

# **City of Gainesville**

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Agenda**

**August 02, 2012**

**1:00 PM**

**MODIFIED AGENDA**

**City Hall Auditorium**

## **City Commission**

***Mayor Craig Lowe (At Large)***

***Mayor-Commissioner Pro-Tem Lauren Poe (At Large)***

***Commissioner Thomas Hawkins (At Large)***

***Commissioner Yvonne Hinson-Rawls (District 1)***

***Commissioner Todd Chase (District 2)***

***Commissioner Susan Bottcher (District 3)***

***Commissioner Randy Wells (District 4)***

***Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.***

## CALL TO ORDER

## AGENDA STATEMENT

*Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."*

## ROLL CALL

## INVOCATION

**Prophet George Young**

## CONSENT AGENDA

## CITY MANAGER, CONSENT AGENDA ITEMS

### 120180.

#### **Agreement With The Department of Juvenile Justice To Provide Security At The Gainesville Area Regional Booking And Screening Unit for FY2013 (B)**

**This item requests the City Commission's authorization to enter into an agreement with the Department of Juvenile Justice for operational costs of the Gainesville Area Regional Booking and Screening Unit (formerly called the Juvenile Assessment Center).**

*MODIFICATION: Agreement with the Dept. of Juvenile Justice - (Revised signature page) - added 7/31/2012 @ 6:00 PM.*

*Explanation: This agreement is to defray the cost for the operation of the Gainesville Area Regional Booking and Screening Unit formerly the Juvenile Assessment Center (JAC) for the period October 1, 2012 through September 30, 2013. The Florida Department of Juvenile Justice considers the funding for security at the Booking and Screening Unit to be a local issue and will only fund the costs for screening services. The Booking and Screening Unit serves twelve counties and is utilized by the Gainesville Police Department (GPD) as well as a number of regional law enforcement agencies. GPD has utilized this facility to refer or drop off approximately 900 juveniles per year. Funding from the City of Gainesville, the Alachua County Sheriff's Office, and other regional jurisdictions facilitate the 24-hour, 7-day per week security services that enable the Booking and*

*Screening Unit to receive clients on an around-the-clock basis.*

*Fiscal Note: Funding in the amount of \$90,000 is available for this agreement in the City's FY 2013 budget as part of the Department's budget.*

**RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to execute the agreement with the Department of Juvenile Justice, subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.*

120180a\_DJJAgreement\_20120802.pdf

120180b\_DJJSoleSource\_20120802.pdf

120180-MOD\_Interagency Agreement\_20120802.pdf

## **GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS**

## **CITY ATTORNEY, CONSENT AGENDA ITEMS**

### **120177.**

#### **TERRY LEE VS. THE CITY OF GAINESVILLE FCHR NO.: 201201651/EEOC No.: 15D201200514 (NB)**

*Explanation: On June 28, 2012, the City of Gainesville received a Notice of Charge of Discrimination from the Florida Commission on Human Relations. Mr. Terry Lee, an applicant for employment with the City, alleges that he has been discriminated based on his sex and in retaliation for filing a complaint.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City in the case styled Terry Lee vs. the City of Gainesville; FCHR No.: 201201651/EEOC No.: 15D201200514.*

### **120194.**

#### **AGNES BURKE V. CITY OF GAINESVILLE; EIGHTH JUDICIAL CIRCUIT, CASE NO. 2012-CA-2195 (B)**

*Explanation: On July 9, 2012, the City was served with a Summons and Complaint filed by Agnes Burke in the Circuit Court. Agnes Burke alleges that on September 18, 2010 she tripped and fell on a tarp at the Martin Luther King, Jr., Multi-Purpose Center. Agnes Burke claims to have suffered bodily injury, and resulting pain and suffering, disability, disfigurement, mental anguish and pain, and aggravation of a previously existing condition and has incurred substantial medical expenses for treatment and care, past, present and future. Ms. Burke seeks money damages in excess of \$15,000.00.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to represent the City of Gainesville in the case styled Agnes Burke v. City of Gainesville; Eighth Judicial*

*Circuit, Case No. 2012-CA-2195.*

120194\_Agnes Burke Consent\_20120802.pdf

**120195.**

**GREGORY ARTHUR V. CITY OF GAINESVILLE AND GAINESVILLE POLICE DEPARTMENT, ET AL; EIGHTH JUDICIAL CIRCUIT; CASE NO: 2012-CA-2290 (B)**

*Explanation: On or about July 9, 2012, the City was served with a Summons and Complaint filed by Gregory Arthur. Mr. Arthur alleges that he is a victim of wrongful and malicious conduct which occurred on February 4, 2010. Mr. Arthur is seeking an immediate injunction granting him access to certain properties. Mr. Arthur seeks punitive, emotional, property, and monetary damages.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney and/or special counsel if insurance coverage is available to represent the City in the case styled Gregory Arthur v. City of Gainesville and Gainesville Police Department, et al; Eighth Judicial Circuit; Case No.: 2012-CA-2290.*

120195\_Gregory Arthur Consent\_20120802.pdf

**120196.**

**ANTHONY L. NORWOOD V. CITY OF GAINESVILLE AND POLICE OFFICER ANDY J. ZAWADZKI; NORTHERN DISTRICT OF FLORIDA, CASE NO.: 11-CV-00176-MP-GRJ (B)**

*Explanation: On or about July 16, 2012, the City was served with a Summons and Complaint filed by Anthony L. Norwood. The Plaintiff alleges injuries suffered as a result of conduct by Police Officer Andy Zawadzki and a violation of constitutional rights. He claims to have suffered damages, including pain and suffering, and medical expenses. Mr. Norwood is seeking punitive and money damages.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney and/or Special Counsel if insurance coverage is available, to represent the City of Gainesville and the individual officer in the case styled Anthony L. Norwood v. City of Gainesville and Police Officer Andy J. Zawadzki; Northern District of Florida, Case No.: 11-CV-176-MP-GRJ.*

