACHUA COUNTY
DEPT. OF GROWTH MANAGEMENT/OFFICE OF PLANNING AND DEVELOPMENT
ADMINISTRATION ANNEX - 10 S.W. SECOND AVENUE, 3rd FLOOR
GAINESVILLE, FLORIDA 32601
(352) 374-5249

September 6, 2011

Notice of Zoning Application **#ZOM-10-10**

Dear Property Owner:

As owner of property within the vicinity of the area covered by this request, you are hereby notified of the above zoning application. The zoning process on this item will include two (2) public hearings: An advisory hearing with the **Planning Commission** followed by a final hearing with the **Board of County Commissioners.** The **Planning Commission** hearing and the **Board of County Commission** hearing will be held in the **Jack Durance Auditorium** of the Alachua County Administration Building.

Planning Commission date and time:

Wednesday, September 21, 2011 at 6:00 p.m.

Board of County Commissioners date and time:

To be determined

You are invited to attend and participate in the hearings.

For your information, we have enclosed a zoning map and description of the application. The application file is accessible for review and a copy of the staff report is available upon request. A pamphlet and video containing information about quasi-judicial proceedings is also available upon request.

*You are encouraged to provide written comments in the space provided below and return your response to us no later than **5:00 p.m., Tuesday, September 20, 2011.** This will allow us to make your response a part of the information packet presented to the Commissioners prior to the public hearings.*

If you have any questions, or desire further information, please contact the Development Services Section at (352) 374-5249.

PLEASE WRITE LEGIBLY/USE DARK INK **RETURN THIS PORTION**

Comments: I APPROVE OF THIS ZONING CHANGE

SIGNED: Joel Buzbee

APPLICATION #ZOM-10-10

RECEIVED
09-15-11
AC Growth Mgt.

01766-002-000 ZOM-10-10
BUZBEE & BUZBEE CO-TRUSTEES
PO BOX 1313
HIGH SPRINGS FL 32655

ALACHUA COUNTY
DEPT. OF GROWTH MANAGEMENT/OFFICE OF PLANNING AND DEVELOPMENT
ADMINISTRATION ANNEX - 10 S.W. SECOND AVENUE, 3rd FLOOR
GAINESVILLE, FLORIDA 32601
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01766-000-000 ZOM-10-10
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ALACHUA COUNTY
DEPT. OF GROWTH MANAGEMENT/OFFICE OF PLANNING AND DEVELOPMENT
ADMINISTRATION ANNEX - 10 S.W. SECOND AVENUE, 3rd FLOOR
GAINESVILLE, FLORIDA 32601
(352) 374-5249

August 1, 2011

Notice of Zoning Application **#ZOM-10-10**

Dear Property Owner:

As owner of property within the vicinity of the area covered by this request, you are hereby notified of the above zoning application. The zoning process on this item will include two (2) public hearings: An advisory hearing with the **Planning Commission** followed by a final hearing with the **Board of County Commissioners**. The **Planning Commission** hearing and the **Board of County Commission** hearing will be held in the **Jack Durance Auditorium** of the Alachua County Administration Building.

Planning Commission date and time:

Wednesday, August 17, 2011 at 6:00 p.m.

Board of County Commissioners date and time:

To be determined

You are invited to attend and participate in the hearings.

For your information, we have enclosed a zoning map and description of the application. The application file is accessible for review and a copy of the staff report is available upon request. A pamphlet and video containing information about quasi-judicial proceedings is also available upon request.

*You are encouraged to provide written comments in the space provided below and return your response to us no later than **5:00 p.m., Tuesday, August 16, 2011.** This will allow us to make your response a part of the information packet presented to the Commissioners prior to the public hearings.*

If you have any questions, or desire further information, please contact the Development Services Section at (352) 374-5249.

PLEASE WRITE LEGIBLY/USE DARK INK **RETURN THIS PORTION**

Comments: WE SUPPORT THIS REZONING REQUEST

SIGNED: Joel Buzbee

APPLICATION #ZOM-10-10

RECEIVED
08-1641
AC Growth Mgt.

01766-002-000 ZOM-10-10
BUZBEE & BUZBEE CO-TRUSTEES
PO BOX 1313
HIGH SPRINGS, FL 32655

ALACHUA COUNTY
DEPT. OF GROWTH MANAGEMENT/OFFICE OF PLANNING AND DEVELOPMENT
ADMINISTRATION ANNEX - 10 S.W. SECOND AVENUE, 3rd FLOOR
GAINESVILLE, FLORIDA 32601
(352) 374-5249

August 1, 2011

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Comments: WE SUPPORT THIS REZONING REQUEST

SIGNED: Joel Buzbee

APPLICATION #ZOM-10-10

RECEIVED 08-16-11 AC Growth Mgt.

01766-000-000 ZOM-10-10
BUZBEE & BUZBEE CO-TRUSTEES
PO BOX 1313
HIGH SPRINGS, FL 32655

CONDITIONS:

1. ALLOWED LAND USES:

RESIDENTIAL	SINGLE-FAMILY LOTS
AGRICULTURE	ALL USES ALLOWED BY AGRICULTURAL ZONING AND INCLUDING A WINERY WITH TASTING ROOM.
OUTDOOR RECREATION	GOLF COURSE WITH TRADITIONAL ACCESSORY USES SUCH AS CLUBHOUSE WITH BAR, RESTAURANT, AND PRO-SHOP; DRIVING RANGE; TENNIS CENTER, AND EQUIPMENT STORAGE

2. THE FOLLOWING STANDARDS FOR RESIDENTIAL LOTS SHALL APPLY:

STANDARDS FOR RESIDENTIAL LOTS	
MAXIMUM RESIDENTIAL DENSITY	1 UNIT PER 5 AC
AREA, MIN (ACRES)	3
AREA, MAX (ACRES)	N/A
WIDTH AT FRONT BUILDING LINE, MIN (FT)	250
DEPTH, MIN (FT)	250
MAXIMUM BUILDING COVERAGE (PERCENT OF GROSS LAND AREA)	20%
BUILDING HEIGHT	35'
SETBACKS	
FRONT, MIN (FT)	40 FT
REAR, MIN (FT)	40 FT
INTERIOR SIDE, MIN (FT)	20 FT
STREET SIDE, MIN (FT)	40 FT
REAR LOT LINE SETBACK - ACCESSORY BUILDINGS, MIN (FT)	25
ACCESSORY BUILDINGS ON RESIDENTIAL LOTS SHALL MEET THE REQUIREMENTS OF THE ALACHUA COUNTY ULDC.	

3. THE FOLLOWING STANDARDS FOR NONRESIDENTIAL BUILDINGS SHALL APPLY:

STANDARDS FOR NONRESIDENTIAL LOTS		
MAXIMUM SQUARE FOOTAGE	CLUBHOUSE AND CART BARN	22,500
	TENNIS CENTER	8,000
	AGRICULTURAL BUILDING	N/A, EXCEPT THAT THE PUBLICALLY ACCESSIBLE AREAS OF THE WINERY SHALL BE LIMITED TO 3,000 SQUARE FEET.
AREA, MIN (ACRES)		N/A
AREA, MAX (ACRES)		143.23
WIDTH AT FRONT BUILDING LINE, MIN (FT)		N/A
DEPTH, MIN (FT)		N/A
MAXIMUM BUILDING COVERAGE (PERCENT OF GROSS LAND AREA)		20%
BUILDING HEIGHT		NO MORE THAN 3 STORIES OR A MAXIMUM HEIGHT OF 50'
SETBACKS FROM PROPERTY LINE		
FRONT, MIN (FT)		50 FT
REAR, MIN (FT)		50 FT
INTERIOR SIDE, MIN (FT)		NONE
STREET SIDE, MIN (FT)		50 FT

4. THE FOLLOWING PHASING SCHEDULE SHALL APPLY:

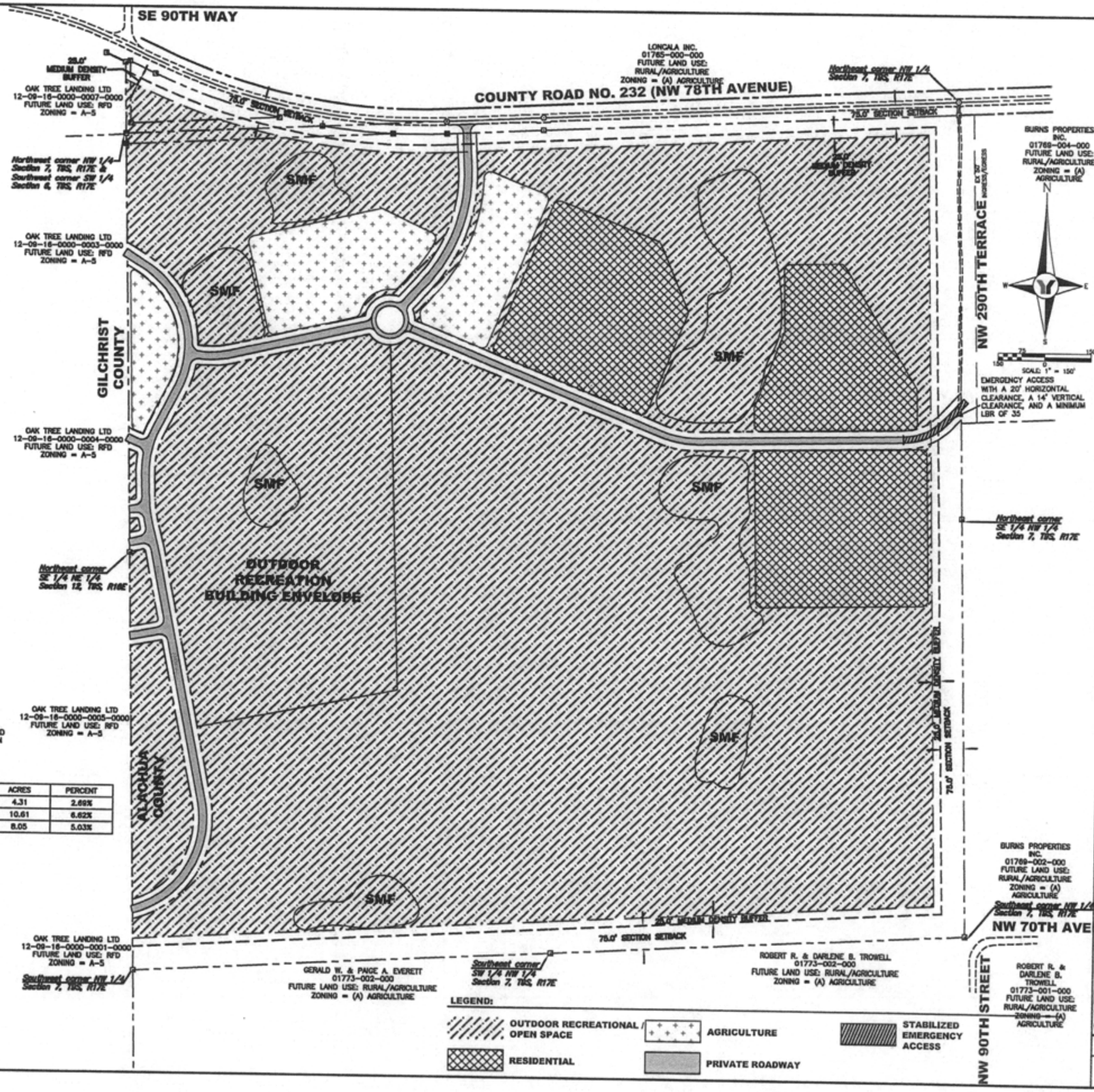
PHASE	BEGIN DATE:	END DATE	ACREAGE	NONRESIDENTIAL SQ. FOOTAGE
RESIDENTIAL	OCTOBER 1, 2011	SEPTEMBER 30, 2021	15 MINIMUM	N/A
ALL OTHER USES	OCTOBER 1, 2011	SEPTEMBER 30, 2021	137 MAXIMUM	ALL SQUARE FOOTAGE ALLOWED BY THIS ZONING MASTER PLAN

DISTRIBUTION OF USES SHOWN ON PD MASTER PLAN

USE	ACRES	PERCENT	USE	ACRES	PERCENT
RESIDENTIAL	16.86	10.53%	BUFFERS	4.31	2.69%
AGRICULTURE	7.84	4.89%	SETBACKS	10.61	6.62%
OUTDOOR RECREATIONAL/OPENSPACE	112.51	70.24%	INGRESS/EGRESS	8.05	5.03%

NOTES:

1. THE CONFIGURATION OF STREETS AND STORMWATER MANAGEMENT FACILITIES DEPICTED ON THIS ZONING MASTER PLAN ARE NOT INTENDED TO BE EXACT. THE DRC IS HEREBY AUTHORIZED TO APPROVE ADJUSTMENTS TO THE PLACEMENT AND CONFIGURATION OF STREETS AND STORMWATER MANAGEMENT FACILITIES DEPICTED ON THIS ZONING MASTER PLAN WHEN REQUESTED BY THE DEVELOPER IN ORDER TO ACHIEVE AN IMPROVED SITE PLAN.
2. THE LOCATION AND BOUNDARIES FOR EACH LAND USE AND THE BUILDING ENVELOPE DEPICTED ON THIS ZONING MASTER PLAN ARE NOT INTENDED TO BE EXACT. THE DRC IS HEREBY AUTHORIZED TO APPROVE ADJUSTMENTS REQUESTED BY THE DEVELOPER TO ALL LAND USE AND BUILDING ENVELOPE BOUNDARIES DURING DEVELOPMENT REVIEW SO LONG AS THE ALLOCATION OF ACREAGE AMONG THE VARIOUS LAND USE AREAS MEETS THE FOLLOWING STANDARDS:
   a. THE RESIDENTIAL ACREAGE DEPICTED ON THE ZONING MASTER PLAN IS 16.86 ACRES. THE RESIDENTIAL ACREAGE MAY BE INCREASED WITH A CORRESPONDING REDUCTION IN AREAS DESIGNATED OUTDOOR RECREATION/OPEN SPACE.
   b. ADDITIONAL BOUNDARY ADJUSTMENTS MAY BE REQUESTED BY THE DEVELOPER SO LONG AS THE ALLOCATION OF ACREAGE REMAINS WITHIN 25% OF THE ACREAGE INDICATED ON THIS ZONING MASTER PLAN AND AFTER ANY ADJUSTMENT AUTHORIZED BY SUBPARAGRAPH A, ABOVE.



George F. Young, Inc.
Since 1910

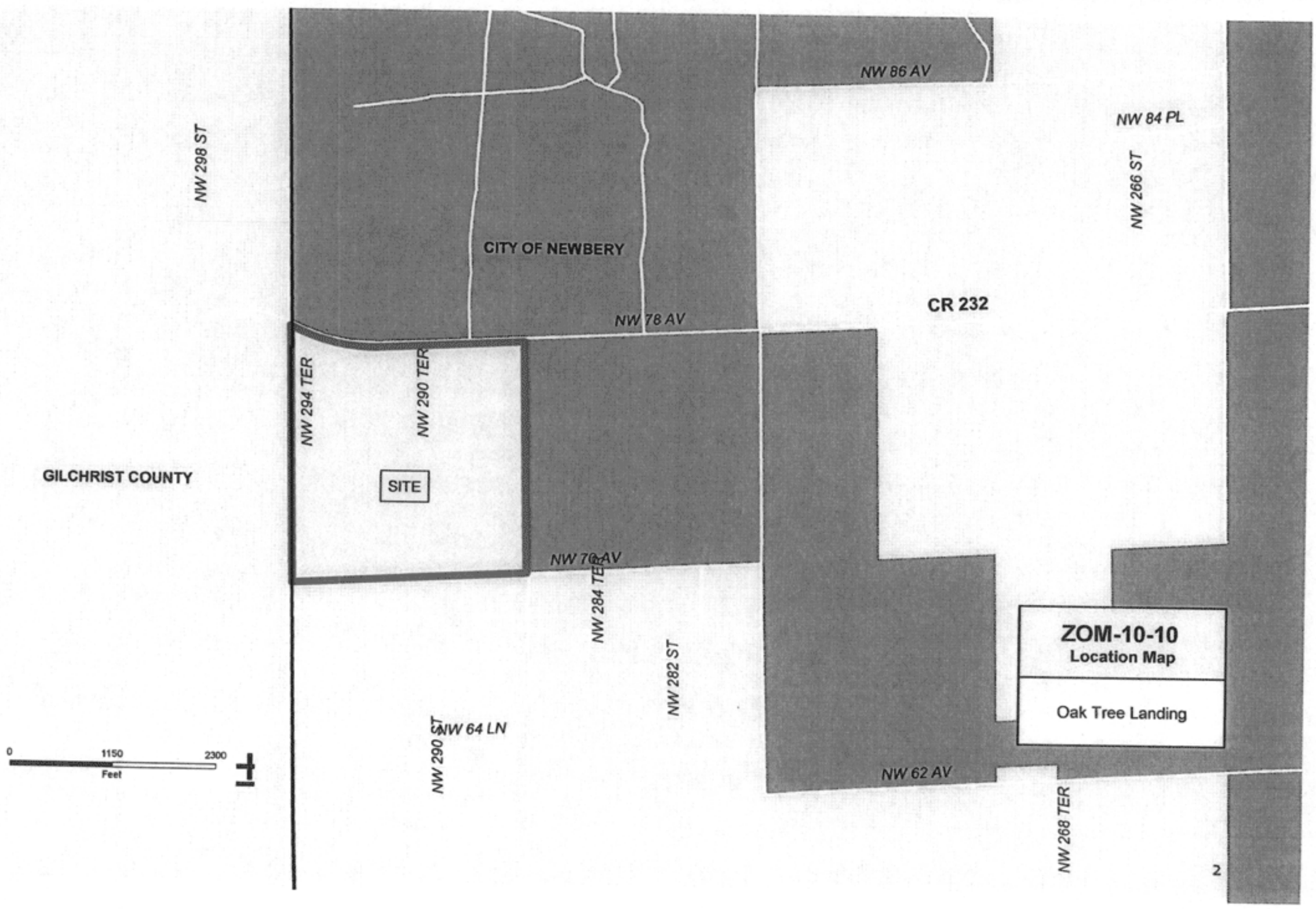
PREPARED FOR:
STILES COMPANY
300 SE 2nd STREET
FORT LAUDERDALE, FL 33301
(954) 627-9150

OAK TREE LANDING
PLANNED DEVELOPMENT ZONING MASTER PLAN
SECTION 6&7 TOWNSHIP 8 S., RANGE 17 E.

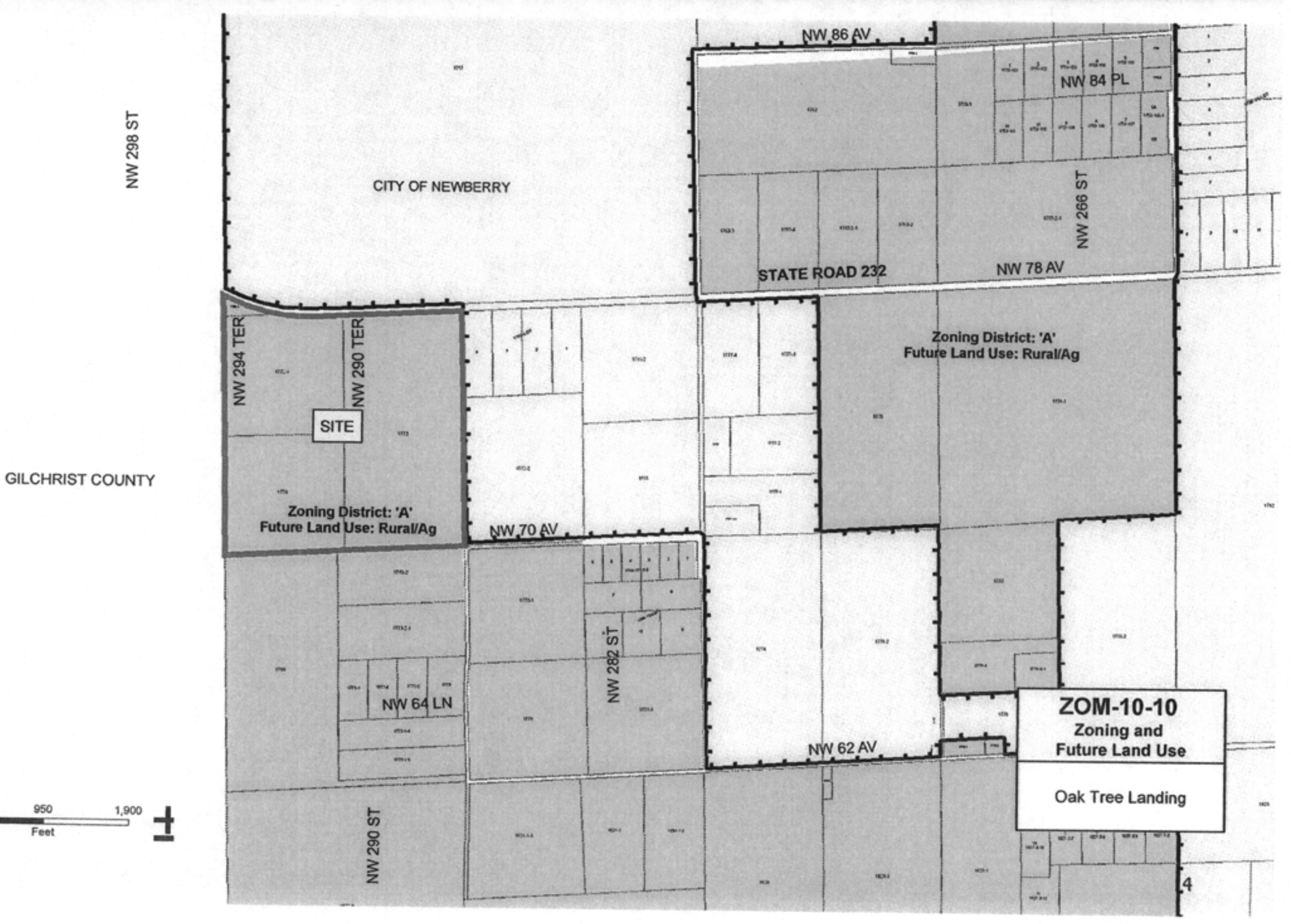
JOB NO. 0721021604
SHEET NO. C0.10

ZOM-10-10
Oak Tree Landing
Planned Development

Board of County Commissioners
October 11, 2011

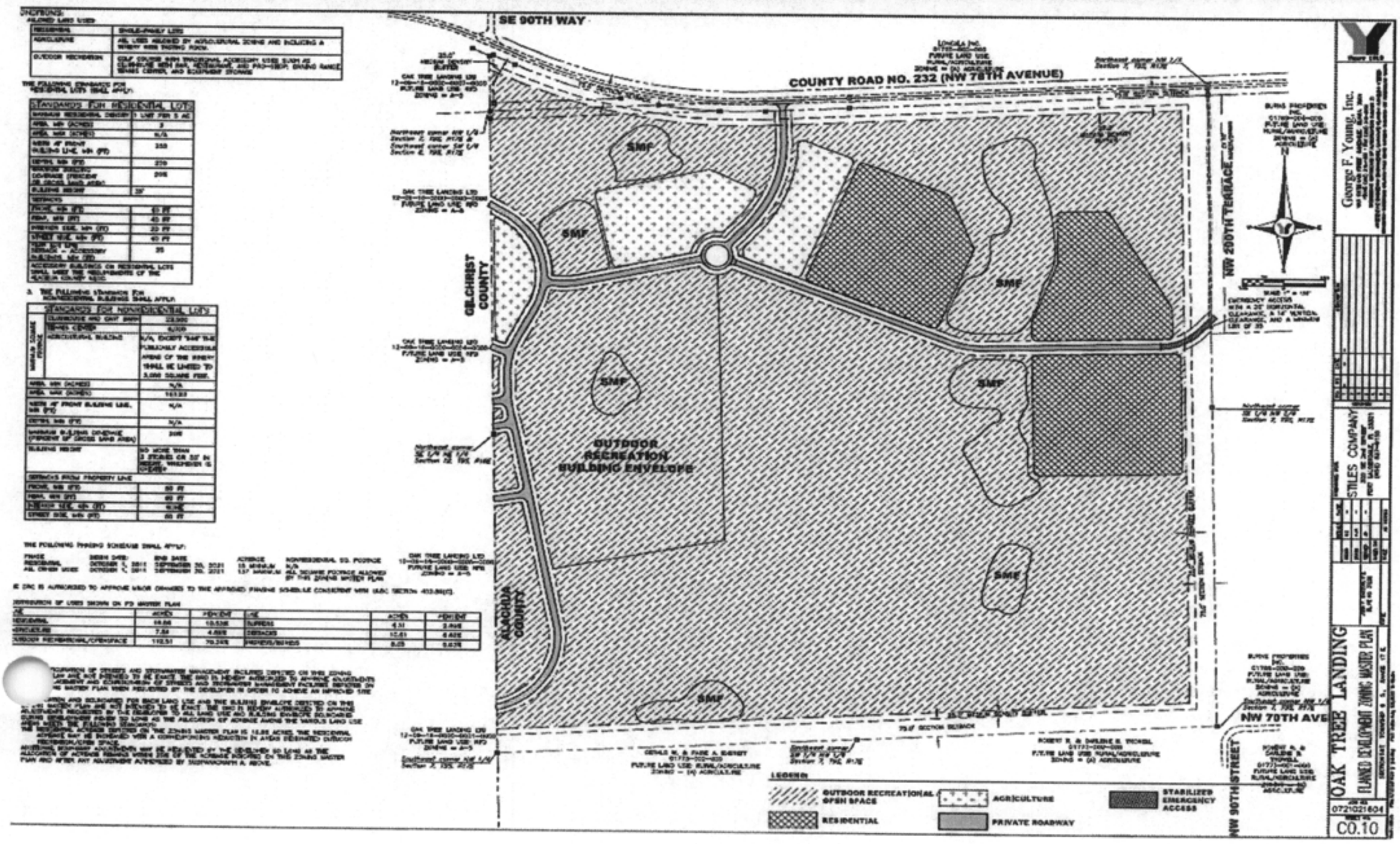



SITE
0
950
1,900
Feet
N
ZOM-10-10
Aerial Map
Oak Tree Landing


NW 86 AV
NW 84 PL
NW 298 ST
CITY OF NEWBERRY
NW 266 ST
STATE ROAD 232
NW 78 AV
NW 294 TER
NW 290 TER
SITE
Zoning District: 'A'
Future Land Use: Rural/Ag
Zoning District: 'A'
Future Land Use: Rural/Ag
NW 70 AV
NW 282 ST
NW 64 LN
NW 62 AV
GILCHRIST COUNTY
NW 290 ST
0
950
1,900
Feet
ZOM-10-10
Zoning and
Future Land Use
Oak Tree Landing

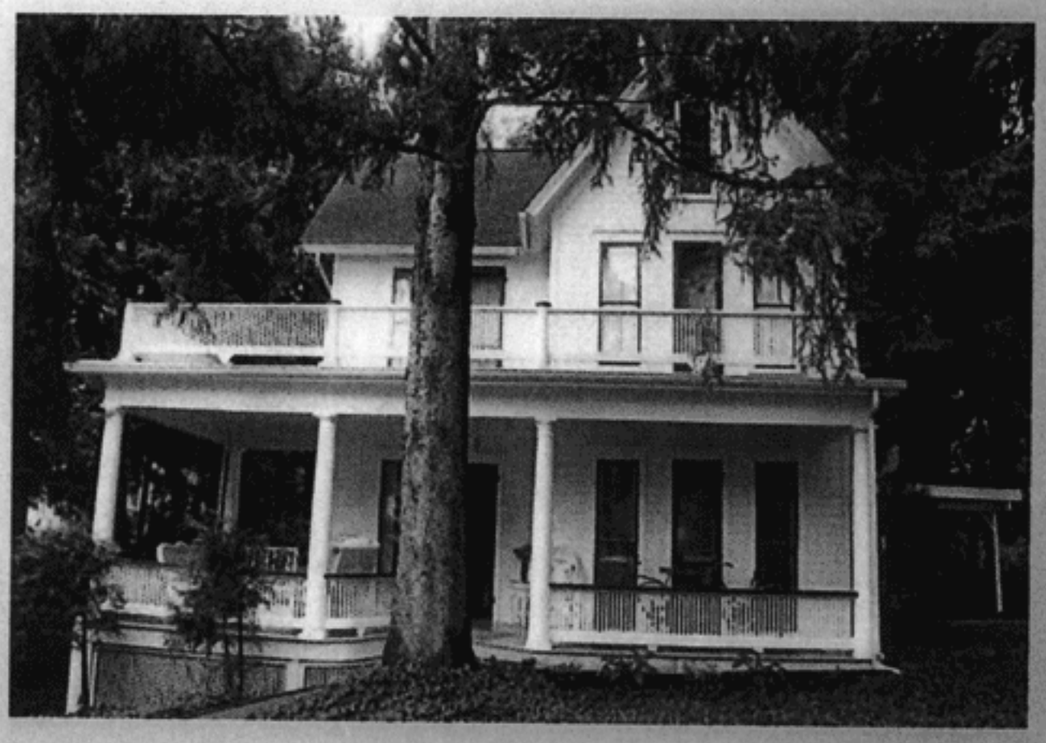
Proposed Amendment

- Request would change the proposed zoning district from A (Agriculture) district to PD (Planned Development) district on 160.18 acres allowing:
  - five residential lots
  - Outdoor recreation uses – golf course with clubhouse – 22,500 square feet
  - tennis center – 8,000 square feet
  - Community garden
  - Vineyard/Winery – public tasting area – 3,000 square feet
  - Barn and equestrian trails



Chautauqua Institution





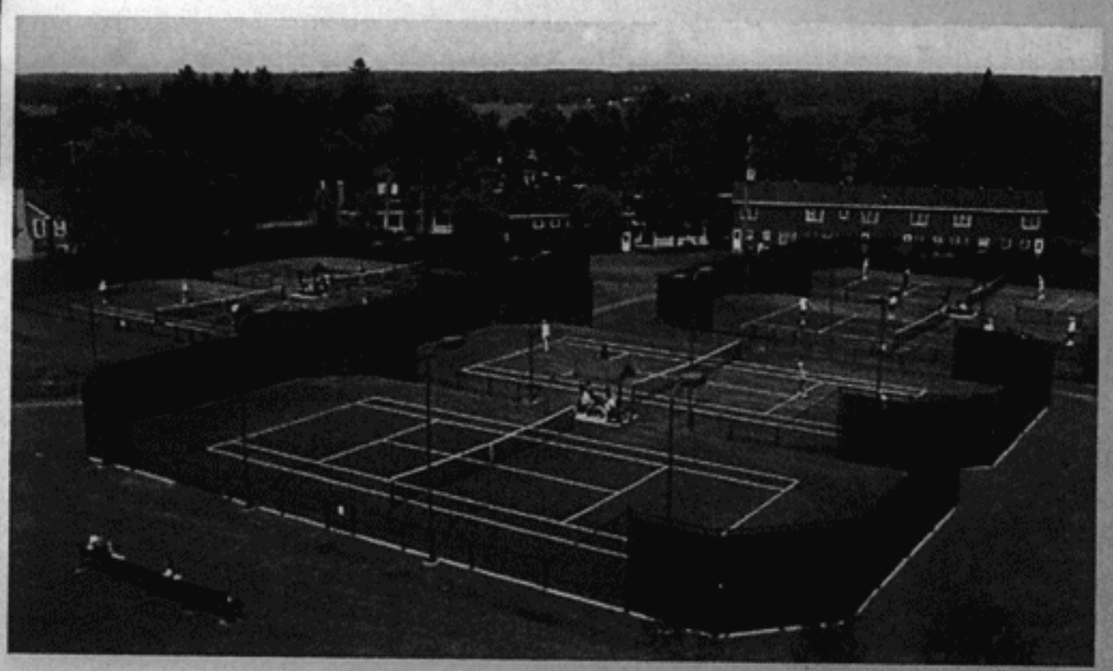
Chautauqua Institution





Chautauqua Institution





Issues

- High Recharge Area of the Floridan Aquifer
- Ginnie Spring and Blue Spring springsheds
- Potentially significant fertilizer, pesticide and irrigation for uses proposed – golf course, vineyard
- SW 78th Avenue (CR 232) pavement in deteriorating condition
- Most of development is in Gilchrist County

Proposed Conditions

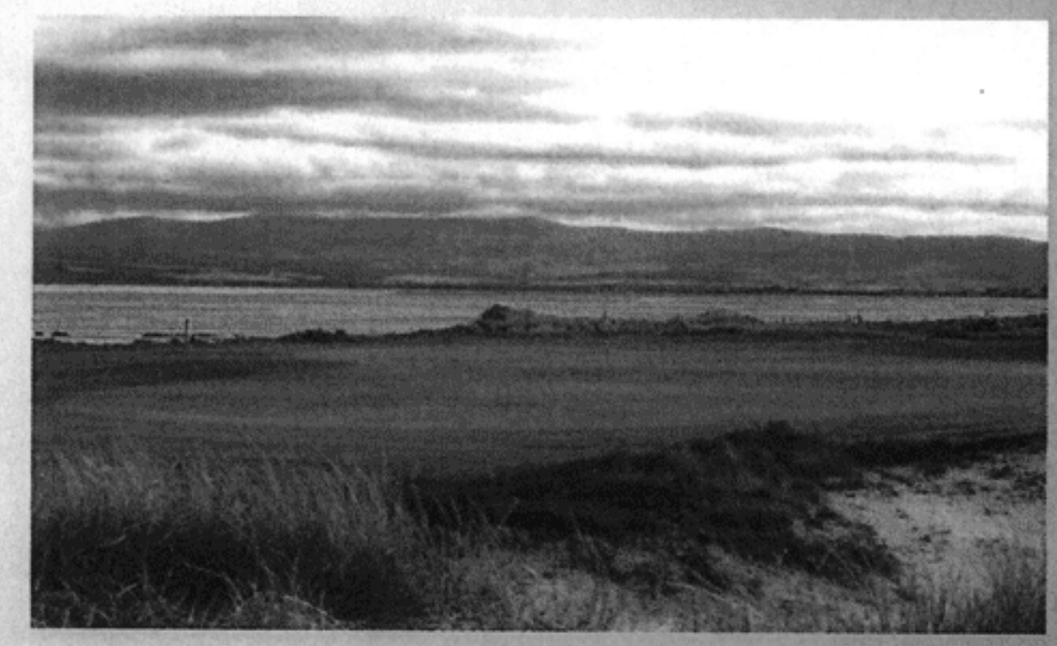
- Plan for nutrient protection goals applicable to waters migrating from the site with potential impacts to the applicable springshed.
  - meet standards of advanced treatment with nutrient removal may establish higher goals if determined necessary to ensure that the Oak Tree Landing PD does not degrade springshed water quality.
  - The plan will include irrigation, landscaping, ground water monitoring, and nutrient management plans.

