

ORDINANCE NO. 320

AN ORDINANCE AMENDING THE COMPEHENSIVE PLAN OF THE TOWN OF HAVANA TO ADD THE 154.91 ACRE TRACT OF LAND LOCATED IN SECTION 26, TOWNSHIP 3 NORTH, RANGE 2 WEST, GADSDEN COUNTY, FLORIDA, TO THE EAST BORDER OF THE TOWN OF HAVANA AND NORTH OF COUNTY ROAD NO. 12, BEING MORE PARTICULARLY DESCRIBED AND SHOWN ON EXHIBIT "A" ATTACHED, WHICH LAND IS BEING ANNEXED TO THE TOWN BY ORDINANCE NO. 319 EFFECTIVE ON APRIL 1, 2005, AND AMENDING THE TOWN'S LAND USE MAP TO ADD SUCH AREA AND CHANGE THE ZONING CLASSIFICATION OF SUCH AREA FROM COUNTY AGRICULTURAL-1 TO NEIGHBORHOOD CONSERVATION DISTRICT; ALSO AMENDING SECTION 3301 OF THE ZONING CODE PERTAINING TO NEIGHBORHOOD CONSERVATION DISTRICT TO PROVIDE FOR EXPANSION OF CHURCHES MEETING CERTAIN REQUIREMENTS BUT PROHIBITING OPERATION OF AN ON-SITE SCHOOL AT CHURCH LOCATIONS; ALSO AMENDING SECTION 4409 OF THE ZONING CODE AND POLICY 1.2 OF THE COMPREHENSIVE PLAN RELATING TO SANITARY SEWER HOOKUPS; PROVIDING FOR THE LEGAL STATUS OF SAID COMPREHENSIVE PLAN AS AMENDED; PROVIDING CODIFICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA:

SECTION 1. That the Comprehensive Plan of the Town of Havana shall be amended by adding the 154.91 acre tract of land located in Section 26, Township 3 North, Range 2 West, Gadsden County, Florida, to the East Border of the Town of Havana and North of County Road No. 12, being more particularly described and shown on Exhibit "A" attached, which is being annexed to the Town by Ordinance No. 319 effective April 1, 2005, and amending the Town's Land Use Map to add such area.

SECTION 2. That the Zoning Classification of the above-described land shall be changed from County Agricultural I to Neighborhood Conservation District.

Section 3. That Section 3301 of the Zoning Code pertaining to Neighborhood Conservation District is hereby amended to provide for expansion of churches meeting certain requirements but prohibiting operation of an on-site school at church locations and shall read as follows, to-wit:

Section 3301. Neighborhood Conservation District.

"The Neighborhood Conservation District is intended to preserve the character of existing neighborhoods and developments

platted at the time of adoption of this ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of this ordinance. This district is also intended to provide for minor in-filling of existing neighborhoods consistent with their character at the time of enactment of this ordinance. The regulations permit future development consistent with the existing character. Areas identified as having a stable and fixed character will be allowed to continue to exist and develop under the general regulations governing their design and construction or the actual plat plans previously approved. Only one dwelling unit per lot will be permitted within this district.

Any church existing within the Neighborhood Conservation District may expand it's size by 15% provided it can meet the bufferyard requirements of Sections 4605-4611 (or minimum bufferyard per Section 6007), parking requirements in Section 5700 and stormwater management requirements in Section 4408 as applied to only the new impervious surface created by the addition and any associated additional pavement. Roadway access standards required by Section 4602 and Section 4706 are not applicable for such small scale additions. Operation of a school within the Neighborhood Conservation District is prohibited.

Commentary: This district is designed to avoid the creation of large areas of nonconformities as a consequence of the enactment of this ordinance. Large residential properties have already been subdivided or largely developed. The legal, administrative, and individual problems that would be created by making these areas nonconforming are not justifiable, and it is largely for this reason that the neighborhood conservation district exists.

A number of churches are located within the Neighborhood Conservation District. Since they developed along with the homes within the Neighborhood Conservation District, they form part of the character of the area. Small to moderate sized churches that do not operate on-site schools are generally a welcome part of the neighborhood fabric. Adding other functions such as schools to church sites has great potential to introduce unwanted impacts such as traffic and noise into the neighborhood and would not be appropriate within the Neighborhood Conservation District. Minor additions to a church such as a kitchen, mothers room, church office, etc. would be unlikely to create any significant impact and are therefore permitted as long as adequate bufferyards, stormwater management and parking can be maintained.

No new neighborhood conservation districts or expansion of same shall be allowed following the adoption of this ordinance. This district is not considered appropriate for new development."

SECTION 4. That Section 4409 of the Zoning Code relating to Sanitary Sewer hookups shall be amended to read as follows, to-wit:

"Section 4409. Sewage Disposal.

A single family or duplex dwelling unit must connect to the Town's sewer system if a connection is possible within thirteen hundred twenty (1,320) feet of an existing sewer line measured from the closest lot line, unless each dwelling unit is on a one-acre or greater lot, or if connection to the sewer line is prohibitively expensive. The Town may, at its option, extend a sewer line to within two hundred (200) feet of the lot line in order to allow connection. If, after notification by the Town that a sewer line will not be extended, a single family or duplex dwelling may use an on-site septic system if the requirements of paragraphs A, B or C below are met.

New commercial structures or new multi-family dwellings of more than two units and new residential on lots of one acre or less units east of the railroad tracks must connect to the Town's sewer system prior to issuance of a Certificate of Occupancy.

Any subdivision of five or more lots of one acre or less in an area not yet served by sewer must install, at the developer's expense, dry sewer lines to facilitate future connections to the wastewater treatment facility when collection lines are extended to the subdivision. A residential structure on a lot greater than one acre shall not be required to connect with the Town's sewer system.

In any event, all new development and structures using septic tanks must connect to the Town's sewer system and discontinue use of the septic tank when the septic system must be pumped out or fails in any way after a sewer line is provided within thirteen hundred twenty (1,320) feet of the nearest property line, unless such connection is prohibitively expensive.

On-site septic system disposal, where allowed, shall meet the standards imposed by the State of Florida.

- A. The minimum site upon which a septic system may be permitted shall not be less than one quarter acre (10,890 square feet) where a public potable water supply is provided.
- B. The minimum site upon which a septic system may be permitted shall not be less than one-half acre (21,780) square feet) where a private well is used to supply potable water.
- C. The soils in the specific location in the drainfield must meet all requirements specified by the requirements of the State Health Department or its successor and a permit obtained from the local health unit prior to obtaining a local certificate of occupancy."

SECTION 5. That Policy 1.2 of the Comprehensive Plan relating to Sanitary Sewer Goals, Objectives and Policies shall be amended to read as follows, to-wit:

"POLICY 1.2 - Through the zoning ordinance, require new subdivisions to connect to the central sewer system. An exception will be made for lots of one acre or more where it is demonstrated that the soil is capable of supporting a typical septic tank and drainfield system."

SECTION 6. It is the intention of the Town and it is hereby provided that the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Havana, 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 7. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100.

INTRODUCED at the transmittal stage in open session of the Town Council of the Town of Havana, Florida, this 22nd day of February, A.D. 2005.

ADOPTED AND PASSED on second and final reading after issuance of the final order of compliance by the Department of Community Affairs, or in the alternative after the adoption of the appropriate resolution, in open session of the Town Council of the Town of Havana, Florida, this 5th day of July, A.D. 2005.

G. J. Davis

Presiding Officer of the Town
Council of the Town of Havana,
Florida

ATTEST:

Karen M. Myrick

Clerk of the Town of Havana and
Clerk of the Town Council thereof