120196\_Anthony Norwood\_20120802.pdf

**CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS**

**120203.**

**City Commission Minutes (B)**

**RECOMMENDATION**

*The City Commission approve the minutes of June 26,*

*2012, July 11, 2012, July 16, 2012, July 17, 2012, and July 19, 2012, as circulated.*

120203\_june 26, 2012\_minutes\_20120802.pdf  
 120203\_july 11, 2012\_minutes\_20120802.pdf  
 120203\_july 16, 2012\_minutes\_20120802.pdf  
 120203\_july 17, 2012\_minutes\_20120802.pdf  
 120128\_july 19, 2012\_minutes\_20120802.pdf

## **EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

## **COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

## **PUBLIC SAFETY COMMITTEE, CONSENT**

### **100271.**

### **Underage Drinking Ordinance Issues (NB)**

*Explanation: The City Commission referred the issue of the Underage Drinking Ordinance to the Public Safety Committee (PSC) to review at its August 5, 2010 meeting. The Committee was asked to review the provision in the ordinance that does not allow underage patrons in restaurants that serve alcohol after 9:00 P.M. After hearing input from staff, it was recommended that the hours for underage patrons not be changed.*

*During this initial discussion, the topic of soft closings was brought up and was again discussed at the February 14 and May 16, 2011 PSC Meetings. The committee heard research from other cities on their closing ordinances and guidelines. During all three discussions, Gainesville Police Department recommended not to change the closing hours from the current times due to staffing and public safety issues.*

*At the June 28, 2012 PSC meeting, the members determined the original intent of this referral had been fulfilled with no recommendations for change. After hearing from downtown business owners, the Committee would like for City staff to investigate the standardization of security protocols and the City's permitting process for alcohol serving establishments.*

*Fiscal Note: None*

#### **RECOMMENDATION**

*The City Commission direct City staff to: 1) investigate the standardization of security protocol for alcohol serving establishments; 2) investigate the standardization of the City's permitting process for alcohol serving establishments; and 3) remove this referral from the Public Safety Committee referral list.*

#### **Legislative History**

8/5/10	City Commission	Referred (7 - 0)	Public Safety Committee
10/11/10	Public Safety Committee	Discussed	

2/14/11	Public Safety Committee	Discussed
5/16/11	Public Safety Committee	Discussed
9/28/11	Public Safety Committee	Discussed
6/28/12	Public Safety Committee	Discussed

100271\_SoftClosingIOC\_20101011.pdf  
 100271\_SoftClosingResearch\_20110214.pdf  
 100271\_MillerData\_20110928.pdf  
 100271\_2011AlcoholCharges\_20120628.pdf

**100624.****Dog Attacks on Other Dogs (B)**

**The Public Safety Committee discussed this referral and has concluded that the City and County have authority to regulate dangerous dogs and that no additional actions are needed.**

*Explanation: Mayor Lowe brought this item forward under Commission Comment at the January 6, 2011, City Commission meeting. Mayor Lowe had received a complaint from a citizen whose leashed dog was attacked by an unleashed dog. When the citizen filed a complaint, she was told that there was no ordinance to address this issue.*

*County ordinance Chapter 75 and City ordinance 5-2(1) prohibits an owner from allowing their animal to become a public nuisance. A dog attacking another dog would be considered a dangerous dog and a public nuisance which can be addressed under County and City ordinance. Both County and City animal control ordinances apply within the City. The Committee began discussion of this referral at its March 31, 2011 meeting and discussed it again at the May 16, 2011 meeting. The Alachua County Director of Animal Services attended the meetings and indicated that the County was considering changes to its ordinance regarding aggressive dogs. The Committee decided to wait to see how the County revised its ordinance(s) before recommending any potential changes to the City's ordinance, to perhaps mirror the County's changes.*

*In early 2012 the County updated Chapter 75 of their ordinance and GPD has reviewed those changes. At the June 28, 2012 Committee meeting an update was provided by GPD. The Committee concluded that it was not necessary for the City to revise its ordinance.*

*During review of current State law, County and City ordinances, it became apparent that GPD needs to provide more education to GPD officers in addressing animal control and especially dangerous dog issues, and work on improving communications with Alachua County Animal Services. GPD has implemented steps to assure officers are more educated on these issues, and is working to establish better communication with the Alachua County Animal Services staff.*

**RECOMMENDATION**

*The City Commission remove the referral from the Public Safety Committee referral list.*

**Legislative History**

1/6/11	City Commission	Referred (6 - 0 - 1 Absent)	Public Safety Committee
3/31/11	Public Safety Committee	Discussed	
5/16/11	Public Safety Committee	Discussed	
6/28/12	Public Safety Committee	Discussed	

100624\_DogBiteOrdSummary\_20110331.pdf

100624\_CountyUpdateDangerousDogs\_20120628.pdf

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****ADOPTION OF THE REGULAR AGENDA****CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION****CITY MANAGER****GENERAL MANAGER FOR UTILITIES****120211.****Proposed Amendment to Chapter 27, Code of Ordinances (B)**

*Explanation: The proposed ordinance revisions are required to meet changes in the regulatory requirements administered by the FDEP as set forth in FAC 62-625. These changes were the direct result of changes made at the federal level to 40 CFR 403 as administered by the USEPA. The changes in 40 CFR 403 are referred to as the Pretreatment Streamlining Rule.*

*The purpose of the Pretreatment Streamlining Rule was in part to improve rules that were too inflexible in dealing with some industrial users that, although they are regulated under federal rules, do not have a significant impact on wastewater collection systems.*

