

ORDINANCE 01-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA RELATING TO THE CREATION OF A NEIGHBORHOOD PRESERVATION AND ENHANCEMENT DISTRICT FOR SUGARFOOT OAKS, SUGARLANE, AND CEDAR RIDGE SUBDIVISIONS; PROVIDING FOR SHORT TITLE; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR STATEMENT OF BOUNDARIES, SIZE AND POPULATION; PROVIDING FOR A NEIGHBORHOOD COMMUNITY COUNCIL; PROVIDING FOR MINIMUM STANDARDS FOR THE NEIGHBORHOOD; PROVIDING FOR IMPLEMENTATION STRATEGIES AND EVALUATION FOR THE NEIGHBORHOOD ENHANCEMENT PLAN; PROVIDING FOR PLAN ENFORCEMENT; PROVIDING FOR FINES AND LIENS; PROVIDING FOR APPEALS; PROVIDING FOR AMENDMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida, pursuant to Section 163.524, Florida Statutes, adopted a Neighborhood Preservation and Enhancement Program Ordinance in 2001 to further neighborhood preservation and revitalization;
and

WHEREAS, Partners for a Productive Community, Inc. has undertaken the process outlined in that Ordinance resulting in the development of a neighborhood enhancement plan and a set of regulations for the subdivisions of Sugarfoot Oaks, Sugarlane, and Cedar Ridge;
and

WHEREAS, the Board of County Commissioners of Alachua County, Florida now finds that it is in the best interests of the County's citizens that this plan and regulations be enacted as the Sugarfoot Oaks/Cedar Ridge Enhancement Plan,

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

Section 1. Chapter 71, Alachua County Code is amended by adding Sections 71.02.01 through 71.02.09 as follows:

Sec. 71.02.01. Short Title.

This ordinance shall be known as "The Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District Ordinance."

Sec. 71.02.02. Legislative Findings.

A. Pursuant to the recommendations of the Sugarfoot Oaks Community Council (hereinafter referred to as the "Neighborhood Community Council"), the Board of County Commissioners finds that, in order to more fully promote, protect, and improve the health, safety and welfare of the Sugarfoot Oaks/Cedar Ridge neighborhoods for the residents, visitors, and property owners, it is necessary to create a Neighborhood Preservation and Enhancement District.

B. It is also the intent of the Board, by this Ordinance, that the Office of Code Enforcement, Department of Growth Management (hereinafter referred to as "Code Enforcement"); the Office of Waste Collection, Department of Public Works (hereinafter referred to as "Waste Collection"); the Office of Animal Services, Department of Public Works (hereinafter referred to as "Animal Services"); and the Alachua County Sheriff's Office (hereinafter referred to as the "Sheriff's Office") as provided for in Chapter 24, Alachua County Code, ensure compliance with the enhanced community standards contained herein.

C. The property within the boundaries set forth in Section 71.02.03, below, are blighted and meet the requirements of Section 163.340(7), Florida Statutes.

D. The Neighborhood Enhancement Plan is consistent with the Alachua County Comprehensive Plan.

Sec. 71.02.03. Statement of Boundaries, Size, and Population.

This District includes the Sugarfoot Oaks subdivision as recorded in the Alachua County Official Records in Plat Book K, Page 32, the Sugarfoot Oaks Unit 2 subdivision as recorded by the Alachua County Official Records in Plat Book K, page 91, the Sugarlane subdivision as recorded by the Alachua County Official Records in Plat Book K, page 84, and the Cedar Ridge subdivision as recorded by the Alachua County Official Records in Plat Book M, page 19; Plat Book K, page 80; and Plat Book K, page 8. The District consists of approximately sixty-five (65) acres and two thousand (2,000) people comprising twelve hundred (1,200) households.

Sec. 71.02.04. Neighborhood Community Council.

The Sugarfoot Oaks Community Council is established as the Neighborhood Community Council for the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District and shall have all powers and duties specified in Section 163.524 and 163.526, Florida Statutes.

Sec. 71.02.04. Implementation Strategies and Evaluation; Neighborhood Enhancement Plan.

As provided in Section 71.02.04, a five-person Neighborhood Community Council will monitor implementation of the Sugarfoot Oaks/Cedar Ridge Enhancement Plan (hereinafter referred to as the "Plan"), which includes the following elements.

A. The standards contained in Section 71.02.06

B. The boundaries of the District are set forth in section 71.02.05. The District's total population is two thousand (2,000) and the District contains twelve hundred (1,200) households. The Alachua County Comprehensive Plan land use designation for the District property is medium density residential and the Property is zoned R 3 (Cedar Ridge) and R2A (Sugarfoot Oaks).

