



MEMORANDUM

Office of the City Attorney

TO: Mayor and City Commission

DATE: July 24, 2000
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-14; Petition No. 102CPA-99PB
An ordinance of the City of Gainesville, Florida, amending the Solid Waste Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending policies regarding landfill diversion practices such as recycling, reuse and composting; amending policies regarding hazardous waste and hazardous materials management; amending the level of service standard for disposal and collection capacity; updating references to the Alachua County solid waste disposal facilities and the interlocal agreement between the city and the county on solid waste; providing directions to the city manager; 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.

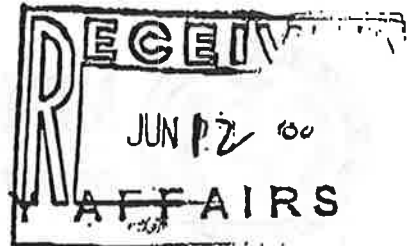
The Plan amendment will not become effective until the State Department of Community Affairs issues a final order determining the adopted amendment to be in compliance in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (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 32399-2100
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Internet address: <http://www.dca.state.fl.us>

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6-14-00

ORDINANCE NO. _____
0-00-14

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An ordinance of the City of Gainesville, Florida, amending the Solid Waste Element of the City of Gainesville 1991-2001 Comprehensive Plan; amending policies regarding landfill diversion practices such as recycling, reuse and composting; amending policies regarding hazardous waste and hazardous materials management; amending the level of service standard for disposal and collection capacity; updating references to the Alachua County solid waste disposal facilities and the interlocal agreement between the city and the county on solid waste; providing directions to the city manager; 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 September 16, 1999; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on November 8, 1999; 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 this proposed ordinance and of the Public Hearing to be held at the transmittal stage, in the City Commission Auditorium, City Hall, City of Gainesville, at least 7 days after the day the first advertisement was published; and

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

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

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

8 **WHEREAS**, prior to adoption of this ordinance, the City Commission has
9 considered the comments, recommendations and objections, if any, of the State Land
10 Planning Agency;

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

13 **Section 1.** The Solid Waste Element of the City of Gainesville 1991-2001
14 Comprehensive Plan is amended to read as shown in Attachment A:

15 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
16 maps and other data in the City of Gainesville 1991-2001 Comprehensive Plan, or
17 element, or portion thereof in order to fully implement this ordinance.

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

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

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

7
 8
 9 **PASSED AND ADOPTED** this _____ day of _____, 2000.

10
 11
 12 _____
 13 PAULA M. DeLANEY
 14 MAYOR

15
 16 ATTEST: Approved as to form and legality

17
 18
 19 _____
 20 KURT M. LANNON
 21 CLERK OF THE COMMISSION

MARION J. RADSON
 CITY ATTORNEY

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

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

24
 25 carter:ordinances:102CPA-99PB

ATTACHMENT A

SOLID WASTE ELEMENT
GOALS, OBJECTIVES AND POLICIES

GOAL 1: PROVIDE FOR THE MANAGEMENT OF SOLID AND HAZARDOUS WASTES IN A MANNER WHICH ASSURES PUBLIC HEALTH AND SAFETY, PROTECTS ENVIRONMENTAL RESOURCES, AND CONSERVES ENERGY.

Objective 1.1

By ~~1994-2001~~, reduce by ~~30~~ 50 percent the amount of solid waste that would have been disposed of in the absence of landfill diversion practices such as recycling, reuse and composting. ~~By 2001 this reduction shall be 50 percent.~~

Policies

1.1.1 The City shall minimize the amount of solid waste that must be disposed of in a landfills. In order of priority, minimization shall be attained by (1) source reduction of waste; (2) re-use; (3) recycling; (4) composting; and (5) landfilling.

1.1.2 ~~By 1992, 80% of all City Print Shop paper inventory account reductions shall consist of 100% recycled paper, with post-consumer content to federal guidelines. The City shall continue to utilize procurement procedures that follow State and federal guidelines in terms of the paper purchasing policy by purchasing paper with a minimum of 25% post-consumer recycled content.~~

1.1.3 ~~By 1994~~ 2005, the City shall certify that at least ~~40~~ 12% of all City households are backyard composting their food and yard wastes.

~~1.1.4 By 1992, the City shall prepare a report investigating the desirability of a variable-rate user fee system for residential garbage collection. If the system is deemed desirable, the City shall implement such a system by 1995.~~

1.1. 45 The City shall encourage citizens to use re-usable tote bags for groceries and other retail shopping through the distribution of approximately 5000 "Let's Talk Trash" brochures between 2000 and 2010.