*In addition to the Pretreatment Streamlining Rule changes, FDEP directed GRU to make some additional changes in Section 27-180 of the City Ordinance. These changes involved the addition of detailed language to ensure compatibility between the City Ordinance and the State of Florida pre-treatment program rules as set forth in FAC 62-625.*

*Fiscal Note: These proposed modifications will not significantly change the way the current GRU pre-treatment program is administered, thereby there is no additional cost associated with the implementation of the proposed modifications.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to prepare and the Clerk of the Commission to advertise an ordinance amending sections 27-96 and 27-180 of Chapter 27 of the Gainesville Code of Ordinances as necessary to meet the regulatory requirements as set forth by the United States Environmental Protection Agency (USEPA) and Florida Department of Environmental Protection (FDEP).*

120211\_factsheet\_20120802.pdf

120211\_fdepltr\_20120802.pdf

120211\_permittr\_20120802.pdf

120211\_requirements\_20120802.pdf

120211\_PPT\_20120802.pdf

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**120191**

**Watering Restrictions Update (B)**

*MODIFICATION: New ppt submitted for presentation by GRU Staff 7/31/2012 @ 3:15 PM.*

*Explanation: Alachua County Environmental Protection Director Chris Bird will provide an update regarding watering restrictions.*

**RECOMMENDATION**

*The City Commission hear presentation.*

120191A\_Presentation\_20120802.pdf

120191B\_Letter\_20120802.pdf

120191C\_Interagency Agreement\_20120802.pdf

120191D\_Ordinance\_20120802.pdf

120191\_MOD\_GRU\_Staff\_ppt\_20120802.pdf

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)****RECESS****RECONVENE****PLEDGE OF ALLEGIANCE (5:30pm)****PROCLAMATIONS/SPECIAL RECOGNITIONS****120204.****National Night Out - August 7, 2012 (B)****RECOMMENDATION***Gainesville Police Department Crime Prevention  
Officer Ernest Graham to accept the proclamation.*

120204\_NightOut\_20120802.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet****PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****120216****Resolution Authorizing and Approving the purchase of 60 acres from the Suwannee River Water Management District (B)****This item involves the adoption of a Resolution Authorizing and Approving the purchase of 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District.***MODIFICATION: Revised Resolution and Contract per City Attorney - (Added 7/31/2012 @ 6:00 PM.*

*Explanation: The Suwannee River Water Management District (District) owns 60 acres of property, commonly known as the Buck Bay Recreation Area, north of Gainesville, on State Road 121 in Alachua County, Florida. In July 2004 a representative from the District approached Parks, Recreation and Cultural Affairs Department about leasing the 60-acre tract of land that borders SR 121 and runs along NW 102 Place to the City for the use as a potential recreational park. The District indicated this long-term lease would allow the City of Gainesville to pursue active recreational fields. Staff did a site assessment on the land and met both with the District and citizens to discuss potential recreational development. A 50-year Lease Agreement was approved on July 10, 2006. The conditions of the lease provided the City with the First Right of Refusal should the District declare Buck Bay Recreation Area as surplus and*

*gave the City the option to purchase the property at the fair market value. On June 21, 2011 staff of the District recommended to the Governing Board to declare the property as surplus as it was no longer needed for conservation purposes. On June 29, 2011, the City received notification from the District that the property had been declared as surplus and District staff was authorized to begin discussions with the City for conveyance of the property. On May 29, 2012, the District received an opinion of value from Real Property Analyst, Inc., Robert Sutte, MAI, of \$186,000 for the property. The City Manager recommended a purchase option consisting of a fifteen year promissory note at one percent for the fair market value. The District accepted the offer presented by City staff and drafted a contract for City purchase of the property.*

*Fiscal Note: Funding is available in the Greenspace Acquisition Fund. \$13,000 will be due at closing followed by 14 annual payments of approximately \$12,321.*

**RECOMMENDATION**

*The City Commission: 1) adopt the Resolution; and 2) authorize the City Manager to execute all documents associated with the acquisition of the 60 acres commonly known as Buck Bay Recreation Area from the Suwannee River Water Management District, subject to approval by the City Attorney as to form and legality.*

120216A\_Resolution\_20120802.PDF

120216B\_Contract for Sale of Real Property\_20120802.PDF

120216C\_50-yr lease with SRWMD for SR 121 Property\_20120802.pdf

120216D\_Property Boundary Map\_20120802.pdf

120216E\_Environmental Site Assessment\_20120802.pdf

120216A\_MOD Resolution\_20120802.PDF

120216B\_MOD Contract for Sale of Real Property\_20120802.PDF

**ADOPTION READING-ROLL CALL REQUIRED**

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

**120172.**

**ANNEXATION ORDINANCE - NW ANNEXATION REFERENDUM (B)**

**Ordinance No. 120172**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally described as follows: Area 1 is generally located west of NW 55th Street, east of Interstate 75, North of Newberry Road and that portion of the North Florida Regional Doctor's Park & Hospital vicinity already within the City Limits and south of NW 23rd Avenue (above road**

rights-of-way inclusive) ("Area 1"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

*Explanation:* Prior to the annexation of area into a municipality, the Alachua County Boundary Adjustment Act (Act) requires the municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to the reserve area to be annexed. Once the urban services report is adopted, an annexation ordinance must be considered by the municipal government. In the case of a non-voluntary annexation, the Act then requires a referendum on annexation of the area be held at the next regularly scheduled election following the final adoption of the annexation ordinance or at a special election called for the purpose of holding the referendum.

