

RESOLUTION 04-66

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, DESIGNATING DUSTY TRAIL AS A SCENIC ROAD; PROVIDING CERTAIN RESTRICTIONS IN CONNECTION THEREWITH; PROVIDING AN EFFECTIVE DATE.

WHEREAS, a portion of SW 15th Avenue (also known as Dusty Trail) has historic significance, having been in existence since before 1894, and

WHEREAS, the quality of its scenic resources merits county recognition, and

WHEREAS, a variety and diversity of visual experience is created by the natural vegetation, and type of landscape and land use activity, and

WHEREAS, the roadside's natural and scenic resources are not damaged beyond their recognition, and

WHEREAS, the scenic quality is currently not restricted by commercial and other development activities, and

WHEREAS, urbanization threatens the natural beauty of the road making it desirable to assure its preservation, and

WHEREAS, the Board of County Commissioners has held a public hearing and considered the designation of Dusty Trail as a Scenic Road pursuant to Alachua County Code Chapter 344 - Scenic Roads, and

WHEREAS, the Board of County Commissioners adopts the report provided, attached as exhibit A, and

WHEREAS, the Board of County Commissioners finds the Dusty Trail meets the requirements to be designated a Scenic Road because it meets the specific criteria for designation;

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

Section 1. Findings. The Board finds, determines and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

Section 2. That a portion of SW 15th Avenue (also known as Dusty Trail) is hereby declared to be a Scenic Road as provided for by Alachua County Code Chapter 344-Scenic Roads.

Section 3. The Portion of SW 15th Avenue (also known as Dusty Trail) declared to be a Scenic Road is more particularly described as follows:

All that part of SW 15 Avenue (a.k.a. Dusty Trail) that lies north of the South line of Sections 3 and 4 and that lies south of the North line of Sections 9 and 10, Township 10 South, Range 18 East, Alachua County, Florida , and being more particularly described as follows :
Commence at an intersection of the said section line with the east right of way line of County Road 241 (a.k.a. SW 170 Street) for a point of beginning; then precede Easterly along said section lines to an intersection with the west right of way line of SW 143 Street for the point of termination.

Section 4. The restrictions placed on the Dusty Trail Scenic Road shall be as follows:

- A. Outdoor advertising signs shall be prohibited 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 road and subdivision entryway signs constructed in accordance with the county sign ordinance.
- B. The speed limit to be posted shall be 30 mph.
- C. Vehicular travel shall be restricted by posting of "No Through Trucks" signage.

D. 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 shall be prohibited within the protected area except under circumstances where trees have died and/or the overgrown trees have hindered sight lines and safety factors creating traffic hazards.

E. Structures not previously existing shall not be permitted within the protected area.

F. Commercial activity shall be prohibited within the protected area.

G. Overhead utilities not previously existing shall be prohibited within the protected area, except that:

- a. Utility drops may be installed to previously existing buildings within the protected area.
- b. Primary electrical transmission lines carrying 25,000 volts or more may be exempted from this restriction by the county commission after site plan approval when such transmission lines propose to cross the protected area perpendicular to the scenic road.
- c. 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.

Section 5 The preservation, maintenance, and protection of the Scenic Road shall be provided in accordance with Chapter 344 of the Alachua County Code.

Section 6. The county engineer shall post signs notifying the public that Dusty Trail has been designated as a Scenic Road by Alachua County, and of the appropriate speed.

Section 7. As set forth in Chapter 344 of the Alachua County Code, the county commission, after due public notice, may grant such variances from the restrictions herein established as will not be contrary to the public interest where, due to special

conditions, a literal enforcement of the provisions hereof would result in unnecessary and undue hardship or a safety hazard.

Section 8. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 22 day of June, 2004.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: Mike Byerly
Mike Byerly, Chair

ATTEST:
J. K. "Buddy" Irby
J. K. "Buddy" Irby, Clerk
(SEAL)

APPROVED AS TO FORM

D. Wynn
Alachua County Attorney