



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: July 24, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-32; Petition No. 146CPA-99PB
An ordinance of the City of Gainesville, Florida, amending the Potable Water/Wastewater Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending policy 1.1.1 to more correctly reflect measurement of storage capacity; deleting the level of service standard for the University of Florida from policy 1.1.2; amending objective 1.2 to list the upgrades and expansions to be accomplished in the next 5 years; deleting policies 1.2.1 and 1.2.2 regarding deficiencies that have been corrected; amending policy 1.2.3 to show updated capacity plans; deleting policy 1.2.4 and 1.2.5 regarding upgrades that have been completed; amending policy 1.2.6 to show updated capacity plans; deleting policy 1.2.7 regarding an upgrade that has been completed; amending policy 1.3.1 to reflect Alachua County Comprehensive Plan policies governing extension of potable water and wastewater facilities; adding policy 1.4.6 to reflect a program established for installment payments of connection charges; amending policy 1.5.1 clarifying that a water conservation program is available to both residential and non-residential customers; amending policy 1.5.4 to reflect the availability of vegetation lists; amending policy 1.5.5 to reflect that water conservation techniques are included in the City's landscaping ordinance; adding policies 1.5.7 and 1.5.8 that encourage use of reclaimed water; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission (1) receive the preliminary review of the Department of Community Affairs; and (2) adopt the proposed ordinance.

The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan.

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The second hearing will be held at the adoption stage of the ordinance and must be advertised approximately five (5) days after the day that the second advertisement is published.

The State of Florida Department of Community Affairs issued a letter dated June 9, 2000, stating that this amendment need not be formally reviewed for consistency with Chapter 163, F.S. The Department also waived preparing an Objections, Recommendations and Comments Report. A copy of their letter is attached to this memorandum. Therefore, the City may now proceed with the final adoption of this ordinance.

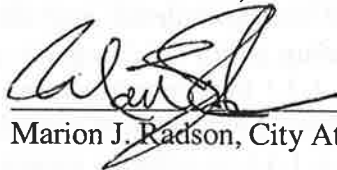
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Patricia M. Carter, Sr. Assistant City Attorney

Approved and
Submitted by:

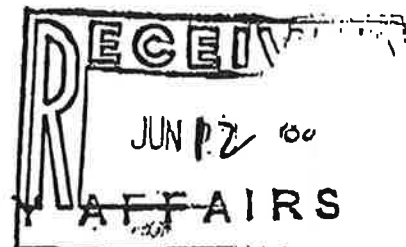


Marion J. Radson, City Attorney



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"



JEB BUSH
 Governor

June 9, 2000

STEVEN M. SEIBERT
 Secretary

The Honorable Paula M. Delaney
 Mayor, City of Gainesville
 Post Office Box 490, Station 19
 Gainesville, Florida 32602

Dear Mayor Delaney:

The Department has conducted a preliminary review of the City of Gainesville proposed comprehensive plan amendment received on May 11, 2000, DCA Reference No. 00-1ER.

The Department has determined that the proposed plan amendment need not be formally reviewed for consistency with Chapter 163, Florida Statutes, and Rule 9J-5, Florida Administrative Code, (F.A.C.). In addition, the Department has not received any recommendation for review from the North Central Florida Regional Planning Council or any affected person regarding the proposed amendment.

Therefore, the proposed amendment will not be reviewed and the Objections, Recommendations and Comments report will be waived. The local government may proceed to immediately adopt the amendment. After adoption, please submit three copies of the adopted amendment to the Department for our final compliance review, consistent with the requirements of Rule 9J-11.011, F.A.C.

This letter should be made available for public inspection. If you have any questions, please contact Jim Crews, Planner IV, overseeing the review of the amendment, at (850) 487-4545.

Sincerely,

Michael F. Sherman, AICP
 Growth Management Administrator

MFS/jcs

cc: Mr. Dean Mimms, Chief of Comprehensive Planning
 Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32398-2100
 Phone: 850.488.8486/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
 Internal address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
 2766 Overseas Highway, Suite 212

COMMUNITY PLANNING
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32398-2100

EMERGENCY MANAGEMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32398-2100

HOUSING & COMMUNITY DEVELOPMENT
 2555 Shumard Oak Boulevard
 Tallahassee, FL 32398-2100