*In an effort to annex certain property located in the NW 55th Street area, in June of 2012, the City Commission of the City of Gainesville directed staff to prepare and advertise an urban services report to begin the process of annexing this property. The urban services report was adopted by Ordinance on second reading July 19, 2012 when the City Commission held advertised public hearings. A copy of the Urban Services Report was delivered to the Board of County Commissioners of Alachua County following adoption.*

*Attached hereto is an annexation ordinance. The adoption of an annexation ordinance is the Commission's final stage, previous to the referendum on annexation, in the annexation process under the provisions of the Alachua County Boundary Adjustment Act.*

*This annexation Ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. A map of the area is attached. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area. The ordinance will be submitted to a vote of the registered electors for their approval on November 6, 2012.*

*In this Ordinance the City Commission makes certain finding of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance as detailed in the Urban Services Report.*

*The annexation is effective on June 1, 2013 unless there is a tie vote or majority vote against the annexation. Sections 4,5 and 6 of the Ordinance provide for the special referendum election, which will be held on November 6, 2012.*

*Sections 7 and 8 of the Ordinance relate to special matters that may be of interest to the owners and residents and those persons engaged in any business or occupation within the area. The Alachua County land use plan and zoning*

or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment to include the annexed area. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain a business tax license from the City of Gainesville for the term commencing on October 1, 2013. Those persons engaged in the construction industry within the annexation area will be required to register with the City on or before 4:00 p.m. on June 1, 2013 in order to maintain their certificate of competency issued by Alachua County.

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

7/24/12      City Commission      Adopted on First Reading (Ordinance) (7 - 0)  
120172 - NW Referendum Annexation Ordinance\_20120724.pdf

**120003.**

**REZONING - VICINITY OF 500 BLOCK OF SE 7TH AVENUE AND 500 BLOCK OF SE 5TH AVENUE (B)**

**Ordinance No. 120003; Petition No. PB-12-35 ZON**

**An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in this ordinance, from Public services and operations district (PS) to Central city district (CCD); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance amends the Zoning Map Atlas of the City of Gainesville by rezoning property located in the vicinity of the 500 block of SE 7th Avenue and the 500 block of SE 5th Avenue, as more specifically described in the ordinance, from Public services and operations district (PS) to Central city district (CCD). This approximately 2.9-acre City of Gainesville-owned property includes a vacant one-story office building and a two-story warehouse. The property was vacated last year when Gainesville Regional Utilities (GRU) operations and employees relocated. This property, located in the Traditional City overlay district, is well-positioned for the redevelopment sought by the City of Gainesville, the Gainesville Community Redevelopment Agency (CRA), and GRU. The property is also in the "Power District" and a portion of the property is the site of the proposed redevelopment initiative referred to as the "Power District Catalyst Project."*

*This rezoning will facilitate future redevelopment of the property by substantially expanding the allowable uses of the property from those of the Public services and operations district (PS) to those of the Central city district*

(CCD), which allows for various non-residential uses in addition to residential uses. This rezoning will implement the related comprehensive plan amendment land use change (Ordinance No. 120002) and implements the Memorandum of Understanding (Legislative No. 110516A) between the City, GRU and the CRA that was approved by the City Commission on December 15, 2011.

After public notice was published in the Gainesville Sun on April 10, 2012, the City Plan Board held a public hearing on April 26, 2012, and by a vote of 5-0, recommended approval of this petition.

**CITY ATTORNEY MEMORANDUM**

This ordinance requires two hearings. Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012. This ordinance shall become effective immediately upon final adoption; however, the rezoning shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120002 becomes effective as provided therein.

**RECOMMENDATION**                      The City Commission adopt the proposed ordinance.

**Legislative History**

7/19/12              City Commission              Approved (Petition) and Adopted on First Reading  
(Ordinance) (7 - 0)

120003A\_draft ordinance\_20120719.pdf  
120003B\_\_staff report\_20120719.pdf  
120003C\_comp plan GOPs\_20120719.pdf  
120003D\_supplemental documents\_20120719.pdf  
120003E\_application package\_20120719.pdf  
120003F\_CPB minutes\_20120719.pdf  
120003G\_staff ppt\_20120719.pdf  
120003H\_CRA PPT\_20120719.pdf

**110209.**

**ROAM TOWING - SUCCESSOR BUSINESSES (B)**

**Ordinance No. 110209**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville, Sec. 14.5-27, relating to wrecker operator's permit; by amending the requirements to obtain or renew a wrecker operator's permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*MODIFICATION: Revised recommendation to strike the ordinance from the agenda and revised explanation - language changed 8/1/2012 @ 4:37 PM.*

*Explanation: After considering the issues raised by Susan Forron, owner of one or more tow companies, having heard concerns of some members of the City Commission at the First Reading of the Ordinance, and discussing this issue with the Chief of Police, the City Attorney's Office recommends that the City Commission not adopt the ordinance as presented, and instead refer the entire matter to the Public Safety Committee for consideration of a comprehensive re-write of the City's Tow Ordinances, including the proposed Amendments to Section 14.5-27.*

*This Office reaches this recommendation after a review Chapter 14.5 as a whole and seeing that it would be best to deal with the entire Chapter comprehensively, as recommended by individual members of the Commission, rather than by patching one issue and referring the remainder to the Public Safety Committee for discussion. By denying the proposed amendment at this time and making a referral to the Public Safety Committee to consider a comprehensive re-write of the Tow Ordinances, and including the experience of other regulatory jurisdictions, provisions relating to transfer of ownership to circumvent penalties, the final product will be a more understandable and easily enforced package.*

**RECOMMENDATION**

*The City Commission: 1) Strike the Ordinance from the Agenda; 2) refer the entire Towing or Immobilizing Vehicles from Private Property"Article, including the transfer of ownership to circumvent penalties issue to the Public Safety Committee for a comprehensive re-write of the City of Gainesville Towing Ordinances, Chapter 14.5.*

