



# MEMORANDUM

Office of the City Attorney

Registar No. 041192

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

TO: Mayor and City Commission

DATE: July 25, 2005  
FIRST READING

FROM: City Attorney

**SUBJECT:** Ordinance No. 0-05-60; Petition 54TCH-05 PB  
An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the residences for destitute people and food distribution centers for the needy; amending subsection 30-110(d), increasing the number of beds in a residence for destitute people; amending subsection 30-111(1), increasing the total number of meals served to the needy in a 24-hour period; amending paragraph (1) of subsection 30-91(d), increasing the total number of beds in a residence for destitute people that is accessory to a place of religious assembly; 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) approve Petition No. 54TCH-05 PB, and (2) adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

The Community Development Committee of the City Commission held meetings in December 2004 and January 2005 to discuss issues relating to homelessness. The findings reported by the committee were that the community had grown and, therefore, the number of beds provided at residences for the destitute and the number of meals provided at food distribution centers should grow to meet the need. The goal of dispersed facilities still remains a goal. The City Commission discussed the Committee's recommendations, in January and February 2005, and initiated the petition to update these code sections.

The proposed amendment to Sec. 30-110(d) is to raise the total number of beds that may be provided in any residence for destitute people from 30 beds to 35 beds.

The proposed amendment to Sec. 30-111(1) is to raise the total number of meals served in any 24-hour period from 75 to 130. The meals served to the needy are in addition to the meals served for residents of a residence for destitute people, consistent with the current language in this section.

The proposed amendment to Sec. 30-91(d) is to raise the total number of beds that may be provided in a residence for destitute people that is accessory to a place of religious assembly

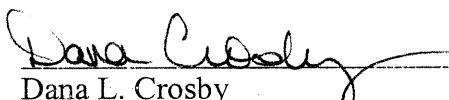
permit may be issued for a place of religious assembly to have both a food distribution center and a residence for destitute people if the requirements for both are met.

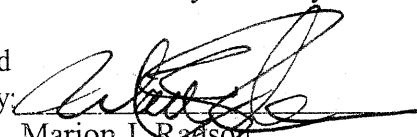
Public notice was published in the Gainesville Sun on May 3, 2005. The Plan Board held a public hearing May 19, 2005. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 54TCH-05 PB. Plan Board vote 6-0.

CITY ATTORNEY MEMORANDUM

This ordinance requires two public hearings. Should the Commission adopt the ordinance on first reading; the second and final reading will be held on Monday, August 8, 2005.

Fiscal Note: None

Prepared by:   
Dana L. Crosby  
Assistant City Attorney II

Approved and  
Submitted by:   
Marion J. Radson,  
City Attorney

MJR:DLC:sw

ORDINANCE NO. \_\_\_\_\_  
0-05-60

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the residences for destitute people and food distribution centers for the needy; amending subsection 30-110(d), increasing the number of beds in a residence for destitute people; amending subsection 30-111(1), increasing the total number of meals served to the needy in a 24-hour period; amending paragraph (1) of subsection 30-91(d), increasing the total number of beds in a residence for destitute people that is accessory to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that the text of the Land Development Code of the City of Gainesville, Florida, 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 May 19, 2005; and

WHEREAS, pursuant to law, at least ten days notice has been given prior to adoption by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

1           **Section 1.** Subsection (d) of section 30-110, City of Gainesville Land Development  
2 Code, is amended to read as follows:

3           Sec. 30-110. Residences for destitute people.

4           (d)     Number of beds. The total number of beds that may be provided in any residence for  
5 destitute people in a twenty-four-hour period is ~~thirty (30)~~ 35.

6           **Section 2.** Subsection (1) of section 30-111, City of Gainesville Land Development  
7 Code, is amended to read as follows:

8           Sec. 30-111. Food distribution centers for the needy.

9           Except as provided as an accessory use to places of religious assembly, food distribution centers  
10 for the needy shall be regulated as follows:

11          (1)     Limit on number of meals served. The total number of meals served in any 24-hour  
12 period shall not exceed ~~75~~-130. Such number shall not include meals served to persons admitted  
13 to a residence for destitute persons when located in conjunction with a food distribution center  
14 for the needy.

15          **Section 3.** Paragraph (1) of subsection (d) of section 30-91, City of Gainesville Land  
16 Development Code, is amended to read as follows:

17          Sec. 30-91. Places of religious assembly.

18          (d)     Residences for destitute people. The city manager or designee may issue a permit for a  
19 residence for destitute people within any zoning district where places of religious assembly are  
20 permitted by right or by special use permit with the following restrictions:

21                 (1)     The total number of beds that may be provided in a residence for destitute people  
22 that is accessory to a place of religious assembly is ~~15~~ 20.