C. The Neighborhood Community Council will work closely with the Sheriffs Office's community policing program to assure security within the neighborhood.

D. The Neighborhood Community Council will continue to pursue creative ways to enhance security.

E. The Neighborhood Community Council will monitor County zoning and site plan applications pertaining to adjacent properties to further protect the neighborhood.

F. The Neighborhood Community Council will evaluate the effectiveness of the Plan on an annual basis.

Sec. 71.02.06. Minimum Standards for the District

The provisions of the Alachua Comity Code shall apply to the District, as restated or supplemented by the following standards.

A. Vehicles.

1. Parking of vehicles in the District shall be in accordance with Section 393.26(2) of the Alachua County Code.

2. No commercial trailers, house trailers, utility vehicles, campers, commercial buses, or commercial trucks may be parked in the District, except for temporary delivery or pickup.

3. No vehicle repairs are allowed in the District.

4. No unserviceable vehicle shall be allowed in the District, pursuant to sections 74.20(b), and 393.03, Alachua County Code.

B. Waste Collection. All waste collection shall be in accordance with Chapter 75 of the Alachua County Code, restated or supplemented as follows.

I. Garbage carts and recycling bins shall be placed at curbside no earlier than 5:00 P.M. the day prior to collection day, and must be removed from curbside no later than 9:00 P.M. on collection day, pursuant to section 75.30I(d), Alachua County Code. No refuse or recyclables may be placed at curbside on non-collection days.

2. Garbage carts and recycling containers shall not be placed beyond the curb or on any street or sidewalk in the District. Garbage carts and recycling containers shall not be placed in any drainage ditches, nor placed in any location which blocks access to any driveway, alley, storm drain, mailbox, or utility meter.

3. As provided for in section 75.301(a)(2), Alachua County Code, all refuse except for household furniture must be placed in an approved cart or container. Additional refuse must be placed in approved yellow garbage bags, and placed next to the garbage cart for pickup on collection day. Discarded household furniture must be placed next to the garbage cart on collection day.

4. White goods such as large appliances must be placed at curbside only on the day scheduled for special pickup. Refrigerator, freezer, and appliance doors must be removed. The resident or property owner must arrange for the special pickup.

5. Yard trash such as leaves, pine straw, or grass clippings must be placed at curbside in cans or plastic bags not exceeding ten (10) bags per week. Yard trash must not be contaminated with any other type of refuse. Yard trash such as tree trimmings which do not exceed five (5) feet in length, four (4) inches in diameter, and do not weigh more than forty (40) pounds each, maybe placed at curbside for collection. Limbs and branches that exceed these specifications may be placed at curbside and collected by special pickup. The resident or property owner must arrange for the special pickup.

6. Construction and demolition debris, such as building materials, waste from construction, remodeling, renovation, roofing, and tree surgery performed by a contractor must be properly disposed of by the contractor, in accordance with section 75.205, Alachua County Code.

7. Debris from home repairs performed by a resident which does not exceed forty (40) pounds and can be contained in approved yellow plastic garbage bags, may be placed adjacent to the garbage cart for pickup on the regular collection day. If debris from home repairs exceeds forty (40) pounds, the resident or property owner shall arrange for a special pickup.

8. Recycling Bins

(a) Residents or property owners shall only recycle in the blue bins glass bottles and jars, metal cans (including empty aerosol cans), plastic containers marked with the appropriate recycling symbol, and any other items listed as acceptable for recycling in the blue bins in the manual, "Let's Talk Trash", promulgated by the Division of Waste Management.

(b) Residents or property owners shall only recycle in the orange bins newspapers, corrugated cardboard, magazines, catalogues, brown paper bags, and any other items listed as acceptable for recycling in the orange bins in the manual, "Let's Talk Trash", promulgated by the Division of Waste Management.

9. All areas must be clean and free of all litter at all times.

10. Garbage carts and recycling containers must be stored on the resident's or property owner's property in an area not visible from the street.

C. Property Maintenance. The provisions of Chapter 74, Article V, of the Alachua County Code, shall apply to the District as restated or supplemented by the following standards.

1. Property owners or residents must keep property mowed no higher than six inches and free and clean of garbage waste and trash. Trees, shrubs, and bushes must be trimmed and kept in a neat and orderly manner.

2. All fences shall be kept in repair and in safe condition.

3. Multi-unit buildings shall remain consistent in roofing and exterior color and appearance.

4. Yard sale signs will be removed the same day as the sale.

5. All exteriors of units must be maintained and be in good condition.

6. The Neighborhood Community Council must approve any additions or structural changes to residences in the District prior to County Permits being issued. Site drawings must be presented to the Neighborhood Community Council Board for approval.