**Legislative History**

7/7/11	City Commission	Referred (7 - 0)	City Attorney
7/19/12	City Commission	Adopted on First Reading (Ordinance) (6 - 1)	

110209\_Roam Towing\_20120719.pdf

110209A\_draft ordinance\_20120802.pdf

110209 MOD\_Revised cover letter\_20120802.pdf

**110076.**

**LAND DEVELOPMENT CODE - PROTECTION OF NATURAL AND ARCHAEOLOGICAL RESOURCES (B)**

**Ordinance No. 110076, Petition No. PB-10-143 TCH**

**An ordinance of the City of Gainesville, Florida, amending the Land Development Code and amending Appendix A. Fees, Rates, and Charges of the Code of Ordinances, related to regulation of natural resources, archaeological resources and surface waters and wetlands; by amending Section 30-23 (c) definitions; by repealing Section 30-250 (c) Environmental review; by amending Section 30-275 Applicability and effect of overlay districts; by adding a new Section 30-300 Regulated surface waters and wetlands; by amending Section 30-301 Regulated surface waters and wetlands; by amending Section 30-307 Nature park district; by repealing Section 30-309 Significant ecological communities district and repealing Section 30-309.1 Rezoning to significant ecological communities district; by adding a new DIVISION 4. REGULATED NATURAL AND ARCHAEOLOGICAL RESOURCES and adding new Sections 30-310 generally, 30-310.1 Resources assessment, 30-310.2 Regulation of natural and archaeological resources, 30-310.3 Conservation management areas and management plans, 30-310.4 Avoidance, minimization, mitigation, and monitoring, and 30-310.5 Alternative compliance; by re-numbering existing DIVISION 4. RELIEF AND ENFORCEMENT to DIVISION 5. and amending and renumbering the sections within DIVISION 5; by amending**

**Appendix A. of the City Code of Ordinances related to Fees, Rates and Charges for Environmental Review; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*This ordinance significantly revises the text of the Land Development Code related to regulation of natural and archaeological resources by:*

- 1. adding new definitions related to natural and archaeological resource protection;*
- 2. amending the Nature Park District by renaming it to include public conservation/preservation areas and by including new buffering requirements for developments adjacent to a Nature Park;*
- 3. specifying the level of review (Basic, Level 1, and Level 2);*
- 4. adding review requirements for most development applications in order to determine the impacts on natural and archaeological resources;*
- 5. providing several exemptions from review, including: certain small (equal to or less than five acres) parcels of record; bona-fide agriculture/silviculture activities; removal of invasive non-native vegetation on conservation lands; vegetation in park land; activities authorized by a city-approved management plan; existing utility installations, drainage or easement, and road right-of-way; fencing and firebreaks; survey or other required test; text amendment; de minimus impact; and certain strategic ecosystems;*
- 6. requiring that parcels containing strategic ecosystems or significant natural communities not be disaggregated such that there is lesser natural resource protection;*
- 7. setting requirements for natural and archaeological resources assessments;*
- 8. setting further regulations for parcels with confirmed regulated natural or archaeological resources (regulated resources include: significant natural communities, listed species, strategic ecosystems, Floridan aquifer high recharge areas, significant archaeological resources, and significant geological resource features);*
- 9. providing for conservation management areas and management plans;*
- 10. establishing avoidance, minimization, mitigation and monitoring requirements with respect to the regulated natural and archaeological resources;*
- 11. amending the Relief and Enforcement provisions of Article VIII, Environmental Management;*

12. deleting the Significant Ecological Communities section of the Code (Sections 30-309 & 30-309.1); and,

13. amending the fees for reviews.

*The manner in which the City addresses the protection of significant ecological communities, particularly with respect to Alachua County-designated Strategic Ecosystems that have been annexed by the City, was referred to the Community Development Committee in October 2007. A staff team subsequently worked for approximately one year to develop draft regulations to protect designated Strategic Ecosystems once they are annexed and to protect other natural and archaeological resources.*

*On September 24, 2009, the Plan Board heard and unanimously approved Petition PB-09-125. The City Commission heard that petition on December 3, 2009 (Legistar No. 090536) and continued it to an unspecified later date for further work by staff. Petition PB-09-125 was later deemed denied without prejudice (per Sec. 30-347.8 of the Land Development Code) because the petition was not finally acted upon within six months of the filing of the Plan Board's recommendation with the City Commission.*

*Staff then worked with the City Attorney's Office in developing the current petition (Petition PB-10-143 TCH) and this ordinance. The proposed regulations focus on the preservation of significant natural communities and features through the normal development review process. In addition, Alachua County's land development regulations were reviewed and County staff was consulted in the preparation of these regulations.*

*Public notice was published in the Gainesville Sun on March 8, 2011. On March 24, 2011, the City Plan Board, by a vote of 5-1, recommended approval of the petition with modifications. As part of the Plan Board's recommendation, they encouraged staff to continue working on the regulations and communicate with stakeholders. Planning staff held a meeting with stakeholders on May 9, 2011. There were additional comments and suggestions for improving the proposed regulations, and many of these have been incorporated into the final version of the proposed ordinance. Planning staff also held a meeting on June 9, 2011 with GRU staff to discuss their concerns about the regulations and explain certain provisions. Additional changes were made to the regulations based on GRU's comments.*

*On August 4, 2011, the City Commission approved the petition with one modification (by a vote of 6-1) that the threshold for review be raised from 2 acres to 5 acres, except when listed species are present or the parcel contains an archaeological site identified by a Florida Master Site file number. Staff has made that revision in the draft ordinance.*

*In addition, the City Commission requested (by a vote of 5-2) that, at first reading of the ordinance, staff present a fee-in-lieu mitigation option that focuses more on ecological value of the property rather than market value. In response to this request, staff researched other methods for fee-in-lieu*