1 Section 4. It is the intention of the City Commission that the provisions of Sections 1  
2 through 3 of this ordinance shall become and be made a part of the Code of Ordinances of the  
3 City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be  
4 renumbered or relettered in order to accomplish such intentions.

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

8 Section 6. All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
9 such conflict hereby repealed.

10 Section 7. This ordinance shall become effective immediately upon final adoption.

11  
12 PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005.  
13  
14  
15

16  
17 \_\_\_\_\_  
18 PEGEEN HANRAHAN  
19 MAYOR

20 ATTEST: Approved as to form and legality  
21

22  
23 \_\_\_\_\_  
24 KURT M. LANNON  
CLERK OF THE COMMISSION

25  
26 \_\_\_\_\_  
27 MARION J. RADSON  
CITY ATTORNEY

28  
29 This Ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

This Ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.



*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
X5022, FAX x2282, Station 11

Item No. 2

**TO:** City Plan Board

**DATE:** May 19, 2005

**FROM:** Planning Division Staff

**SUBJECT:** Petition 54TCH-05PB, City of Gainesville. Amend Sec. 30-110 (d), Sec. 30-111(1) and Sec. 30-91 (d) of the City of Gainesville Land Development Code, amending the number of residents allowed at a residence for destitute people, the total number of meals that may be served at a food distribution center for the needy and the total number of beds that may be provided at places of religious assembly with residences for destitute people.

Recommendation

**Planning Division staff recommends approval of Petition 54TCH-5PB.**

Explanation

The Community Development Committee of the City Commission held meetings in December 2004 and January 2005 to discuss issues relating to homelessness. The findings reported by the committee were that the community had grown and therefore the number of beds provided at residences for the destitute and the number of meals provided at food distribution centers should grow to meet the need. The goal of dispersed facilities still remains a goal. The City Commission discussed the Committee's recommendations, in January and February 2005, and initiated the petition to update these code sections.

The proposed amendment to Sec. 30-110(d) is to raise the total number of beds that may be provided in any residence for destitute people from 30 beds to 35 beds.

The proposed amendment to Sec. 30-111(1) is to raise the total number of meals served in any 24-hour period from 75 to 130. The meals served to the needy are in addition to the meals served for residents of a residence for destitute people, consistent with the current language in this section.

The proposed amendment to Sec. 30-91(d) is to raise the total number of beds that may be provided in a residence for destitute people that is accessory to a place of religious assembly from 15 to 20. Meals may be provided only to residents. The code provides that a special use

City Plan Board  
Petition 54TCH-05 PB  
May 19, 2005

permit may be issued for a place of religious assembly to have both a food distribution center and a residence for destitute people if the requirements for both are met.

Respectfully submitted,



Ralph Hilliard  
Planning Manager

RH:CRM



**Sec. 30-110. Residences for destitute people**

- (d) *Number of beds.* The total number of beds that may be provided in any residence for destitute people in a twenty-four hour period is ~~thirty (30)~~ thirty-five (35).

**Sec. 30-111. Food Distribution centers for the needy.**

- (1) *Limit on number of meals served.* The total number of meals served in any 24-hour period shall not exceed ~~75~~ 130. Such number shall not include meals serve to persons admitted to a residence for destitute persons when located in conjunction with a food distribution center for the needy.

**Sec. 30-91. Places of religious assembly.**

- (d) *Residences for destitute people.* The city manager or designee may issue a permit for a residence for destitute people within any zoning district where places of religious assembly are permitted by right or by special use permit with the following restrictions:

- (1) The total number of beds that may be provided in a residence for destitute people that is accessory to a place of religious assembly is ~~15~~ 20.



April 18, 2005

Gainesville City Commission

RE: Proposed increase in number of clients @ Homeless Shelters  
and Soup Kitchens

The problem of homelessness is not new, yet in my opinion federal help alone will not solve it. Intended to revive the inner cities, Lyndon Johnson's Great Society resulted in the relationship of social service communities to neighborhood as a dependency mode. The program reduced the level of urban and rural poverty, mostly through Medicaid and food stamps. Increased federal spending in these areas, however, coincided with rising unemployment, crime, and drug trafficking. Therefore, the gains of the program were offset by new problems, and urban America is still working to solve the issues of race and inequality.

Worsening the problem of homelessness were the changes to the mental health system in the 1980s, resulting in many mentally disabled individuals living on the streets. In my neighborhood recently a problem has occurred when a concerned neighbor offered temporary shelter to a single homeless woman in a van parked in the front yard. Other neighbors are sensitive of the problem of homelessness, but also are concerned about the impact on children seeing an adult living in this situation, the problem of fire hazard with someone living in a vehicle, and the fact that the homeless woman was showering outside with a garden hose. The neighborhood has asked that the situation end. I recount the story to make you aware that if shortage of shelter space exists, there are temporary attempts to provide shelter that could have an adverse impact on the community.