Proposed Conditions

- The golf course shall be designed as a links style course that retains existing terrain and native vegetation to the maximum extent practicable and minimizes the use of managed turf grass by generally including it only on greens, tees and landing areas

Links Style Course





Proposed Conditions

- Non-residential uses within the Planned Development may connect to the private water and wastewater system to be built in Gilchrist County upon a finding by the DRC that the facility will comply with an approved plan pursuant to condition number 16.

- Stormwater facilities shall be designed using low impact development technique to enhance aquifer recharge.

Proposed Conditions

- The golf course shall be designed to be protective of springs (e.g. capture and recycle drainage water from the greens to lined biofilter areas for cleaning and recycling to minimize the potential for nutrient and pesticide discharge into the Floridan aquifer).
- Harvested rainfall and reclaimed water shall be used to irrigate landscaped areas and the irrigation system shall be designed for maximum water conservation.
- All common area landscaping shall comply with xeriscaping requirements of ULDC Chapter 407

Proposed Conditions

- West bound left and east bound right turn lanes are required at the proposed connection to County Road 232 (NW 78th Avenue).

- Opposing eastbound and westbound left turn lanes are required to be constructed on CR 232 at the US 41 intersection as an operational and safety improvement. These improvements shall be designed for a 60 MPH design speed.

Conditions

- Lighting of outdoor recreation uses is allowed

- Outdoor recreation uses may operate between the hours of 7:00 am and 11:00 pm

Recommendation

- Staff recommends approval of Application ZOM-10-10with conditions as proposed.

October 11, 2011 Regular BoCC Meeting
Agenda Item #31

Title
ACSO Administration Scanning and Electronic filing Project (Amended)

Amount
$14,231.00

Description
Over the past few years, the maintenance and storage of hard copy grant files have become time consuming and costly. Additionally, hard copy grant documents are easily lost, damaged or inadvertently destroyed while in storage. Therefore, the (ACSO) is taking a proactive stance in moving toward scanning and electronically filing all grant documents to ensure ease of access for monitoring and audits, reduce storage cost and to maintain quality of grant documents.

Recommendation
Approve the Alachua County Sheriff's Office ACSO Administrative Project and authorize the Chair to sign all required documents to accept the award and implement the grant. Adopt the resolution and approve the budget amendment. Include all documents in the Board minutes.

Alternative(s)
Do not accept the grant application and $14,231.

Requested By
Kelly Amerson

Originating Department
Alachua County Sheriff's Office

Attachment(s) Description
Resolution and Budget Amendment

Documents Requiring Action
Adopt the budget Resolution and approve the budget amendment.

Executive Summary
The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42.U.S.C. 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG-funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

Background
Each year the U. S. Department of Justice awards funds to law enforcement agencies to be used for gangs, narcotics and other criminal activity.

Issues

The grant begins October 1, 2011.

Fiscal Recommendation
Approve grant application.

Fiscal Alternative(s)
Do not approve grant application.

Funding Sources
U.S. Department of Justice

Account Code(s)
TBA

Attachment: Resolution1112.pdf
Attachment: Grant Admin_signpage.pdf
Attachment: budgetamendment.pdf

Resolution 11- 119

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING A GRANT FUND TO BE ENTITLED "FY 2011 & 2012 EDWARD BYRNE Memorial JUSTICE ASSISTANCE GRANT PROGRAM" ACSO ADMINISTRATION PROJECTTO ADMINISTER REVENUES RECEIVED FROM FEDERAL GRANTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is necessary to establish a new fund entitled "FY 2011 & 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM" ACSO Administration Project to account for and administer Federal grant revenues;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. That establishment of the "FY 2011 & 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM" ACSO Administration Project fund be, and the same is hereby, approved.

2. That the fiscal year 2011-12 budget for the "FY 2011 & 2012 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM" ACSO Administration Project fund is hereby established as reflected in the budget amendment attached hereto as Exhibit A. By adoption of this resolution and the attached budget amendment, the Board of County Commissioners of Alachua County, Florida, hereby

appropriates and permits the expenditure of the funds described therein.

3. That this resolution shall take effect immediately, upon its adoption.

DULY ADOPTED in regular session, this 11 day of October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

BY: _____

Lee Pinkoson, Chairman

ATTEST:

_____

J.K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

_____

Alachua County Attorney

ACHUA CO TY, BOARD OF COUNTY COMMISSIONERS
JDGET AMENDMENT

FOR OMB USE ONLY	
OMB REFERENCE #	BC12-002
GROUP NUMBER	36
PERIOD/DATE	01 2012

FUND NAME	DEPARTMENT NAME	ACCOUNT NAME	ACCOUNT NUMBER	REVENUES (+/-)	EXPENSES (+/-)
FDLE	Sheriff	Intergovernmental Revenue	050-7190-331-20-00	$14,231	
FDLE	Sheriff	Operating Transfers Out	050-7190-581-91-91		$14,231

Application for Funding Assistance

Florida Department of Law Enforcement
Justice Assistance Grant - County-wide

Section 6: Signatures

In witness whereof, the parties affirm they each have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duty authorized officers on the date, month and year set out below.

Corrections on this page, including Strikeovers, whiteout, etc. are not acceptable.

State of Florida
Department of Law Enforcement
Office of Criminal Justice Grants

Signature: _____

Typed Name and Title: _____

Date: _____

Subgrant Recipient
Authorizing Official of Governmental Unit
(Commission Chairman, Mayor, or Designated Representative)

Typed Name of Subgrant Recipient: _____

Signature: _____

Typed Name and Title: RANDALL H. REID, COUNTY MANAGER

Date: 8/1/11

APPROVED AS TO FORM
ALACHUA COUNTY ATTORNEY

Implementing Agency
Official, Administrator or Designated Representative

Typed Name of Implementing Agency: _____

Signature: _____

Typed Name and Title: _____

Date: 8/8/11

Approved as to Form: L. M. Wagga

[redacted]

October 11, 2011 Regular BoCC Meeting
Agenda Item #32

Title
Board of County Commission Minutes for approval. (Amended)

Amount
N/A

Description
Request to approve the minutes from Board of County Commission meetings.

Recommendation
Approve the following Board of County Commission minutes: June 14, 2011, June 16, 2011

Alternative(s)
Do not approve the minutes.

Requested By
Steve Donahey

Originating Department
Finance & Accounting

Attachment(s) Description
Minutes

Documents Requiring Action
Minutes: 06/14/11, 06/16/11

Executive Summary
N/A

Background
N/A

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: BOCC 06142011.pdf
Attachment: BOCC 06162011.pdf

Tuesday, June 14, 2011 – 9:00 A.M. and 5:00 P.M.
County Administration Building
John R. "Jack" Durrance Auditorium
12 Southeast First Street
Gainesville, Florida

The Alachua County Board of County Commissioners met in regular session.

PRESENT: Chair Lee Pinkoson, presiding, Vice-Chair Paula M. DeLaney, Commissioners Susan Baird, Mike Byerly, and Rodney J. Long

ALSO PRESENT: County Manager Randall Reid, County Attorney David Wagner, Assistant Clerk/Finance Director Todd Hutchison, Deputy Clerk Bob Decker

The meeting was televised on Cox Cable Channel 12.

Chair Pinkoson opened the meeting at 9:01 A.M.

Invocation

1. Invocation by Pastor Shirley Watts, Community Praise Center, Gainesville
Amount: N/A
Recommended Action: Hear Invocation by Pastor Shirley Watts, Community Praise Center, Gainesville.

Elder Veronica Campbell of Community Praise Center of Gainesville gave the Invocation.

Pledge of Allegiance

2. Pledge
Amount: N/A
Recommended Action: Hear Pledge

Chair Pinkoson led the Pledge of Allegiance.

Approval of Agenda

3. Approve the Agenda
Amount: N/A
Recommended Action: A Motion to Approve the Agenda: (a) approve any amendments to the Regular and Consent Agenda; (b) adopt the Regular Agenda; and (c) approve all items on the Consent Agenda.

County Manager Randall Reid presented the following changes to the Agenda:

1. Item 35, Power Line and Lighting Management at the Administration Building Construction Agreement, was moved from the Consent Agenda to the Regular Agenda.
2. Item 45, Neighborhood Stabilization Program (NSP) Deeds, was moved from the Consent Agenda to the Regular Agenda.
3. Item 46, Residential Contract: Neighborhood Stabilization Program (NSP) Sales Contract, was moved from the Consent Agenda to the Regular Agenda.

Commissioner Byerly moved to adopt the agenda as modified. The motion carried 4-0 with Commissioner DeLaney out of the room.

Chair Pinkoson recognized Terrence McDavid who presented comments to the Board.

Announcements

4. Announcements, Mark Sexton, Communications Coordinator
   Amount: N/A
   Recommended Action: Hear Announcements by Mark Sexton Communications Coordinator.

Commissioner DeLaney entered the room at 9:06 A.M.

Communications Coordinator Mark Sexton presented the following announcements:

1. The Burn Ban has been extended in Alachua County and a wildfire in excess of 5,000 acres is burning in the Santa Fe Swamp Conservation Area. Governor Scott has declared a statewide state of emergency. For more information visit the County Website at http://www.alachuacounty.us/Pages/AlachuaCounty.aspx
2. The Board of County Commissioners will hold a special meeting Thursday, June 16th, 2011 at 2.00 P.M. in the Grace Knight Conference Room to discuss the future of the Alachua County Jail.
3. The County has two roadway projects, NW/SW 91st Street and the Main Street resurfacing and resignalization. Work began on NW/SW 91st Street on June 13, 2011 and is expected to continue until October 2011. Work will begin on the Main Street resurfacing and resignalization on June 20, 2011 and is expected to continue until December 2011.

Community Outreach

Recognitions and Proclamations

6. Length of Service Recipients Recognition
Amount: N/A
Recommended Action: Recognize County Employees that have reached a Length of Service or Career Milestone in May, 2011.

Human Resources Manager Kim Baldry presented the above item.

7. Recognize the 28 graduates of the 2011 ACCESS Class
Amount: N/A
Recommended Action: Recognize the 28 graduates of the 2011 ACCESS Class and present them with a Certificate of Completion and a copy of the 2011 ACCESS Class Photo.

Human Resources Manager Kim Baldry and County Manager Randall Reid presented the above item.

8. Proclamation: "International Association of Administrative Professionals Days" in Alachua County, Florida
Amount: N/A
Recommended Action: Present a proclamation declaring June 24 - 26, 2011 as "International Association of Administrative Professionals Days" in Alachua County, Florida.

Commissioner DeLaney read and presented the Proclamation to Jodie McGregor who accepted it with gratitude.

Chair Pinkoson recognized Jodie McGregor who presented comments to the Board.

9. Proclamation: "World Elder Abuse Awareness Day" in Alachua County, Florida
Amount: N/A
Recommended Action: Present a proclamation declaring June 15, 2011 as "World Elder Abuse Awareness Day" in Alachua County, Florida.

Chair Pinkoson read and presented the Proclamation to Velma Chandler who accepted it with gratitude.

Chair Pinkoson recognized Velma Chandler who presented comments to the Board.

10. Proclamation and presentation to Recognize Mr. Ted Crom's Commitment to Preserving the Clock
Amount: To Be Determined
Recommended Action: Present the Proclamation and hear the presentation to Recognize Mr. Ted Crom's Commitment to Preserving the Clock and provide staff with direction.

Commissioner Byerly read and presented the Proclamation to Wynona Crom who accepted it with gratitude.

Chair Pinkoson recognized Wynona Crom who presented comments to the Board.

Time Certain Items

Public Comments (9:30 AM)

5. AM Public Comments
Amount: N/A
Recommended Action: Hear Public Comments

Chair Pinkoson recognized Kali Blount, Robert Wilford, Terrence McDavid, Rob Brinkman, County Attorney David Wagner, County Manager Randall Reid, and Sustainability Program Manager Sean McLendon, who presented comments to the Board.

11. Presentation/plaque on the Immunization Excellence Award
Amount: N/A
Recommended Action: Hear presentation on the Immunization Excellence Award from the national Influenza Vaccine Summit, San Diego, California.

Alachua County Health Department Environmental Health Director Anthony Dennis presented the above item.

Appointments

12. Rural Concerns Advisory Council Appointments
Amount: N/A
Recommended Action: Appoint five citizens, all to terms ending September 2012: one to the citizen-at-large position, one to the 'Involved in Silviculture/Agriculture' position, one to the Farm Bureau Representative position, one to the UF Institute of Food and Agricultural Sciences (IFAS) position, and one to the 'Citizen residing in the unincorporated area outside of the urban cluster' position.

Chair Pinkoson recognized Rob Brinkman who presented comments to the Board.

Commissioner Byerly moved to appoint William Brown as the UF Institute of Food and Agricultural Sciences (IFAS) representative to the Rural Concerns Advisory Council with a term ending September 2012, Chris Kelly as the Citizen involved in Silviculture/Agriculture representative to the Rural Concerns Advisory Council with a term ending September 2012, John Eubanks as the Citizen Residing in the Unincorporated Area Outside the Urban Cluster representative to the Rural Concerns Advisory Council with a term ending September 2012, and Robert Hitchcock as the Farm Bureau representative to the Rural Concerns Advisory Council with a term ending September 2012. The motion carried 5-0.

Deputy Clerk Bob Decker called on each Commissioner for their nomination for the Citizen-at-Large position on the Rural Concerns Advisory Council.

Commissioner Baird nominated John Martin. Commissioners Byerly, DeLaney, and Long nominated Robert Brinkman. Chair Pinkoson nominated Keith Hazouri.

Commissioner Byerly moved to appoint Rob Brinkman as the Citizen-at-Large position on the Rural Concerns Advisory Council with a term ending September 2012. The motion carried 5-0.

13. Community Agency Partnership Program (CAPP) Board Appointments
Amount: N/A
Recommended Action: Appoint five citizens to citizen-at-large positions on the Community Agency Partnership Program (CAPP) Board; two to partial terms ending February 2012 followed by full terms ending February 2014, two to partial terms ending September 2011 followed by full terms ending September 2013, and one to a term ending February 2013.

Chair Pinkoson recognized Carol Velasques Richardson and Donna Lutz who presented comments to the Board.

Deputy Clerk Bob Decker called on each Commissioner for their nomination for two Citizen-at-Large positions on the CAPP Board to partial terms ending February 2012 followed by full terms ending February 2014.

Commissioner Byerly nominated Anna Prizzia and Carol Velasques Richardson. Commissioner Long nominated Terry Fleming and Carol Velasques Richardson. Commissioners Baird, DeLaney, and Pinkoson nominated Donna Lutz and Carol Velasques Richardson.

Commissioner DeLaney moved to appoint Donna Lutz and Carol Velasques Richardson to the Citizen-at-Large positions on the CAPP Board to partial terms ending February 2012 followed by full terms ending February 2014. The motion carried 5-0.

Deputy Clerk Bob Decker called on each Commissioner for their nomination for two Citizen-at-Large positions on the CAPP Board to partial terms ending September 2011 followed by full terms ending September 2013.

Commissioner Baird nominated Terry Fleming and Martin van Gelder. Commissioners Byerly, Long, DeLaney, and Pinkoson nominated Terry Fleming and Anna Prizzia.

Commissioner DeLaney moved to appoint Terry Fleming and Anna Prizzia to the Citizen-at-Large positions on the CAPP Board to partial terms ending September 2011 followed by full terms ending September 2013. The motion carried 5-0.

Deputy Clerk Bob Decker called on each Commissioner for their nomination for one Citizen-at-Large position on the CAPP Board to a term ending February 2013.

Commissioners Baird, Byerly, Long, DeLaney, and Pinkoson nominated Martin Van Gelder.

Commissioner DeLaney moved to appoint Martin Van Gelder to the Citizen-at-Large position on the CAPP Board to a term ending February 2013. The motion carried 5-0.

Presentations

14. Newberry Nations Park enhancements
Amount: $277,303.00
Recommended Action: Hear the presentation by the City of Newberry for enhancement to the proposed Nations Park Baseball/Softball Complex and direct staff to return with funding recommendations.

Newberry City Manager Keith Ashby presented the above item.

Chair Pinkoson recognized Newberry City Commissioner Joe Hoffman, County Manager Randall Reid, County Attorney David Wagner, and Assistant County Manager Richard Drummond who presented comments to the Board.

Commissioner DeLaney stated for the record that if the County sells the facility to the City of Newberry, the sale should be for one dollar.

Chair Pinkoson recognized Newberry City Manager Keith Ashby and Newberry City Commissioner Joe Hoffman who presented comments to the Board.

Commissioner Long moved to refer to the Tourist Development Council, Tourist Development staff, and the County Attorney, Newberry's request for enhancement funding in the amount of $277,303.00 from Tourist Development Tax fund Balance. Staff should include the impact of the request on additional projects that have been funded from Tourist Development Tax funds.

Chair Pinkoson recognized Tamara Robbins, County Attorney David Wagner, and Terrence McDavid, who presented comments to the Board.

The motion carried 5-0.

Governmental Units

Constitutional Officers/Other Governmental Units

15. Local Option Nickel Gas Tax Bond Document
Amount: $9,500,000.00
Recommended Action: Adopt the Resolution and Budget Amendment and authorize the Chair and Clerk to sign all bond closing documents, including the conflict waiver for and authorize the Gainesville Golf and Country Club (GGCC) Special Assessment Capital projects Fund to receive up front funding via an interfund loan from the Local Option Nickel Gas tax Bond Capital Project Fund.

Assistant Clerk/Finance Director Todd Hutchison presented the above item.

Commissioner Long moved to adopt Resolution 11-56 and Budget Amendment and authorize the Chair and Clerk to sign all bond closing documents, including the conflict waiver for and authorize the Gainesville Golf and Country Club (GGCC) Special Assessment Capital projects Fund to receive up front funding via an interfund loan from the Local Option Nickel Gas tax Bond Capital Project Fund.

Chair Pinkoson recognized Assistant Clerk/Finance Director Todd Hutchison, Public Works Director Richard Hedrick, County Engineer David Cerlanek, and Terrence McDavid, who presented comments to the Board.

The motion carried 5-0.

Support Services Group

16. Quarterly Hiring Activity Report for the 2nd Quarter of Fiscal Year 2010-2011
Amount: N/A

Recommended Action: Accept the quarterly Hiring Activity Report for the 2nd quarter of Fiscal Year 2010-2011.

Human Resources Manager Kim Baldry presented the above item.

Chair Pinkoson left the room at 11:06 A.M.

Commissioner Byerly moved to accept the quarterly Hiring Activity Report for the 2nd quarter of Fiscal Year 2010-2011.

Vice-Chair DeLaney recognized Terrence McDavid who presented comments to the Board.

The motion carried 4-0, with Commissioner Pinkoson out of the room.

17. Revision to Employee Policy 7-2, Vacation Leave and Employee Policy 7-3, Sick Leave Revision to Appendix A., Definitions
Amount: N/A
Recommended Action: Approve the revisions to Employee Policy 7-2, Vacation Leave, Employee Policy 7-3, Sick Leave and A., Definitions.

Human Resources Manager Kim Baldry presented the above item.

Chair Pinkoson entered the room at 11:08 A.M.

Commissioner DeLaney moved to approve the revisions to Employee Policy 7-2, Vacation Leave, Employee Policy 7-3, Sick Leave and A., Definitions. The motion carried 5-0.

Community Planning Group

18. NW 83rd Street Bicycle Trail
Amount: $3,000.00
Recommended Action: Approve the development of a temporary dirt trail for bicycles in the NW 83rd Street right-of-way corridor between NW 39th Avenue and Millhopper Road.

Parks Superintendent Robert Avery presented the above item.

Commissioner Byerly moved to approve the development of a temporary dirt trail for bicycles in the NW 83rd Street right-of-way corridor between NW 39th Avenue and Millhopper Road and include signage indicating the temporary nature of the facility and what the adopted plan will be.

Chair Pinkoson recognized Tony Ross and Terrence McDavid who presented comments to the Board.

Commissioner Long left the room at 11:17 A.M.

The motion carried 4-0, with Commissioner Long out of the room.

(The following item was moved from the Consent Agenda to the Regular Agenda by motion of the Board.)

35. Power Line and Lighting Management at the Administration Building Construction Agreement
Amount: $89,965.00
Recommended Action: 1) Approve Budget Amendment; 2) Approve Construction Agreement with Automation & Security Technologies, Inc. for the installation of Power Line and Lighting Management at the County's Administration Building; 3) Approve Resolution 11-XX authorizing the transfer of funds.

Facilities Manager Charlie Jackson presented the above item.

Commissioner Long entered the room at 11:22 A.M.

Commissioner Byerly moved: 1) Approve Budget Amendment; 2) Approve Construction Agreement with Automation & Security Technologies, Inc. for the installation of Power Line and Lighting Management at the County's Administration Building; 3) Approve Resolution 11-61 authorizing the transfer of funds. 4) Provide a report on energy savings one year from implementation of this equipment.

Chair Pinkoson recognized Terrence McDavid who presented comments to the Board.

The motion carried 5-0.

19. Agreement for the Mill and Resurfacing of SE CR 325 from SE CR 346 to US 301
Amount: $494,439.79
Recommended Action: Approve Change Order No. 2 to the Construction Agreement for the Mill and Resurfacing of SE CR 325 from SE CR 346 to US 301 to modify the specifications to include the Gainesville Golf and Country Club and Prairie View subdivisions.

Project Engineer Brian Singleton presented the above item.

Commissioner DeLaney moved to approve Change Order No. 2 to the Construction Agreement for the Mill and Resurfacing of SE CR 325 from SE CR 346 to US 301 to modify the specifications to include the Gainesville Golf and Country Club and Prairie View subdivisions. The motion carried 5-0.

20. Kanapaha Park, Squirrel Ridge Park CIP
Amount: $300,000.00
Recommended Action: Hear presentation of a report on use of park Impact Fees for Kanapaha Park sports field lighting and provide direction to staff.

Parks Superintendent Robert Avery presented the above item.

Chair Pinkoson recognized County Manager Randall Reid who presented comments to the Board.

Commissioner Byerly moved: 1. To direct staff to prepare a budget recommendation for consideration with the adoption of the final budget that prioritizes or places first in the coming fiscal year the lighting project at Kanapaha field and moves the restroom facility at Squirrel Ridge Park to the following fiscal year. 2. To provide a report to the Board on the breakdown of costs associated with the planned restroom facility for Squirrel Ridge Park.

Chair Pinkoson recognized Parks Superintendent Robert Avery, Public Works Director Richard Hedrick, County Manager Randall Reid, Tamara Robbins, and Assistant County Manager Richard Drummond, who presented comments to the Board.

Commissioner Byerly moved the substitute motion: 1. To direct staff to prepare a budget recommendation for consideration with the adoption of the final budget that prioritizes or places first in the current fiscal year the lighting project at Kanapaha field and moves the restroom facility at Squirrel Ridge Park to the following fiscal year 2. To provide a report to the Board on the breakdown of costs associated with the planned restroom facility for Squirrel Ridge Park. The motion carried 5-0.

Community Services Group

21. Budget Amendment to Transfer $420,000 from E911 Fund to CCC Personal Services for the Purchase of Consoles
Amount: $420,000.00
Recommended Action: Approve the budget amendment to transfer $420,000 E911 Funds to CCC Personal Services for the purchase of consoles.

E911 Coordinator Keith Godwin presented the above item.

Commissioner DeLaney moved to approve the budget amendment to transfer $420,000 E911 Funds to CCC Personal Services for the purchase of consoles.

Chair Pinkoson recognized Sheriff's Office Technical Services Division Manager Linda Jones, Public Safety Director Ed Bailey, and Terrence McDavid, who presented comments to the Board.

The motion carried 5-0.

22. Respite Care for Homeless pilot program: Interlocal Agreement with City of Gainesville to jointly fund the program
Amount: $2,600.00
Recommended Action: Direct the County Manager to develop and present to the BOCC at a future meeting an interlocal agreement with the City of Gainesville to jointly fund a pilot respite program for homeless dischargees of area hospitals.

Poverty Reduction Program Director John Skelly presented the above item.

Chair Pinkoson recognized Office on Homelessness Director Theresa Lowe who presented comments to the Board.

Commissioner Long moved to direct the County Manager to develop and present to the BOCC at a future meeting an interlocal agreement with the City of Gainesville to jointly fund a pilot respite program for homeless dischargees of area hospitals and that funding for the program come from the Office of Poverty Reduction's budget in the amount of $2,600.00.

Chair Pinkoson recognized Alachua County Health Department Program Development Director Diane Dimperio, Poverty Reduction Program Director John Skelly, and Mary Anderson who presented comments to the Board.

The motion carried 4-1, with Commissioner Baird voting nay.

(The following item was moved from the Consent Agenda to the Regular Agenda by motion of the Board.)

45. Neighborhood Stabilization Program (NSP) Deeds
Amount: N/A
Recommended Action: Approve the form of eight County deeds, six of the deeds are for homes to be transferred to the Alachua County Housing Authority, the remaining two deeds are for resale homes.

Commissioner Long moved to approve the form of eight County deeds, six of the deeds are for homes to be transferred to the Alachua County Housing Authority, the remaining two deeds are for resale homes.

Chair Pinkoson recognized Growth Management Director Steve Lachnicht, Housing Program Manager Tom Webster, and Mary Anderson, who presented comments to the Board.

Commissioner Byerly requested that the Board request that staff provide a 3 to 5 page outline of the program with the options available to local governments in the expenditure of NSP funds.

Commissioner Long moved the substitute motion: 1. Approve the form of eight County deeds, six of the deeds are for homes to be transferred to the Alachua County Housing Authority, the remaining two deeds are for resale homes. 2. Staff to provide a 3 to 5 page outline of the program with the options available to local governments in the expenditure of NSP funds. The motion carried 4-1 with Commissioner Baird voting nay.

(The following item was moved from the Consent Agenda to the Regular Agenda by motion of the Board.)

46. Residential Contract: Neighborhood Stabilization Program (NSP) Sales Contract
Amount: $118,000.00
Recommended Action: Approve the Residential Contract for Sale and Purchase for 12017 NW 164th Terrace, Alachua, FL

Commissioner Long moved to approve the Residential Contract for Sale and Purchase for 12017 NW 164th Terrace, Alachua, FL with an amended original purchase price in the backup. The motion carried 4-1 with Commissioner Baird voting nay.

County Manager Reports

23. County Manager's Report
Amount: N/A
Recommended Action: Accept County Manager's Report

County Manager Randall Reid presented the following items:

1. Haven Acres Cat Sanctuary

Animal Services Director David Flagler and Codes Enforcement Director Rick Wolf presented the above item.

Chair Pinkoson recognized County Attorney David Wagner who presented comments to the Board.

2. Economic Development Position

County Manager Randall Reid presented the above item.

Chair Pinkoson recognized Assistant County Manager Richard Drummond who presented comments to the Board.

3. Discussion of Jail Interlocal Agreement

County Manager Randall Reid presented the above item.

Closing Comments

Public Comments - 15 minutes

24. Closing Comments from the Public
Amount: N/A
Recommended Action: Hear Closing Comments from the Public.

Chair Pinkoson recognized Mary Anderson and Terrence McDavid who presented comments to the Board.

Commission Comments

25. Commission Comments
Amount: N/A
Recommended Action: Commission Comments

Commissioner Byerly requested that the County Manager look into why the plaque on the Clock Tower was removed.

Commissioner Long stated that he would give his retirement announcement Wednesday, June 15, 2011, at 11:00 A.M. in the Jack Durrance Auditorium.

Commissioner DeLaney stated that in Europe, traffic signals are set up so that yellow lights flash before the light turns red and requested that staff look into whether this can be done in Alachua County.

Chair Pinkoson reminded everyone that the Sweetwater Branch item was deferred.

MEETING RECESSED: 2:11 P.M.
MEETING RECONVENED: 5:03 P.M.

Evening Community Outreach and Public Hearing (5:00 PM)

Public Hearings

Regular Matters

27. Resolutions to add certain properties acquired through the Alachua County Forever Program to the Alachua County Registry of Protected Public Places

Amount: N/A
Recommended Action: Adopt the Attached Resolutions (Exhibits 1-5) to add the entirety of the referenced properties to the Alachua County Registry of Protected Public Places.

Land Conservation Manager Ramesh Buch presented the above item.

Commissioner Byerly moved to adopt Resolutions 1 through 4 to add the entirety of the referenced properties to the Alachua County Registry of Protected Public Places.

Chair Pinkoson opened the Public Hearing at 5:12 P.M.

Chair Pinkoson recognized Rosalie Bandyopadhyay, Anne Barkdoll, and Matthew Hurst.

Chair Pinkoson closed the Public Hearing at 5:17 P.M.

The motion failed 3-2, with Commissioners Baird and Pinkoson voting nay. The County Charter requires a majority plus one vote to add parcels to the Alachua County Registry of Protected Public Places.

Chair Pinkoson recognized Land Conservation Manager Ramesh Buch who presented comments to the Board.

Commissioner Byerly moved to adopt Resolutions 8 through 11 (Resolutions 11-64, 11-65, 11-66, and 11-67) to add the referenced properties to the Alachua County Registry of Protected Places less and except certain corridors along existing Rights-of-Way for future transportation needs.

Chair Pinkoson recognized Anne Barkdoll who presented comments to the Board.

The motion carried 4-1, with Commissioner DeLaney voting nay.

Quasi-Judicial/Zoning Items

County Attorney David Wagner stated that while the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence, as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony.