*calculations and consulted with professionals from the University of Florida and local land conservation and appraisal firms and was unable to find an alternative valuation methodology that was uniformly accepted, easy or cost effective to undertake. In further consultation with the City Attorney's Office, staff became concerned that, as written, the fee-in-lieu provision is problematic because the fee collected is based solely on real estate market value and would be used for general green space acquisition. In order for such a fee to be legally defensible, the amount of the fee and use of the fee should be rationally related to addressing the loss/destruction of the resource caused by the development. In the opinion of staff it would be burdensome for the City to establish such a fee structure and set up funds and processes to ensure the amount of such fees and their usage was defensible. As a result, staff has not included a fee-in-lieu mitigation option in the draft ordinance. It is the opinion of staff that this is consistent with the purpose and intent of the ordinance, which is to protect resources, and that the ordinance provides other viable mitigation and alternative compliance options for property owners. Staff has also removed the provisions for alternative compliance by use of an Environmental Master Plan, as that concept was not developed enough to provide the requirements of such a Plan, its effect and the criteria by which it would be evaluated and approved or denied. Again, it is the opinion of staff that the ordinance provides other viable mitigation and alternative compliance options for property owners.*

*In addition, staff evaluated the current review fee structure and recommends reducing the level 1 fee from \$1,000 down to \$500. Staff believes this amount is commensurate with the staff effort required for a level 1 review and in recognition that these reviews are now conducted in-house by the City's environmental coordinator and no longer require the City to contract for more costly reviews by an outside party.*

*This ordinance was originally scheduled for first reading on June 21, 2012; however, the City Commission continued the first reading to July 19, 2012. In addition, staff was copied on correspondence dated June 14, 2012 from representatives of East Gainesville Development Partners (EGDP) to the City Commission. Staff responded via memorandum to the City Commission, via phone conference with the EGDP representatives and by making further clarifying revisions to this draft ordinance.*

#### *CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

#### **Legislative History**

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved as shown above (Petition)
6/21/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)

7/19/12 City Commission Adopted on First Reading (Ordinance) and Approved the Recommendation (6 - 1)

110076A\_exhibit 8\_post cpb chgs\_20110707.pdf  
110076B\_staff report\_20110707.pdf  
110076C\_exhibit 1 timeline\_20110707.pdf  
110076D\_exhibit2\_envtl petition Table1\_20110707.pdf  
110076E\_exhibit 3\_envtl LDC chgs\_20110707.pdf  
110076F\_exhibit 4\_remove envtl LDC\_20110707.pdf  
110076G\_exhibit 5\_strategic ecosystems map\_20110707.pdf  
110076H\_exhibit 6\_sec 30-300\_20110707.pdf  
110076I\_exhibit 7\_sec 30-275\_20110707.pdf  
110076J\_cpb minutes.110324\_20110707.pdf  
110076K\_staff ppt\_20110707.pdf  
110076L\_MOD\_Fowler Ltr to O Lazzari\_20110707.pdf  
110076M\_MOD\_Fowler Ltr to COG\_20110707.pdf  
110076N\_MOD\_Supplemental Staff PPT Slides\_20110707.pdf  
110076A\_exhibit 8\_post cpb chgs\_20110804.pdf  
110076B\_staff report\_20110804.pdf  
110076C\_exhibit 1 timeline\_20110804.pdf  
110076D\_exhibit2\_envtl petition Table1\_20110804.pdf  
110076E\_exhibit 3\_envtl LDC chgs\_20110804.pdf  
110076F\_exhibit 4\_remove envtl LDC\_20110804.pdf  
110076G\_exhibit 5\_strategic ecosystems map\_20110804.pdf  
110076H\_exhibit 6\_sec 30-300\_20110804.pdf  
110076I\_exhibit 7\_sec 30-275\_20110804.pdf  
110076J\_cpb minutes.110324\_20110804.pdf  
110076K\_staff ppt\_combined\_20110804.pdf  
110076L\_Fowler Ltr to O Lazzari\_20110804.pdf  
110076M\_Fowler Ltr to COG\_20110804.pdf  
110076N\_7-6-11 Memo to Comm Hawkins\_20110804.pdf  
110076 O\_responses to GACAR comments\_20110804 .pdf  
110076\_MOD\_EC&D.CoG.LDCSuggestions\_20080804.PDF  
110076-MOD\_Memo&Maps(slides)\_20110804.pdf  
110076B\_staff ppt\_20120621.pdf  
110076A\_draft ordinance\_20120621.pdf  
110076B-MOD\_Memo\_20120621.pdf  
110076C-MOD\_Rare Species List\_20120621.pdf  
110076D-MOD\_Map Over 5 acres\_20120621.pdf  
110076E-MOD\_Eastside 5 Acres\_20120621.pdf  
110076A\_draft ordinance\_20120719.pdf  
110076D\_staff ppt\_20120719.pdf  
110076B\_Letter to Mayor and City Commissioners regarding Ord 110076.pdf  
110076C\_Memo to City Commissioners dated 06-21-12\_Response to Comments on Ordi

**110077.****REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES  
OVERLAY DISTRICT (B)****Ordinance No. 110077; Petition No. PB 11-16 ZON**

**An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property located generally east of Southeast 24th Street, south of East**

**University Avenue and north of Southeast Hawthorne Road; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*The properties that are the subject of this ordinance are located east of Southeast 24th Street, between East University Avenue and Southeast Hawthorne Road. These eight parcels are contiguous and total approximately 47 acres. The Significant Ecological Communities Overlay zoning district was applied to them by adoption of Ordinance No. 051019 on July 10, 2007.*

*The proposed removal of the Significant Ecological Communities Overlay District from these properties is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District.*