1.1. 56 ~~By 1992~~ 2001, 60% of all multi-family residential and commercial properties shall be incorporated into the City participate in a recycling program.

1
2
3 1.1.67 ~~By June 1992, the City shall adopt Land Development Regulations requiring that~~
4 ~~new or renovated buildings are designed for the storage and handling of recyclable~~
5 ~~materials. The City shall continue retrofitting to require existing developments~~
6 ~~with recycling receptacles, and require new multi-family, commercial, and~~
7 ~~institutional developments to include recycling receptacles or have provisions for~~
8 ~~access to off-site recycling facilities. Such Recycling receptacles should shall also~~
9 ~~be placed at public parks, the airport, and other places of public assembly.~~

10
11 1.1.78 The City shall encourage the State to allow only food and beverage containers that
12 are recyclable, returnable, or degradable through the distribution of approximately
13 5000 "Let's Talk Trash" brochures between 2000 and 2010.

14
15 1.1.89 The City shall maintain at least a 50% set out rate for the curbside recycling
16 program.

17
18 1.1.910 ~~By 1994, the City shall prepare a report describing the feasibility of increasing~~
19 ~~the recycling of materials now being disposed of at the City Construction and~~
20 ~~Demolition Debris Landfill. By 2001, the two-bin pilot program to encourage~~
21 ~~separation of paper recyclables from plastic, metals and glass will be expanded~~
22 ~~throughout the mandatory collection area of the city.~~

23
24 1.1. 1044 The City shall ~~continue to provide~~ assist the School Board of Alachua County
25 (SBAC) schools ~~with the opportunity to participate in the City in expanding their~~
26 recycling program.

27
28
29 **Objective 1.2**

30
31 **Prevent the disposal of hazardous waste that would cause significant degradation of**
32 **the environment. Coordinate with hazardous waste materials service providers to**
33 **increase the capacity of hazardous material management facilities.**

34
35 **Policies**

36
37 1.2.1 ~~By 1996, the City shall establish at least four permanent hazardous waste~~
38 ~~transfer/collection facilities at fire stations within city limits for households, small~~
39 ~~businesses, and other small quantity generators of hazardous waste. The City shall~~
40 ~~pursue state grant money to establish such a program as set forth in Sec.~~
41 ~~403.763(2)(a), F.S.~~

42
43 1.2. 12 The City shall enforce illegal dumping laws. Such enforcement shall include
44 efforts to clean up existing illegal dump sites, and develop or revise ordinances to
45 increase the feasibility of prosecuting illegal dumpers.

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1.2. ~~23~~ ~~By 1992, through~~ Through coordination with the County and other waste material handlers, the City ~~shall establish~~ will continue to participate in a periodic, convenient special waste collection program for difficult-to-dispose-of waste such as tires, used oil, batteries, and asbestos, and will utilize the Household Hazardous Waste Center to promote increased reuse and recycling by the general public.

1.2. ~~34~~ ~~By 1993, the~~ The City shall adopt policies based on the “~~Siting Hazardous Waste Collection Facilities~~” section of the ~~Solid Waste Element~~ to regulate the transportation of hazardous materials within City limits continue to coordinate with the Florida Departments of Transportation and Environmental Protection regarding the transportation of hazardous wastes within city limits.

1.2. ~~45~~ ~~By June 1992, the~~ The City shall adopt ~~Land Development Regulations that require a~~ continue to coordinate with the Alachua County Department of Environmental Protection, which requires submission of a hazardous materials management plan as a contingency for all development approvals involving for sites where hazardous materials may be handled.

Objective 1.3

Conduct ongoing education campaigns to maintain citizen awareness of proper solid and hazardous waste management practices.

Policies

1.3.1 ~~By 1992, the~~ The City shall ~~begin~~ continue to receive~~ing~~ and publicize~~ing~~ an annual report, as set forth by Sec. 403.706(7), F.S., describing trends in city solid and hazardous waste disposal, including amounts by type of waste, amount and type of waste recycled, percent reduction in waste attained by current recycling rate, percent of city population participating in recycling, the full cost of the disposal program, and feasibility of expanding recycling, re-use, and composting programs. This information is published in the State of Florida Recycling and Education Grant proposal submitted annually to the State of Florida Department of Environmental Protection by Alachua County on behalf of all local governments within the County.

1.3.2 ~~By 1992~~ The City, in cooperation with Alachua County, ~~the~~ City shall ~~begin~~ continue to sponsoring solid and hazardous waste education programs for school students and interested citizens.

