

Alachua County, FL Board of County Commissioners

Robert Hutchinson, Chair Mike Byerly, Vice Chair Charles S. Chestnut IV Ken Cornell Marihelen Wheeler Administration
Michele Lieberman
County Manager

Meeting Agenda

Tuesday, September 8, 2020 11:30 AM

This is a virtual meeting. The public may attend virtually through Cox Channel 12, Facebook, and the County's Video on Demand website. For meeting audio only, call 301-715-8592, and when prompted, use code 670 965 3024. The public may submit comments to the board through email (bocc@alachuacounty.us) or by calling into the public comment message line when prompted to call during the meeting. Public comment will be taken by telephone for all non-ministerial items on which the Commission votes. Once public comment is opened for an item under discussion, please call 929-205-6099 (enter meeting code 273 174 8038). Callers will be put in a queue, and prompted when it is their turn to speak. TO AVOID FEEDBACK, SPEAKERS MUST TURN DOWN THEIR MEETING SOUND WHEN ADDRESSING THE COMMISSION. Callers should state their name and limit comments to two minutes. The Commission will allow up to a total of 30 minutes for citizen comments on each item opened for public comment. In addition, the Commission will open phone lines for one 30 minute public comment session for the public to discuss items not on the Commission agenda. The public is encouraged to submit any written or photographic documents prior to the meeting to bocc@alachuacounty.us.

All persons are advised that, if they decide to contest any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose they may need to ensure that verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105 Florida Statutes)

If you have a disability and need an accommodation in order to participate in this meeting, please contact the Alachua County Equal Opportunity Office at (352)374-5275 at least 2 business days prior to the meeting. TTY users please call 711 (Florida Relay Service).

Α. Invocation - Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of, a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

Meeting Agenda

- B. Pledge of Allegiance
- C. Call to Order
- D. **Approval of Regular Agenda**
- E. Approval of Consent Agenda
- F. Announcements / Legislative Update
 - Alachua County Poet Laureate 1. 20-0777

Recommended Action: Hear poem.

FW Poem.msg

G. Recognitions

2. 20-0723 Approval of a Proclamation Declaring September 2020 as "Suicide Prevention Month" in Alachua County, FL

Recommended Action: Proclaim September 2020 as "Suicide Prevention Awareness Month

in Alachua County, Fl

Suicide Prevention Month 2020.pdf

Н. Advisory Board Items

Criminal Justice, Mental Health, and Substance Abuse Grant Planning 3. 20-0725 Committee Membership Appointments

Recommended Action: Appoint one of the two applicants to the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee for the following position:

1) Representative - Area Homeless Program.

This position's term ends on April 30, 2021.

J. Gruver Application

R. Tocabens Application

Current Membership List

Tally Sheet

J. Gruver Resume

R. Tocabens Resume

CJMHSAG Resolution

CJMHSAG Resolution 2011

CJMHSAG Resolution Amendment 2016

CJMSAG 2020 FS 394.657.pdf

Items Pulled From Consent I.

J. Action Items

COVID-19 Discussion 4. 20-0760

Recommended Action: The discussion will go over the following items:

- Department of Health Update
- Cares Act Update
- Ratification of Emergency Order

BOCC 08-26-2020 Meeting Minutes.docx

EO 20-XX Phase 2 Draft Emergency Order COVID 19 Ver. 11 RCS (ADA).docx

5. 20-0556 Code Enforcement Board and Special Magistrate Discussion

Recommended Action: Authorize advertisement of one of the following ordinances:

- 1. eliminating the Code Enforcement Board and using only the Code Enforcement Special Magistrate for code enforcement; OR
- 2. amending existing Chapter 24, Article I, regarding Code Enforcement Board member attendance and including a method of removal of members for neglect or misconduct.

Special Magistrate Ordinance 372-2018.pdf

Code Enforcement Board and Magistrate Pros and Cons v2.docx

Ordinance Option 1 - Repealing Code Enforcement Board.docx

Ordinance Option 2 - Adding Code Enforcement Board Provisions - .docx

Code Enforcement Presentation ADA.pdf

Minutes BOCC 04-24-2018.pdf

Minutes BOCC 05-12-2015.pdf

K. **Public Hearing**

6. **20-0641** CPA 04-20: Large-Scale Comprehensive Plan Text Amendment to Rural and Agricultural Policies in Section 6.0 of the Future Land Use Element

Recommended Action: Staff recommends that the Board of County Commissioners transmit CPA 04-20 to the State Land Planning Agency and other reviewing agencies for review and comment.