Mr. Wagner further stated that all persons wishing to participate and speak on an issue at the public hearing would be sworn in prior to speaking during this proceeding. All persons will have the right, through the Chair, to ask questions, seek clarification of comments made and to respond to the comments or presentations of staff or other speakers, or to refute or respond to any ex-parte communication. All persons who present written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceedings and official minutes.

Deputy Clerk Bob Decker asked if any Commissioner had received oral or written communication regarding the items. Mr. Decker requested that Commissioners disclose the substance of the communication and identify the person(s) making the communication(s).

Commissioner Byerly stated that he has had numerous conversations and has received emails regarding item 30.

Deputy Clerk Bob Decker SWORE those witnesses present who wished to give testimony regarding item 30, ZOS-04-11, A Request for a Special Use Permit to Allow a Community Resource Center on Approximately 0.75 Acres.

Summary Items

(The Notice of Hearing on the following item was advertised in the June 1, 2011 edition of the Gainesville Sun and Proof of Publication has been filed with the Clerk to the Board.)

30. ZOS-04-11: A request for a special use permit to allow a community resource center on approximately 0.75 acres
Amount: N/A

Recommended Action: Staff recommends that the Board hear the item and adopt Resolution Z-11-06 approving the requested special use permit.

Senior Planner Jerry Brewington presented the above item.

Commissioner Long moved to adopt Resolution Z-11-06 approving the requested special use permit.

Chair Pinkoson opened the Public Hearing at 5:29 P.M.

There were no citizens present who wished to provide comments to the Board in support of or in opposition to the motion.

Chair Pinkoson closed the Public Hearing at 5:29 P.M.

The motion carried 5-0.

Public Comments - then resume Public Hearing (5:30 PM)

26. PM Public Comments
Amount: N/A
Recommended Action: Hear PM Public Comments

Chair Pinkoson recognized Roy Geirsbach, Bruce Nelson, Walter Willard, Anne Lowry, Clara Horton, Sandra Watts Kennedy, and Maria Parsons, who presented comments to the Board.

Legislative items

(The Notice of Hearing on the following item was advertised in the June 1, 2011 edition of the Gainesville Sun and Proof of Publication has been filed with the Clerk to the Board.)

28. Public Hearing on Change to Reserve Area for City of Gainesville
Amount: N/A
Recommended Action: Adopt the Resolution designating updated Reserve Area Boundary for the City of Gainesville and an updated Statement of County Services for the Gainesville Reserve Area in accordance with the Boundary Adjustment Act.

Principal Planner Ken Zeichner presented the above item.

Commissioner Long moved to adopt the Resolution designating updated Reserve Area Boundary for the City of Gainesville and an updated Statement of County

Services for the Gainesville Reserve Area in accordance with the Boundary Adjustment Act.

Chair Pinkoson recognized City of Gainesville Senior Strategic Planner Lila Stewart and Gainesville Regional Utilities Supervising Utility Engineer Rick Hutton who presented comments to the Board.

Chair Pinkoson opened the Public Hearing at 6:25 P.M.

Chair Pinkoson recognized Walter Willard who presented comments to the Board.

Chair Pinkoson closed the Public Hearing at 6:27 P.M.

Chair Pinkoson recognized City of Gainesville Senior Strategic Planner Lila Stewart who presented comments to the Board.

The motion failed 2-3, with Commissioners Baird, Byerly, and Pinkoson voting nay.

Deputy Clerk Bob Decker SWORE those witnesses present who wished to give testimony regarding item 31, ZOM-04-11, Request to Rezone from Administrative/Professional (AP) District to Business/Professional (BP) District on Approximately 1.4 Acres and item 32, ZOS-05-11, Request for a Special Use Permit to Allow a Veteran's Transitional Housing Facility on Approximately 3.3 Acres.

Deputy Clerk Bob Decker asked if any Commissioner had received oral or written communication regarding the items. Mr. Decker requested that Commissioners disclose the substance of the communication and identify the person(s) making the communication(s).

Commissioner Baird stated that she had conversations with Dean Cheshire, Mitch Glaeser, Bob Murphy, Luis Gonzales, and Rick Bernal regarding ZOS-05-11. She further stated she had received emails regarding ZOS-05-11.

Commissioner DeLaney stated that she had received emails regarding ZOS-05-11.

Chair Pinkoson stated that he had received emails and a message from Mitch Glaeser regarding ZOS-05-11.

(The Notice of Hearing on the following item was advertised in the June 1, 2011 edition of the Gainesville Sun and Proof of Publication has been filed with the Clerk to the Board.)

29. CPA-07-11: A request to amend the land use designation from Office/Residential land use to Office land use on approximately 1.4 acres
Amount: N/A
Recommended Action: Staff then recommends that the Board adopt Ordinance 11-xx approving the proposed small scale land use amendment.

Senior Planner Jerry Brewington presented the above item.

Commissioner Long left the room at 6:38 P.M.

Commissioner Byerly moved to adopt Ordinance 11-05 approving the proposed small scale land use amendment.

Chair Pinkoson opened the Public Hearing at 6:41 P.M.

There were no citizens present who wished to provide comments to the Board in support of or in opposition to the motion.

Chair Pinkoson closed the Public Hearing at 6:41 P.M.

The motion carried 4-0, with Commissioner Long out of the room.

Chair Pinkoson recognized Walter Willard who presented comments to the Board.

Quasi-Judicial/Zoning Items

Summary Items

(The Notice of Hearing on the following item was advertised in the June 1, 2011 edition of the Gainesville Sun and Proof of Publication has been filed with the Clerk to the Board.)

31. ZOM-04-11: A request to rezone from AP (Administrative/Professional) district to BP (Business/Professional) district on approximately 1.4 acres
Amount: N/A
Recommended Action: Staff recommends that the Board hear the item and adopt Resolution Z-11-08 approving the requested zoning change.

Commissioner DeLaney moved to adopt Resolution Z-11-08 approving the requested zoning change.

Chair Pinkoson opened the Public Hearing at 6:42 P.M.

There were no citizens present who wished to provide comments to the Board in support of or in opposition to the motion.

Chair Pinkoson closed the Public Hearing at 6:42 P.M.

The motion carried 4-0, with Commissioner Long out of the room.

New Business

(The Notice of Hearing on the following item was advertised in the June 1, 2011 edition of the Gainesville Sun and Proof of Publication has been filed with the Clerk to the Board.)

32. ZOS-05-11: A request for a special use permit to allow a veteran's transitional housing facility on approximately 3.3 acres
Amount: N/A
Recommended Action: Staff recommends that the Board hear the item and adopt Resolution Z-11-07 approving the requested special use permit.

Senior Planner Jerry Brewington presented the above item.

Commissioner Long entered the room at 6:45 P.M.

Chair Pinkoson recognized David Coffey, Esq., on behalf of the applicant, Growth Management Director Steven Lachnicht, and North Florida/South Georgia Veterans' Health Care System Chief of Community Care Services Vianne Marchese, who presented comments to the Board.

Commissioner Byerly moved to adopt Resolution Z-11-07 approving the requested special use permit.

Chair Pinkoson recognized Alachua County Housing Authority Director Gail Monahan who presented comments to the Board.

Chair Pinkoson opened the Public Hearing at 7:56 P.M.

Chair Pinkoson recognized Bruce Nelson, Walter Willard, Jay Grife, Esq., County Attorney David Wagner, David Coffey, Esq., Growth Management Director Steven Lachnicht, Don Sherry, Terry Martin-Back, Robert Doan, Esq, Rod Gonzales, Mitch Glaeser, Steven Dennis, Richard Giambrone, Wilbur Holloway, Virginia Nappy, Terrence McDavid, Ray DiSalvo, and Rick Purnell, who presented comments to the Board.

Chair Pinkoson closed the Public Hearing at 8:45 P.M.

Chair Pinkoson recognized Growth Management Director Steven Lachnicht, David Coffey, Esq., Alachua County Housing Authority Director Gail Monahan, County Attorney David Wagner, and Alachua County Veterans' Advisory Board Chairman Don Sherry, who presented comments to the Board.

The motion carried 3-2, with Commissioners Baird and Pinkoson voting nay.

Closing Comments

Public Comments - 15 minutes

33. PM Closing Comments from the Public
Amount: N/A
Recommended Action: Hear Closing Comments from the Public

Chair Pinkoson recognized Terrence McDavid and Bruce Nelson who presented comments to the Board.

Adjourn

There being no further business the meeting was adjourned at 9:14 P.M.

CONSENT/Community Outreach

CONSENT/Governmental Units

Constitutional Officers/Other Governmental Units

34. Surplus Property Disposal at 2011 Non-Profit and Public Auctions
Amount: $95,031.00
Recommended Action: Request adoption of the resolution on Disposal of Alachua County Surplus Property with Exhibit A "Alachua County Surplus Property Disposal Report" for auctions held on March 31, April 5, 25 and 29 and May 14, 2011.

Support Services Group

36. Annual Roadway Construction Material Hauling Services: Annual Bid 12-65
Amount: N/A
Recommended Action: Approve the award of Annual Bid 12-65; Annual Roadway Construction Material Hauling Services to Coleman Construction, Inc., and LMW Construction, as the lowest responsive and responsible bidders meeting specifications and authorize staff to negotiate a contract.

37. Annual Roadway Milling Services: Annual Bid 12-64
Amount: N/A
Recommended Action: Approve the award of Annual Bid 12-64; Annual Roadway Milling Services to Oldcastle Southern Group, Inc. d/b/a, APAC Southeast, Inc., and D.A.B. Constructors, Inc., as the lowest responsive and responsible bidder meeting specifications and authorize staff to negotiate a contract.

38. Annual Ready Mix Cement: Annual Bid 12-2
Amount: $86,000.00 Annual Budget Estimate
Recommended Action: Approve the award of Annual Bid 12-2; Annual Ready Mix Cement to A Materials Group and Florida Rock Industries, Inc., as the lowest responsive and responsible bidders meeting specifications and authorize the Purchasing Manager to sign the purchase orders.

39. Ring Power Corp-St Augustine: Finance Report and Purchase Order 111291
Amount: $101,607.00
Recommended Action: Approve the Finance Report and Purchase Order 111291, issued to Ring Power Corp-St Augustine.

40. Highland Tractor Co.: Finance Report and Purchase Order 111313
Amount: $78,908.80
Recommended Action: Approve the Finance Report and Purchase Order 111313, issued to Highland Tractor Co. for the purchase of a John Deere Loader Backhoe.

Community Planning Group

41. Contract for Tourist Development Web Site Redesign and Marketing
Amount: $79,500.00
Recommended Action: Approve the agreement between Alachua County and MMG Worldwide for the redesign of the Tourist Development Homepage and authorize the Chair to sign.

Community Services Group

42. Hall-Mark Fire Apparatus, Inc.: Finance Report and Purchase Order 111290
Amount: $302,456.00
Recommended Action: Approve the Finance Report and Purchase Order 111290, issued to Hall-Mark Fire Apparatus, Inc. for the purchase of a 2011 Level I Custom Pumper.

43. FY2011/12 Emergency Management Preparedness and Assistance Grant Agreement

Amount: $105,806.00
Recommended Action: Approve the FY11/12 State-Funded Subgrant Emergency Management Preparedness and Assistance Grant Agreement (4 copies), Adopt the Resolution Amending the FY11/12 Adopted Budget, Adopt the Budget Amendment, and authorize an interfund loan in the amount not to exceed $75,000.00.

44. FY2011/12 Emergency Management Performance Grant Agreement
Amount: $72,876.00 Federal; $28,737.00 County Cash Match
Recommended Action: Approve the FY11/12 Federally-Funded Subgrant Emergency Management Performance Grant Agreement (4 copies), Adopt the Resolution Amending the FY11/12 Adopted Budget, Adopt the Budget Amendment, and Authorize an Interfund Loan not to exceed $72,876.00.

47. FFY 2008 Community Development Block Grant Closeout Report
Amount: N/A
Recommended Action: Approve the FFY 2008 Community Development Block Grant Housing Rehabilitation Closeout Report.

48. Request to advertise CDBG Grant Application Public Hearings
Amount: N/A
Recommended Action: Authorize staff to advertise a public hearing for June 28th, 2011 to obtain citizens' input on community development needs and for August 9th, 2011 to obtain citizens' comments on FFY 2011 CDBG application, as a part of the Florida Small Cities CDBG application process.

Thursday, June 16, 2011 – 2:00 P.M.
County Administration Building
John R. "Jack" Durrance Auditorium
12 Southeast First Street
Gainesville, Florida

The Alachua County Board of County Commissioners met in special session.

PRESENT: Chair Lee Pinkoson, presiding, Vice-Chair Paula M. DeLaney, Commissioners Susan Baird, Mike Byerly, and Rodney J. Long

ALSO PRESENT: County Manager Randall Reid, County Attorney David Wagner, Deputy Clerk Bob Decker

The meeting was televised on Cox Cable Channel 12.

Chair Pinkoson opened the meeting at 2:03 P.M.

ADOPTION OF THE AGENDA

Chair Pinkoson requested that a letter to President Obama regarding the Koppers superfund site be added to the agenda.

Commissioner DeLaney moved adoption of the agenda as modified. The motion carried 4-0 with Commissioner Baird out of the room.

Commissioner Byerly moved approval of the letter to President Obama.

Commissioner DeLaney stated that she had not had a chance to read the letter.

Commissioner Byerly withdrew his motion.

1. Future Jail Management Issues
   Amount: N/A
   Recommended Action: Hear Presentation and discussion on Future Jail Management Issues.

Commissioner Baird entered the room at 2:07 P.M.

County Manager Randall Reid and Gerald Newfarmer of Management Partners, Incorporated presented the above item.

Commissioner Long moved to direct the County Manager and County Attorney to prepare a scope of services for the following two options for the operation

of the jail: 1. an interlocal agreement renewal with the Office of the Sheriff and 2. the Jail operating under the Board of County Commissioners as a department.

The scope of services should include, but not be limited to:

1. An operational analysis, to include a staffing analysis,
2. The strengths and weaknesses of both options,
3. A methodology for evaluating the current operation of the Jail including all users (employees, inmates, and visitors),
4. A self-evaluation by the Sheriff,
5. Any other performance measures or objectives and best management practices for the operation of the Jail under both options.

Commissioner Long stated that he would like a report of the cost of both options.

Commissioner Long moved the substitute motion to direct the County Manager and County Attorney to prepare a scope of services for the following two options for the operation of the jail: 1. an interlocal agreement renewal with the Office of the Sheriff and 2. the Jail operating under the Board of County Commissioners as a department.

The scope of services should include, but not be limited to:

1. An operational analysis, to include a staffing analysis,
2. The strengths and weaknesses of both options,
3. A methodology for evaluating the current operation of the Jail including all users (employees, inmates, and visitors),
4. A self-evaluation by the Sheriff,
5. Any other performance measures or objectives and best management practices for the operation of the Jail under both options,
6. The cost of both options.

The motion carried 5-0.

Added Item: Letter to President Obama regarding Koppers Superfund Site

Commissioner DeLaney requested that "Thank you for your service and leadership." be added to the end of the letter.

Commissioner DeLaney moved approval of the letter as modified. The motion carried 5-0.

Chair Pinkoson recognized County Manager Randall Reid and Chief Deputy Sheriff David Huckstep who presented comments to the Board.

There being no further business the meeting was adjourned at 3:05 P.M.

October 11, 2011 Regular BoCC Meeting
Agenda Item #33

Title
Ratification of the Warrant List. (Amended)

Amount
N/A

Description
Check registry for the Board of County Commissioners.

Recommendation
Ratify the warrant list.

Alternative(s)
Do not approve the warrant list.

Requested By
Steve Donahey

Originating Department
Finance & Accounting

Attachment(s) Description
Warrant List

Documents Requiring Action
N/A

Executive Summary
N/A

Background
N/A

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: Warrant List Board.pdf

CLERK OF THE CIRCUIT COURT

Finance and Accounting
Post Office Box 939
Gainesville, Florida 32602

J.K. "BUDDY" IRBY
CLERK

TELEPHONE
(352) 374-3605

September 22, 2011

MEMORANDUM

TO: Board of County Commissioners

VIA: Todd Hutchison, Finance Director

FROM: Steve Donahey, Deputy Clerk

SUBJECT: Warrant List

PERIOD	WARRANT TYPE	NUMBERED	AMOUNT
09-01-11	Machine	2245328 – 2245480	$1,869,493.09
09-08-11	Machine	2245482 – 2245599	$382,365.25
09-15-11	Machine	2245601 – 2245828	$722,465.98
09-22-11	Machine	2245830 – 2245962	$1,941,146.21

The above warrant lists are recommended for ratification by the Board.

TH/sd

October 11, 2011 Regular BoCC Meeting
Agenda Item #34

Title
TRANE: Fourth Amendment to the Agreement between Alachua County Board of County Commissioners and TRANE, A Division of American Standard, Inc. for Heating, Ventilation and Air Conditioning Services

Amount
$212,580.00

Description
Request Approval of the Fourth Amendment to the Agreement between Alachua County Board of County Commissioners and TRANE, division of American Standard, Inc. for Heating, Ventilation and Air Conditioning Services in various County buildings.

Recommendation
Approve the Fourth Amendment to the Agreement between Alachua County Board of County Commissioners and TRANE, A Division of American Standard, Inc. for Heating, Ventilation and Air Conditioning Services in various County buildings.

Alternative(s)
Do not approve and provide staff with direction

Requested By
Charlie R. Jackson

Originating Department
Administrative Services/Facilities Management

Attachment(s) Description
Fourth Amendment to the Agreement between Alachua County Board of County Commissioners and TRANE, A Division of American Standard, Inc. for Heating, Ventilation, and Air Conditioning Services (2 originals) Exhibit B

Documents Requiring Action
Fourth Amendment to the Agreement between Alachua County Board of County Commissioners and TRANE, A Division of American Standard, Inc., for Heating, Ventilation, and Air Conditioning Services in various County buildings.

Executive Summary
The current agreement expires on September 30, 2011. This request is to extend the agreement for the period of October 1, 2011 through September 30, 2012.

Background
On November 27, 2007 the Board of County Commissioners approved the original agreement to services various County buildings. The first amendment was approved on October 28, 2008 to add the Alachua County Tax Collector's Office, located at 3207 SW 35th Blvd. The second amendment was approved on September 22, 2009. The third amendment was approved on September 14, 2010. Due to the present budget situation in the County some of the services have been reduced in FY11. However; repair and maintenance will be provided on an as needed basis.There is no increase/decrease; amount remains the same as FY11.

Issues

For FY 2012 the following services for equipment have been reduced due to installation of new equipment: CSS: deleted serves to the DDC Controls and Alachua County Tax Collector, Butler Plaza: deleted service to equipment. Repair & Maintenance will be provided on an as needed basis.

Fiscal Recommendation
Sufficient funds exist in the Administrative Services/Facilities Management FY12 General Fund.

Fiscal Alternative(s)
N/A

Funding Sources
Administrative Services/Facilities Management General Fund

Account Code(s)
001-1812-519.46-30 and 001-1812-712.46-30

Attachment: TRANE_AMENDMENT_4.pdf
Attachment: TRANE_EXIBIT_B.pdf

P 9/26/11

FOURTH AMENDMENT TO AGREEMENT
BETWEEN ALACHUA COUNTY AND
TRANE FOR HEATING, VENTILATION, AND AIR CONDITIONING SERVICES

THIS THIRD AMENDMENT TO AGREEMENT, made and entered into this 23RD day of SEPTEMBER A.D., 2011, by and between Alachua County, a charter county and political subdivision of the State of Florida, by and through its Board of County Commissioners, hereinafter referred to as "County", and TRANE, A Division of American Standard, Inc. hereinafter referred to as "Contractor".

W I T N E S S E T H:

WHEREAS, the parties hereto previously entered into an agreement dated November 27, 2007, for the provision of Heating, Ventilation and Air Conditioning Services; and,

WHEREAS, the parties hereto previously entered into a First Amendment dated October 28, 2008, Second Amendment dated August 26, 2009; Third Amendment dated September 14, 2010; and,

WHEREAS, the parties wish to amend the agreement.

NOW, THEREFORE, the parties hereby agree to amend the original agreement dated November 27, 2007 as follows:

Section #2 Term, is amended in its entirety to read:

> A. Section # 2 **Term**. This third amendment is effective October 1, 2011 and continuing through September 30, 2012 unless earlier terminated as provided in the original agreement.
>
> The County's performance and obligation to pay under this agreement is contingent upon a specific annual appropriation by the Board of County Commissioners. The parties hereto understand that this Agreement is not a commitment of future appropriations.
>
> Exhibit B to the amendment of original contract dated November 27, 2007 is herby replaced in its entirety by Exhibit B to this amendment.

SAVE and EXCEPT as expressly amended herein, all other terms and provisions of the original agreement dated November 27, 2007, as amended, between the parties, shall be and remain in full force and effect.

This Fourth Amendment shall take effect upon the expiration of the agreement currently in effect under the terms and specifications contained in the original agreement.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

BY: _____

Lee Pinkoson, Chair
Board of County Commissioners

ATTEST:

_____

J.K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM:

_____

Alachua County Attorney's Office

TRANE, A Division of American Standard, Inc.

_____

Name

AREA MANAGER

Title

RON PAYNE

Print Name

Attest (Corporate Officer)

_____

Name

_____

Title

_____

Print Name

EXIBIT B

TRANE HVAC MAINTENANCE AGREEMENT

FACILITY	ADDRESS	SERVICE TYPE	MONTHLY COST
Administrative Services Building	12 SE 1st Street	HVAC	$2,925.00
Civil Courthouse	201 E. University Ave.	HVAC	$4,830.00
Community Support Services	218 SE 24th Street	HVAC	$2,671.00
Consolidated Communication Center	2620 Hawthorne Road	HVAC	$2,649.00
Public Works Administration Building	5620 NW 120th US 441	HVAC	$1,150.00
State Attorney's Building	120 W. University Ave.	HVAC	$ 657.00
Wilson Building	26 NE First Street	HVAC	$2,833.00
TOTAL PER MONTH:			$17,715.00

Notes:

1. **Administrative Services Building**
   - New McQuay chiller will not be included in this agreement. Maintenance and service will be performed by others.
   - New Boiler – Trane is responsible for maintenance only, while under warranty. All repairs will be covered under Manufactures Warranty.
   - Existing Carrier 140 ton chiller will be maintained by Trane Labor only. Alachua County will be responsible for all parts and materials to maintain and repair. (including oil, filters)
   - New Cooling Towers – Trane is responsible for maintenance only, while under warranty. All repairs will be covered under Manufactures Warranty.
   - Records Retention, Transfer Station and Correctional Facility on a "As Needed Basis" and invoiced under this agreement "Labor & Material Rates".

2. **Alachua County Tax Collectors (Butler Plaza)**
   - Trane will provide emergency repairs on a Time and Material bases.

October 11, 2011 Regular BoCC Meeting
Agenda Item #35

Title
Request approval of recommendation to offer Retiree Group Medicare Advantage program (Amended)

Amount
N/A

Description
Request approval of recommendation to offer Retiree Group Medicare Advantage Program

Recommendation
Approve the Self Insurance Committees recommendation and offer a group rated Medicare Advantage program to all retirees meeting eligibility requirements.

Alternative(s)
Do not approve recommendation and not offer a Medicare Advantage program to eligible retirees.

Requested By
Wade F. Gillingham, Risk Manager

Originating Department
Administrative Services, Risk Management

Attachment(s) Description
Humana Medicare Employer RPPO 2012 Plan 079 Option 623 effective 1/12/2012

Documents Requiring Action
Humana Medicare Employer RPPO 2012 Plan 079 Option 623 effective 1/12/2012

Executive Summary
Offering of a Group based Medicare Advantage program underwritten by Humana for all eligible County retirees.

Background
On September 8, 2011 the Self Insurance Review Committee (SIRC) met and recommended for Board approval the offering of a Group Medicare Advantage program underwritten by Humana Specialty Benefits for all eligible County Retirees effective January 1, 2012. The SIRC also agreed to allow retirees wishing to participate in this program and who are not satisfied, a onetime option to return to the County's Group Health program during the FY12/13 open enrollment period. After the FY12/13 open enrollment window, retirees participating in the Medicare Advantage program will not be allowed to re-enroll in the County's Self Funded Health plan.

Issues
A program offering allowing County Retirees the option to purchase a Medicare Advantage Health Insurance plan at a Group rated premium.

Fiscal Recommendation
The movement of retiree claims out of the county's claims experience and into the Medicare Advantage program.

Fiscal Alternative(s)
None

Funding Sources
Health Self Insurance Fund

Account Code(s)
507

Attachment: Humana Medicare Employer RPPO.pdf

HUMANA.
Guidance when you need it most

HUMANA MEDICARE EMPLOYER RPPO PLAN
2012 Plan 079 Option 623
Effective Date: 1/1/2012 - 12/31/2012
Subject to CMS Approval

This is a brief summary of services and is not intended to be a complete description of benefits, exclusions and limitations. Please refer to your Evidence of Coverage for additional information regarding covered services and limitations or any other contractual conditions. All services must be medically necessary. Coinsurance and copayments are due when services are rendered. Certain services under the plan require authorization by network providers. For a complete description of benefits, exclusions and limitations please refer to the actual Evidence of Coverage. If a discrepancy arises between this information and the actual Evidence of Coverage, the Evidence of Coverage will prevail in all instances.

ANNUAL OUT-OF-POCKET MAXIMUM	• In-Network: $5000 per individual per calendar year (excludes Part D Pharmacy, Extra Services, and the Plan Premium).		
	• Combined In- and Out-of-Network: $5000 per individual per calendar year (excludes Part D Pharmacy, World Wide Coverage, and the Plan Premium).		
ANNUAL DEDUCTIBLE	• In Network: None		
	• Out-of-Network: None		
Place of Treatment	**Benefit**	**Network Coverage Plan Pays (1):**	**Non-Network Coverage Plan Pays (1):**
PRIMARY CARE PHYSICIAN	• Office visit	100% after $15 copayment per visit	100% after $40 copayment per visit
	• Diagnostic procedures and tests	100% after $15 copayment per visit	100% after $40 copayment per visit
	• Lab services	100% after $15 copayment per visit	100% after $40 copayment per visit
	• Surgical procedures	100% after $15 copayment per visit	100% after $40 copayment per visit
	• Allergy shots and injections	100%	100%
	• Mental health/substance abuse services	100% after $15 copayment per visit	100% after $40 copayment per visit
	• Administration of drugs in a physician's office	80%	80%
SPECIALIST	• Office visit	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Advanced imaging	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Diagnostic procedures and tests	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Lab services	100% after $35 copayment per visit	100% after $40 copayment per visit
	• Surgical procedures	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Podiatry (Medicare-covered)	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Chiropractic (Medicare-covered)	100% after $15 copayment per visit	100% after $15 copayment per visit
	• Therapies (cardiac, occupational, physical, respiratory, audiology, and speech)	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Radiation therapy	100% after $35 copayment per visit	100% after $35 copayment per visit

	• Allergy shots and injections	100%	100%
	• Mental health/substance abuse services	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Administration of drugs in a physician's office	80%	80%
	• Chemotherapy drugs	80%	80%
	• Dental (Medicare-covered)	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Hearing (Medicare-covered)	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Vision (Medicare-covered)	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Eyewear for post-cataract surgery	100%	100%
PREVENTIVE SERVICES	• Routine physical (one per year)	100% in all places of treatment	100% in all places of treatment
	• Diabetes self-management	100% in all places of treatment	100% in all places of treatment
	• Nutrition therapy (ESRD or diabetic patients)	100% in all places of treatment	100% in all places of treatment
	• Bone mass measurement (one per year)	100% in all places of treatment	100% in all places of treatment
	• Colorectal screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Pap smear, pelvic exam, and prostate cancer screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Mammography screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Smoking cessation (Medicare covered)	100% in all places of treatment	100% in all places of treatment
	• Immunizations	100% in all places of treatment	100% in all places of treatment
	• Abdominal aortic aneurysm screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Cardiovascular disease testing (one per year)	100% in all places of treatment	100% in all places of treatment
	• Glaucoma screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• HIV screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• EKG screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Diabetes screening (one per year)	100% in all places of treatment	100% in all places of treatment
	• Kidney disease education services	100% in all places of treatment	100% in all places of treatment
INPATIENT HOSPITAL SERVICES	• Inpatient care (all authorized admissions)	100% after $255 copayment per day (days 1-7) per admission	100% after $255 copayment per day (days 1-7) per admission
	• Inpatient physician services	100%	100%
INPATIENT PSYCHIATRIC FACILITY	• Inpatient mental health care (all authorized admissions)	100% after $205 copayment per day (days 1-7) per admission; 190 day lifetime limit	100% after $205 copayment per day (days 1-7) per admission; 190 day lifetime limit

	• Inpatient substance abuse services (all authorized admissions)	100% after $205 copayment per day (days 1-7) per admission	100% after $205 copayment per day (days 1-7) per admission
	• Inpatient mental health/substance abuse physician services	100%	100%
PARTIAL HOSPITALIZATION	• Mental health/substance abuse services	100% after $35 copayment per visit	100% after $35 copayment per visit
OUTPATIENT HOSPITAL	• Surgical services	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Advanced imaging	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Nuclear medicine	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Diagnostic procedures and tests	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Lab services	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Radiation therapy	80%	80%
	• Therapies (cardiac, occupational, physical, respiratory, audiology, and speech)	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Chemotherapy drugs	80%	80%
	• Renal dialysis	80%	80%
	• Mental health and substance abuse services	100% after $100 copayment per visit	100% after $100 copayment per visit
	• Outpatient physician services	100%	100%
SKILLED NURSING FACILITY (SNF)	• SNF care	100% for days 1-14; no three day hospital stay is required; 100% after $50 copayment per day (days 15-20); 100% after $100 copayment per day (days 21-100); Plan pays $0 after 100 days	100% for days 1-14; no three day hospital stay is required; 100% after $50 copayment per day (days 15-20); 100% after $100 copayment per day (days 21-100); Plan pays $0 after 100 days
	• SNF physician services	100%	100%
IMMEDIATE CARE FACILITY	• Urgently needed care	100% after $35 copayment per visit	100% after $35 copayment per visit
	• Lab services	100% after $35 copayment per visit	100% after $35 copayment per visit
EMERGENCY ROOM	• Emergency services (2)	100% after $65 copayment per visit (waived if admitted to hospital within 24 hours)	100% after $65 copayment per visit (waived if admitted to hospital within 24 hours)
	• Emergency room physician services	100%	100%
AMBULANCE	• Ambulance services	100% after $100 copayment per date of service	100% after $100 copayment per date of service
TRAVEL BENEFIT	• US travel benefit	Member receives in network benefits when services are received from a participating PPO provider in another Humana PPO service area	N/A
WORLD WIDE COVERAGE	• Emergency services only	N/A	100% after $65 copayment per visit (waived if admitted to hospital within 24 hours)

COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY	• Therapies (occupational, physical, respiratory, audiology, and speech)	100% after $35 copayment per visit	100% after $35 copayment per visit
FREESTANDING RADIOLOGICAL FACILITY	• Advanced imaging	100% after $75 copayment per visit	100% after $75 copayment per visit
	• Nuclear medicine	100% after $75 copayment per visit	100% after $75 copayment per visit
	• Diagnostic procedures and tests	100% after $75 copayment per visit	100% after $75 copayment per visit
	• Radiation therapy	80%	80%
AMBULATORY SURGICAL CENTER	• Surgical procedures	100% after $100 copayment per visit	100% after $100 copayment per visit
FREESTANDING LABORATORY	• Lab services	100%	70%
DIALYSIS CENTER	• Renal dialysis	100%	100%
HOME HEALTH	• Home health care	100%	100%
MEDICARE COVERED DRUGS	• Medicare-covered Part B drugs	80% in all places of treatment	80% in all places of treatment
DME PROVIDER	• Durable medical equipment	80%	80%
	• Diabetic shoes and inserts	100%	80%
	• Diabetic monitoring supplies-preferred and non-preferred	N/A	75%
PREFERRED DME PROVIDER	• Diabetic monitoring supplies-preferred and non-preferred	100%	N/A
NON-PREFERRED DME PROVIDER	• Diabetic monitoring supplies-preferred and non-preferred	80%	N/A
MEDICAL SUPPLY PROVIDER	• Medical supplies	80%	80%
PROSTHETICS PROVIDER	• Prosthetics and orthotics	80%	80%
	• Diabetic shoes and inserts	100%	80%
PHARMACY (PART B ONLY)	• Durable medical equipment	80%	80%
	• Medical supplies	80%	80%
	• Diabetic monitoring supplies-preferred	90%	75%
	• Diabetic monitoring supplies-non-preferred	80%	75%
EXTRA BENEFITS	• SilverSneakers ®	In most service areas members will have free membership to a local fitness center through the SilverSneakers® Program. The SilverSneakers® Fitness Program offers your retirees free membership at a warm and friendly fitness center. Enrollment is easy and there is no initiation fee or contract. Available in all states except Pennsylvania and Nevada.	