ORDINANCE NO. _____
0-00-32

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An ordinance of the City of Gainesville, Florida, amending the Potable Water/Wastewater Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending policy 1.1.1 to more correctly reflect measurement of storage capacity; deleting the level of service standard for the University of Florida from policy 1.1.2; amending objective 1.2 to list the upgrades and expansions to be accomplished in the next 5 years; deleting policies 1.2.1 and 1.2.2 regarding deficiencies that have been corrected; amending policy 1.2.3 to show updated capacity plans; deleting policy 1.2.4 and 1.2.5 regarding upgrades that have been completed; amending policy 1.2.6 to show updated capacity plans; deleting policy 1.2.7 regarding an upgrade that has been completed; amending policy 1.3.1 to reflect Alachua County Comprehensive Plan policies governing extension of potable water and wastewater facilities; adding policy 1.4.6 to reflect a program established for installment payments of connection charges; amending policy 1.5.1 clarifying that a water conservation program is available to both residential and non-residential customers; amending policy 1.5.4 to reflect the availability of vegetation lists; amending policy 1.5.5 to reflect that water conservation techniques are included in the City's landscaping ordinance; adding policies 1.5.7 and 1.5.8 that encourage use of reclaimed water; providing directions to the city manager; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the City of Gainesville 1991-2001 Comprehensive Plan be amended; and

WHEREAS, notice was given and publication made as required by law and a Public Hearing was then held by the City Plan Board on October 26, 1999; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on January 24, 2000; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of

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1 this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in
2 the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the
3 day the first advertisement was published; and

4 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage the
5 City of Gainesville transmitted copies of this proposed change to the State Land Planning
6 Agency; and

7 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches
8 long was placed in the aforesaid newspaper notifying the public of the second Public
9 Hearing to be held at least 5 days after the day the second advertisement was published;
10 and

11 **WHEREAS**, the two Public Hearings were held pursuant to the published notices
12 described at which hearings the parties in interest and all others had an opportunity to be
13 and were, in fact, heard; and

14 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
15 considered the comments, recommendation and objections, if any, of the State Land
16 Planning Agency;

17 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
18 **THE CITY OF GAINESVILLE, FLORIDA:**

19 **Section 1.** The Potable Water/Wastewater Element of the City of Gainesville 1991-2001
20 Comprehensive Plan is amended to read as follows:

1 **GOAL 1. TO PROVIDE ADEQUATE, SAFE, ECONOMIC, RELIABLE AND**
2 **ENVIRONMENTALLY SOUND WATER AND WASTEWATER UTILITY**
3 **SERVICES.**

4 **Objective 1.1** Water and wastewater services shall be provided at adequate levels of
5 service (LOS) to meet the needs of existing and future populations.

6 Policies.

7 1.1.1 The following LOS standards shall be adopted for potable water:

- 8 a. Maximum Day (Peak) Design Flow: 200 gallons daily demand per
9 capita;
- 10 b. Storage Capacity: $\frac{1}{2}$ of maximum daily ~~consumption volume~~ flow;
- 11 c. Pressure: The system shall be designed for a minimum pressure of
12 40 psig under forecasted peak hourly demands to assure 20 psig under
13 extreme and unforeseen conditions;
- 14 d. The City shall reserve potable water capacity for the annual water
15 demand projected by the City for the University of Florida and the power
16 plants.

17 1.1.2 The following LOS standard shall be adopted for wastewater services:

- 18 a. Average Day Standard: 113 gallons daily flow per capita. Peak
19 Standard: 123 gallons daily flow per capita;
- 20 b. ~~University of Florida standard: 40 gallons per capita average daily~~
21 ~~flow (this standard was provided by the University of Florida Physical~~
22 ~~Plant).~~

1 1.1.3 The City shall maintain forecasts of plant flow requirements and provide
2 for plant capacity and other facility expansions in GRU's annually-updated, five-
3 year capital budget to meet the LOS standards.

4 1.1.4 The City shall perform ongoing evaluations and studies to determine the
5 water and wastewater systems' needs to meet the requirements of existing and
6 future customers, with the LOS standards to be employed as minimum criteria.
7 The City shall provide financial resources in GRU's operating and annually-
8 updated five-year capital budgets to renew, replace, improve and maintain the
9 systems in accordance with prudent utility practice as defined in the Utilities
10 System Revenue Bond Resolution (adopted June 6, 1983).

11 1.1.5 The City shall not commit to provide water or wastewater service if
12 sufficient capacities or facilities to serve the proposed project cannot be made
13 available at the time that the system impacts of the project will occur. The City
14 shall maintain, as part of its Concurrency Management System, records of the
15 expected amount of system demand from projects to which commitments are
16 made and expected project lead and completion times in order to monitor capacity
17 and facility requirements.