CPA 04-20 RuralAgPoliciesPresentation BoCC 09-08-20 ADA.pdf

CPA 04-20 Staff Report 09.08.20 BoCC ADA.pdf

CPA 04-20 Attach A - Selected Maps for Reference ADA.pdf

CPA 04-20 Attach B - Excerpted Policies for Reference ADA.pdf

CPA 04-20 RCAC Letter.pdf

7. 20-0721 CPA-03-20: A request for a large-scale land use amendment on

approximately 200 acres from Preservation to Rural Agriculture

Recommended Action: Staff recommends that the BoCC approve the requested land use amendments and adopt Ordinance 20-xx

> CPA0320 Ordinance.pdf CPA0320 Powerpoint.pdf CPA0320 Staff Report.pdf

8. 20-0709 Tara Greens 2 Preliminary Development Plan

Recommended Action: Approve the proposed Preliminary Development Plan, Resolution DR-20-33, and issuance of a Preliminary CLSC based on a finding of consistency with the Alachua County Comprehensive Plan, and the Alachua County Unified Land Development Code.

Staff Report Tara Greens BoCC ADA.pdf

C2.0 Open Space Plan.pdf

Adjacent Open Space Map Tara Greens 2 PDP.pdf

C3.0 Master Tree Canopy Plan.pdf C3.1 Tree Canopy Plan West.pdf

C3.2 Tree Canopy Plan East.pdf

C4.0 General Site Development Plan.pdf

C5.0 Transportation Network and Utility Plan.pdf

DR 20 33 Tara Greens PDP OT.pdf Presentation Tara Greens PDP ADA.pdf

9. 20-0743 Final Redevelopment Plan with Deviations from the Unified Land Development Code (ULDC) for Shops at Archer Road and SW 43rd Street

Recommended Action: Denial of the Final Redevelopment Plan

Shops at Archer BoCC Denial Staff Report ADA Revised.pdf

Presentation Shops at Archer ADA.pdf

ShopsAtArcher Final C010 DEMOLITION PLAN.pdf ShopsAtArcher Final C100 DIMENSION PLAN.pdf

ShopsAtArcher Final C110 TREE PRESERVATION PLAN.pdf

ShopsAtArcher L200 LANDSCAPE PLAN.pdf

ShopsAtArcher Elevation A2 01.pdf ShopsAtArcher Final Parking Study.pdf

ShopsAtArcher Final Redevelopment Deviation Request.pdf

DR 20 39 Shops at Archer.pdf

10. 20-0728 Public Hearing-Pet Breeder Regulation Ordinance

Recommended Action: Approve ordinance regulating pet breeders and authorize the Chair's signature.

Pet Breeders Ordinance ADA.pdf

FINAL - Pet Breeder Regulations (08-25-20).pptx

11. <u>20-0729</u> Public Hearing-Ordinance Amending Alachua County Code, Chapter

27 (Emergencies)

Recommended Action: Approve ordinance amending Chapter 27 (Emergencies), Alachua

County Code, and authorize Chair to sign.

1020-Version 3- Draft Chapter 27 Emergencies Ordinance ADA.pdf

12. 20-0730 Public Hearing-Ordinance Enacting Needle Exchange Program

Recommended Action: Adopt ordinance enacting a Needle Exchange Program in Alachua

County and authorize Chair to sign.

Bill Analysis Needle Exchange.PDF

Needle exchange statute.pdf

Syringe Exchange program 8-11-20- Draft (ADA).pdf

L. Administrative Reports

County Attorney Report

County Manager Report

- M. Public Comment
- N. Board Reports and Commission Comments

NOTE: This meeting will reconvene at 5:01 PM

- O. Public Hearing
 - **13. 20-0701** Adopt the FY21 Proposed Millage Rates and Tentative Budget

Recommended Action: Conduct public hearing and adopt the resolutions to approve the proposed FY21 millage rates for the General County and MSTU-Law

Enforcement budgets, and adopt the FY21 Tentative Budget.