	• Silver&Fit™	The Silver & Fit™ Fitness Program, designed specifically for Medicare beneficiaries, is a total health and physical activity program that is beneficial for Medicare-eligible persons on all fitness levels. Eligible members receive a basic fitness center membership at a contracted fitness center that includes all the amenities offered at that location. Only available in Pennsylvania and Nevada.
	• Humana Active Outlook®	Humana Active Outlook Program includes HAO Magazine, Life-Works-Member Assistance Program, and other health and wellness education materials.
	• QuitNet®	A comprehensive smoking cessation service. Its features include the Customized QuitNet® Website, telephone counseling/coaching, the QuitNet® QuitGuide, and QuitTips e-mail support.
	• HumanaFirst®	A toll-free 24-hour, 7 day a week medical information service staffed with specially trained registered nurses to assist in immediately answering questions on symptom related health conditions. Also available is an audio text library to access information on a variety of health topics.
	• Meal Program	After your overnight stay in the hospital or nursing facility, you are eligible for 10 nutritious, precooked frozen meals delivered to your door at no cost to you. To arrange for this service, simply call 1-866-96MEALS (1-866-966-3257) after your discharge and provide your Humana member ID number, and other basic information. A representative will call you to schedule delivery and determine whether you're eligible for other community-based programs to help with rehabilitation or other needs. Not available to members who reside in Alaska or Hawaii.

CARE MANAGEMENT	• Clinical Programs/Disease Management (3)	*Case Management* Offers support to high-risk members during or immediately following a hospitalization. Nurses assess member for risks, opportunities to coordinate care, and provide support/guidance to optimize health outcomes. Additionally, Humana Cares care management combines both CM and DM to effectively manage the health needs of the most complex members. *Chronic Condition Management* Humana's holistic complex care program, Humana Cares, provides care on a members-for-life model to the frailest members. This comprehensive model is considered "disease agnostic" in an effort to meet the specialized needs of Medicare members, who may have issues extending beyond physical, including financial, social, behavioral, environmental, and cognitive. A specialized program is also available for the specific needs of ESRD patients. Lower acuity members can receive support through the chronic conditions telephonic health coaching program. *Transplant Management* Guides and coordinates the services and procedures involved with transplants, from initial diagnosis, through recovery; supports members for one year post transplant. *Bariatric Management* Provides specialized guidance to Centers of Excellence, and provides coordinated bariatric surgery care, from evaluation through six months post surgery. *Humana Achieve* This holistic approach combines medical and behavioral support to improve mental health issues that could hinder the progression to better physical health. *Health Coaching* Health coaching wellness programs are offered on three topics: chronic conditions, nutrition, and back pain. These programs use telephonic certified health coaches with educational print materials to encourage healthy behaviors and positive lifestyle change.

(1) All coinsurance percentages are based on the Medicare fee schedule and not billed charges.
(2) Emergency room copayment waived if admitted or if hospital is outside the U.S.
(3) We have provided examples of various Health Education and clinical programs. Actual programs may vary by market.

HUMANA.
Guidance when you need it most

The products and services described below are neither offered nor guaranteed under our contract with the Medicare program. They are not subject to the Medicare appeals process. Any disputes regarding these products and services may be subject to the Humana grievance process.		
EXTRA SERVICES	• Complimentary & Alternative Medicine	The Healthways WholeHealth Network (HWHN) provides complimentary & alternative medicine discount services including chiropractic, acupuncture, and massage for Humana members and includes more than 35,000 practitioners. Not available to members who reside in Puerto Rico, Arkansas, Tennessee, & Oklahoma.
	• EyeMed Vision Discount	EyeMed Vision Care provides all Humana members reduced rates through the discount program. Discounts include savings on eyewear, contact lenses, laser vision correction, and eye exams. The EyeMed program offers national access to over 48,000 eye care professionals, including private practice optometrists, ophthalmologists, and opticians. Humana members present their member ID card to the EyeMed provider at the time of service to receive their savings. Members can also access a printable discount card that can be presented at the time of service. There are no claims to file, no deductibles to meet, and no waiting for reimbursement. Savings are applied directly to the member's purchase.
	• HumanaDental Discount	The HumanaDental discount is easy to use. Visit Humana.com or call HumanaDental at 1-800-898-0371 (TTY: 1-800-325-2025) to find a dentist in your area. The HumanaDental dentist will charge the negotiated fee, and you make the payment right after receiving services. Members residing in Florida have a similar dental discount program through CAREINGTON. Visit www.careington.com or call 1-866-636-9248 for more information. Not available to members who reside in Puerto Rico.
	• Hearing Aids and Care	Humana has teamed with TruHearing to provide services and discounts that include savings of $600 to $2,000 off retail costs on state-of-the-art digital hearing aids, a free comprehensive hearing exam using the latest diagnostic equipment, and follow-up office visits. These vendors provide a return guarantee within 45 days of purchase plus a one-year warranty on lost or damaged instruments and a two-year limited product warranty. Not available to members who reside in Florida.
	• Hearing Discount	You receive discounts for hearing aids and annual free hearing screenings and exams at any Beltone Hearing Center. Not available to members who reside in Florida, Illinois, or Puerto Rico.
	• Hearing Discount	Healthy Hearing Program offered by HearX/HearUSA. Includes special pricing on hearing aids, hearing aid batteries, periodic hearing aid checks and trade-in program. Available to members who reside in Florida only.
	• Lifeline® Medical Alert Systems	Humana has partnered with Lifeline® Medical Alert Systems to help you live a more independent, active life at home. You receive discounted rates on the installation of Lifeline CarePartners Home Communicator and lower monthly fees for monitoring services, provided 24-hours-a-day all year. Not available to members who reside in Puerto Rico.
	• Over-the-Counter Discount	Discounted prices on over the counter (OTC) health and wellness products available through RightSource. No charge for S&H.

	• Weight Management Discount (NutriSystem Silver™)	The goal of the NutriSystem Silver™ program is to help older Americans lose weight simply so they can enjoy vibrant, healthy lives. You get free membership and counseling, as well as free access to the NutriSystem community through our Website. When you sign up for the 28-Day NutriSystem Silver™ program, you get a free 30-day supply of Nutrihance® multivitamins and $30 off every order you place through the program.
	• eHarmony.com Discount	The eHarmony environment is designed to help you meet compatible singles. After getting to know you through a detailed questionnaire, eHarmony does the searching for you and only presents you with matches that are pre-screened for compatibility with you. As a Humana Medicare member, you save 20% on a six-month eHarmony membership. Not available to members who reside in Puerto Rico.
	• Roadside Assistance Discount	Through the Auto Assist Plus® 24-Hour Roadside Assistance Service, you and your spouse get comprehensive roadside assistance coverage in any owned vehicle you drive. Services include help with towing, flat tires, battery failure, lock-outs, and more at the Humana member-only price of $49.90 per year -- a retail value of $89. You can also enjoy savings on hotels, car rentals, and automotive services, at no additional cost. Not available to members who reside in Puerto Rico.
	• Life Resources Assistance Program	Call 1-800-662-4074 where you will be assisted by a Humana Cares health educator. The health educator can assist you with a vast array of issues such as housing, safety, food stamps, subsidized housing information, preventive health services, mental health services, caregiver support groups, employment program services, transportation, meals, financial assistance, and much more! Contact your plan for details. Not available to members who reside in Puerto Rico.
	• Pharmacy Discount - This is optional for all employers in 2012	Certain types of prescription drugs often are not covered by prescription drug plans. But if your doctor prescribes any of these drugs to you, the pharmacy discount service can make them more affordable. This discount program can save you an average of 20% or more for prescription medicines. These include drugs for weight loss, impotence, hair loss, and many other conditions. To see if a drug qualifies for the discount program, go to Humana.com and use the "prescription tools" section of MyHumana, or check your evidence of coverage booklet. All major pharmacy chains participate in this discount program, as well as many independent pharmacies, so it's easy to find a participating pharmacy near you.

HUMANA.
Guidance when you need it most

GENERAL LIMITATIONS AND EXCLUSIONS OF MEDICAL BENEFITS

Your benefits do not include the following, except as otherwise noted:

Abortions, except in cases of rape, incest or for life-endangering medical reasons.

Acupuncture

Ambulance service for nonemergency care to a physician's office, ambulance service for routine maintenance dialysis (unless medically necessary), ambulance service when another means of transportation could be used without endangering your health, or cost of air ambulance in excess of the amount payable for land ambulance when land ambulance would have sufficed.

Assisted suicide

Chiropractic services, except manual manipulation of the spine to correct a subluxation.

Clinical Trials are not covered under the Humana Group Medicare Plan, but are covered under Medicare. If you choose to be part of a Medicare-qualifying clinical trial, you may continue to receive any care unrelated to the clinical trial through the Humana Group Medicare Plan.

Custodial care/non-skilled nursing home care

Emergency services (as part of the emergency room benefit) that are non-authorized, and routine conditions that do not appear to a prudent lay person to be based on an emergency medical condition.

Experimental or investigational procedures, items and medications, as determined by Medicare; or Phase I and Phase II investigational treatments as outlined by the National Cancer Institute. When there is no Medicare national coverage policy or determination, we will, at our sole discretion, determine if a treatment is experimental or investigational.

Food allergy testing and treatment

Hearing Care, except what is covered under Medicare. Medicare-covered services are limited to diagnostic hearing exams and treatment when a medical problem is present.

Home health care services, including home health care blood transfusions, homemaker services, meals delivered to your home and nursing care on a full-time basis in your home, drugs and biologicals not covered by Medicare.

Hospice services in a Medicare-participating hospice are not covered under the Humana Group Medicare Plan, but are covered under Medicare. If you become eligible to enroll in a hospice program, you may continue to receive care unrelated to the terminal condition through the Humana Group Medicare Plan and you may also use a network physician as your hospice attending physician.

Hospital services for care and supplies not ordered by a physician, if such care and supplies would not be paid for under Medicare guidelines; convenience and personal care items which are billed separately such as telephone, television or radio; private duty nurses and a private room in a hospital, unless medically necessary.

Immunizations, except as outlined as a preventive care benefit.

Kidney dialysis

- Home dialysis services not covered include: dialysis aides services to assist in home dialysis; home dialysis blood or packed red cells unless administered by a network physician or a network physician personally directs its administration or it is needed to prime your dialysis equipment and wages lost to you and your dialysis assistant during self-training.
- Inpatient dialysis services not covered include inpatient hospital and skilled nursing facility costs when the stay is solely for maintenance dialysis.
- Outpatient dialysis services not covered include expenses for ambulance or other transportation from your home to a physician's office or a medical facility for routine maintenance dialysis and lodging costs during outpatient dialysis treatment.

Naturopath's services

Nursing care on a full-time basis in your home or private duty nurses

Orthopedic and therapeutic shoes, except if they are part of a leg brace or are for individuals with severe diabetic foot disease. Orthotics and custom-fitted inserts in shoes are not covered unless they are for individuals with severe diabetic foot disease.

Plastic, cosmetic, or reconstructive surgery, except when medically necessary as the result of an injury or tumor. Such surgery will also be covered if an objective physical impairment is present, which is defined as a direct measurable reduction of physical performance of an organ or body part. The presence of a psychological condition will not entitle you to coverage for plastic, cosmetic, or reconstructive surgery unless all other conditions are met. Breast reconstruction is only covered following a mastectomy.

Religious aspects of care provided in Religious non-medical healthcare institutions

Services for which you have other coverage, including military service-connected conditions as defined by the Veterans Administration for which care is received from the Veterans Administration by you or paid for you by the Veterans Administration. If you have Veterans Administration benefits, you may decide whether you will use those or the Humana Group Medicare Plan. However, the Humana Group Medicare Plan will not pay for services received from the Veterans Administration, services covered by another government program other than Medicare or Medicaid and services paid by workers' compensation, automobile liability insurance, employer group health plans, or any other type of insurance. The Humana Group Medicare Plan will become the secondary payer in cases such as workers' compensation, automobile liability, or other types of insurance.

Services performed by immediate relatives or members of your household, or services for which neither you nor another party acting on your behalf has a legal obligation to pay.

Skilled nursing facility if rehabilitation services or skilled nursing care are only required occasionally; or an inpatient stay is not necessary to receive the skilled rehabilitation services required; or the rehabilitation services no longer improve a condition or could be carried out by someone other than a skilled therapist; or care is custodial.

Surgical treatment of morbid obesity, except when determined medically necessary.

Therapeutic wigs

Transportation other than ambulance transportation

Vision Care, except what is covered under Medicare. Medicare-covered vision care is limited to one pair of standard eyeglasses or contact lenses after each cataract surgery, annual glaucoma screening if you are determined to be at high risk for glaucoma, and diagnosis and treatment of diseases and conditions of the eye.

2012 Standard Rx Option 27
Group Plus Formulary # 12800
Access Only Plan
Subject To CMS Approval
30 Day Supplies

Plan/Option	Rx Option Number	30 Day Retail from $0 to ICL (1)				30 Day Retail from ICL to Catastrophic (2) "Coverage Gap"				30 Day Retail Cost Sharing from Catastrophic to Unlimited	Out of Pocket that triggers Catastrophic	30 Day Home Infusion Drugs (3)			
		Tier 1*	Tier 2	Tier 3	Tier 4	Tier 1*	Tier 2	Tier 3	Tier 4			Tier 1*	Tier 2	Tier 3	Tier 4
079/082 079/623	Rx 27	$3	$45	$95	33%	$3	100%	100%	100%	Greater of $2.60 for generic/multiple source drugs ($6.50 for all others) or 5% coinsurance	$4,700	$3	$45	$95	33%

Plan/Option	Rx Option Number	30 Day Mail Order from $0 to ICL				30 Day Mail Order from ICL to Catastrophic "Coverage Gap"				30 Day Mail Order Cost Sharing from Catastrophic to Unlimited	Out of Pocket that triggers Catastrophic
		Tier 1*	Tier 2	Tier 3	Tier 4	Tier 1*	Tier 2	Tier 3	Tier 4		
079/082 079/623	Rx 27	$0	$45	$95	33%	$0	100%	100%	100%	Greater of $2.60 for generic/multiple source drugs ($6.50 for all others) or 5% coinsurance	$4,700

*Tier 1: Generic or Preferred Generic
Tier 2: Preferred Brand
Tier 3: Non-Preferred Brand
Tier 4: Specialty Tier

Footnotes
1 *ICL (Initial Coverage Limit):* When total drug costs (the amount the customer pays plus the amount Humana pays) reach $2,930.
2 *Catastrophic:* Once a member's True Out Of Pocket (TrOOP) cost reaches $4,700.
3 *Home Infusion Drugs:* These drugs will be covered at the specified copayments until the member reaches the Catastrophic level.

Out of Network: Emergency Situations
When a member purchases a drug at an out-of-network pharmacy in an emergency situation:
a. the member will pay the same coinsurance as would have applied at a network pharmacy, but at the out-of-network pharmacy price, and/or,
b. the member will pay the same copayment as would have applied at a network pharmacy, plus the difference between the out-of-network pharmacy price and the network pharmacy price.

For Agent and Broker use only

9/1/2011

2012 Standard Rx Option 27
Group Plus Formulary # 12800
Access Only Plan
Subject To CMS Approval
90 Day Supplies

Plan/Option	Rx Option Number	90 Day Retail (3) from $0 to ICL (1)				90 Day Retail from ICL to Catastrophic (2) "Coverage Gap"				90 Day Retail Cost Sharing from Catastrophic to Unlimited	Out of Pocket that triggers Catastrophic	90 Day Home Infusion Drugs (4)			
		Tier 1*	Tier 2	Tier 3	Tier 4	Tier 1*	Tier 2	Tier 3	Tier 4			Tier 1*	Tier 2	Tier 3	Tier 4
079/082 079/623	Rx 27	$9	$135	$285	N/A	$9	100%	100%	N/A	Greater of $2.60 for generic/multiple source drugs ($6.50 for all others) or 5% coinsurance	$4,700	$9	$135	$285	N/A

Plan/Option	Rx Option Number	90 Day Mail Order (3) from $0 to ICL				90 Day Mail Order from ICL to Catastrophic "Coverage Gap"				90 Day Mail Order Cost Sharing from Catastrophic to Unlimited	Out of Pocket that triggers Catastrophic
		Tier 1*	Tier 2	Tier 3	Tier 4	Tier 1*	Tier 2	Tier 3	Tier 4		
079/082 079/623	Rx 27	$0	$125	$275	N/A	$0	100%	100%	N/A	Greater of $2.60 for generic/multiple source drugs ($6.50 for all others) or 5% coinsurance	$4,700

*Tier 1: Generic or Preferred Generic
Tier 2: Preferred Brand
Tier 3: Non-Preferred Brand
Tier 4: Specialty Tier

Footnotes
1 *ICL (Initial Coverage Limit):* When total drug costs (the amount the customer pays plus the amount Humana pays) reach $2,930.
2 *Catastrophic:* Once a member's True Out Of Pocket (TrOOP) cost reaches $4,700.
3 *Retail and Mail Order:* Retail and Mail Order benefit for a 90-day supply is limited to Rx formulary Tiers 1-2 and most drugs on Tier 3. Regardless of tier placement, Specialty drugs are limited to a 30-day supply.
4 *Home Infusion Drugs:* These drugs will be covered at the specified copayments until the member reaches the Catastrophic level.

When a member purchases a drug at an out-of-network pharmacy in an emergency situation:
a. the member will pay the same coinsurance as would have applied at a network pharmacy, but at the out-of-network pharmacy price, and/or,
b. the member will pay the same copayment as would have applied at a network pharmacy, plus the difference between the out-of-network pharmacy price and the network pharmacy price.

For Agent and Broker use only

9/1/2011

General Exclusions

Your benefits do not include the following, except as otherwise noted:

Any drug not defined by CMS as a Part D drug:

Any drug prescribed for noncovered illness or injury;

Any drug you receive before your effective date of coverage, or after the date your coverage has ended;

Any costs related to the mailing, sending or delivery of prescription drugs; unless you are utilizing our mail-order pharmacy which includes first class delivery service;

More than one prescription for the same drug until at least 75% of the prescription has been used by the member based on the dosage schedule prescribed by the network provider, or if received through the mail-order pharmacy program at least 66% of the previous prescription has been used;

Any fraudulent misuse of this benefit, including prescriptions purchased for consumption by someone other than the member;

Any drug determined by us to require prior authorization and prior authorization is not obtained;

Prescriptions or refills for drugs that are lost, stolen, spilled, spoiled or damaged;

Any refunds or credits for prescription copayments or coinsurance after a prescription has been filled, regardless of whether the request is because of an adverse reaction or a change in the dosage or prescription;

Any drug prescribed for intended use other than for indications approved by the FDA; or recognized off-label indications through peer-reviewed medical literature;

May exclude Barbiturates and Benzodiazepines;

May exclude drugs such as Viagra, Cialis, Levitra, and Caverject, when used for the treatment of sexual or erectile dysfunction.

October 11, 2011 Regular BoCC Meeting
Agenda Item #36

Title
Iron Container LLC: Finance Report to approve and award Bid 11-459: Purchase of Various Roll-off Containers.

Amount
$58,435.00

Description
Request approval of the Finance Report to award Bid 11-459: Purchase of Various Roll-off Containers and the issuance of Purchase Order 111621 to Iron Container LLC, for the purchase of seven (7) 30 cy Roll-off Cardboard Recycling Containers and six (6) 30 cy Roll-off Mixed Paper Recycling Containers.

Recommendation
That the Board approve the award of Bid #11-459: Purchase of Various Roll-off Containers and the issuance of Purchase Order #111621 to Iron Container, LLC, the amount of $58,435.00, for the purchase of seven (7) 30 cy Roll-off Cardboard Recycling Containers and six (6) 30 cy Roll-off Mixed Paper Recycling Containers and authorize the Chairperson to sign the Purchase Order. Prices, terms and conditions are per bid #11-459: Purchase of Various Roll-off Containers.

Alternative(s)
That the Board reject the Finance Report and the issuance of Purchase Order 111621.

Requested By
Richard Hedrick

Originating Department
Public Works/Purchasing

Attachment(s) Description
Finance Report Purchase Order

Documents Requiring Action
Finance Report Purchase Order

Executive Summary
That the Board approve the award of Bid #11-459: Purchase of Various Roll-off Containers and the issuance of Purchase Order #111621 to Iron Container, LLC, in the amount of $58,435.00, for the purchase of seven (7) 30 cy Roll-off Cardboard Recycling Containers and six (6) 30 cy Roll-off Mixed Paper Recycling Containers and authorize the Chairperson to sign the Purchase Order. Prices, terms and conditions are per bid #11-459: Purchase of Various Roll-off Containers.

Background
Since 1984 the County has operated five Rural Collection Centers for drop off of solid waste, recyclables and household hazardous waste. The collection centers recyclable program has used contractors for the transportation of the recyclable material for processing. The annual estimated cost for this service is $45,000.00. The purchase of the roll off containers will allow Rural Collection Center staff to transport their own material thereby avoiding the annual charges. Other than the containers, no additional personnel or equipment will be required. The hauling of the old corrugated cardboard will also allow for improved revenue of the product.

Issues
If not approved the cost for transportation services for recyclables will remain at $45,000.00 annually. A lower return for the recycle materials will continue. With the purchase of County owned roll off containers that annual cost will be avoided. The return for old cardboard revenue will not improve.

Fiscal Recommendation
Sufficient funds exist to cover the purchase order.

Fiscal Alternative(s)
n/a

Funding Sources
COLLECTION CENTERS

Account Code(s)
403-7610-534.64-20

Attachment: 111621FR.pdf
Attachment: 111621PO.pdf

Alachua County
Department of Administrative Services
Purchasing

Larry M. Sapp, CPPB
Purchasing Manager

Christy S. Winters, CPPB
Purchasing Supervisor

September 16, 2011

MEMORANDUM

To: Alachua County Board of County Commissioners

From: Betty M. Baker, Administrative Services Director

Larry M. Sapp, C.P.P.B. Purchasing Manager

Subject: 11-459: Purchase of Various Roll-off Containers

Deadline for Receipt of Bids:	**2:00 pm, Wednesday, September 14, 2011**
Advertisement Dates:	**August 24, 2011 and August 31, 2011**
Notifications sent to:	**257 Vendors**
Solicitations Requested by:	**8 Vendors**
Bid(s) Received From:	**3 Vendors**

Vendors:

Bakers Waste Equipment
Valdese, NC

Iron Container LLC
Miami, FL

Wastequip Mfg. Co., LLC
Statesville, NC

ADMINISTRATIVE RECOMMENDATION:

The recommendation of the Public Works Department is to approve the award of Bid #11-459: Purchase of Various Roll-off Containers and the issuance of Purchase Order #111621 to Iron Container, LLC, in the amount of $58,435.00, for the purchase of seven (7) 30 cy Roll-off Cardboard Recycling Containers and six (6) 30 cy Roll-off Mixed Paper Recycling Containers and authorize the Chairperson to sign the Purchase Order. Prices, terms and conditions are per bid #11-459: Purchase of Various Roll-off Containers.

APPROVED THIS 11 DAY OF October, 2011

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

BY: _____
Chairperson

ATTEST: _____
Clerk

LS:mm

PURCHASE ORDER

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. BOX 1467
GAINESVILE, FL 32602
PHONE (352) 374-5202
FAX (352) 491-4569

ALL PACKING SLIPS, INVOICES AND CORRESPONDENCE MUST REFLECT THIS NUMBER

NO. 111621

ORDER DATE	: 9/16/2011
REQ. NUMBER	: 0000057344
BID NUMBER	:
BUYER	: DR KIGHT, CPM, C
ACCOUNT NO.	:4037610534642O
VENDOR NO.	: 1004275

VENDOR

VENDOR I.D. # ☐

IRON CONTAINER LLC
3230 NW 42 STREET
MIAMI FL 33142

SHIP TO

ALACHUA COUNTY
TRANSFER STATION
5115 NE 63RD AVENUE
GAINESVILLE FL 32609

ITEM	REQ'D	B/O	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
1			30 CY ROLL-OFF CARDBOARD RECYCLING CONTAINER	7.00	EA	4495.0000	31465.00
2			30 CY ROLL-OFF MIXED PAPER RECYCLING CONTAINER	6.00	EA	4495.0000	26970.00

AUTHORIZATION OF THE PURCHASE OF VARIOUS RECYCLING CONTAINERS IN ACCORDANCE WITH PRICES, CONDITIONS AND SPECIFICATIONS OF:

* * * BID #11-459 * * *

* * PRIOR TO FABRICATION AND DELIVERY ALL * *
* * FINAL CONTAINER SPECS MUST BE APPROVED * *
* * BY ED LONTZ, PHONE NUMBER BELOW, * *

ATTACHMENT: BID FORM

TOTAL 58435.00

REMARKS:

DEPT CONTACT: Melissa/Ed Lontz @
P: 352-334-0172
F: 352-377-0177

VENDOR SHALL SUBMIT INVOICE TO THE FOLLOWING ADDRESS: ALACHUA COUNTY PUBLIC WORKS
PO BOX 1188

BILLING INSTRUCTIONS TO VENDOR:

1. ALL PRODUCTS ARE TO BE SHIPPED F.O.B. GAINESVILLE, INSIDE DELIVERY, UNLESS OTHERWISE NOTED.
2. THIS PURCHASE ORDER IS SUBJECT TO AND GOVERNED BY ALL TERMS AND CONDITIONS ON THE REVERSE HEREOF.
3. MAIL ALL INVOICES TO THE SHIP TO ADDRESS AS STATED ABOVE.
4. FLORIDA SALES TAX EXEMPTION NO. 85-8013937423C-9

DATE APPROVED

VENDOR COPY

9-27-11
AUTHORIZED SIGNATURE

PURCHASE ORDER

ALACHUA COUNTY
BOARD OF COUNTY COMMISSIONERS
P.O. BOX 1467
GAINESVILE, FL 32602
PHONE (352) 374-5202
FAX (352) 491-4569

** CONTINUED **

ALL PACKING SLIPS, INVOICES AND CORRESPONDENCE MUST REFLECT THIS NUMBER

NO. 111621

ORDER DATE	: 9/16/2011
REQ. NUMBER	: 0000057344
BID NUMBER	:
BUYER	: DR KIGHT, CPM, C
ACCOUNT NO.	:4037610534642O
VENDOR NO.	: 1004275

VENDOR	SHIP TO
VENDOR I.D. #	
IRON CONTAINER LLC	ALACHUA COUNTY

ITEM	REQ'D	B/O	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	EXTENSION
			REMARKS:				
			GAINESVILLE, FL 32602				
			PHONE: 352-374-5245				
			FAX: 352-337-6244				
			* * * * * NO DELIVERY ON FRIDAYS * * * * *				

BILLING INSTRUCTIONS TO VENDOR:

1. ALL PRODUCTS ARE TO BE SHIPPED F.O.B. GAINESVILLE, INSIDE DELIVERY, UNLESS OTHERWISE NOTED.
2. THIS PURCHASE ORDER IS SUBJECT TO AND GOVERNED BY ALL TERMS AND CONDITIONS ON THE REVERSE HEREOF.
3. MAIL ALL INVOICES TO THE SHIP TO ADDRESS AS STATED ABOVE.
4. FLORIDA SALES TAX EXEMPTION NO. 85-8013937423C-9

DATE APPROVED

VENDOR COPY

AUTHORIZED SIGNATURE 9-27-11

October 11, 2011 Regular BoCC Meeting
Agenda Item #37

Title
Rescind the Technical Advisory Committee Resolution (Amended)

Amount
N/A

Description
Consider adoption of a Resolution rescinding the Technical Advisory Committee.

Recommendation
Adopt the Resolution rescinding the Technical Advisory Committee.

Alternative(s)
Do not rescind and direct staff.

Requested By
Mary Lowry, X6904

Originating Department
County Manager's Office

Attachment(s) Description
Resolution rescinding the Technical Advisory Committee

Documents Requiring Action
Resolution

Executive Summary
On January 25th, 2011, the BoCC assigned staff to create an ad hoc Technical Advisory Committee for the purpose of reviewing County staff recommendation for Organics Recycling, receive and consider alternative options, communicate with County staff, other governments and private entities regarding the technical issues posed by the proposed facilities and report conclusions to the Board of County Commissioners. Because of the low number of applications submitted as of August 9, 2011, staff was directed to utilize the expertise of the Hinkley Center for Solid and Hazardous Waste to perform these tasks and to abolish the Technical Advisory Committee.

Background
The Technical Advisory Committee was created by Resolution 11-54 on April 11, 2011. The County process for soliciting applications for membership to the eight-member technical advisory committee included ongoing advertisement on the Alachua County website, Channel 12, and hard copies posted and the County Administration Building. Advertising began on April 11, 2011. In addition, staff informed our colleagues through our professional associations including Recycle Florida Today and the Solid Waste Association of North America, Sunshine chapter. The Hinkley Center for Solid and Hazardous Waste also sent the solicitation for membership to the Center's Board of Directors, which includes solid waste professionals from throughout the State of Florida. There was also an article in the Gainesville Sun highlighting the request for membership to the committee. Despite these measures, only six applications were received, two from the same person, and only three positions were applied for. Staff recommended utilizing the expertise of the Hinkley Center for Solid and Hazardous waste to conduct the evaluation of the

alternative technologies by a review committee convened by the Center consisting of a membership of professionals that meet the criteria established for the County's technical advisory committee. The recommendation was approved August 9, 2011. All applicants have been notified of this decision and have been supplied with the contact information for the Hinkley Center.

Issues
N/A

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: RESOLUTION Rescinding Technical Advisory Committee.pdf

RESOLUTION 11-120

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RESCINDING ALACHUA COUNTY RESOLUTION 11-054, WHICH ESTABLISHED THE TECHNICAL ADVISORY BOARD; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 24, 2011, the Board of County Commissioners of Alachua County ("Board") adopted Resolution 11-054 establishing the Technical Advisory Board ("Advisory Board"); and

WHEREAS, the Board of County Commissioners wishes to rescind said resolution in order to abolish the Technical Advisory Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. Resolution 11-054 is hereby rescinded.

Section 2. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 13th day of September, 2011.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

ATTEST:

_____
J. K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM:

_____
Alachua County Attorney

October 11, 2011 Regular BoCC Meeting
Agenda Item #38

Title
Ingress-Egress Easement from Ameris Bank for an ingress-egress easement adjacent to a stormwater management facility in the Campo Verde subdivision (Amended)

Amount
N/A

Description
Ingress-Egress Easement from Ameris Bank for an ingress-egress easement adjacent to a drainage basin in connection with the plat of Campo Verde, as recorded in Plat Book 28, Page 28.

Recommendation
Accept the Ingress-Egress Easement from Ameris Bank

Alternative(s)
Do not accept the easement and provide staff with direction

Requested By
Richard Hedrick (contact Michael Fay, 352-548-1218)

Originating Department
Public Works

Attachment(s) Description
Campo Verde Easement Location Map

Documents Requiring Action
Campo Verde Easement

Executive Summary
Ingress-Egress Easement is being donated by Ameris Bank in connection with the Campo Verde subdivision to allow for access to the stormwater management facility.