1
 2 1.3.3 ~~By 1992, the~~ The City shall continue to prepare and distribute an educational report
 3 describing local trends in local solid waste, hazardous waste, and recycling; the
 4 location and operating hours of waste and recycling facilities; the environmental
 5 consequences of improper waste disposal (particularly illegal dumping); and proper
 6 disposal techniques. This report shall be updated at least annually. This
 7 information is published in the State of Florida Recycling and Education Grant
 8 proposal submitted annually to the State of Florida Department of Environmental
 9 Protection by Alachua County on behalf of all local governments within the
 10 County.

11
 12 1.3.4 The City shall continue to provide information to the local legislative delegation to
 13 support State and federal initiatives that encourage source reduction, re-use,
 14 recycling, and composting, and discourage use of difficult-to-recycle paper such as
 15 “slick” or “glossy” paper and “junk” mail.

16
 17 1.3.5 The City shall continue to follow the provisions of the source reduction and
 18 recycling procurement policy that is intended to increase the recycled content of
 19 products purchased and used by the City, reduce waste in the manufacture and use
 20 of products purchased and used by the City, and encourage businesses that promote
 21 recycling to locate within the Gainesville area.

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 23
 24 **Objective 1.4**

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 26 Policies

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 28 **Establish a level of service (LOS) standard for the disposal of solid waste generated**
 29 **by current and future City waste generators.**

30
 31 1.4.1 The following LOS standard for ~~Class I solid waste landfill~~ disposal and collection
 32 capacity shall be established: ~~0.763~~ 0.655 tons of solid waste per capita per year
 33 disposed (~~4.2~~ 3.6 pounds of solid waste per capita per day disposed). The City
 34 shall continue to maintain contracts with solid waste haulers and landfill operators
 35 that require replacement and purchase of collection trucks necessary to collect
 36 ~~0.864~~ 1.07 tons of solid waste per capita per year (~~4.7~~ 5.9 pounds per capita per
 37 day).

38
 39 1.4.2 ~~By 1991, the~~ The City shall continue to ensure that waste tonnages being generated
 40 within city limits are being accurately monitored by requiring the monthly
 41 reporting of solid waste tonnages being delivered to ~~landfills (both public and~~
 42 private), disposal facilities as required by Section 403.706(18), F.S. Monthly
 43 tonnages shall also be reported for recyclables (including yard trash).

Objective 1.5

The City shall coordinate with ~~landfill service~~ solid waste management facility providers for future increases in ~~existing landfill disposal capacity and new landfill siting~~ needed to maintain adequate disposal service levels throughout the 10-year planning period. ~~This shall be accomplished by only issuing development permits:~~

~~A. Consistent with the time-line established by Table 4A of the Solid Waste Element of the adopted Alachua County Comprehensive Plan (October 1991) for the establishment of a new solid waste management facility providing at least 50 years of disposal capacity; or~~

~~B. Consistent with the capability of the landfill service provider to expand the S.W. landfill through front-end processing (which includes separation and reclamation), shredding, baling, or enlargement of the disposal area.~~

Policies

1.5.1 In accordance with the "Interlocal Agreement for Solid Waste Disposal Management Services Between Alachua County and The City of Gainesville, Florida", Alachua County is required to "develop its southwest landfill site for the disposal of 'acceptable solid wastes' from the City shall develop and maintain solid waste management facilities as necessary for the receipt, processing and/or disposal of all acceptable waste from within city limits. By 1992, the The City shall continue to abide by seek an interlocal agreement with the Class I and Class III landfill service solid waste management facility provider(s) (currently Alachua County), effective December 21, 1998, that ensures that landfill disposal capacity is available for the disposal of 4.2 3.6 pounds of solid waste per capita per day by City waste generators. This shall include, but not be necessarily limited to, all residential, commercial, industrial, governmental, and institutional waste. The agreement shall remain in effect until September 30, 2007. Upon mutual agreement of the parties, the agreement may be renewed for additional five-year periods. ~~contain a contingency provision specifying that in the event a new solid waste management facility is projected to be unavailable at the time of the closure of existing landfills serving the city, an allocation of remaining landfill space shall be made to the city in accordance with the estimated proportion of waste being delivered to the landfill from within city limits.~~

1.5.2 If the ~~Class I and Class III landfill service~~ solid waste management facility provider(s) is, at some future date, unable to provide disposal capacity and landfill space for ~~City~~ city waste generators, the City shall increase the rate of citywide re-use, composting and recycling, and prepare a report investigating the feasibility of resource recovery [waste-to-energy], and prohibit all development until the City

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1 can provide landfill service consistent with the LOS standard or contract with a
2 landfill service provider to dispose of the waste.
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