FY21 Budget Calendar 6-15-20.pdf

FY21 Projected Millage Chart 07012020.pdf

20-80 General County Millage Resolution.pdf

20-81 General County Budget Resolution.pdf

20-82 MSTU Law Enf Millage.pdf

20-83 MSTU Law Enf Budget Resolution.pdf

FY21 Changes from CM to Tentative.pdf

FY21 Tentative Budget - Fund-Func-Cat.pdf

14. 20-0734 Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District

FY21 Final Non-Ad Valorem Assessment Rates Adoption Hearing

Recommended Action: Adopt the FY21 the Sugarfoot Oaks/Cedar Ridge Preservation and

Enhancement District Final Non-Ad Valorem Assessment Rates Final

Rate Resolution.

P and E RESOLUTION Public Hearing Sept 8 2020.pdf

15. 20-0735 Stormwater Assessment FY21 Final Rate Resolution Adoption

Hearing

Recommended Action: Adopt the FY21 Stormwater Assessment Final Rate Resolution at a

\$40 per Equivalent Residential Unit rate.

FY 21 Appendix A Proof Publication Storm water.pdf

FY 21 Appendix B Affidavit of Mailing Storm water.pdf

FY 21 Appendix C Certification of Assessment Roll Storm water.pdf

FY 21 Water Quality Project Descriptions.pdf

FY 21 Water Quality Project List.pdf

FY 21 Final Rate Resolution Stormwater.pdf

16. 20-0736 FY21 Solid Waste Non-Ad Valorem Assessment Final Rate

Resolution

Recommended Action: Adopt the Final Assessment Resolution for Fiscal Year 2020-2021

and authorize the Chair to certify the Non-Ad Valorem Assessment

Roll to the Tax Collector.

Non-ad valorem Certification FY2020-21.pdf

Solid Waste Assessment Proof of Publication.pdf

Solid Waste Resolution 20-71.pdf

17. 20-0747 FY21 Fire Services Non-Ad Valorem Assessment Final Rate

Resolution

Recommended Action: Adopt the Fire Services Assessment Final Rate Resolution for Fiscal

year 2020-21.

Copy of alachua county fire trim 20200804.pdf

Final Assessment Resolution 2020-21.pdf

Final Hearing Newspaper Ad for 09082020 Public Hearing FINAL.pdf

Fire PE Etear 08-18-20.pdf

GH057285 AFFIDAVIT Fire Assessment 08-18-20.pdf

- P. Public Comment
- Q. Commission Comment
- R. Adjournment
- S. CONSENT ITEMS

Budget & Fiscal Services

18. 20-0741 Request for Authorization to Advertise an Ordinance Adopting Fee

FY21-25 Capital Improvement Program (CIP)

Recommended Action: Adopt Resolution to set a public hearing to consider 5-Year Capital

Improvement Schedule for FY21-25, and authorize staff to publish

notice of the public hearing.

Ex A: FY21 - 5 Year CIP-8-21-20.pdf Resolution to set public hearing re 5yr CIP v09032020.docx

Clerk of Court

19. Disposal of Surplus Property 20-0631

Recommended Action: Request the Board of County Commissioners receive and accept the Clerk's report on the disposal of Alachua County surplus property, direct the Clerk to record the report in the minutes of the Board's meeting, and authorize the Clerk to adjust the property records of Alachua County to reflect the lawful disposition of the property on the "2020 Alachua County Public Auction Surplus Property Disposal Report".

> Alachua BOCC Surplus Auction Property Disposal Report - July 94-034.pdf

Resolution re Disposal of Surplus Prop Al 20-0631 08312020.docx

Communications Office

ILA with the City of Gainesville regarding Gov Access TV Channel 20. 20-0731 Recommended Action: Approve the Interlocal Agreement and authorize the Chair to execute same.

DF Signed - #11713 Government Access Channel Interlocal ATF by CAO.pdf

Community Support Services

First Amendment to Community Agency Partnership Program 21. 20-0746

> (CAPP) Agreement #11208 between Alachua County and Alachua County Organization for Rural Needs. Inc., dba ACORN Clinic for

Dental Program

Recommended Action: Approve the amendment and authorize the Chair to execute it.