Background
This Ingress-Egress Easement is being donated by Ameris Bank for purposes of providing access to an off-site drainage basin in connection with the Campo Verde subdivision. This ingress-egress easement was imposed on the developer as result of landscaping being placed within the designed maintenance path around the stormwater management facilities. This easement will allow the landscaping to remain in place but still allow for access to the facility. Campo Verde is located in the 6100 block of NW 23rd Avenue.

Issues
Without acceptance of this easement, the landscaping in the stormwater management system will need to be removed and replaced.

Fiscal Recommendation

N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: Campo Verde Easement.pdf
Attachment: LOCATION MAP CampoVerde.pdf

Prepared by and return to:
Michael Skobel, Esq.
Skobel Law PA
8819 SW 74th Ave
Gainesville, FL 32608
352-224-3692

[Space Above Line For Recording Data]

Portion of Tax Parcel No's.: 06347-010-001, 06347-010-002, 06347-010-003
County Road: NW 21st Place and NW 22nd Road
Campo Verde, Alachua County, FL

INGRESS EGRESS EASEMENT

THIS EASEMENT, made this 8th day of September, 2011, by Ameris Bank, a Georgia banking corporation, ("Grantor"), and ALACHUA COUNTY, a political subdivision, P.O. Box 1188, Gainesville, Florida 32602-1188, (Grantee").

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One ($1.00) Dollar, and other valuable considerations, paid by Grantee to Grantor, receipt of which is hereby acknowledged, does hereby give and grant unto the Grantee, its licensees, agents, successors, assigns and allied and associated companies, a perpetual, non-exclusive easement for the purpose of accessing an on-site drainage basin from the right-of-way of NW 21st Place and NW 22nd Road, to-wit:

A parcel of land with legal description: the westerly 10.00 feet of lots 1 and 2, the northwesterly 10.00 feet of lot 3 of "Campo Verde, a subdivision" as per plat thereof, as recorded in Plat Book 28, page 28 of the public records of Alachua County, Florida, as shown in Exhibit "A", as attached hereto and by reference made a part hereof.

Subject to all previously recorded easements, restrictions, encroachments and/or rights of way.

THIS EASEMENT does not preclude the Grantor, his successors or assigns, from using said described land in any way which is compatible with the rights granted to the Grantee by this easement. The Grantee, however, will not be responsible for any damages to the Grantor's use resulting from the exercise of the Grantee's rights under this easement.

GRANTOR hereby covenants and agrees that, except as expressly provided herein, no buildings, structures, fences, or obstacles shall be located, constructed, excavated or created within the Easement Area. All openings and excavations created by GRANTEE for the purpose of examining, repairing, replacing, altering or extending the facilities will be properly filled by GRANTEE, the surface restored, and the Easement area left in good and safe condition.

LIABILITY: Alachua County, as a political subdivision of the State of Florida, agrees to be fully responsible for its negligent acts or omissions, which relate to or arise out of this agreement or the use of the Property. Nothing herein shall be construed as consent by the County to be sued by third parties in any matter arising out of this contract or construed as a waiver of sovereign immunity, the limits of liability, or other provisions of section 768.28, Florida Statutes.

GRANTOR hereby warrants and covenants that GRANTOR is the owner of the fee simple title to the premises in which the above described Easement Area is located and has full right and lawful authority to grant and convey this easement.

TO HAVE AND TO HOLD the same unto the said Grantee's, its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal on the day and year first above-written.

Ameris Bank, a Georgia banking corporation

By: Ron Taylor
Ron Taylor VP

Dawn L. McKendry
Witness Name: Dawn L. McKendry

Witness Name: Michelle McCorvey

STATE OF Florida, COUNTY OF Duval
The foregoing instrument was acknowledged before me this 8th day of September, 2011 by Ron Taylor, Vice President of Ameris Bank, a Georgia banking corporation, on behalf of the corporation. He is [choose one]: [X] personally known to me, or [ ] has produced a driver's license as identification.

[Notary Seal]:

Juanita Robinson
(Signature of Notary Public)
Printed Name: Juanita Robinson
Notary Public for the State of Florida
My commission expires: 3-8-15

JUANITA ROBINSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE071945
Expires 3/8/2015

APPROVED AS TO FORM

ALACHUA COUNTY ATTORNEY

At a meeting on the ___ day of _____ 2011, the Board of County Commissioners authorized the acceptance of this instrument of conveyance and authorized the Chair to execute this acceptance.

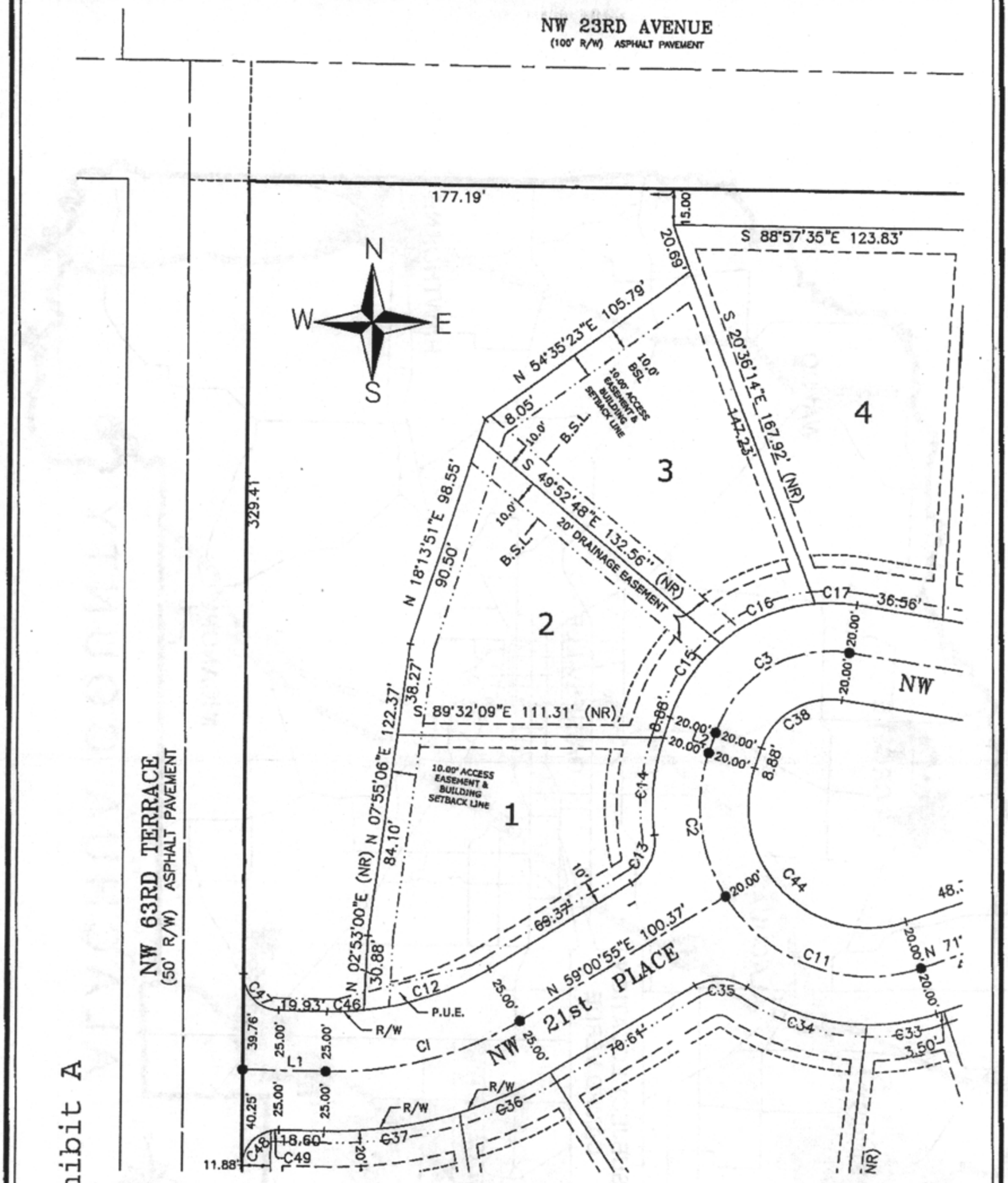
LEE PINKOSON, CHAIR
ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

Executed on this _____ day of _____, 2011,

ATTEST:

J. K. IRBY, CLERK

SKETCH TO ACCOMPANY LEGAL DESCRIPTION



NW 63RD TERRACE
(50' R/W) ASPHALT PAVEMENT

Exhibit A

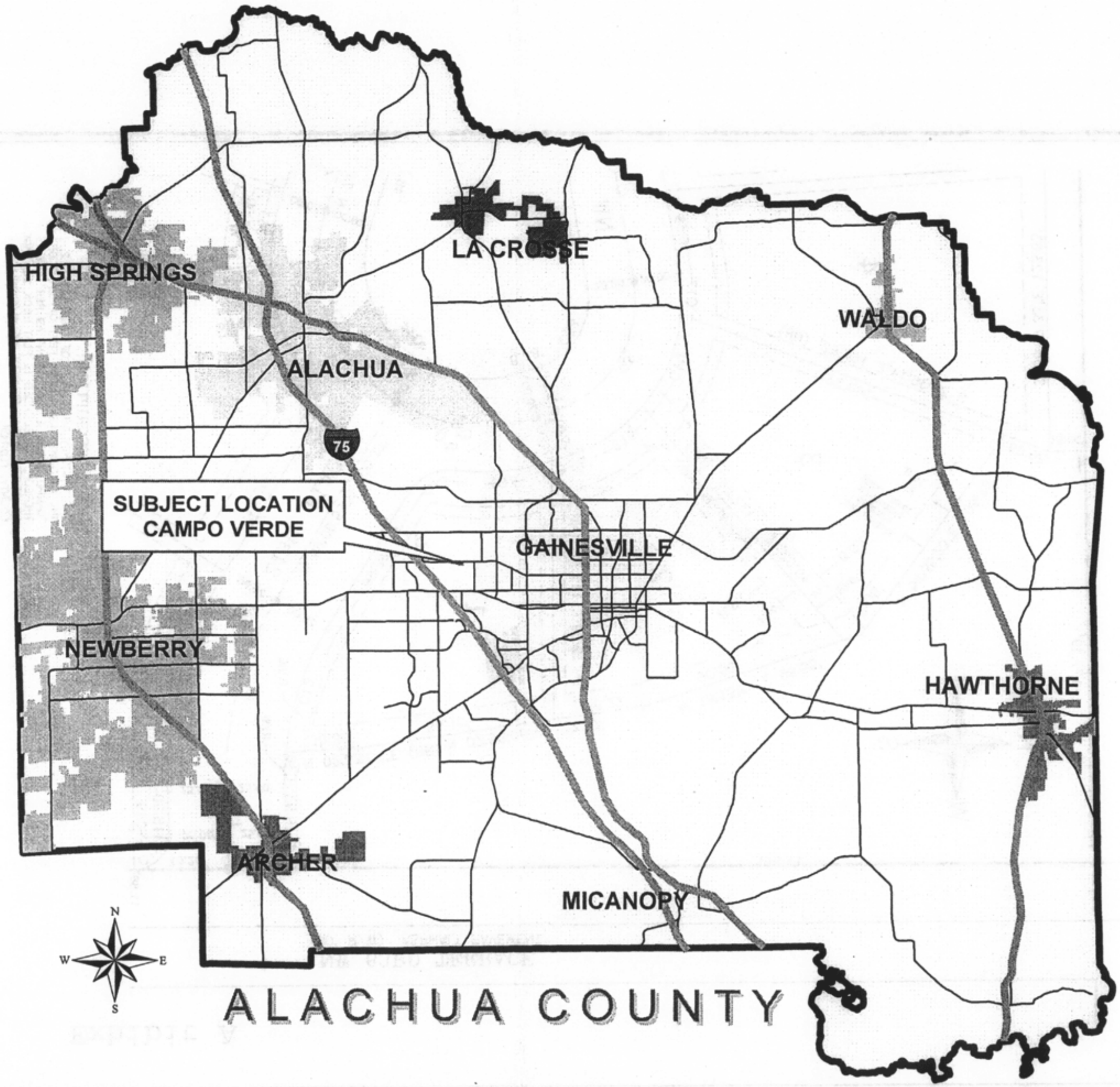
LEGAL DESCRIPTION:

THE WESTERLY 10.00 FEET OF LOTS 1 AND 2, THE NORTHWESTERLY 10.00 FEET OF LOT 3 OF "CAMPO VERDE, A SUBDIVISION" AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 28, PAGE 28 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

Alan J. Haaker
Professional Surveyor & Mapper
6540 NE 25th AVENUE, OCALA, FL. 34479
3210 SW 42nd WAY, GAINESVILLE, FL. 32608

PH.(352)466-0050
FAX.(352)466-0036
CELL(352)494-1983
alanhaaker@gmail.com

DRAWN BY: AJH
SCALE: 1" = 40'
DATE: 8-25-11
CHECKED BY: AJH
THIS IS NOT A BOUNDARY SURVEY
PREPARED FOR: AMERIS BANK
WORK ORDER # 23719-11


HIGH SPRINGS
LA CROSSE
WALDO
ALACHUA
75
SUBJECT LOCATION
CAMPO VERDE
GAINESVILLE
NEWBERRY
HAWTHORNE
ARCHER
MICANOPY
N
W
E
S
ALACHUA COUNTY

October 11, 2011 Regular BoCC Meeting
Agenda Item #39

Title
"Stop" Sign on SW 20th Avenue at Ventura Apartments (Amended)

Amount
$100.00

Description
Request an Approval of a "STOP" sign at the intersection of SW 20th Avenue at SW 42nd Way (Ventura Apartments driveway)

Recommendation
Approve a"STOP" sign at the intersection of SW 20th Avenue at SW 42nd Way.

Alternative(s)
Do not approve the "STOP" sign

Requested By
Richard Hedrick via Dave Cerlanek 352-374-5245 ext. 1214

Originating Department
Public Works

Attachment(s) Description
Resolution

Documents Requiring Action
Resolution

Executive Summary
The contractor for the SW 20th Avenue at SW 43rd Street Intersection modification project observed there was no stop sign at the driveway for Ventura Apartments on SW 20th Avenue. Out of concern for liability during construction, the contractor placed a stop sign at the driveway on a temporary basis. Public Works staff reviewed the conditions and concur with the contractor that a stop sign needs to be placed at the driveway on a permanent basis to provide the proper direction to drivers.

Background
The contractor for the SW 20th Avenue at SW 43rd Street Intersection modification project observed there was no stop sign at the intersection of SW 20th Avenue at SW 42nd Way which serves as the driveway for Ventura Apartments. Out of concern for liability during construction, the contractor placed a stop sign at the driveway on a temporary basis. Public Works staff reviewed the conditions and concur with the contractor that a stop sign needs to be placed at the driveway on a permanent basis to provide the proper direction to drivers. The Alachua County Board of County Commissioners has the sole authority to approve regulatory devices on County maintained roadways per Florida Statutes Chapter 316.

Issues
Uncontrolled intersections may lead to confusion of motorists and cause traffic crashes.

Fiscal Recommendation

Sufficient funds exist in the FY12 budget

Fiscal Alternative(s)
N/A

Funding Sources
Gas Tax Uses Fund

Account Code(s)
149-7910-541-53.50

Attachment: ResolutionVentura Stop sign.pdf

RESOLUTION 11-___

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, PROVIDING FOR THE DESIGNATION AND POSTING OF INTERSECTION CONTROLS SIGNS ON SW 20TH AVENUE AT SW 42ND WAY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, DAB Constructors, Inc, contractor for Alachua County, observed the absence of a stop sign at the intersection of SW 42nd Way and SW 20th Avenue (Ventura Apartments driveway)

WHEREAS, Section 316.006(3)(a), Florida Statutes, provides that the Board of County Commissioners may place and maintain traffic control devices on County-owned roads which conform to the manual and specifications of the Department of Transportation;

WHEREAS, the Alachua County Public Works Department has found the uncontrolled intersection concern to be legitimate;

WHEREAS, that the installation of a stop sign conform to the manual and specifications of the Department of Transportation;

WHEREAS, the Board of County Commissioners has duly considered the request of the contractor;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

That the northbound approach of the SW 42nd Way at SW 20th Avenue intersection (Ventura Apartments driveway) is hereby designated as stop controlled; the Alachua County Public Works Department shall install stop signs at a location deemed appropriate by the Public Works Department; and the Alachua County Sheriff's Office is authorized to enforce the stop and yield signs.

This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session this _____ day of October, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By:_____
Lee Pinkoson,
Chair

ATTEST

_____
J.K. Irby, Clerk

APPROVED AS TO FORM:

_____
County Attorney

October 11, 2011 Regular BoCC Meeting
Agenda Item #40

Title
Maintenance Map for SW 15 Avenue, located in the Jonesville area. (Amended)

Amount
N/A

Description
Request Approval of the Maintenance Map for SW 15 Avenue, from SW 170 Street to SW 143 Street in the Jonesville area.

Recommendation
Approve the Maintenance Map for SW 15 Avenue in Jonesville

Alternative(s)
Do not accept the Maintenance Map for SW 15 Avenue and provide staff with direction.

Requested By
Richard Hedrick (contact Robert W. Wigglesworth, ext 1224)

Originating Department
Public Works

Attachment(s) Description
Maintenance Map for SW 15 Avenue and location map.

Documents Requiring Action
Maintenance Map for SW 15 Avenue

Executive Summary
Maintenance Map for SW 15 Avenue, from SW 170 Street to SW 143 Street.

Background
Per Florida Statute 95.361, in order for the Board of County Commissioners (BoCC) to claim ownership of a roadway that has been maintained by the County for a period of seven (7) years or more, a maintenance map must be prepared and presented to the BoCC for acceptance and then filed in the Clerk's Office. SW 15 Avenue, from SW 170 Street to SW 143 Street has been maintained by the County for a number of years without benefit of any deeded or dedicated right of way. The filing of this maintenance map establishes title to that area which is maintained by the County for SW 15 Avenue, from SW 170 Street to SW 143 Street.

Issues
If the Maintenance Map for SW 15 Avenue is not accepted by the BoCC, the County will not have clear ownership of the roadway that has been maintained by the County for numerous years.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: SW_15_Ave_Maintenance_Map.pdf
Attachment: SW_15_Ave_Location_map.pdf

MAINTENANCE MAP
FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
OF SW 15TH AVENUE
FROM SW 170 STREET EAST TO SW 143 STREET

IN SECTIONS 3, 4, 9 & 10, TOWNSHIP 10 SOUTH, RANGE 18 EAST
ALACHUA COUNTY, FLORIDA

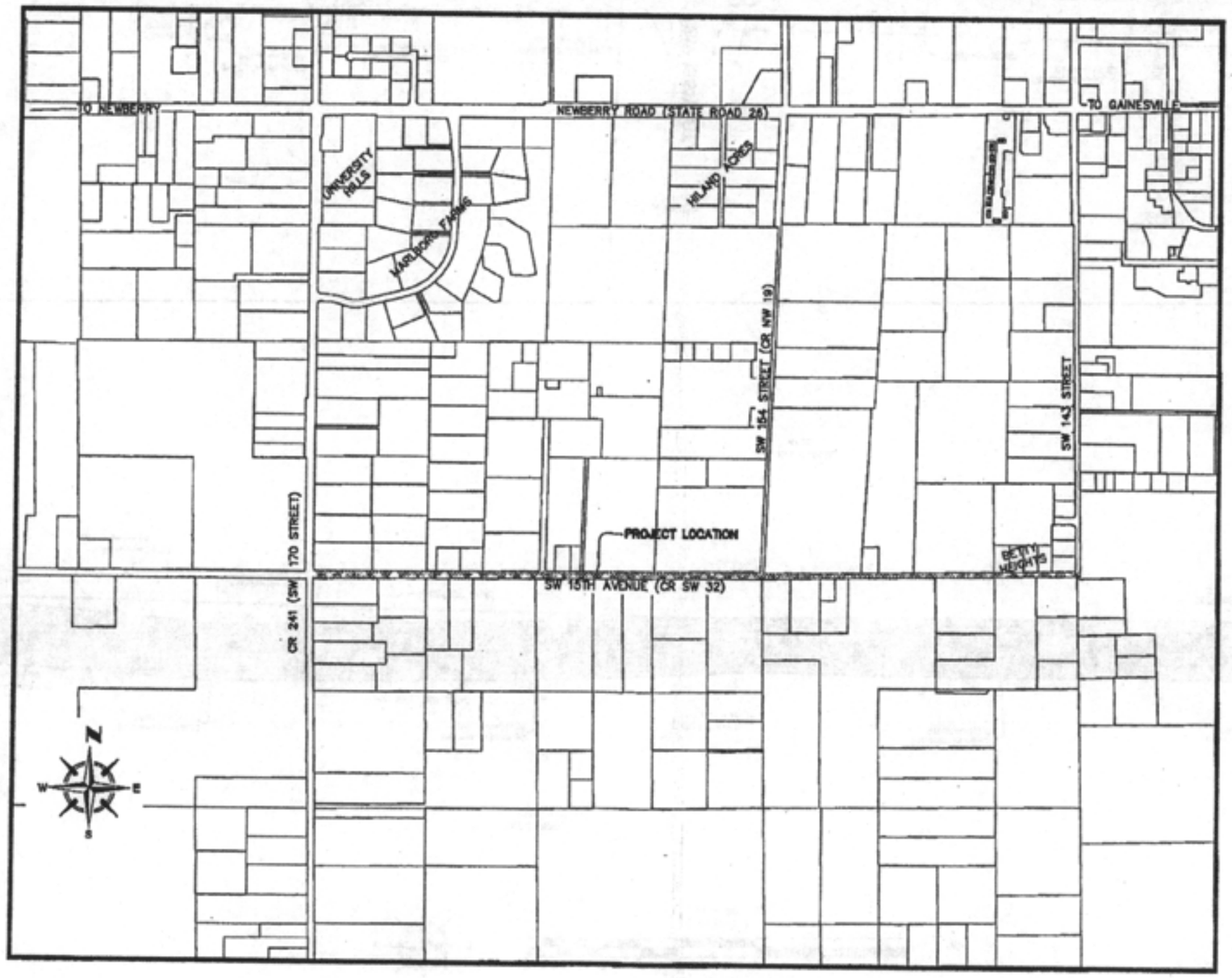
MAINTENANCE MAP BOOK____ PAGE____
SHEET 1 OF 6

LEGEND:

SRD = STATE ROAD DEPARTMENT
SEC 4 T10S R18 E = SECTION 4 TOWNSHIP 10 SOUTH RANGE 18 EAST
LM = LIMITS OF MAINTENANCE
NOID = NO IDENTIFICATION
FIR = FOUND IRON ROD
FCM = FOUND CONCRETE MONUMENT
FRC = FOUND ROD AND CAP
FIP = FOUND IRON PIPE
SRC = SET 1/2" IRON ROD AND CAP MARKED "ALACHUA COUNTY"
SN = SET NAIL (AS DESCRIBED)
SND = SET NAIL AND DISK MARKED "ALACHUA COUNTY"
GOV = GOVERNMENT
TRAV = TRAVERSE POINT (POINT OCCUPIED)
RR = FOUND RAILROAD SPIKE
O.R. = OFFICIAL RECORDS BOOK
PG. = PAGE

— X — = FENCE
—OHW— = OVERHEAD UTILITY WIRE
= WOOD UTILITY POLE
= TELEPHONE MANHOLE
= GUY WIRE ANCHOR
= TELEPHONE PEDESTAL
= MAILBOX
= SIGN
— — — — = TAX PARCEL/PROPERTY LINE
= LIMITS OF MAINTENANCE

LOCATION MAP:
(NOT TO SCALE)



CERTIFICATION:

THIS IS TO CERTIFY THAT THE LIMITS OF MAINTENANCE, AS DEPICTED BY THIS MAP, WERE IDENTIFIED BY MYSELF AS HAVING BEEN MAINTAINED CONTINUOUSLY BY ALACHUA COUNTY PUBLIC WORKS DEPARTMENT IN EXCESS OF SEVEN YEARS WITHOUT INTERRUPTION.

David Robinson 9-14-11
DAVID ROBINSON — DATE
ASSISTANT ROAD SUPERINTENDENT

THIS MAINTENANCE MAP HAS BEEN APPROVED FOR SUBMITTAL TO ALACHUA COUNTY AS HAVING MET THE REQUIREMENTS OF SECTION 95.361, FLORIDA STATUTES.

Robert W. Wigglesworth 9/14/11
ROBERT W. WIGGLESWORTH — DATE
COUNTY SURVEYOR
FOR ALACHUA COUNTY

SURVEYOR'S NOTES:

1. THE LIMITS OF COUNTY MAINTENANCE AS SHOWN HEREON WERE DESIGNATED ON SITE BY BRUCE STUDSTILL, MAINTENANCE SUPERVISOR III OF ALACHUA COUNTY PUBLIC WORKS DEPARTMENT AND VERIFIED BY DAVID ROBINSON, ASSISTANT ROAD SUPERINTENDENT OF ALACHUA COUNTY PUBLIC WORKS DEPARTMENT.

2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N 88°19'26" E FOR THE SURVEY BASELINE(QUARTER SECTION LINE) FROM STATION 10+00 TO STATION 35+84.91.

3. THE TAX PARCEL LINES SHOWN HEREON ARE FOR PICTORIAL PURPOSES ONLY AND ARE APPROXIMATE.

4. THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN ON THIS SURVEY WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

5. NO UNDERGROUND INSTALLATION OF UTILITIES OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.

6. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SHOWN, AND NO SEARCH OF THE PUBLIC RECORDS HAS BEEN DONE BY THE SURVEYOR.

9. BETWEEN THE TIME THIS PROJECT WAS LOCATED IN THE FIELD AND MAPPED IN THE OFFICE, THE LIMEROCK ROAD OF SW 15TH AVENUE WAS CHIP SEALED. IT IS NOW A HARD SURFACED ROAD SIMILAR TO ASPHALT.

DEDICATION:

THIS IS TO CERTIFY THAT THESE SHEETS, NUMBERED 1 THROUGH 6 INCLUSIVE, CONSTITUTE A TRUE COPY OF THE OFFICIAL MAINTENANCE MAP FOR SW 15TH AVENUE FROM FROM SW 170 STREET EAST TO SW 143 STREET IN ALACHUA COUNTY, FLORIDA.

THIS PROPERTY LABELED "LIMITS OF COUNTY MAINTENANCE"(LM) ON SAID SHEETS IS VESTED IN ALACHUA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF SECTION 95.361, FLORIDA STATUTES.

THIS MAP CONVEYS TO ALACHUA COUNTY THE MAINTENANCE LIMITS AS SHOWN ON THESE MAPS.

IN WITNESS THEREOF, WE HAVE HERE UNTO SET OUR HANDS THIS____DAY OF_____, 2011.

_____ ATTEST _____
LEE PINKOSON, CHAIR — J. K. IRBY, CLERK
ALACHUA COUNTY BOARD
OF COUNTY COMMISSIONERS

CERTIFICATION:

I HEREBY CERTIFY TO ALACHUA COUNTY THAT THIS MAINTENANCE MAP WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS.
THIS SURVEY CONSISTS OF 6 SHEETS AND IS NOT VALID WITHOUT SHEETS 1 THROUGH 6, INCLUSIVE. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Stephen J. Simmons 9-14-2011
STEPHEN J. SIMMONS — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6185
SURVEY DATE: 10/13/09

FILED IN THE PUBLIC RECORDS OF ALACHUA COUNTY THIS ____ DAY
OF _____, A. D., 2011 IN ALACHUA COUNTY MAINTENANCE MAP
BOOK _____, PAGE _____

J. K. IRBY, CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA.

BY: _____
TITLE: _____

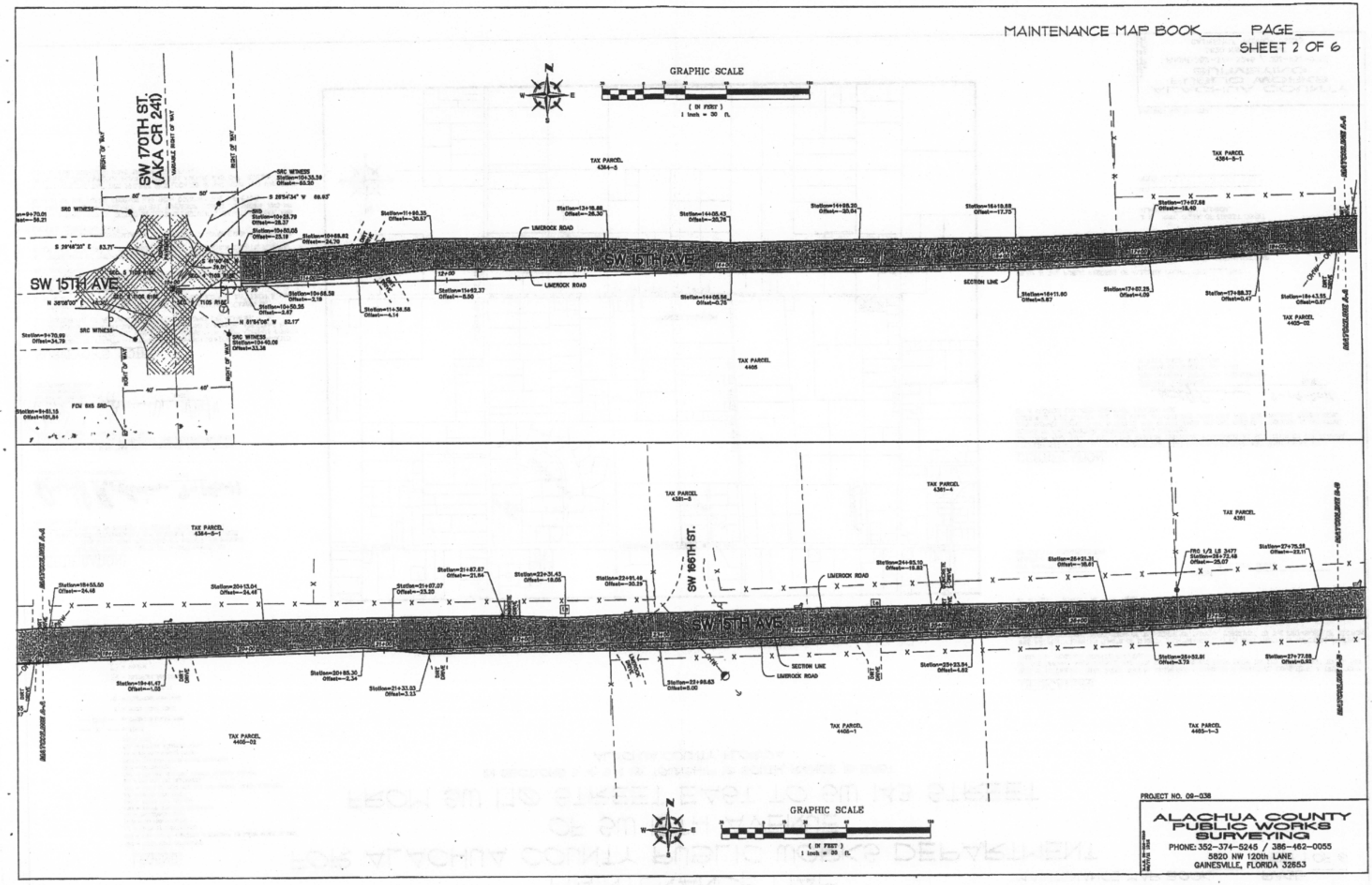
PROJECT NO. 09-038

ALACHUA COUNTY PUBLIC WORKS SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653