*The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.*

*Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow for further review and revision by the City Attorney's office and other City Staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend that petition and on August 4, 2011, the City Commission approved the petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.*

*Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed Petition PB-11-16 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-16 ZON be contingent on the approval of the natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).*

*On August 4, 2011 the City Commission approved the Petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.*

*CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.*

**RECOMMENDATION**            *The City Commission adopt the proposed ordinance.*

**Legislative History**

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved (Petition) (5 - 1 - 1 Absent)
6/21/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)
7/19/12	City Commission	Adopted on First Reading (Ordinance) (6 - 1)

110077A\_staff report\_20110707.pdf  
 110077B\_append A\_exhibit A-1 - A-3\_20110707.pdf  
 110077C\_append B\_application\_20110707.pdf  
 110077D\_cpb minutes 110428\_20110707.pdf  
 110077E\_staff ppt\_20110707.pdf  
 110077A\_staff report\_20110804.pdf  
 110077B\_append A\_exhibit A-1 - A-3\_20110804.pdf  
 110077C\_append B\_application\_20110804.pdf  
 110077D\_cpb minutes 110428\_20110804.pdf  
 110077E\_staff ppt\_20110804.pdf  
 110077A\_draft ordinance\_20120621.pdf  
 110077B\_staff ppt\_20120719.pdf

**110078.****REZONING - SIGNIFICANT ECOLOGICAL COMMUNITIES OVERLAY DISTRICT (B)****Ordinance No. 110078; Petition No. PB-11-17 ZON**

**An ordinance of the City of Gainesville amending the Zoning Map Atlas by removing the Significant Ecological Communities Overlay District from certain property commonly known as Hatchet Creek PUD generally located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road, as more specifically described in this ordinance; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT*

*The approximately 368-acre property that is the subject of this rezoning petition is known as the Hatchet Creek PUD located south of Northeast 53rd Avenue, east of Northeast 15th Street, north of Northeast 39th Avenue and west of Waldo Road. It surrounds the City's Ironwood Golf Course. The Significant Ecological Communities Overlay zoning district was applied to this property by Ordinance No. 050160 adopted on November 17, 2005.*

*The proposed removal of the Significant Ecological Communities Overlay District from this property is necessitated by the related, amended land development regulations proposed by Ordinance No. 110076, which if approved, will amend the Land Development Code to provide additional and updated regulations for the protection of natural and archaeological resources and to delete the Significant Ecological Communities Overlay District and its regulations.*

*The City Commission created the Significant Ecological Communities Overlay District in 2004. Although various properties were rezoned between 2005 and 2007 to this overlay district, legal issues pertaining to the district arose. In 2009, staff presented a new concept for environmental protection to the City's Community Development Committee, to the City Commission, and to the City and County Commissions at a joint meeting. The concept was approved and staff was directed to develop draft regulations.*

*Staff presented draft regulations (Petition PB-09-125 TCH) in September 2009 to the Plan Board, which by a 7-0 vote recommended approval to the City Commission. Staff was prepared to present them in December 2009 to the City Commission, but the petition was continued to allow further review and revision by the City Attorney's office and other city staff. During 2010, staff worked to revise the draft regulations, which were presented as new Petition PB-10-143 TCH to the Plan Board in February and March of 2011. On March 24th, the Plan Board voted 5-1 to recommend approval of that petition and on August 4, 2011, the City Commission approved the Petition. That petition is now Ordinance No. 110076 and is scheduled to be heard at the same meetings as this Ordinance.*

*Public notice was published in the Gainesville Sun on April 12, 2011. On April 28, 2011, the Plan Board discussed this Petition PB-11-17 ZON and recommended approval with a 4-0 vote. However, the Plan Board requested that approval of this Petition PB-11-17 ZON be contingent on the approval of the new natural and archaeological resources regulations (PB-10-143 TCH, now Ordinance No. 110076).*

*On August 4, 2011 the City Commission approved this petition by a vote of 5-1. Pursuant to Section 6 of this Ordinance, the rezoning is not effective until the date that Ordinance No. 110076 is adopted.*

#### *CITY ATTORNEY MEMORANDUM*

*Should this ordinance pass on first reading, second and final reading will be held on Thursday, August 2, 2012.*

**RECOMMENDATION**                      *The City Commission adopt the proposed ordinance.*

#### **Legislative History**

7/7/11	City Commission	Continued (Petition) (7 - 0)
8/4/11	City Commission	Approved (Petition) (5 - 1 - 1 Absent)
6/21/12	City Commission	Continued (1st Reading) (6 - 0 - 1 Absent)

7/19/12 City Commission Adopted on First Reading (Ordinance) (6 - 1)

110078A\_staff report\_20110707.pdf  
 110078B\_append A\_exhibits A-1 - A-3\_20110707.pdf  
 110078C\_append B\_application\_20110707.pdf  
 110078D\_cpb minutes 110428\_20110707.pdf  
 110078E\_staff ppt\_20110707.pdf  
 110078A\_staff report\_20110804.pdf  
 110078B\_append A\_exhibits A-1 - A-3\_20110804.pdf  
 110078C\_append B\_application\_20110804.pdf  
 110078D\_cpb minutes 110428\_20110804.pdf  
 110078E\_staff ppt\_20110804.pdf  
 110078A\_draft ordinance\_20120621.pdf  
 110078B\_staff ppt\_20120719.pdf

