



# MEMORANDUM

Office of the City Attorney

Registrar No. 002562

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** April 14, 2003  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-03-25; Petition No. 31TCH-02 PB  
An ordinance of the City of Gainesville, Florida, reformatting and amending subsection 30-70(c)(2) of the Land Development Code related to uses by special use permit in the general industrial district (I-2); to provide for special reporting requirements and exemptions for certain industrial uses to be allowed by special use permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission (1) hear a presentation from staff and (2) adopt the proposed ordinance with recommended amendments.

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

Certain industrial uses can be considered "high-impact" because they have the potential to produce substantial levels of air, water, soil, truck, and noise pollution. The presence of such industries near residential, office, or retail uses, if not properly controlled, can diminish the quality of life for such nearby uses, create significantly objectionable nuisances, or otherwise endanger humans, activities, or natural resources. This can be particularly true when certain industries are concentrated in an area.

The list of high-impact industries identified as being especially prone to creating these sorts of community harm were identified by Water & Air Research during their review of the City's allowed industrial uses. The Land Development Code was amended to allow these uses by Special Use Permit.

During the industrial moratorium, the City Commission asked staff to develop additional regulations to better protect non-industrial land uses from such industrial uses. Staff was asked to develop additional protective measures to supplement the substantial set of existing regulations that pertain to such industries. During the review, staff determined that developing performance standards to address truck traffic, air and odor would require a substantial amount of time to prepare, and would probably require the City to hire a consultant to create. In addition, in some

cases, the City would be pre-empted by the State or Federal government from establishing local standards, as was recently the case with efforts by Alachua County to adopt "Clean Air" air pollution standards.

It was determined that within each of the high impact industries identified, there may be industries that can demonstrate that they are relatively clean. The consultant for the industrial study helped to identify standards where some of the industries could be allowed by right if they met a certain standard. It was determined that, if the use or development will result in release of pollutants to air or water, in an amount no more than 1% of the average release of those pollutants reported for that industry, those uses could be allowed by right.

The Plan Board recommended to the City Commission that they adopt an exemption for those industries with no more than 1% of the average release of those pollutants reported for that industry, and to require all new industries to comply with the ISO 14001 environmental management system standards. After hearing from staff on December 9, 2002, and Dr. William T. Engel with the TREEO Center on January 13, 2003, on the expense involved with implementing the ISO standards, the City Commission voted to approve staff's recommendation without the ISO standards.

See attached memorandum from Tom Saunders, recommending amendments to the ordinance on second reading.

**CITY ATTORNEY MEMORANDUM**

This ordinance requires two public hearings. If the Commission adopts the ordinance on first reading, the second and final reading will be held on Monday, March 17, 2003. The City Commission continued the second reading of this ordinance until April 14, 2003, to allow the Department of Community Development additional time to respond to citizens' concerns.

Approved and  
Submitted by:

  
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Marion J. Radson,  
City Attorney

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