7. Basketball goals are not allowed on County right of way.

8. No shopping carts are allowed in the District.

D. It shall be unlawful for any resident of the District to make, cause, or allow the making of any noise or sound which exceeds the noise levels set forth in Chapter 110 of the Alachua County Code.

E. Animals. District residents shall comply with the provisions of Chapter 72 of the Alachua County Code, restated or supplemented as follows.

1. All domestic animals three (3) months of age or older must be vaccinated against rabies and must wear a current Alachua County tag at all times.

2. All animals must be on leashes when off of the animal owner's property. No animals shall be allowed to trespass on public or private property, cause damage to another resident's property, create a danger to the public health or safety, disturb or turn over garbage containers, chase or molest vehicles, bicycles, persons, or animals, or display a menacing or threatening behavior.

3. It shall be unlawful for any resident of the District to allow a companion animal to create noise which exceeds the standards set forth in Chapter 110 of the Alachua County Code.

4. No resident of the District shall, while operating a motor vehicle on a public right of way, transport or keep a companion animal in or on the motor vehicle, unless the companion animal is in the passenger compartment of the vehicle, or protected by a container, cage, or other appropriate tethering device that will prevent the animal from falling from, being thrown from, or jumping from the motor vehicle.

5. The owner of a dog shall remove any excreta deposited by the dog on any property other than the animal owner's residence. The owner of a dog shall carry adequate waste removal devices or disposal bags while off the dog owner's own property.

6. Animals that are tethered must be on the animal owner's property (not public rights of way, including public utility boxes and transformers).

7. Dog fighting is prohibited, pursuant to section 828.122, Florida Statutes.

F. Nuisances. No property owner or resident in the District shall create or maintain a condition or conditions which are dangerous to the health, welfare, or safety of the public generally, or to the occupants of the surrounding properties, or create a nuisance, pursuant to Chapter 74 of the Alachua County Code. No one shall be permitted to bring into or onto a residential lot any dangerous quantity of flammable oils or fluids such as gasoline, kerosene, naphtha or benzene, or other explosives or articles deemed hazardous to life, limb or property. Gasoline for lawn maintenance shall not be stored in excess of five (5) gallons and must be in approved containers.

G. Firearms. No property owner, resident, or guest shall openly display firearms, BB guns, pellet guns, bow and arrows, sling - shots, or other weapons within the District. No discharge of weapons is allowed within the District.

H. Property Owner's Address. All property owners must provide the Neighborhood Community Council with their address, telephone number, and/or contact information for their local agent.

Sec. 71.02.07. Enforcement.

This ordinance will be enforced by the Offices of Code Enforcement, Waste Collection, Animal Services, and the Sheriffs Office, pursuant to Chapter 24 of the Alachua County Code of Ordinances and the County Code Enforcement System, pursuant to Chapter 24 of the Alachua County Code and Chapter 162, Florida Statutes, by proceedings before the Code Enforcement Board, or by any other means available to the County, including injunctive relief.

Violations are punishable by fine (not to exceed \$500.00 per offense), imprisonment (not to exceed 60 days per offense) or both.

Sec. 71.02.08. Fines and Liens.

Failure by property owners or residents to comply with the provisions of this ordinance shall result in fines and liens being levied pursuant to Chapter 24, Alachua County Code.

Sec. 71.02.09 Amendment.

The Plan may be amended and modified upon the filing of a petition with the County by the neighborhood community council board of directors or fifty-one percent (51 %) of the residential property owners requesting such an amendment or modification. The Board of County Commissioners shall hold a public hearing on the proposed amendment or modification which thereafter may be adopted by ordinance.

Section 2. Severability. It is the declared intent of the Board 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.

Section 3. Inclusion in the Code. It is the intention of the Board of 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 Code of Laws and Ordinances of Alachua County, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

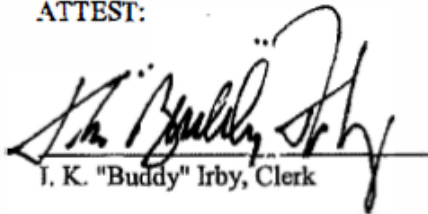
Section 4. Effective date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten days after enactment by the Board of County Commissioners, and shall take effect upon filing with the Department of State.

DULY ADOPTED in regular session by a majority plus one vote of the members of the Board of County Commissioners, this 23rd day of October, 2001.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By:  VICE CHAIR
for David Newport, Chair

ATTEST:


I. K. "Buddy" Irby, Clerk

APPROVED AS TO FORM


Alachua County Attorney

DEPARTMENT APPROVAL
AS TO CORRECTNESS

Department Head