I also realize some persons are concerned that if Gainesville makes life on the streets too convenient, it may result in negative impacts to the community. I think we should provide decent housing to homeless individuals but require some progress by requiring they be involved in job training when appropriate or some work if available if they are not impaired by health problems. One of the most popular New Deal agencies, the Civilian Conservation Corps, had a special program for unemployed WWI veterans.

I understand from conversations with others more knowledgeable of the service system for homeless individuals that there is an economy of scale in service delivery. Therefore I support the proposed increase in the number of persons served at homeless shelters and soup kitchens in Gainesville. I do think there should be a requirement for control of any litter, and restrictions placed on bringing food outside for this reason.

I am unable to attend the meeting to present my opinion due to an event with the Lincoln Middle School Band. Thank you for considering my views.



Kathleen W. Pagan, 720 NW 20<sup>th</sup> Avenue, Gainesville



**Petition 54TCH-05 PB**

City of Gainesville. Amend Sec. 30-110(d), Sec. 30-111(1) and Sec. 30-91(d) of the City of Gainesville Land Development Code, amending the number of residents allowed at a residence for destitute people, the total number of meals that may be served at a food distribution center for the needy and the total number of beds that may be provided at a places of religious assembly with residences for destitute people.

Ms. Carolyn Morgan was recognized. Ms. Morgan explained that the petition came about through discussions of the Community Development Committee and the City Commission. She noted that meetings were held in December 2004 and January 2005 to discuss issues related to homelessness. She indicated that it had been determined that residences for destitute people and the number of meals provided at food distribution centers should be increased to meet the need. Ms. Morgan stated that the number of beds allowed at residences for destitute people would rise from 30 to 35, the number of meals served at food distribution centers would increase from 75 to 130, and would allow residences for destitute people and food distribution for the needy in places of religious assembly. She explained that the number of beds allowed in a residence for destitute people allowed by Special Use Permit as accessory to a place of religious assembly would rise from 15 to 20. Ms. Morgan offered to answer any questions from the board.

Mr. Reiskind asked if the increase reflected the demand for services.

Ms. Morgan explained that it was the finding of the Commission committees that the demand was greater than the number of beds and meals available.

Mr. Gold asked if there was opposition to the increase from downtown business associations.

Ms. Morgan stated that she did not know since she did not personally participate in the meetings.

Chair Cole opened the floor to public comment.

Mr. Kent Van, Director of St. Francis House, was recognized. Mr. Van stated that the increase was based on need for more beds and meals served.

Mr. Rwebyogo asked about the service of meals.

Mr. Van stated that St. Francis House currently served 75 people at lunch, but needed to increase it to 130.

Mr. Rwebyogo asked where people went after lunch.

Mr. Van explained that many had jobs as day laborers.

Mr. Reiskind asked if Mr. Van believed the increase in capacity would be sufficient.

Mr. Van indicated that, at the present time, it would be sufficient. He explained that there was a survey performed every year and there had been an increase in families requiring shelter.

Ms. Miriam Elliott, Case Manager for St. Francis House, was recognized. Ms. Elliott discussed the operation of the shelter and the need for more beds. She noted that it was not just the homeless who ate lunch at the shelter. She explained feeding such people allowed them to spend their income on shelter, thereby keeping them from homelessness. She requested that the board support the petition.

<u>Motion By:</u> Mr. Reiskind	<u>Seconded By:</u> Mr. Gold
<u>Moved to:</u> Approve Petition 54TCH-05 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Tecler, Cole

LEGLALS

**RE-ADVERTISEMENT  
CORRECTIVE NOTICE OF  
PROPOSED ENACTMENT  
OF ORDINANCE  
BY CITY COMMISSION,  
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 25th day of July, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 8th day of August, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above, all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE  
ORDINANCE NO. 041192  
WORKING NO. 0-05-80**

An ordinance of the City of Gainesville, Florida, amending the Land Development Code, relating to the residences for destitute people and food distribution centers for the needy; amending subsection 30-110(d), increasing the number of beds in a residence for destitute people; amending subsection 30-111(1), increasing the total number of meals served to the needy in a 24-hour period; amending paragraph (1) of subsection 30-91(d), increasing the total number of beds in a residence for destitute people that is accessory to a place of religious assembly; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

July 6, 2005  
Publish Date

Clerk of the Commission  
27767, 7/6/05  
#A000027980