41

MAINTENANCE MAP BOOK____ PAGE____

SHEET 2 OF 6



PROJECT NO. 09-038

ALACHUA COUNTY PUBLIC WORKS SURVEYING

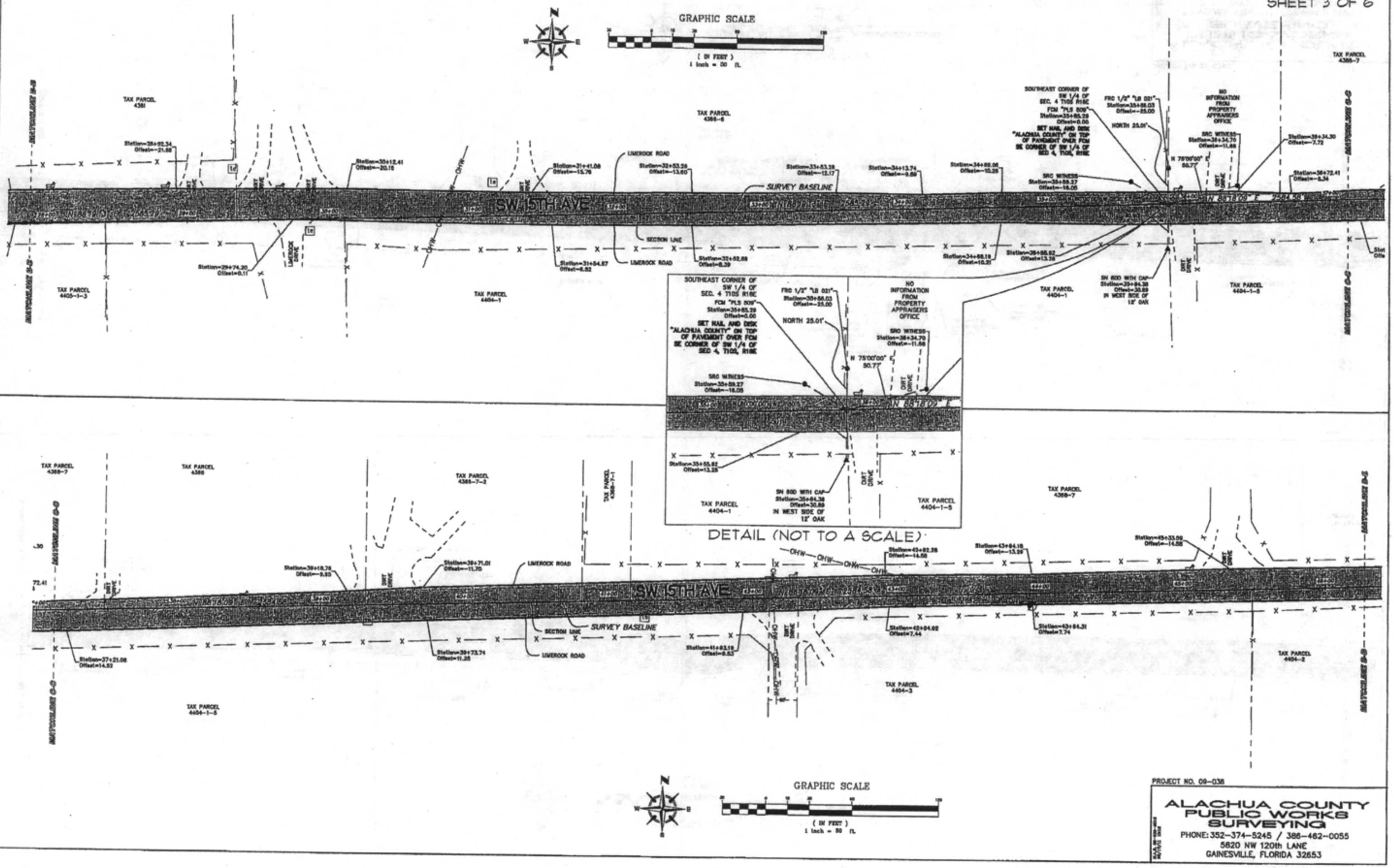
PHONE: 352-374-5245 / 386-462-0055

5820 NW 120th LANE

GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP BOOK____ PAGE____

SHEET 3 OF 6



PROJECT NO. 09-036

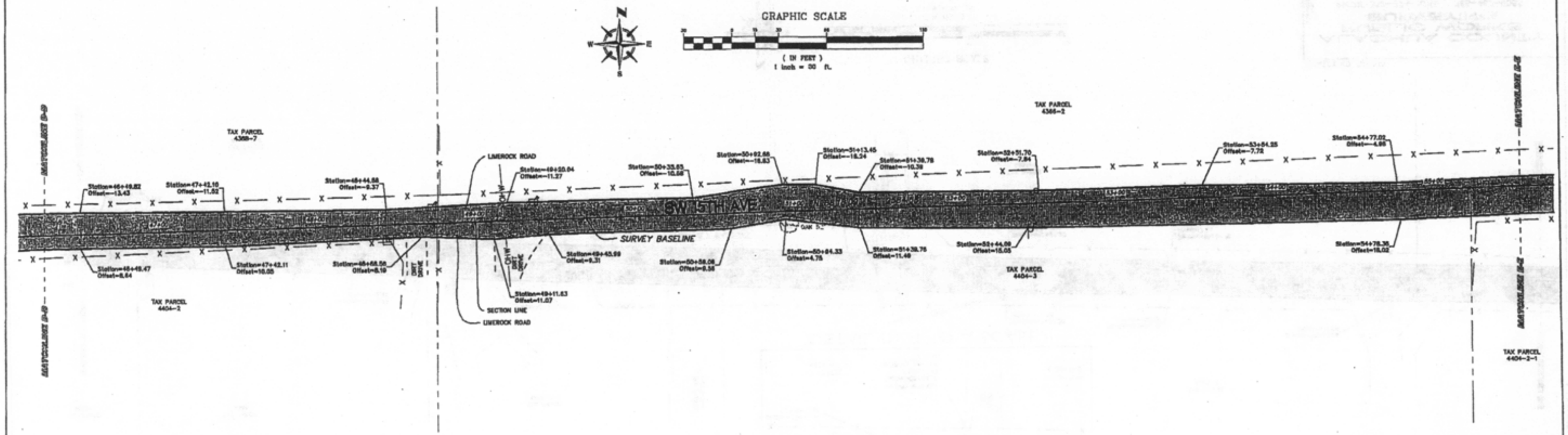
ALACHUA COUNTY PUBLIC WORKS SURVEYING

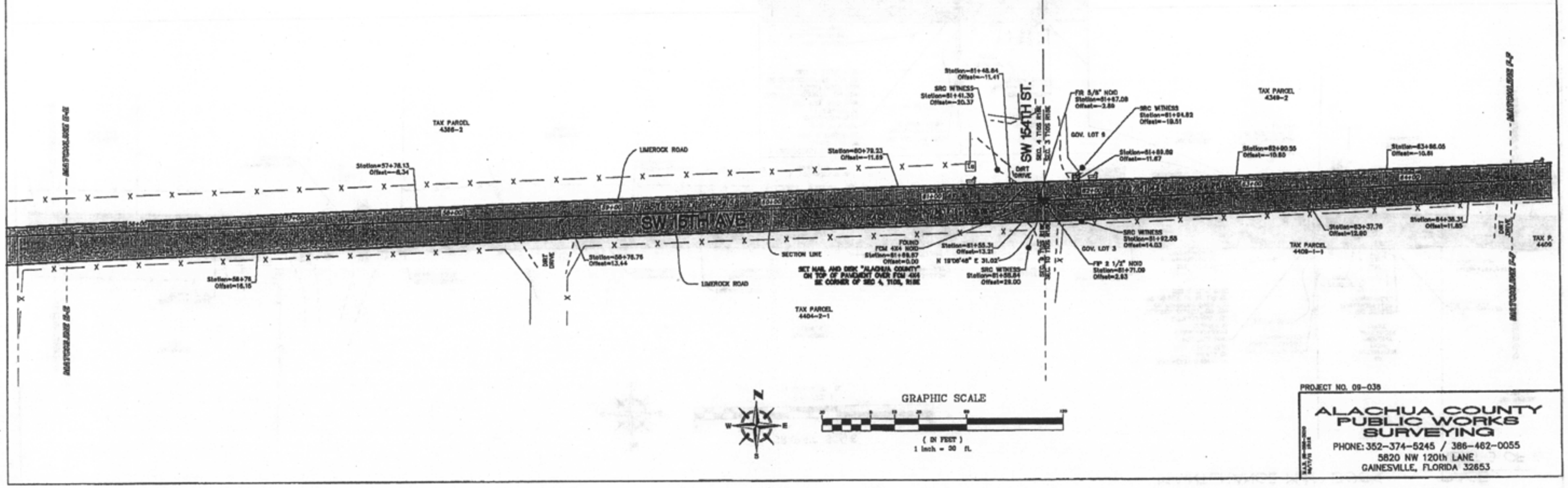
PHONE: 352-374-5245 / 386-462-0055

5820 NW 120th LANE

GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP BOOK____ PAGE____
SHEET 4 OF 6



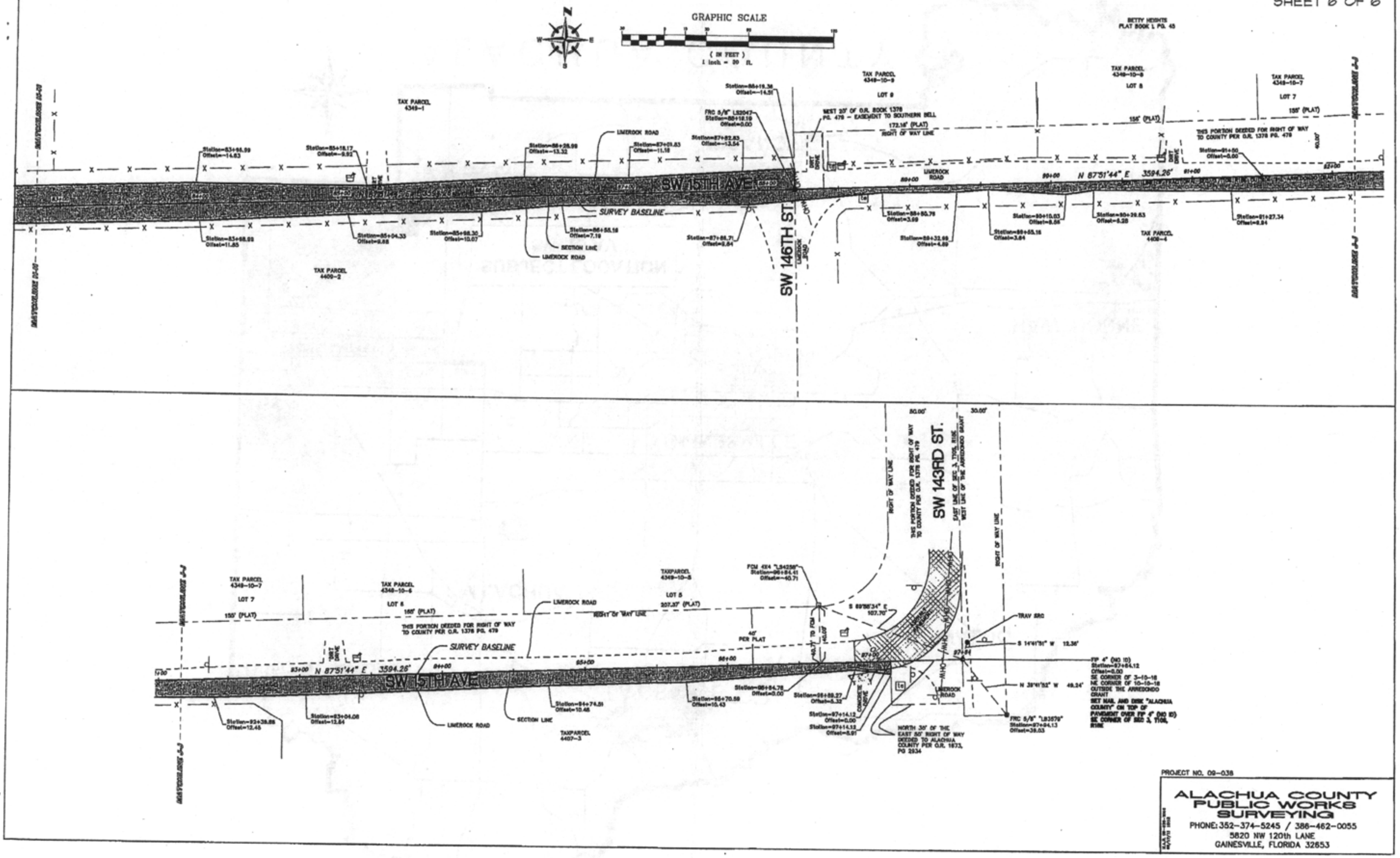


PROJECT NO. 09-038

ALACHUA COUNTY
PUBLIC WORKS
SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP BOOK____ PAGE____

SHEET 6 OF 6



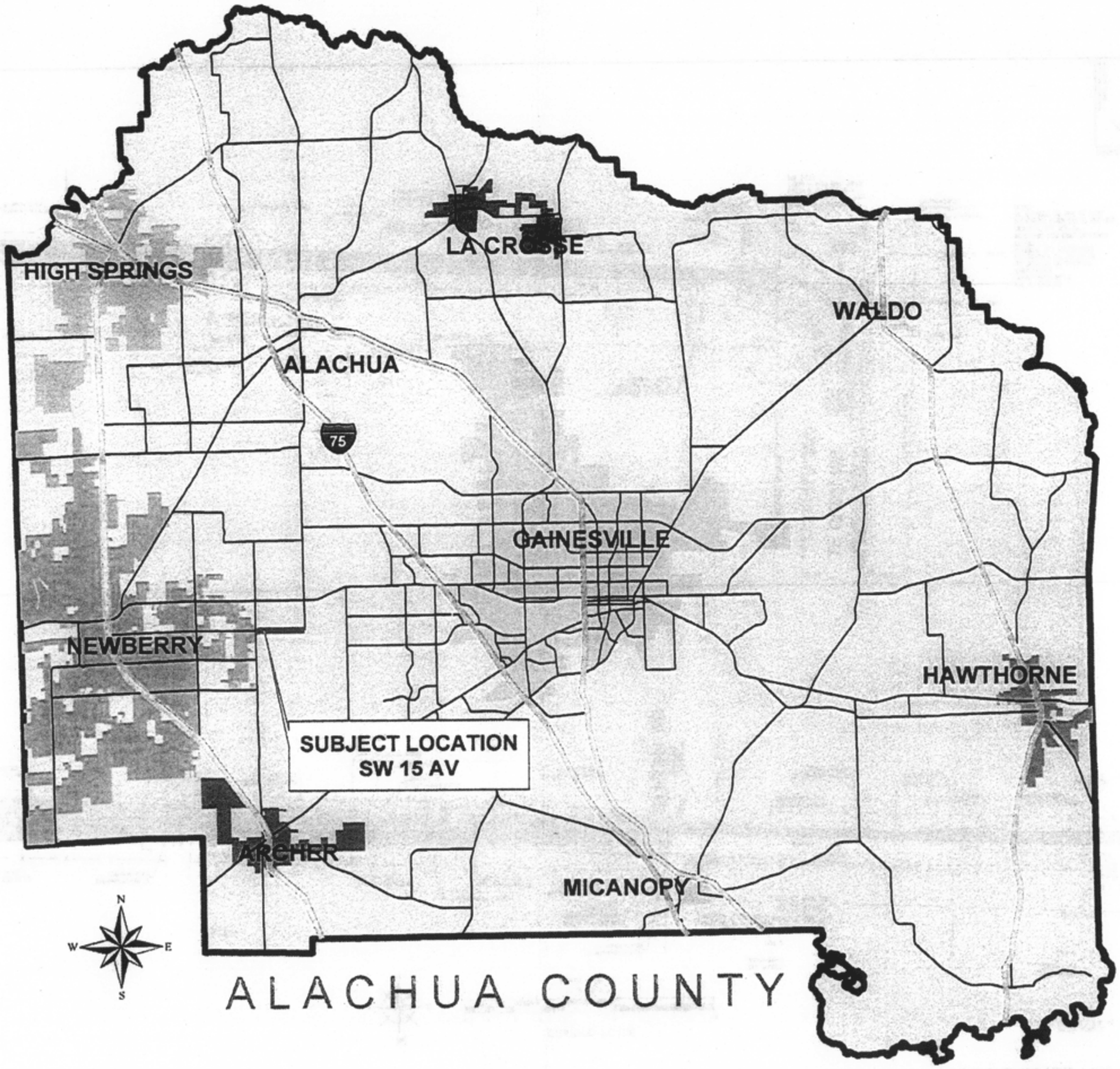
PROJECT NO. 09-038

ALACHUA COUNTY PUBLIC WORKS SURVEYING

PHONE: 352-374-5245 / 386-462-0055

5820 NW 120th LANE

GAINESVILLE, FLORIDA 32653


LA CROSSE
HIGH SPRINGS
WALDO
ALACHUA
75
GAINESVILLE
NEWBERRY
HAWTHORNE
SUBJECT LOCATION
SW 15 AV
ARCHER
MICANOPY
N
W
E
S
ALACHUA COUNTY

October 11, 2011 Regular BoCC Meeting
Agenda Item #41

Title
Maintenance Map for NW 142 Avenue, located in the High Springs area. (Amended)

Amount
N/A

Description
Request Approval of the Maintenance Map for NW 142 Avenue, from NW 298 Street, east to NW 214 Terrace, located in the High Springs area.

Recommendation
Approve the Maintenance Map for NW 142 Avenue located in High Springs.

Alternative(s)
Do not accept the Maintenance Map for NW 142 Avenue and provide staff with direction.

Requested By
Richard Hedrick (contact Robert W. Wigglesworth, ext 1224)

Originating Department
Public Works

Attachment(s) Description
Maintenance Map for NW 142 Avenue and location map.

Documents Requiring Action
Maintenance Map for NW 142 Avenue.

Executive Summary
Maintenance Map for NW 142 Avenue, from NW 298 Street, east to NW 214 Terrace, located in the High Springs area.

Background
Per Florida Statute 95.361, in order for the Board of County Commissioners (BoCC) to claim ownership of a roadway that has been maintained by the County for a period of seven (7) years or more, a maintenance map must be prepared and presented to the BoCC for acceptance and then filed in the Clerk's Office. NW 142 Avenue, from NW 298 Street, east to NW 214 Terrace has been maintained by the county for a number of years without the benefit of any deeded or dedicated right of way. The filing of this maintenance map establishes title to that area which is maintained by the County for NW 142 Avenue, from NW 298 Street, east to NW 214 Terrace.

Issues
If the Maintenance Map for NW 142 Avenue is not accepted by the BoCC, the County will not have clear ownership of the roadway that has been maintained by the County for numerous years.

Fiscal Recommendation
N/A

Fiscal Alternative(s)
N/A

Funding Sources
N/A

Account Code(s)
N/A

Attachment: NW_142_Ave_Maintenance_Map.pdf
Attachment: NW_142_Ave_Location_Map.pdf

MAINTENANCE MAP
FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
OF NW 142nd AVENUE
FROM NW 298 STREET EAST TO NW 214 TERRACE

IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST
ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____
SHEET 1 OF 16

LEGEND:

SEC 4 T10S R18 E = SECTION 4 TOWNSHIP 10 SOUTH RANGE 18 EAST
LM = LIMITS OF MAINTENANCE
NO ID = NO IDENTIFICATION
FIR = FOUND IRON ROD
FCM = FOUND 4"x4" CONCRETE MONUMENT MARKED AS SHOWN
FRC = FOUND ROD AND CAP MARKED AS SHOWN
FIP = FOUND IRON PIPE
SRC = SET 1/2" IRON ROD AND CAP MARKED AS SHOWN
SND = SET NAIL AND DISK MARKED AS SHOWN
FND = FOUND NAIL AND DISK MARKED AS SHOWN
GOV = GOVERNMENT
O.R.B. = OFFICIAL RECORDS BOOK
PG. = PAGE
ACLS = ALACHUA COUNTY LAND SURVEYORS

— x — = FENCE
— ohw — = OVERHEAD UTILITY WIRE
= WOOD UTILITY POLE
= TELEPHONE MANHOLE
= GUY WIRE ANCHOR
= TELEPHONE PEDESTAL
= MAILBOX
= SIGN
= TAX PARCEL/PROPERTY LINE
= LIMITS OF MAINTENANCE

CERTIFICATION:

THIS IS TO CERTIFY THAT THE LIMITS OF MAINTENANCE, AS DEPICTED BY THIS MAP, WERE IDENTIFIED BY MYSELF AS HAVING BEEN MAINTAINED CONTINUOUSLY BY ALACHUA COUNTY PUBLIC WORKS DEPARTMENT IN EXCESS OF SEVEN YEARS WITHOUT INTERRUPTION.

9-14-11

DAVID ROBINSON
ASSISTANT ROAD SUPERINTENDENT — DATE

THIS MAINTENANCE MAP HAS BEEN APPROVED FOR SUBMITTAL TO ALACHUA COUNTY AS HAVING MET THE REQUIREMENTS OF SECTION 95.361, FLORIDA STATUTES.

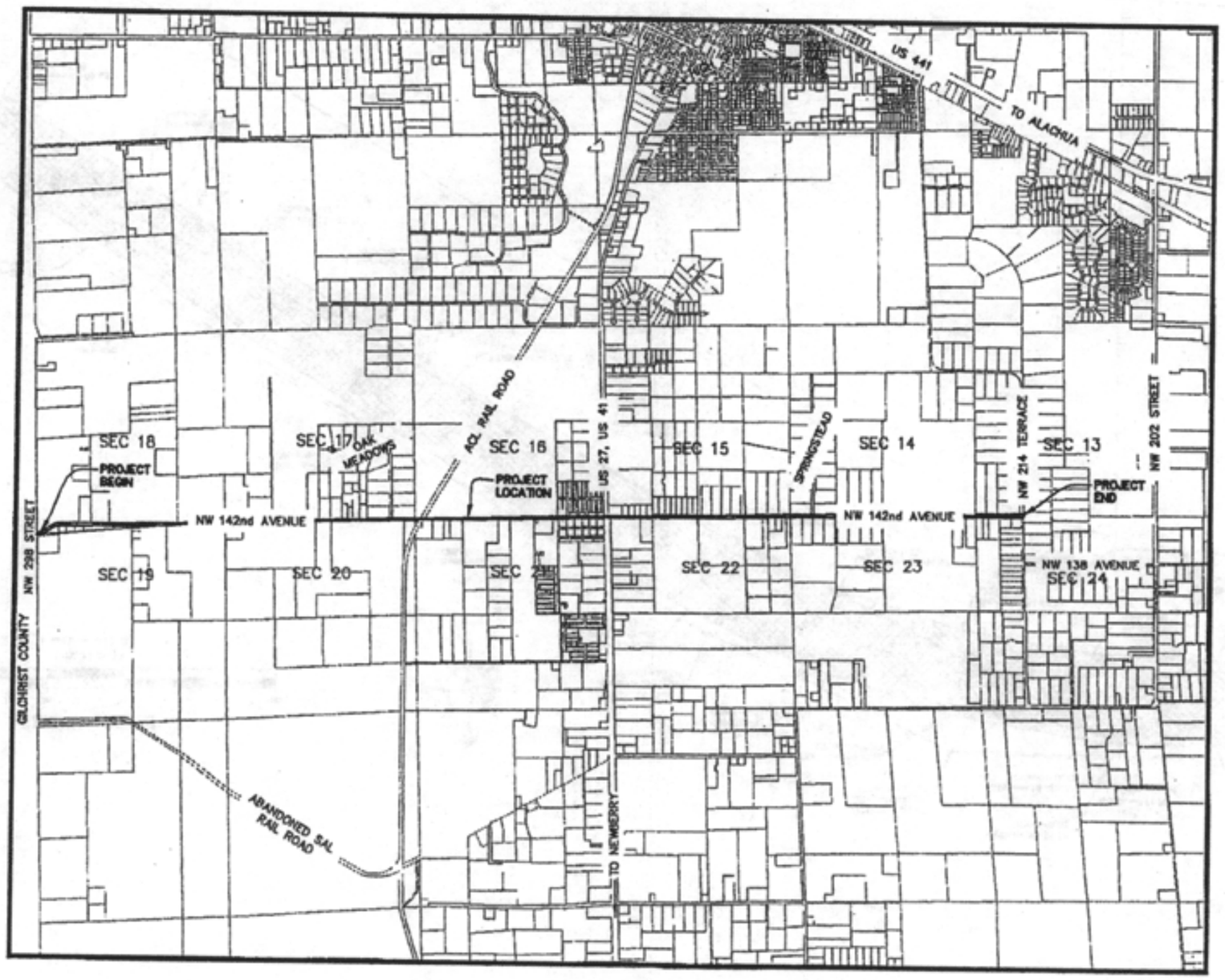
9/14/11

ROBERT W. WOGLESWORTH
COUNTY SURVEYOR
FOR ALACHUA COUNTY — DATE

SURVEYOR'S NOTES:

1. THE LIMITS OF COUNTY MAINTENANCE AS SHOWN HEREON WERE DESIGNATED ON SITE BY BRUCE STUDSTILL, MAINTENANCE SUPERVISOR III OF ALACHUA COUNTY PUBLIC WORKS DEPARTMENT AND VERIFIED BY DAVID ROBINSON, ASSISTANT ROAD SUPERINTENDENT OF ALACHUA COUNTY PUBLIC WORKS DEPARTMENT.
2. BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING OF N 88°19'26" E FOR THE SURVEY BASELINE(QUARTER SECTION LINE) FROM STATION 10+00 TO STATION 35+84.91.
3. THE TAX PARCEL LINES SHOWN HEREON ARE FOR PICTORIAL PURPOSES ONLY AND ARE APPROXIMATE.
4. THERE MAY BE RESTRICTIONS OTHER THAN THOSE SHOWN ON THIS SURVEY WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.
5. NO UNDERGROUND INSTALLATION OF UTILITIES OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
6. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND OR OWNERSHIP WERE FURNISHED TO THE SURVEYOR EXCEPT AS SHOWN, AND NO SEARCH OF THE PUBLIC RECORDS HAS BEEN DONE BY THE SURVEYOR.
9. BETWEEN THE TIME THIS PROJECT WAS LOCATED IN THE FIELD AND MAPPED IN THE OFFICE, THE LIMEROCK ROAD OF NW 142nd AVENUE WAS CHIP SEALED. IT IS NOW A HARD SURFACED ROAD SIMILAR TO ASPHALT.

LOCATION MAP:
(NOT TO SCALE)



DEDICATION:

THIS IS TO CERTIFY THAT THESE SHEETS, NUMBERED 1 THROUGH 16 INCLUSIVE, CONSTITUTE A TRUE COPY OF THE OFFICIAL MAINTENANCE MAP FOR NW 142nd AVENUE FROM FROM NW 298 STREET EAST TO NW 214 TERRACE IN ALACHUA COUNTY, FLORIDA.

THIS PROPERTY LABELED "LIMITS OF COUNTY MAINTENANCE"(LM) ON SAID SHEETS IS VESTED IN ALACHUA COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF SECTION 95.361, FLORIDA STATUTES.

THIS MAP CONVEYS TO ALACHUA COUNTY THE MAINTENANCE LIMITS AS SHOWN ON THESE MAPS.

IN WITNESS THEREOF, WE HAVE HERE UNTO SET OUR HANDS THIS____ DAY OF_____, 2011.

LEE PINKOSON, CHAIR
ALACHUA COUNTY BOARD
OF COUNTY COMMISSIONERS

ATTEST _____
J. K. IRBY, CLERK

CERTIFICATION:

I HEREBY CERTIFY TO ALACHUA COUNTY THAT THIS MAINTENANCE MAP WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS.
THIS SURVEY CONSISTS OF 16 SHEETS AND IS NOT VALID WITHOUT SHEETS 1 THROUGH 16, INCLUSIVE. COPIES OF THIS SURVEY ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

9-14-2011

STEPHEN J. SIMMONS — DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6185
SURVEY DATE: 10/13/09
SET NAILS AND DISKS: 4/11/11

FILED IN THE PUBLIC RECORDS OF ALACHUA COUNTY THIS ____ DAY OF_____, A. D., 2011 IN ALACHUA COUNTY MAINTENANCE MAP BOOK_____, PAGE_____

J. K. IRBY, CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA.

BY:_____
TITLE: _____

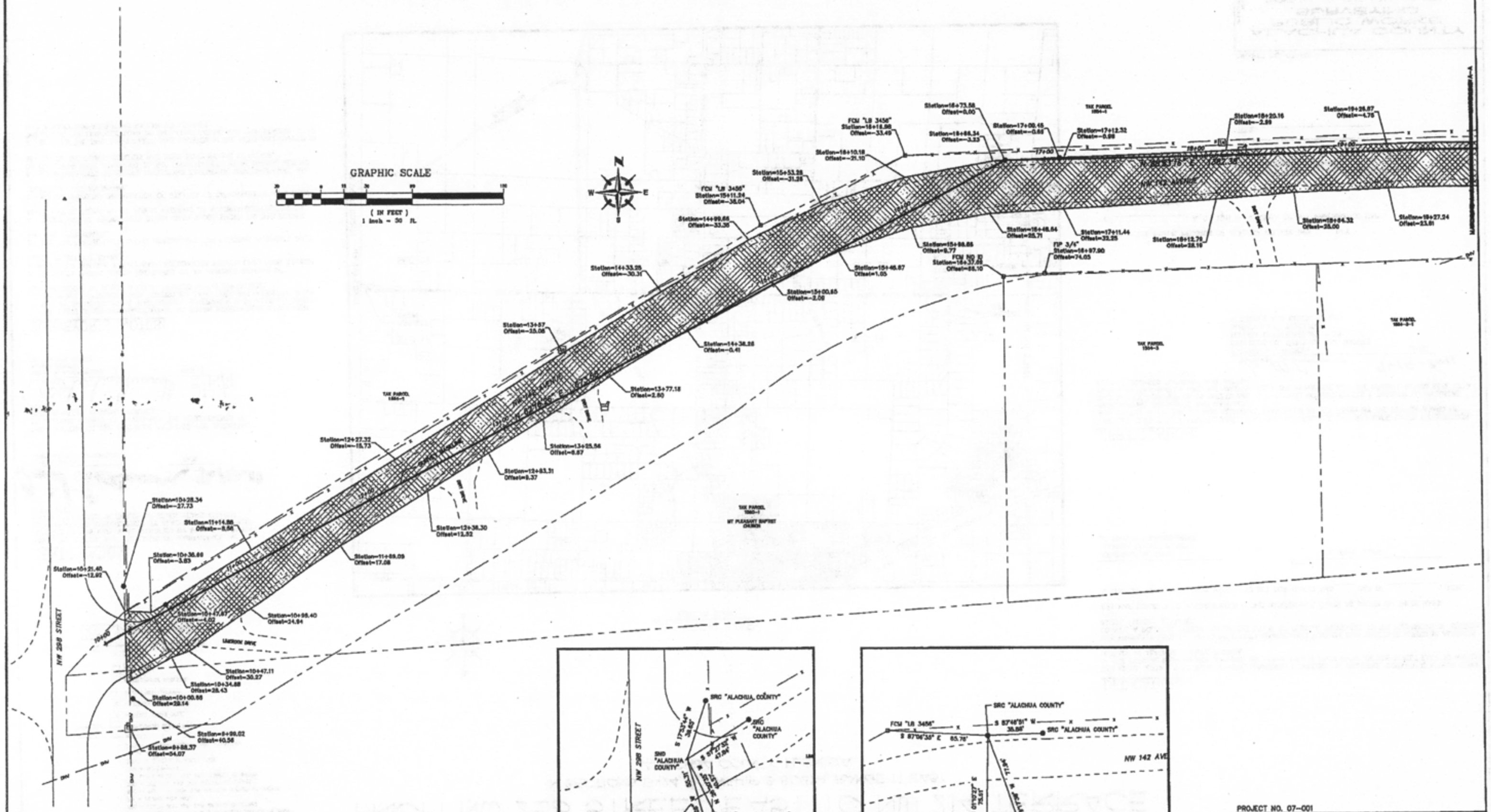
PROJECT NO. 07-001

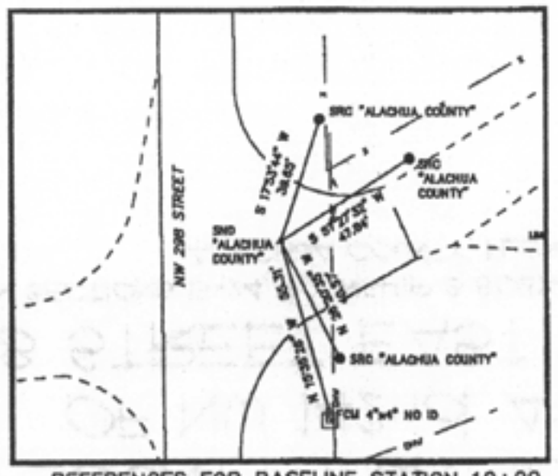
ALACHUA COUNTY
PUBLIC WORKS
SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653