18 1.1.6 Every five years, the City shall hire independent and qualified consulting
19 firms to evaluate the condition of the water and wastewater systems and the
20 adequacy of the financial and facilities planning performed to maintain the
21 system.

1 Objective 1.2 ~~Upon Plan adoption, the City shall begin to correct existing potable~~
2 ~~water and wastewater facility deficiencies and make necessary expansions to those~~
3 ~~outlined in the policies below and as shown in the 5-year Schedule of Capital~~
4 ~~Improvements in the Capital Improvements Element to meet established LOS~~
5 ~~standards. The City shall continue to upgrade and expand water/wastewater~~
6 ~~facilities, as shown in the policies below and in the 5-Year Schedule of Capital~~
7 ~~Improvements, to meet established LOS standards.~~ The City shall give priority to
8 correcting existing deficiencies in levels of service prior to expanding facilities to
9 new, unserved areas.

10 Policies

11 ~~1.2.1 Potable water storage capacity deficiencies identified in the data and~~
12 ~~analysis report shall be corrected by the construction of a 5 mg storage tank in FY~~
13 ~~1991/1992, as shown in the 5 Year Schedule of Capital Improvements.~~

14 ~~1.2.2 By December 1991, the City shall have completed a study to identify areas~~
15 ~~with fire flow deficiencies.~~

16 1.2.13 The Kanapaha Water Reclamation Facility capacity shall be increased to
17 ~~12~~ 14 mgd by the end of FY 2001/2002 ~~1993/1994~~, as shown in the 5-Year
18 Schedule of Capital Improvements.

19 ~~1.2.4 The Main Street Wastewater Plant advanced secondary treatment upgrade~~
20 ~~shall be completed by August 1992, as shown in the 5 Year Schedule of Capital~~
21 ~~Improvements.~~

1 ~~1.2.5~~ The City shall have completed the 2 mg ground storage tank addition in
2 the northwest by the end of FY 1993/1994, as shown in the 5 Year Schedule of
3 Capital Improvements.

4 1.2.26 The City shall complete ~~expand~~ the Murphree Water Plant filter upgrade
5 or install alternative facilities to expand capacity to 40 51 mgd capacity by the end
6 of FY 2002/2003 ~~1993/1994~~, as shown in the 5-Year Schedule of Capital
7 Improvements.

8 ~~1.2.7~~ The City shall ~~complete~~ the automated wastewater collection shunt system
9 by the end of FY ~~1991/1992~~, as shown in the 5 Year Schedule of Capital
10 Improvements.

11 **Objective 1.3 The City shall provide potable water and wastewater services**
12 **throughout the urban area in an efficient and economical manner, with the cost of**
13 **service expansion being borne by those requiring such expansion. Upon Plan**
14 **adoption, the City of Gainesville, as the urban area service provider of potable**
15 **water and wastewater through Gainesville Regional Utilities, shall coordinate the**
16 **extension and increases in capacity of potable water and wastewater facilities**
17 **outside of city limits through policies established in the Alachua County**
18 **Comprehensive Plan.**

19 Policies

20 1.3.1. In order to discourage urban sprawl, Gainesville Regional Utilities shall
21 extend potable water and wastewater facilities outside city limits in accordance
22 with policies in the Alachua County Comprehensive Plan ~~the City, in cooperation~~

1 ~~with Alachua County, shall establish a timing, staging and capacity program for~~
2 ~~the expansion of water and wastewater facilities within the service area by June~~
3 ~~1992.~~

4 1.3.2 The City shall encourage development of property in close proximity to
5 existing service areas through the continued use of appropriate economic
6 incentives concerning the extension of water and wastewater services as listed
7 below:

8 a. The City shall continue its policy of having all new water and
9 wastewater service connections pay the fully allocated cost of the
10 treatment facilities required to serve them in the form of plant connection
11 fees, and the cost of distribution or collection facilities, unless the service
12 is on a developer-installed system;

13 b. The City shall continue its policy of having development contribute
14 the water and wastewater distribution and collection system internal to a
15 development. Contributions in aid of construction are paid if the City
16 does not project an adequate return on investment for water distribution or
17 wastewater collection system extensions;

18 c. The City shall continue its policy that all facilities constructed and
19 contributed to the utility system must be approved, inspected and built to
20 City standards.

1 1.3.3 The City shall not reserve potable water or wastewater capacity outside of
2 city limits without a determination that the development order is consistent with
3 the Future Land Use Element of Alachua County.