### 120041.

#### 2012 NON AD VALOREM TAX ASSESSMENT (B)

**An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in the non ad-valorem assessment for the municipal service benefit unit created by Alachua County for certain solid waste management services for the three fiscal years commencing with fiscal year 2012-2013 and extending through fiscal year 2014-2015; providing conditions for the consent; providing that the consent is for the three-year period; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Explanation: At its meeting on June 7, 2012, the City Commission authorized the Clerk of Commission to advertise and the City Attorney to draft an ordinance allowing the non ad-valorem assessment for solid waste management by Alachua County to continue inside the city limits for an additional three fiscal years commencing with fiscal year 2012-2013, and extending through fiscal year 2014-2015.*

**RECOMMENDATION**                      *The City Commission adopt the proposed ordinance.*

#### Legislative History

6/7/12 City Commission Approved as Recommended (7 - 0)  
 7/19/12 City Commission Adopted on First Reading (Ordinance) (7 - 0)

120041\_Letter\_20120607.pdf  
 120041A\_draft ordinance\_20120719.pdf  
 120041B\_Exhibit A\_20120719.pdf

## PLAN BOARD PETITIONS

### 120139.

#### Special Event Parking UF Context Area (B)

**Petition PB-11-92TCH. City Plan Board. Amend the Land Development Code to add criteria for game day parking as a Special Event Permit on properties in the UF context area.**

*Explanation: In July 2011, City staff initiated the petition on game day parking to address several concerns raised by citizens and Code Enforcement staff over the years since game day parking was implemented. Those concerns include: illegal curb jumping; illegal alcohol distribution; trash and debris left in the yards; illegal signs; no parking plans; yards being destroyed due to parking resulting in erosion; open fires; charging to park and directing people to park on city streets; overnight parking of RV's in residential areas; tailgating activity; and better enforcement. On July 28, 2011, the Plan Board heard the petition and recommended the City Commission approve the petition with suggested revisions. As staff was working to bring the petition to the City Commission, the Commission at its meeting on August 18, 2011, referred the issue to the Community Development Committee.*

*The Community Development Committee discussed the issue at its meetings on November 22, 2011, March 27, 2012 and June 11, 2012. During the three meetings the Committee heard from stakeholders on both sides of the issue. After hearing the concerns of stakeholders and staff, the Committee voted to pare down the list of conditions to the minimum necessary to address key neighborhood concerns, while still allowing for this limited activity on the days designated by the City Manager.*

*The Committee also heard from the University of Florida GatorWell Health Promotion Services regarding their approach to campus game day activities as it relates to alcohol consumption. City communication staff has since met with GatorWell staff to discuss coordination of messaging activities related to UF events and UF event attendees.*

*The key elements of the Committee's recommendation is to: require a special event permit instead of a business license with no fee change; require the property owner's authorization for the activity; require a parking plan indicating that the parking area is located on private property; and provide procedures for revocation of a permit with a civil citation fee of \$250.*

*Prior to the Community Development Committee's review of the petition the Plan Board voted 4-0 to approve the petition with modifications. The advertising for this petition before the Plan Board was published in the Gainesville Sun on July 12, 2011 and the public hearing was held on July 28, 2011.*

*Fiscal Note: None.*

**RECOMMENDATION**

*Community Development Committee to City Commission - Approve the petition conditions as modified.*

*City Plan Board to the City Commission - Approve the petition as modified.*

*Staff to the City Commission- Approve the Community Development Committee's recommendation.*

Legislative History

7/19/12 City Commission Continued (Petition) (7 - 0)

120139A\_CDC Recommendation\_20120719.pdf

120139B\_CPB Recommendations\_20120719.pdf

120139C\_CPB staff report\_20120719.pdf

120139A\_CDC Recommendation\_20120802.pdf

120139B\_CPB Recommendations\_20120802.pdf

120139C\_CPB staff report\_20120802.pdf

**120152.****Local Exemption for Dogs at Public Food Service Establishment (B)**

**Petition PB-12-53 TCH. City of Gainesville. Amend the Land Development Code to allow the local exemption for dogs in designated outdoor portions of public food service establishments in accordance with F.S. 509.233.**

*Explanation: This is a request to amend the land development code to allow the local exemption for dogs in designated outdoor portions of public food service establishments in accordance with F.S. 509.233. State statute authorizes local governments to enact local laws allowing dogs in limited designated outdoor seating areas of food service establishments. Without this local exemption, dogs other than service dogs in food service establishments are prohibited. The statute and this proposed text amendment would still prohibit dogs (except service dogs) inside food service establishment including traveling through the establishment.*

*This issue was brought to the City Commission by Ryan Premdas the manager for the Warehouse Restaurant on South Main Street during citizen comment, the issue was referred to the Community Development Committee. The Community Development Committee reviewed the issue with staff and referred the issue back to the City Commission. On April 5, 2012, the City Commission directed staff to initiate a petition to the Plan Board to allow opportunities for public food service establishments that provide outdoor dining to allow patrons' dogs within certain designated outdoor portions of the establishments when application is made and a permit is approved subject to the requirements of State Statute.*

*The proposed amendment will only apply to those food service establishments (restaurants) that wish to provide this service and obtain the required permit in-accordance with the procedures and rules. Generally, the proposed amendment requires every applicant for a permit to submit contact information, a diagram and description of the outdoor area, the hours of operation, sanitary procedures, and general restrictions.*

*The Plan Board voted 6-1 to approve the petition.*

**RECOMMENDATION**

*City Plan Board to the City Commission - Approve the petition.*

*Staff to the City Commission- Approve the petition.*

120152A\_staff report\_20120802.pdf  
120152B\_proposed amendment\_20120802 .pdf  
120152C\_application\_20120802.pdf  
120152D\_cpb minutes\_20120802.pdf

**DEVELOPMENT REVIEW BOARD PETITIONS**

**SCHEDULED EVENING AGENDA ITEMS**

**UNFINISHED BUSINESS**

**COMMISSION COMMENT**

**CITIZEN COMMENT (If time available)**

**ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)**