



## Legislation Text

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**File #:** 030455, **Version:** 2

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### WELLFIELD PROTECTION SPECIAL USE PERMIT - LAND DEVELOPMENT CODE (B)

#### ORDINANCE NO. 0-03-94; PETITION 113TCH-03 PB

An Ordinance of the City of Gainesville, Florida; amending Land Development Code, Chapter 30, relating to Wellfield Protection Special Use Permit; amending section 30-200, clarifying purpose to conform to revisions; amending section 30-201, allowing City Manager or designee approval in the tertiary or secondary zone; amending section 30-202, Land Development Code, allowing exemptions for facility upgrades and environmental clean up; amending section 30-203, Land Development Code, modifying the criteria for issuance of the permit; limiting use involving hazardous materials in the primary zone; amending subsection (c) of section 30-204, Land Development Code, conforming cross-reference; amending subsection (b) of section 30-205, Land Development Code, conforming cross-reference; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

#### COMMUNITY DEVELOPMENT DEPARTMENT STAFF REPORT

This petition addresses changes to the Wellfield Protection Special Use Permit process. In 1999, the City adopted a special use permit process for all development in the primary, secondary, and tertiary wellfield protection zones. The purpose of the regulations was to protect the public water supply at the Murphree Wellfield. The existing regulations require all development that manufacture, store, use or sell hazardous materials as defined and regulated in the Alachua County Hazardous Materials Code to obtain a special use permit from the City Commission. Staff has reviewed the current process of approval with both Alachua County Environmental and GRU staffs, and determined that there may be a better approach to approving development in the Wellfield Protection Zones without sacrificing public health and safety. In the past, it has been found that many projects that would improve public safety were delayed because of a lengthy approval process. Staff also determined that, once a development was found in compliance with the requirements of the Alachua County Hazardous Materials Management Code, and all applicable state and federal regulations, there was no need for further review of most non-industrial type development.

The proposed revisions to the process will allow projects involving environmental clean-up or facility upgrades required by a public agency, and additions to sites that would not meet the threshold for review for Alachua County Hazardous Materials Code, to be exempt. The proposal would also allow the City Manager or designee to issue a Wellfield Protection Permit for development in the tertiary and secondary zone after meeting certain criteria. Specially regulated industrial uses will be required to obtain a wellfield special use permit through the Plan Board and the City Commission. Staff has determined that the proposed changes will greatly streamline the process and provide for more efficient review without compromising the public's health, safety and welfare.

Public notice was published in the Gainesville Sun on September 2, 2003. The Plan Board held a public hearing September 18, 2003. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 113TCH-03 PB. Plan Board vote 4-1.

#### 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, November 10, 2003.