42

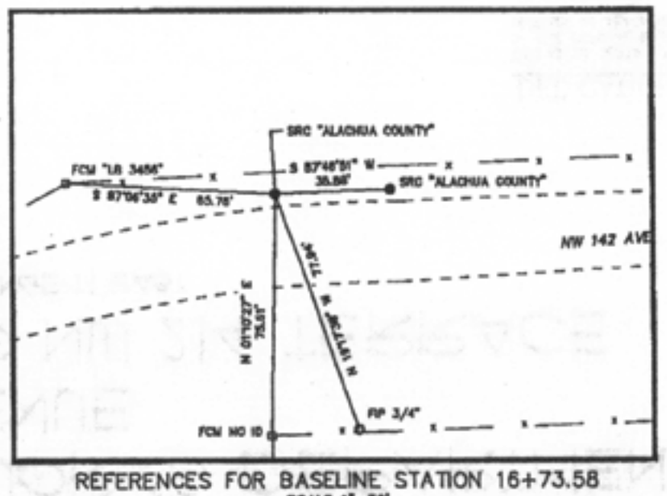
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE
IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK_____ PAGE_____
SHEET 2 OF 16





REFERENCES FOR BASELINE STATION 10+00
SCALE 1"=30'



REFERENCES FOR BASELINE STATION 16+73.58
SCALE 1"=30'

PROJECT NO. 07-001

ALACHUA COUNTY
PUBLIC WORKS
SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
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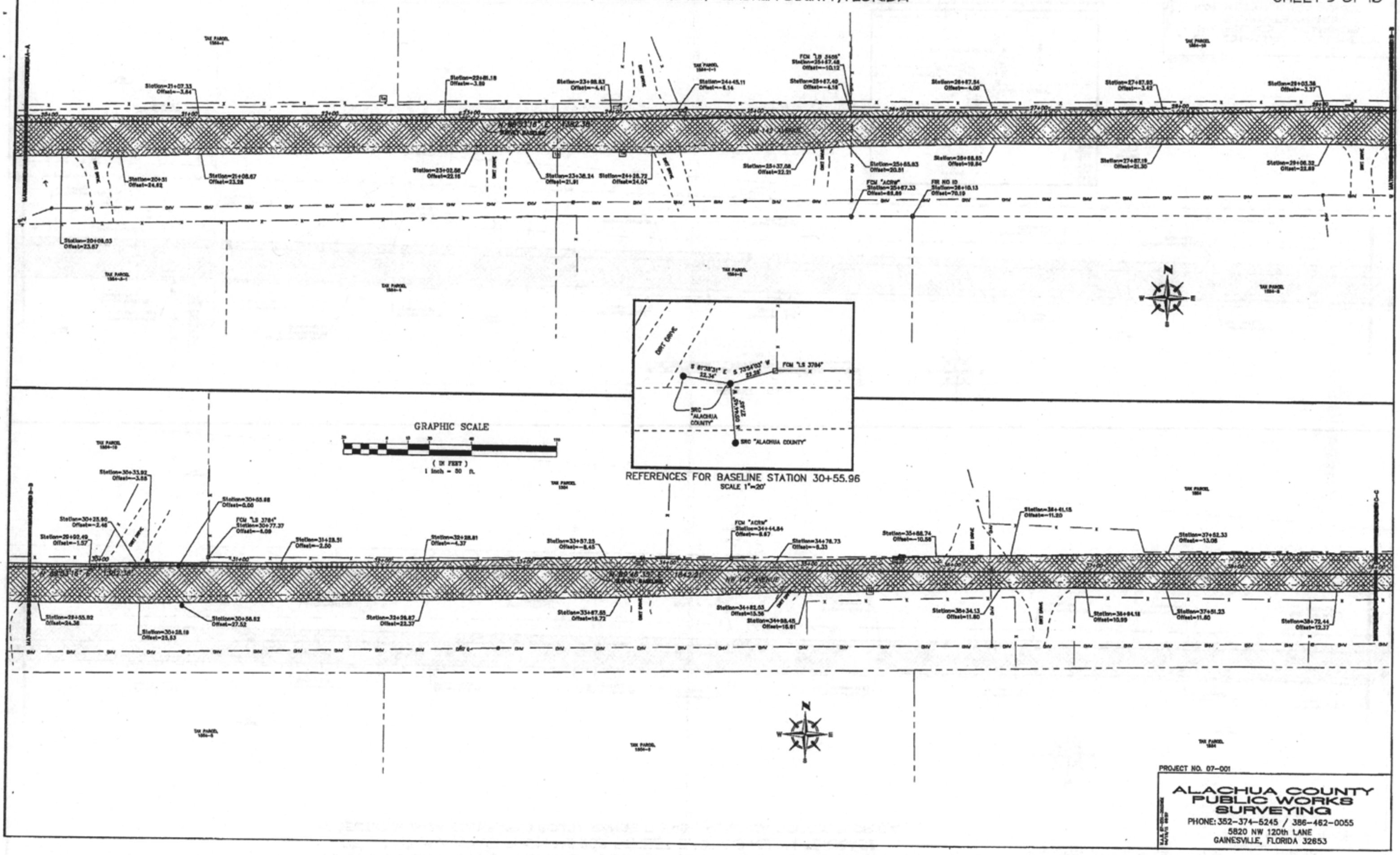
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____

SHEET 3 OF 16



PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING

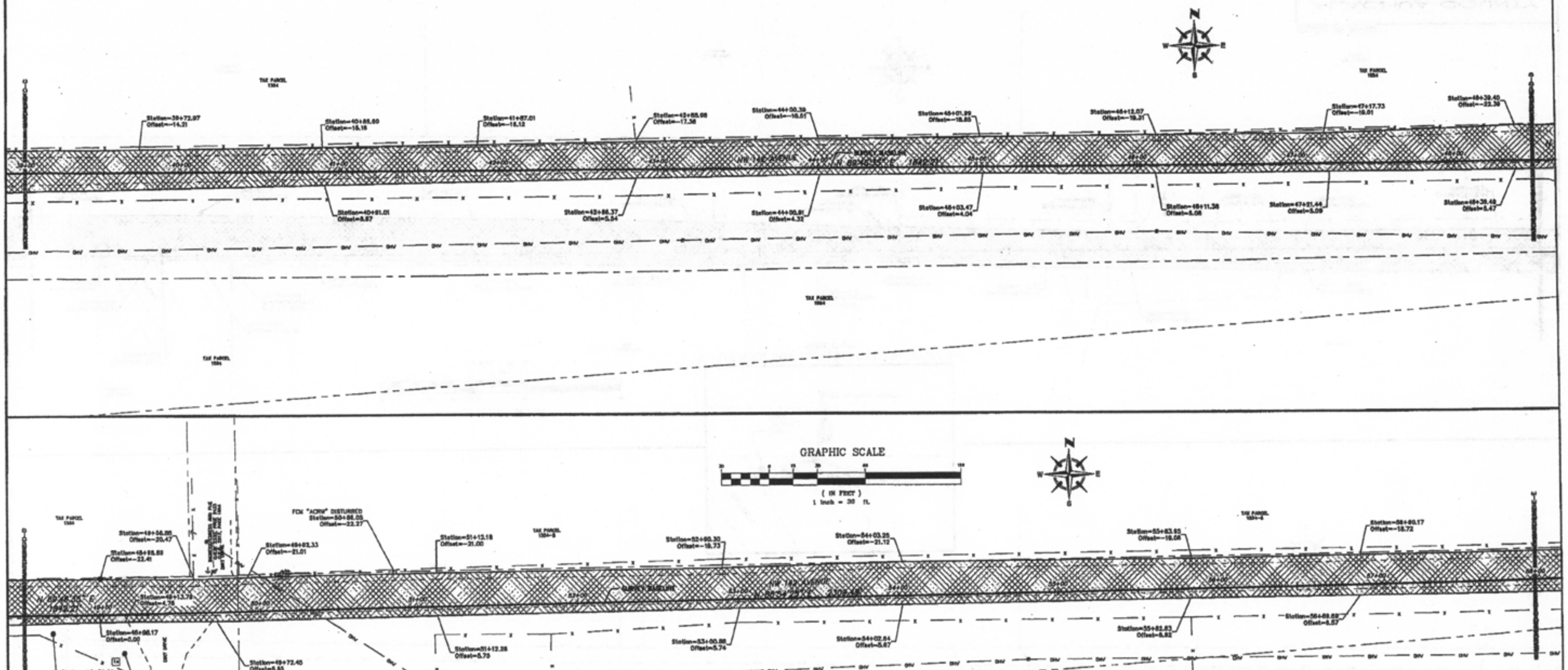
PHONE: 352-374-5245 / 386-462-0055

5820 NW 120th LANE

GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE
IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK_____ PAGE_____



REFERENCES FOR BASELINE STATION 48+98.17
SCALE 1"=30'

PROJECT NO. 07-001

ALACHUA COUNTY
PUBLIC WORKS
SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
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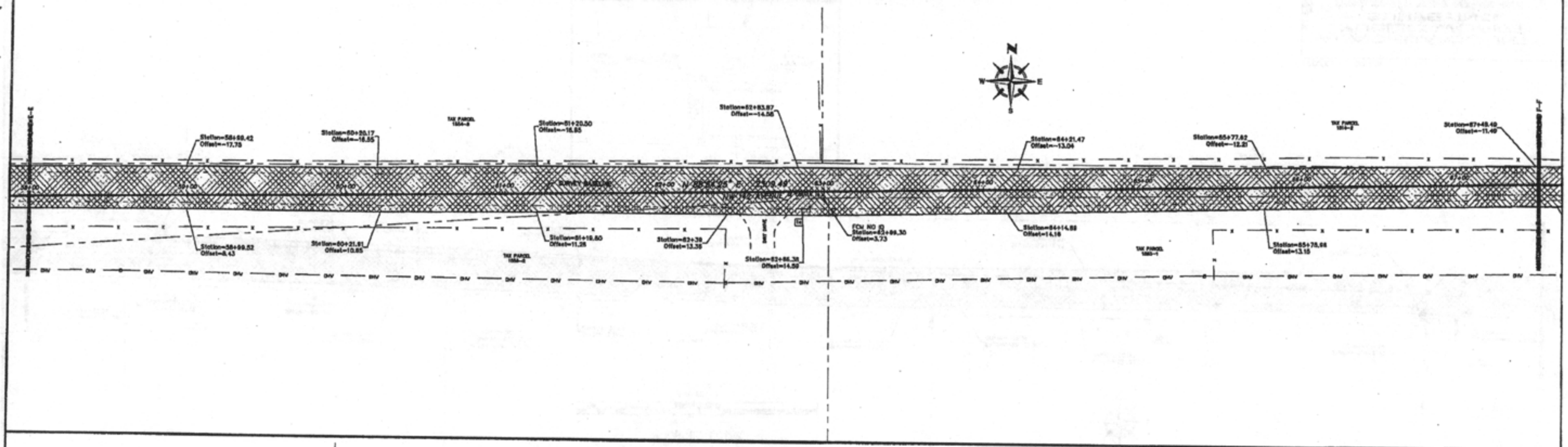
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK_____ PAGE_____

SHEET 5 OF 16



REFERENCES FOR BASELINE STATION 72+07.67

SCALE 1"=20'

PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING

PHONE: 352-374-5245 / 386-462-0055

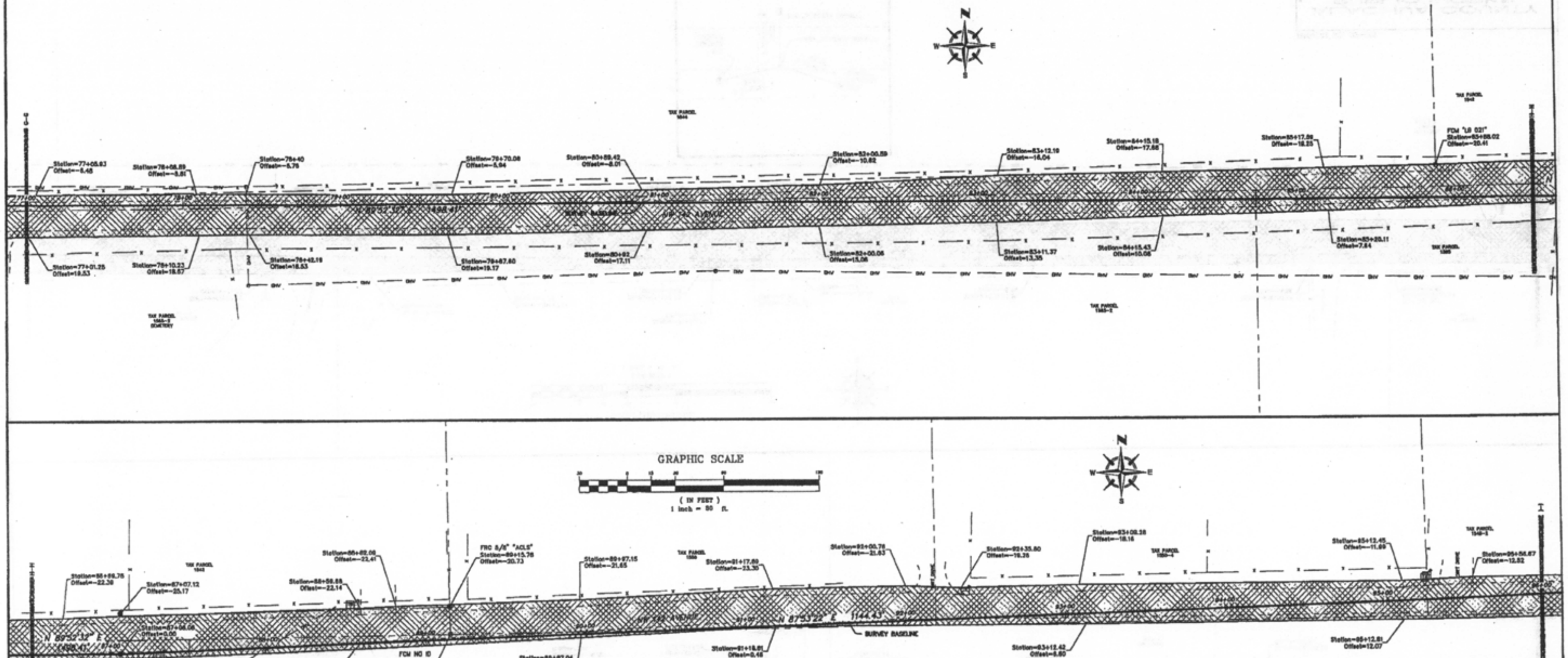
5820 NW 120th LANE

GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE
IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____

SHEET 6 OF 16



REFERENCES FOR BASELINE STATION 87+06.08

SCALE 1"=20'

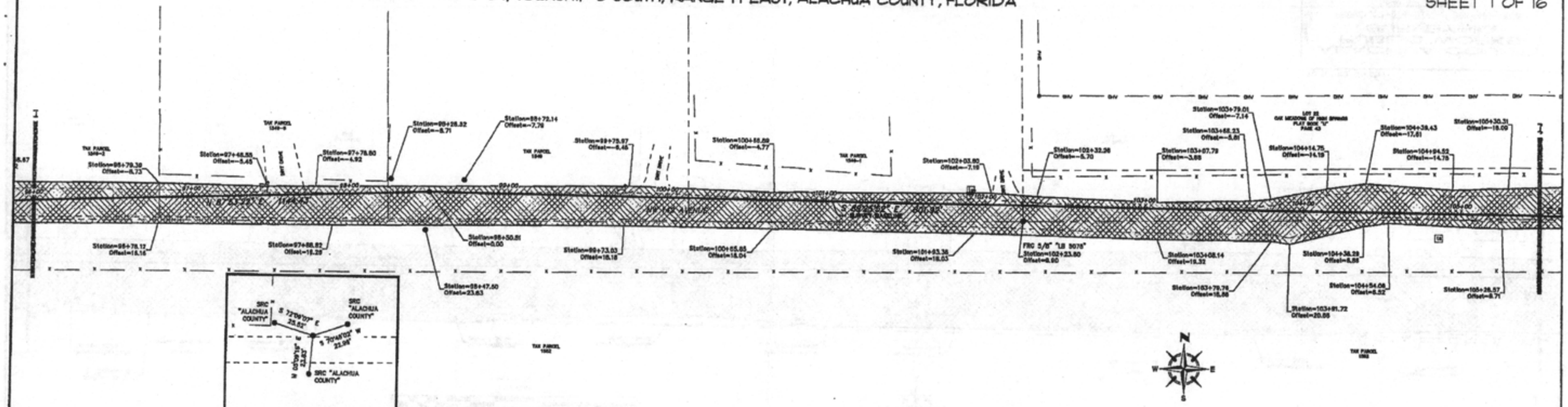
PROJECT NO. 07--001

ALACHUA COUNTY
PUBLIC WORKS
SURVEYING

PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653

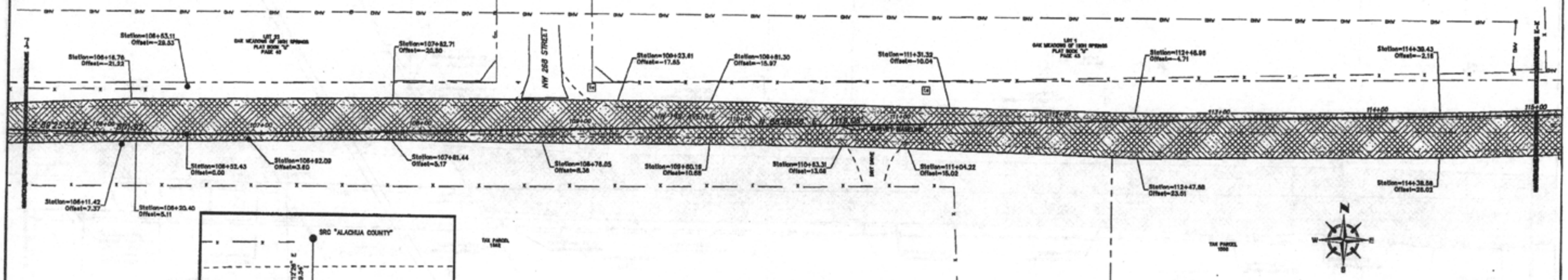
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK_____ PAGE_____
SHEET 7 OF 16



REFERENCES FOR BASELINE STATION 98+50.51
SCALE 1"=30'

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.



REFERENCES FOR BASELINE STATION 106+52.43
SCALE 1"=20'

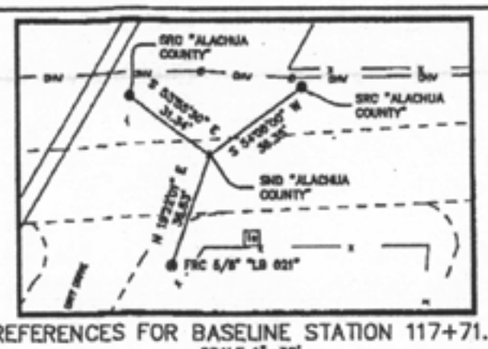
PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____

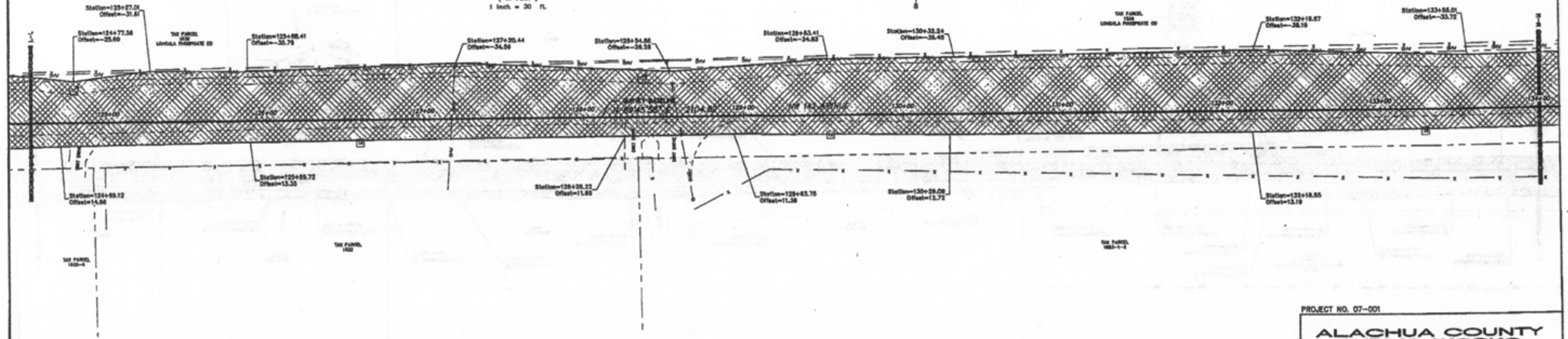
SHEET 8 OF 16



REFERENCES FOR BASELINE STATION 117+71.51
SCALE 1"=30'

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.



PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING
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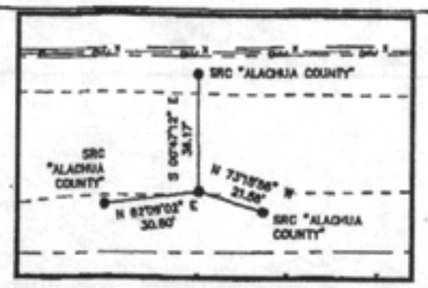
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____
SHEET 9 OF 16



REFERENCES FOR BASELINE STATION 138+76.32
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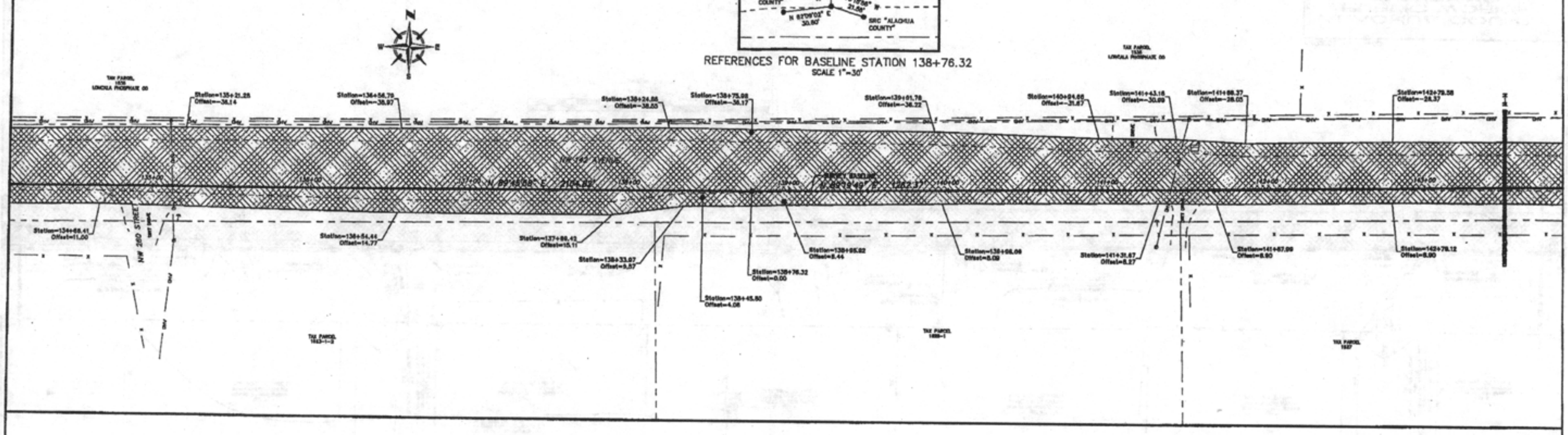
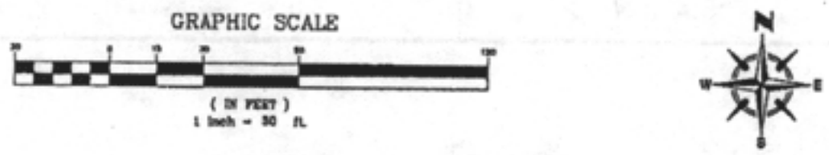
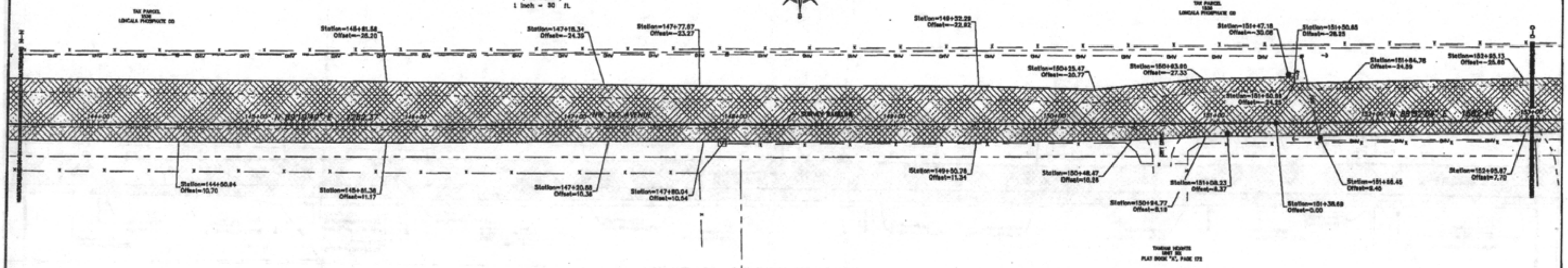
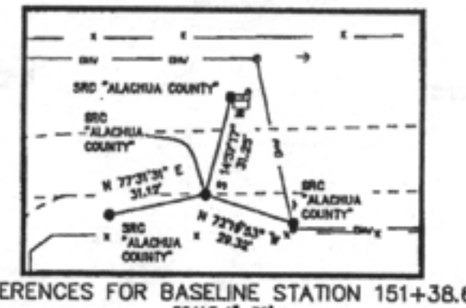


GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.







REFERENCES FOR BASELINE STATION 151+38.69
SCALE 1"=30'

PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING
PHONE: 352-374-5245 / 386-462-0055
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GAINESVILLE, FLORIDA 32653

MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT
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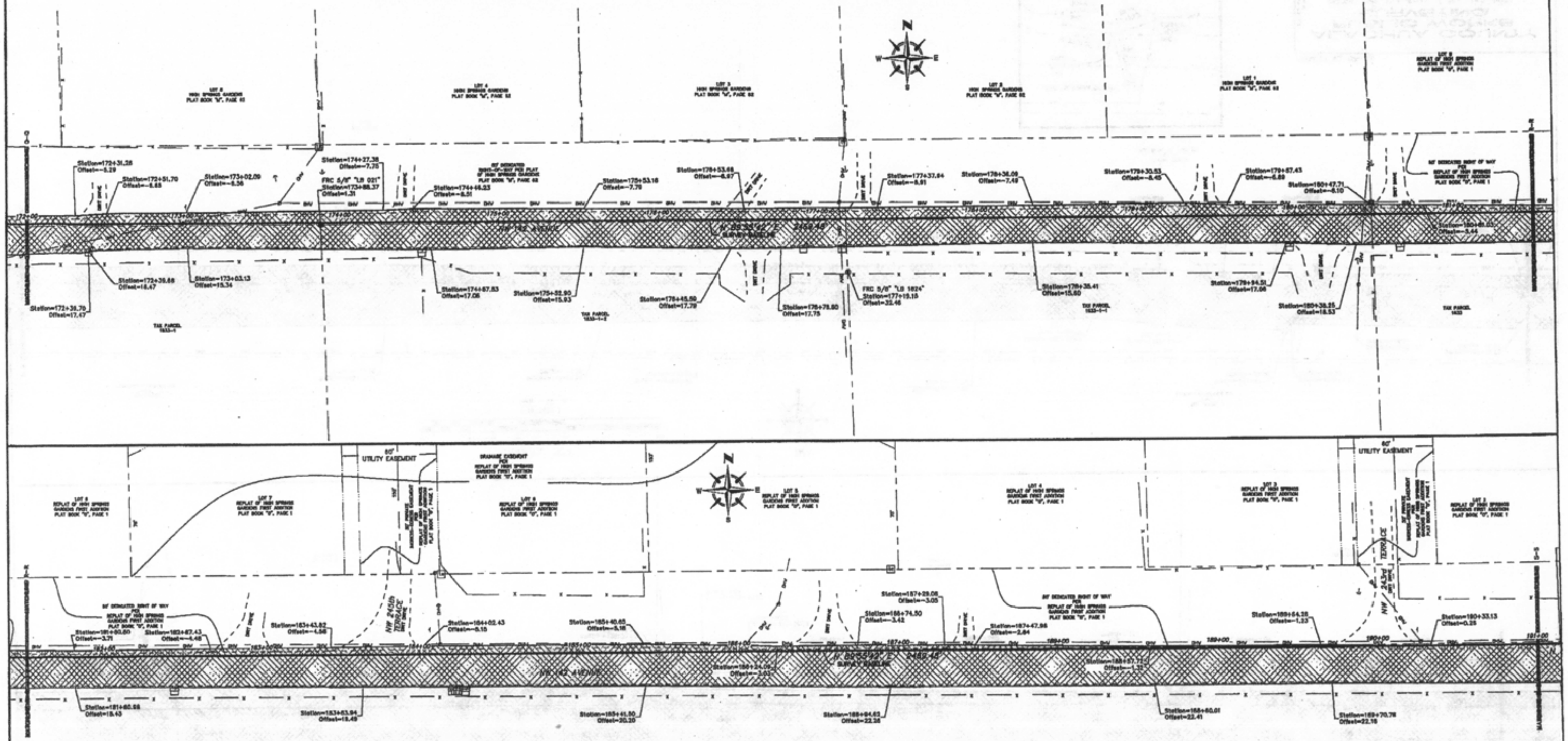
IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