4 **Objective 1.4 The use of existing water and wastewater facilities shall be maximized**
5 **by adopting the following policies:**

6 Policies

7 1.4.1 All new developments at equivalent residential densities greater than 2
8 units per acre that require potable water, within the City of Gainesville, shall be
9 required to connect to the centralized potable water system except as specified in
10 Policy 1.4.5. Equivalent development densities shall be determined as estimated
11 by Gainesville Regional Utilities.

12 1.4.2 All new developments at equivalent residential densities greater than 2
13 units per acre that require wastewater treatment, within the City of Gainesville,
14 shall be required to connect to the centralized wastewater system except as
15 specified in Policies 1.4.4 and 1.4.5. Equivalent development densities shall be
16 determined by Gainesville Regional Utilities. Non-residential development
17 proposed to be on septic tanks must demonstrate that it will not dispose of toxic,
18 hazardous, or industrial waste in the septic tank.

19 1.4.3 Industrial pre-treatment plants shall be allowed.

20 1.4.4 New construction of package wastewater plants must meet the relevant
21 standards established by the State of Florida and the Federal government and must

1 connect to central wastewater facilities within 5 years of central wastewater
2 becoming available. New package plants shall be permitted only when:

3 a. The developer of such temporary package treatment plant is
4 required to enter into a legally binding agreement that dedicates and
5 assigns responsibility for the proper maintenance and operation of the
6 plant to an appropriate agency of local government; and

7 b. Such agreement shall provide adequate compensation by the
8 developer to the local government agency for the proper operation and
9 maintenance of the plant; and

10 c. The package plant is approved by the appropriate government
11 agency assigned plant operation and maintenance as meeting standards for
12 design, operation and maintenance.

13 1.4.5 New development of existing lots in platted subdivisions and other
14 existing legal lots of record shall be excluded from the requirements stated in
15 Policies 1.4.1 and 1.4.2 unless there are existing distribution or collection
16 facilities in the right-of-way or easements abutting the property.

17 1.4.6 The City shall continue its connection charge installment program, as
18 outlined in the Code of Ordinances, to encourage users to abandon wells and/or
19 package or on-site wastewater treatments systems and to connect to the
20 centralized potable water and wastewater systems.

21 **Objective 1.5 Recognizing the importance of potable water supplies, the City shall**
22 **encourage water conservation through the programs and methods listed below:**

1 Policies

2 1.5.1 The City shall continue to offer water conservation education and
3 information to residential and non-residential customers through its ~~free Home~~
4 Energy/Water Survey Program.

5 1.5.2 The City shall continue to minimize water losses from unaccounted
6 sources through its ongoing water loss reduction program.

7 1.5.3 The City shall continue its policy of inverted block rate residential water
8 charges during the peak irrigation months of April through October, as an
9 economic means of promoting water conservation.

10 1.5.4 The City shall continue its policy of providing ~~make~~ lists of vegetation
11 classified by water demand ~~available~~ to public agencies, residents and developers.

12 1.5.5 ~~By June 1992,~~ The City shall continue to include ~~incorporate~~ water
13 conservation techniques, including xeriscaping, into the City's landscape
14 ordinance.

15 1.5.6 The City shall continue to offer free water conservation information as part
16 of at least one utility billing statement per year.

17 1.5.7 The City shall encourage the use of reclaimed water where it is
18 economically feasible.

19 1.5.8 By September 2000, Gainesville Regional Utilities shall create a guide to
20 reclaimed water use that includes information about how to plan and design for
21 reclaimed water distribution systems.

22 **Section 2.** The City Manager is authorized and directed to make the necessary changes in

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1 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
2 element, or portion thereof in order to fully implement this ordinance.

3 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
4 or unconstitutional by any court of competent jurisdiction, then said holding shall in no
5 way affect the validity of the remaining portions of this ordinance.

6 **Section 4.** All ordinances or parts of ordinances in conflict herewith are to the extent of
7 such conflict hereby repealed.

8 **Section 5.** This ordinance shall become effective immediately upon final adoption;
9 however, the amendment to the City of Gainesville 1991-2001 Comprehensive Plan shall
10 not become effective until the state land planning agency issues a final order determining
11 the adopted amendment to be in compliance in accordance with section 163.3184(9), or
12 until the Administration Commission issues a final order determining the adopted
13 amendment to be in compliance in accordance with section 163.3184(10).

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15

16 **PASSED AND ADOPTED** this _____ day of _____, 2000.

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PAULA M. DeLANEY
MAYOR

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23 **ATTEST:**

Approved as to form and legality

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25
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KURT M. LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

27
28

29 This Ordinance passed on first reading this _____ day of _____, 2000.

30 This Ordinance passed on second reading this _____ day of _____, 2000.