MAINTENANCE MAP BOOK____ PAGE____

SHEET 11 OF 16



GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

PROJECT NO. 07-001

ALACHUA COUNTY PUBLIC WORKS SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
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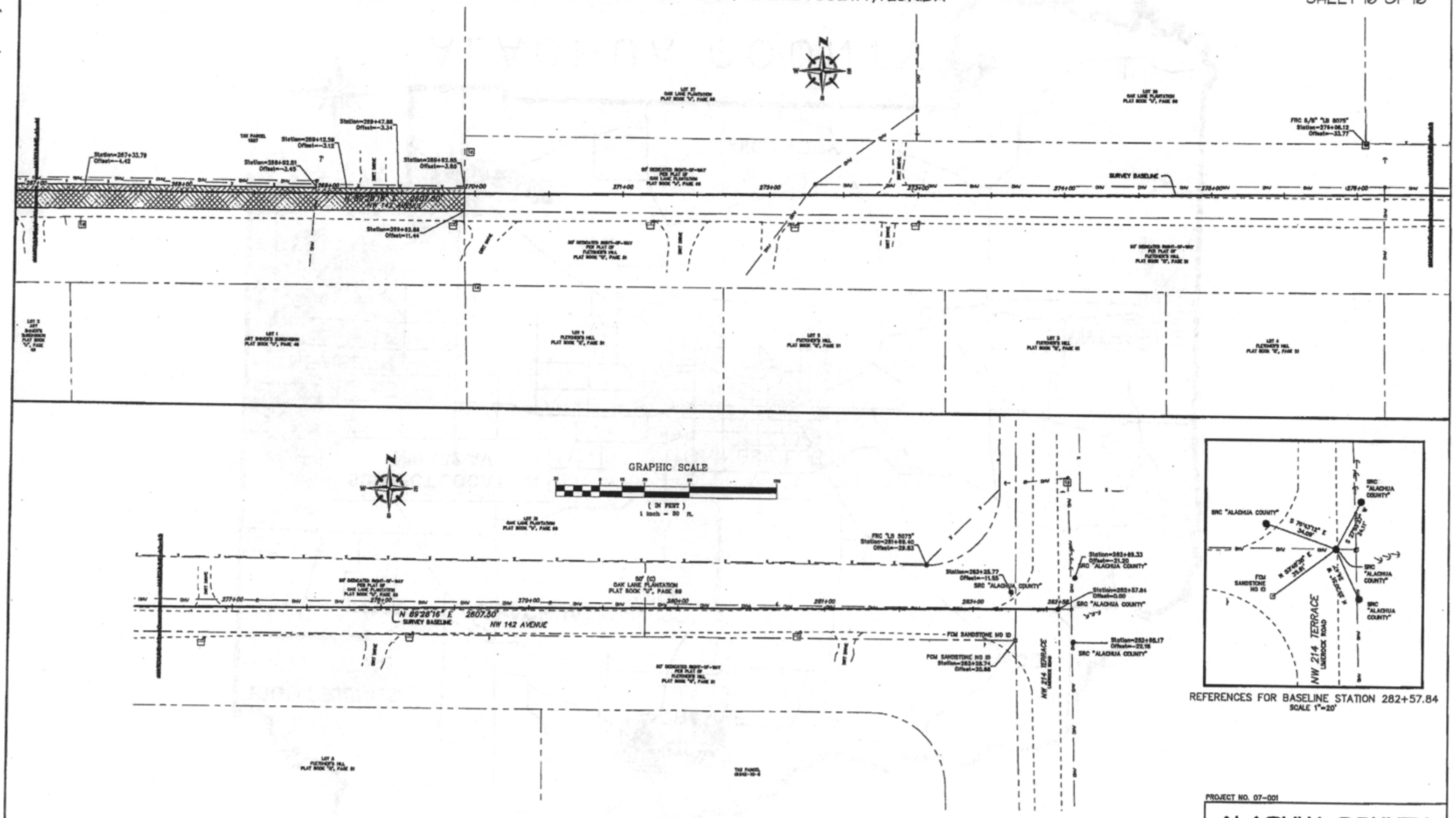
MAINTENANCE MAP FOR ALACHUA COUNTY PUBLIC WORKS DEPARTMENT OF NW 142nd AVENUE FROM NW 298 STREET EAST TO NW 214 TERRACE IN SECTIONS 13-24, TOWNSHIP 8 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA

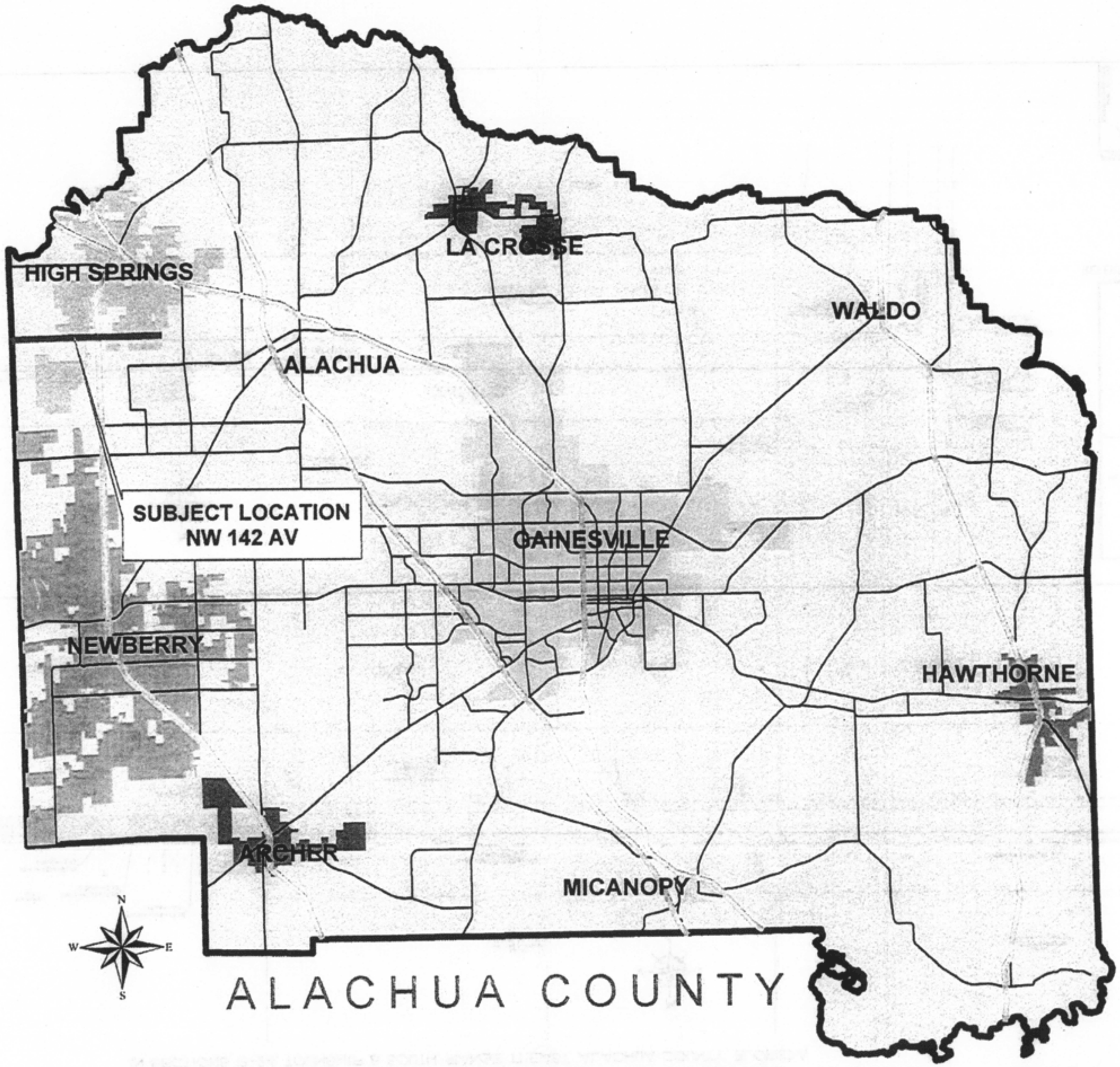
MAINTENANCE MAP BOOK____ PAGE____



REFERENCES FOR BASELINE STATION 282+57.84
SCALE 1"=20'

PROJECT NO. 07-001

ALACHUA COUNTY
PUBLIC WORKS
SURVEYING
PHONE: 352-374-5245 / 386-462-0055
5820 NW 120th LANE
GAINESVILLE, FLORIDA 32653


HIGH SPRINGS
LA CROSSE
WALDO
ALACHUA
SUBJECT LOCATION
NW 142 AV
GAINESVILLE
NEWBERRY
HAWTHORNE
ARCHER
MICANOPY
N
W
E
S
ALACHUA COUNTY

October 11, 2011 Regular BoCC Meeting
Agenda Item #42

Title
CHOICES Enrollment Update

Amount
N/A

Description
CHOICES Health Services Program Enrollment Update

Recommendation
Accept the CHOICES Health Services Program Enrollment Update

Alternative(s)
Do not accept the CHOICES Health Services Program Enrollment Update

Requested By
Elmira K. Warren/Bob Bailey/Cathie Whitney 264-6706

Originating Department
Community Support Services

Attachment(s) Description
CHOICES Update August 2011

Documents Requiring Action
N/A

Executive Summary
CHOICES Health Services Program Enrollment Update

Background
During the March 11, 2008 BOCC meeting, CHOICES Health Services Program Updates was requested.

Issues
None

Fiscal Recommendation
Sufficient funds have been budgeted for the CHOICES Health Services Program in the FY10 Budget

Fiscal Alternative(s)
None

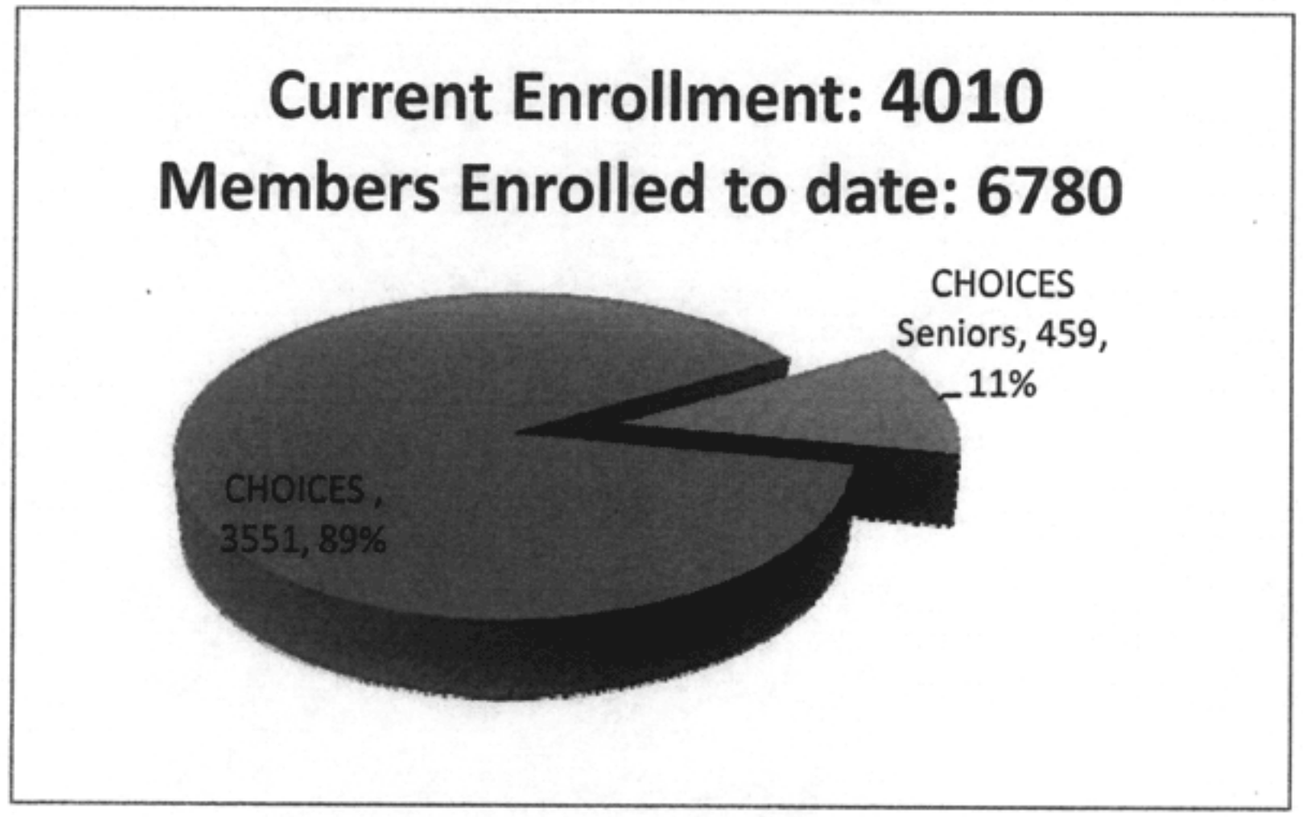
Funding Sources
Indigent Health Care Sales Surtax

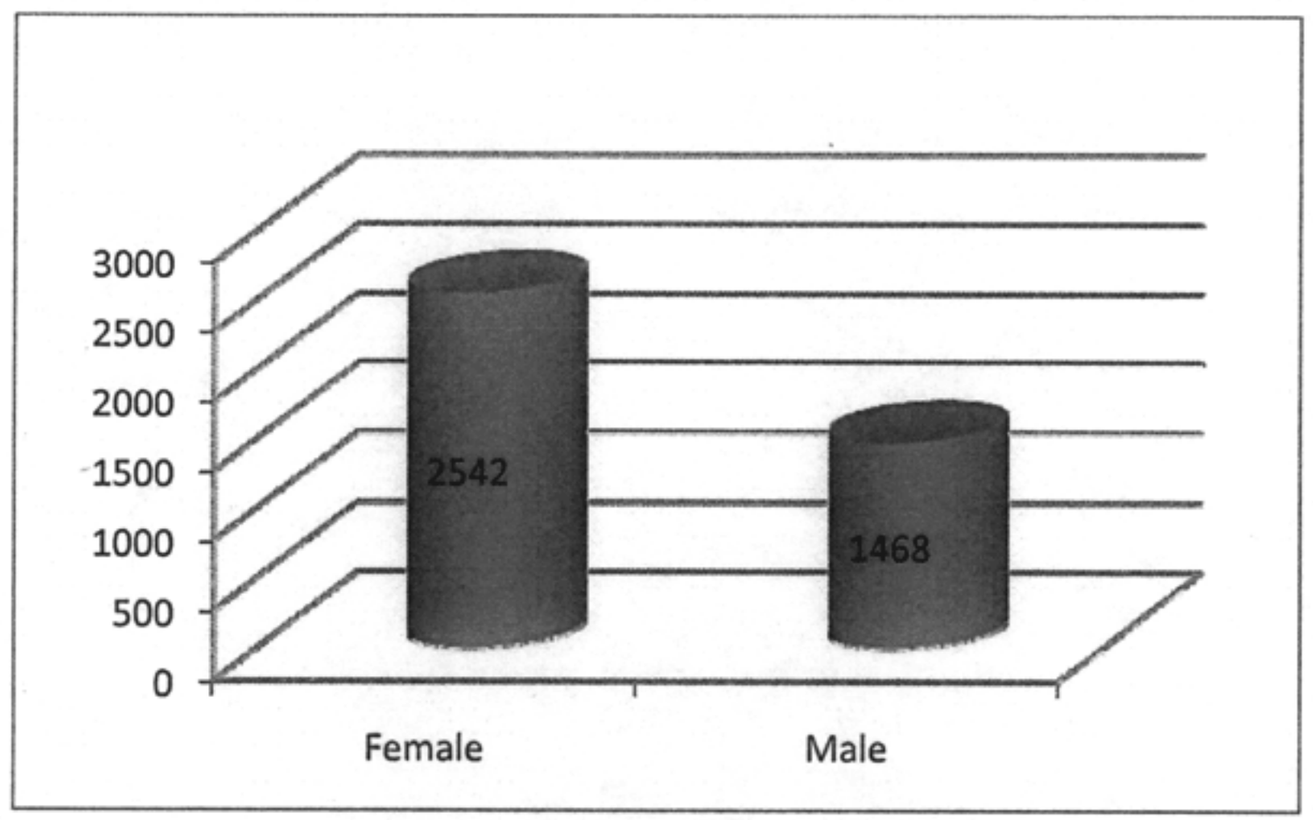
Account Code(s)
010-2925

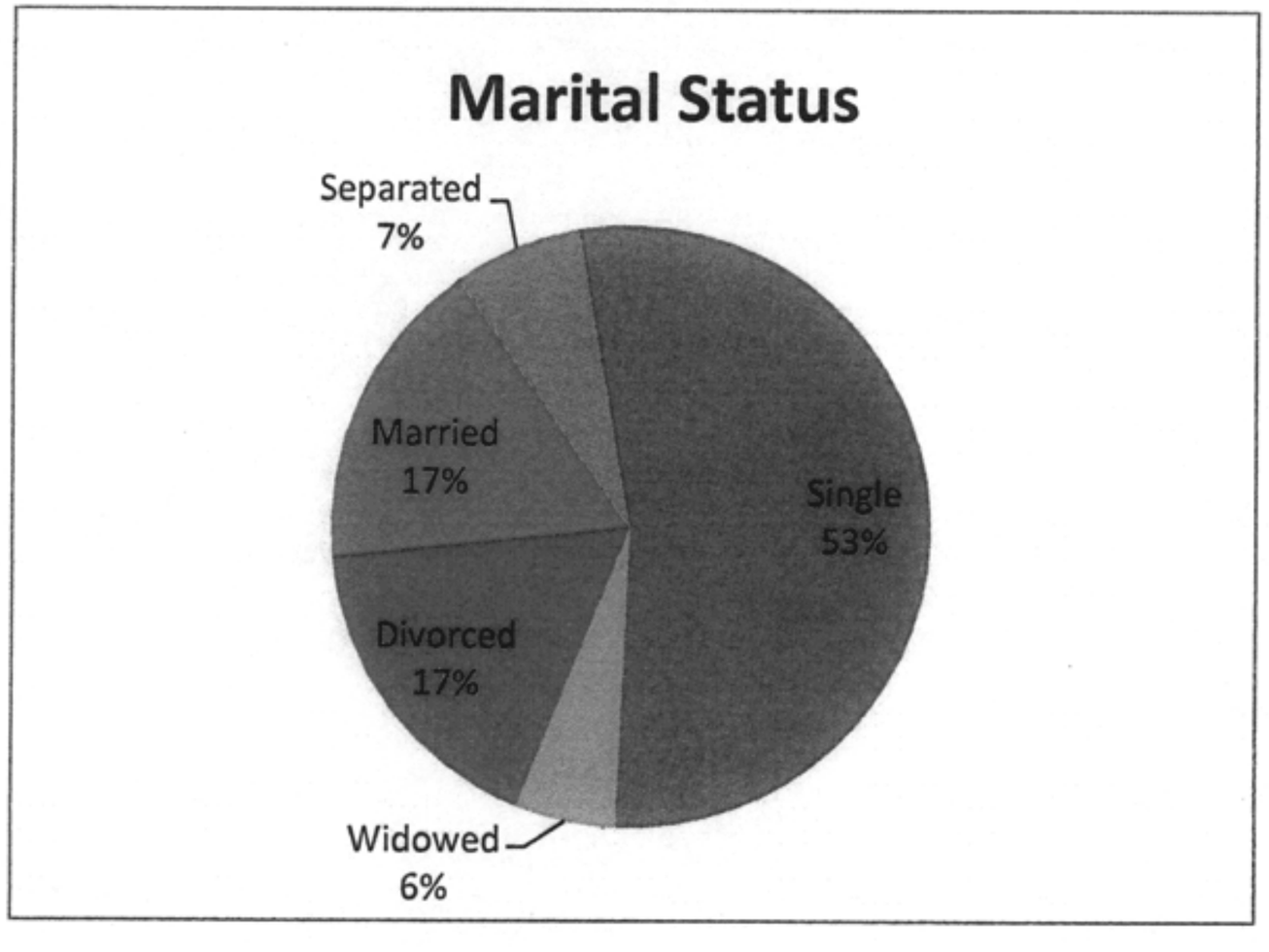
Attachment: CHOICES Health Services Enrollment Update August2011 2.pdf

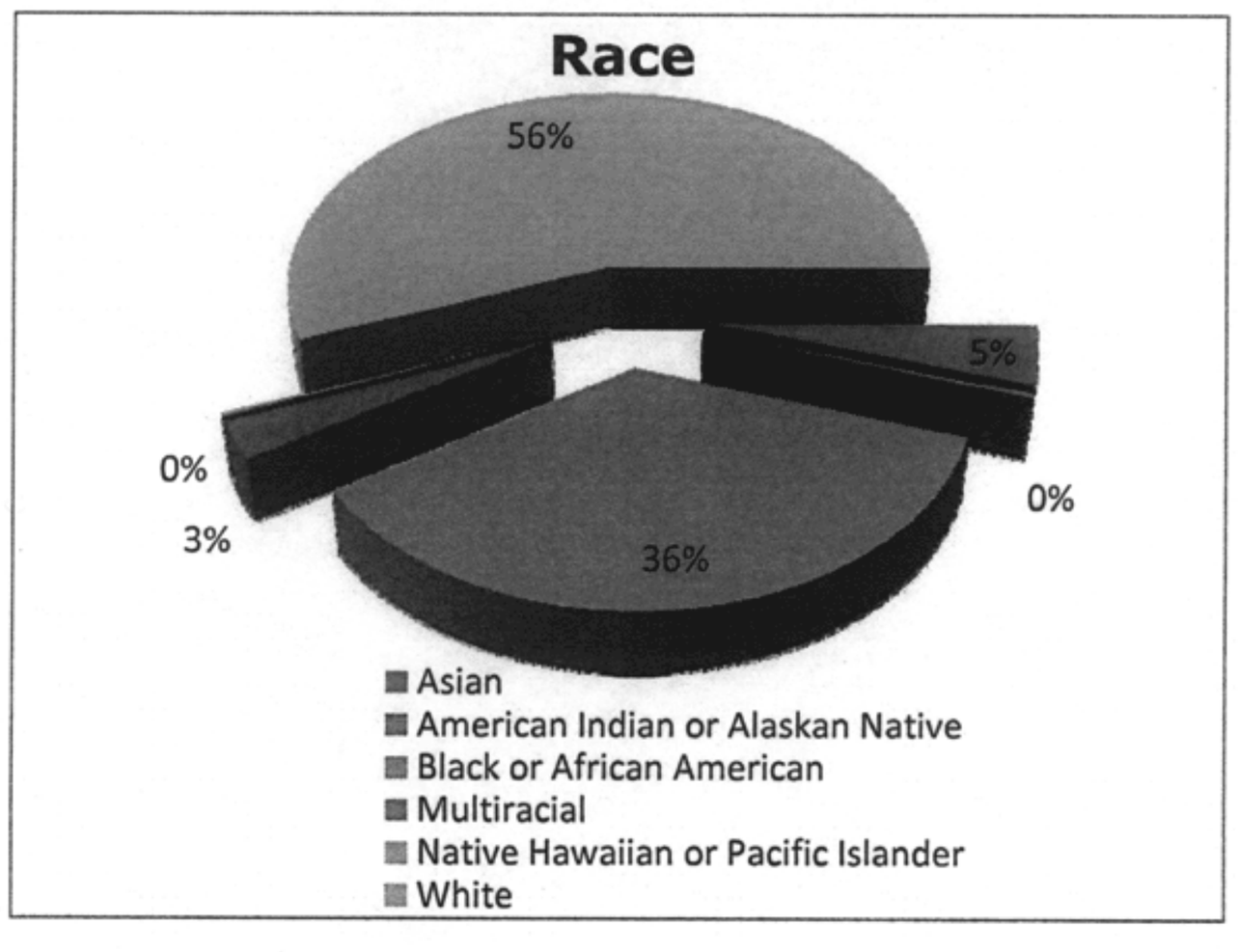
September 2011
Alachua County's Department of Community Support Services
CHOICES Health Services Program Enrollment Update
Data as of: August 30,2011

Current Member Enrollment: **4010** Senior Dental: **459** Members Served to Date: **6780**









October 11, 2011 Regular BoCC Meeting
Agenda Item #43

Title
Updating Authorized Signatures on Work Release Trust Fund Account (Amended)

Amount
N/A

Description
Request to Adopt a Resolution updating the list of personnel authorized to sign disbursement checks on the Work Release Trust Fund Account.

Recommendation
Adopt Resolution updating the list of personnel authorized to sign disbursement checks on the Work Release Trust Fund Account. Authorize the Chair to sign the Resolution updating the signature authority and the Wells Fargo Signature Amendment to the Commercial Account Authorization and Agreement.

Alternative(s)
Do not adopt the resolution and do not authorize the Chair to sign.

Requested By
Christopher Drouillard

Originating Department
Court Services

Attachment(s) Description
Resolution authorizing change in signature authority. Wells Fargo Signature Amendment to Commercial Account Authorization and Agreement form.

Documents Requiring Action
Resolution authorizing change in signature authority. Wells Fargo Signature Amendment to Commercial Account Authorization and Agreement form.

Executive Summary
Personnel changes of employees within Department of Court Services necessitate updating the Work Release Trust Fund account signature authorizations.

Background
Whenever an individual is incarcerated in the Work Release Program, it is necessary for participants in the program to turn in their paychecks. As such, said money is to be held in trust by the Board of County Commissioners. Upon release from custody, a Work Release participant is entitled to any funds held in trust for the benefit of that person less room and board charges and any expenses paid on behalf of the inmate. Since Work Release participants are released from the Work Release program twenty-four (24) hours per day, seven (7) days a week, it is not possible to issue a release check and procure the signature of the Chair of the Board and the Clerk to the Commission on a twenty-four (24) hour basis. Given this situation, the Board by adoption of this Resolution, approves the authorization for specifically named individuals to disburse funds from the Work Release Trust Fund account and repeals prior resolutions. Due to the hiring of a Court Services Director, it is necessary to amend the list of personnel

who are authorized to sign disbursement checks.

Issues
There are only a few authorized signature listed on the account. The addition of the Director's name will help to complete the signature process in the event one of the signers on the account is not available.

Fiscal Recommendation
None

Fiscal Alternative(s)
None

Funding Sources
NA

Account Code(s)
NA

Attachment: Resolution.pdf
Attachment: Wells Fargo Signature Amendment to Commercial Account Authorization and Agreement.pdf

RESOLUTION 11-122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA CONTY, FLORIDA, AUTHORIZING CERTAIN PERSONNEL TO SIGN DISBURSEMENT CHECKS ON THE WORK RELEASE TRUST FUND ACCOUNT; PROVIDING FOR THE REPEAL OF PRIOR RESOLUTIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Alachua County, for and on behalf of its Department of Court Services, maintains an inmate trust fund account at the Wells Fargo Bank, N.A., known as the Alachua County Work Release Trust Fund Account; and

WHEREAS, certain County personnel were authorized to sign disbursement checks on such account by Resolution 08-12, and it is necessary to update that list.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

1. The following personnel of the Alachua County Department of Court Services are hereby authorized to sign disbursement checks on the Alachua County Work Release Trust Fund Account at the Wells Fargo Bank, N.A., account number 2132018001226:

Thomas A. Tonkavich, Court Services Director
Joe K. Lipsey, Work Release Manager
B. Annette Schwiebert, Administrative Support Manager
Christopher J. Drouillard, Senior Fiscal Assistant
Diane B. Crawford, Administrative Assistant
Virginia L. Hendricks, Work Release Supervisor

2. That all prior Resolutions authorizing Alachua County personnel to sign disbursement checks are repealed.

3. That a certified copy of this resolution shall be provided to the Wells Fargo Bank, N.A.

4. That this resolution take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 11 day of October, 2011.

BOARD OF COUNTY COMMISSIONERS
OF ALACHUA COUNTY, FLORIDA

By: _____
Lee Pinkoson, Chair

Attest:

J.K. "Buddy" Irby, Clerk
(Seal)

APPROVED AS TO FORM

_____
Alachua County Attorney

SIGNATURE AMENDMENT TO
COMMERCIAL ACCOUNT AUTHORIZATION
& AGREEMENT (SIGNATURE CARD)

WELLS FARGO

Use this document to add additional/new signers or delete existing signers on an existing account(s).
If updating by customer letter, attach letter and complete sections below.

Bank Name: Wells Fargo Bank _____, N.A.

Bank CoID #: 182
Branch #: _____
AU #: 1323

Date of Original Commercial Account Authorization & Agreement (Signature Card): _____
Accountholder/Customer Name: Alachua County Court Services
Account Numbers: 2132018001226
_____
_____

List Authorized Signers currently on the Account(s): (Sample signature not required. Attach separate sheet if necessary.)

Signer Name	Cynthia B. Morton	Signer Name	Joe K Lipsey
Signer Name	B Annette Schwiebert	Signer Name	Diane B Crawford
Signer Name	Virginia L Hendricks	Signer Name	Christopher J Drouilard

Describe Requested Change(s) to Authorized Signers:

Action Requested (Check One)	**Print Name and Title**	**Specimen Signature** (Required only for persons being ADDED as authorized signers)
☒ Add ☒ Delete	Thomas A. Tonkavich, Director Cynthia B. Morton	
☐ Add ☐ Delete		
☐ Add ☐ Delete		

ACKNOWLEDGEMENT & AGREEMENT

On behalf of the Accountholder identified on the above-referenced Signature Card, I hereby certify, by my signature below, that each of the individuals identified above as a new "Authorized Signer" has the authority, acting alone, to (i) sign checks drawn on, and make cash or other withdrawals from, the Account(s), (ii) request and withdraw stop payment orders for checks drawn on the Account(s), and (iii) initiate funds transfers by ACH, wire or other means out of the Account(s) in accordance with the Accountholder's contractual arrangements with Wells Fargo regarding these services. Each of the individuals identified above as being deleted from status as an "Authorized Signer" no longer has such authority and should not be permitted to engage in transactions relating to the Account(s). I further acknowledge and agree that the changes reflected on this Amendment form shall not become effective until after this form has been received by Wells Fargo and Wells Fargo has had a reasonable opportunity to act on it. **I acknowledge that the Accountholder has received a Commercial Account Agreement and agree that its terms and conditions, as amended from time to time, will govern the Account.**

Certified / Agreed to by:

Signature _____ Date

Signature

Name Lee Pinkoson Name _____

Title Chair, BOCC Alachua County, Florida Title _____

BANK USE ONLY				
Date Received / / 20		Banker Name	Banker Telephone ( ) -	Banker MAC -
AU	RAU	Officer Number	Family Name	Family Number

FORWARD TO – RETAIL SERVICES – GOLD BAG OR MAC N9777-137

10/01/2003

October 11, 2011 Regular BoCC Meeting
Agenda Item #44

Title
Annual Pharmacy Benefits Manager for Social Services: 12-41 Rebid (Amended)

Amount
N/A

Description
Request approval of the Finance Report to approve the ranking and award for RFP 12-41 Rebid: Annual Pharmacy Benefits Manager for Social Services

Recommendation
Approve the Finance Report to rank and award RFP 12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services and authorize staff to negotiate agreements with the top ranked firms until agreements are reached.

Alternative(s)
That the Board reject the award of Annual RFP 12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services.

Requested By
Elmira Warren/Larry Sapp

Originating Department
Community Support Services/Purchasing

Attachment(s) Description
Finance Report

Documents Requiring Action
Finance Report

Executive Summary
That the Board approve the Finance Report to rank and award RFP 12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services and authorize staff to negotiate agreements with the top ranked firms until agreements are reached. 1. US Script, Inc. 2. Restat, LLC

Background
12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services was advertised on June 22, 2011 and June 29, 2011. The deadline for receipt of RFP was August 3, 2011. Five (5) vendors responded for Annual RFP 12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services. The Department of Community Support Services is committed to providing access to affordable health services. The Division of Social Services through its Medicine Program assists eligible low-income citizens with the purchase of prescribed medications and supplies. The Medicine Program is administered by a Third Party Pharmacy Benefit Manager (PBM). Pharmacy Benefit Management Services enables Community Support Services to manage its Medicine Program by increasing efficiency and cost-effectiveness. These services are also beneficial and convenient for citizens to use. Citizens are able to patronage pharmacies throughout Alachua County making it easier to obtain medications at convenient locations including independent pharmacies and those located in rural areas.

Issues
Prior to contracting with a pharmacy benefit manager, Community Support Services utilized a minimum of 3 FTEs to coordinate its pharmacy program including: tracking of utilization, payment to multiple vendors, and issues relating to customer service.

Fiscal Recommendation
n/a

Fiscal Alternative(s)
$0.00

Funding Sources
n/a

Account Code(s)
n/a

Attachment: 1241FR.pdf

Alachua County
Department of Administrative Services
Purchasing

Larry M. Sapp, CPPB
Purchasing Manager

Christy S. Winters, CPPB
Purchasing Supervisor

September 26, 2011

MEMORANDUM

TO: Alachua County Board of County Commissioners

FROM: Betty M. Baker, Administrative Services Director

Larry M. Sapp, CPPB, Purchasing Manager

SUBJECT: RFP #12-41 Rebid; Annual Pharmacy Benefits Manager for Social Services

Deadline for Receipt of Proposals:	2:00 p.m., Wednesday, August 3, 2011
Advertisement Dates:	June 22, 2011 and June 29, 2011
Notifications sent to:	344
Solicitations Requested by:	12
Responses Received From:	5

Firms:

Catalyst Rx Concord, NC	Citizens Rx LLC River Forest, IL	**Pierson Community Pharmacy Pierson, FL
Restat, LLC Milwaukee, WI	US Script, Inc. Fresno, CA	

***Vendor Deemed SBE Non-Responsive*

ADMINISTRATIVE RECOMMENDATION:

That the Board approve the final ranking, as set forth below, and authorize staff to negotiate agreements with the top ranked firms until agreements are reached.

1. US Script, Inc.
2. Restat, LLC

APPROVED THIS 11 DAY OF October, 2011

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

BY: _____
Chairperson

ATTEST: _____
Clerk

LMS/mm