#11028 ACORN - Dental Clinic (Co. Executed) 10-8-18.pdf SIGNED CAPP ACORN Amendment partially executed ATF by CAO 1 p1.pdf

Environmental Protection

22. Contract Amendments for RFP 20-171 Annual Environmental 20-0712 **Consulting Services Contracts**

Recommended Action:

Geosyntec Amendment for Ennvironmental Consulting Services CAO Signed AD Wood Amendment for Environmental Consulting Service CAO Signed ADA.pdf
GSE Amendment for Environmental Consulting Services CAO igned ADA.pdf
DB Amendment for Environmental Consulting CAO Signed ADA.pdf
WAR Amendment for Environmental Consulting Services CAO Signed ADA.pdf

WAR Amendment for Environmental Consulting Services CAO Signed ADA.pdf DB Environmental Professional Services Agreement for Environmental Consulting ADA.pdf

Geosyntec Professional Services Agreement for Environmental Consulting Service Signed ADA.pdf

Wood Professional Services Agreement for Environmental Consulting Service_Sig ADA.pdf

GSE Professional Services Agreement for Environmental Consulting Services Signal ADA pdf

WAR Professional Services Agreement for Environmental Consulting Services S ADA.pdf

23. 20-0726 No-Cost Contract Amendment for the Poe Springs Domestic Sewage Infrastructure Upgrades (SRWMD RIVER Grant)

Recommended Action: Sign contract amendment two

#10757 Executed agreement 12.21.17 ADA.pdf

Amend 1 ext to sept 2020 ADA.pdf

DRAFT Second Amendment to 1718-040 (CFH) ADA.pdf

24. 20-0748 Amended and restated Conservation Easement in favor of Alachua County to the conservation easement area within ISKCON of Alachua Planned Development.

Recommended Action: Approve the Amended and Restated Conservation Easement for ISKCON of Alachua Planned Development.

ADA - Location map.pdf

Baseline Inventory Report (with Addendum) July 2, 2020.pdf

Conservation Easement Document.pdf CMA Plan with Exhibits (July 2 2020).pdf

Growth Management

25. <u>20-0686</u> Multimodal Transportation Mitigation Agreement - Tara St.

Augustine Subdivision

Recommended Action: Approve and authorize the Chair's signature on the Multi-modal

Transportation Mitigation Agreement between Alachua County and

Tara St. Augustine, LLC

MMTM Agreement - Tara St. Augustine

Location Map

26. <u>20-0703</u> Regional Transit System Fiscal Year 2021 Annual Transit Service

Agreement

Recommended Action: Approve and authorize the Chair's signature on the Fiscal Year

20/21 Regional Transit Service Agreements for the transit service

provided to the County.

Agreement - FY21 County Base and Route 75 and Bus Passes FY21 County Transit Agreement - Maps and Costs

Parks and Open Space

27. 20-0633 Approve Poe Springs Restroom Budget Increase and Transfer Budget to Appropriate Expense Line Items for the Poe Springs Board Walk Improvements and Chestnut Park Pavilion

Recommended Action: Approve increased project cost for the Poe Springs Restroom and the three attached budget amendments for the Poe Springs Restroom, Poe Springs Boardwalk and Chestnut Park Pavilion.

> Journal 2020-2737 Increase Poe Restroom.pdf Journal 2020-3205 Chestnut Park Pavilion.pdf Journal 2020-2881 Poe Boardwalk.pdf

Procurement

28. 20-0659 Change Order #3 to Purchase Order 2020-00000646, ImageStoreHouse, in the amount of \$25,000.00, for scanning services to convert paper to digital and storage for Growth Management. The revised Purchase Order total is \$255,000.00

Recommended Action: Approve the issuance of Change Order #3 to Purchase Order 2020-00000646, to ImageStoreHouse, in the amount of \$25,000.00, for scanning services to convert paper to digital and storage. The revised Purchase Order total is \$255,000.00.

> Pricing per CNT Clay County Bid 2019/2020-1 DOCUMENT SCANNING SERVICES in accordance with prices, conditions, and specifications.

BID 2019-2020-1 Clay County Document Scanning Services 12-2-19.pdf BID Award Notice 2019-2020-1 Clay County Document Scanning Service.pdf CONTRACT 2019-2020 -82 Clay County Document Scanning Services.pdf BCC 3-10-2020 APPROVED Agenda Item Summary.pdf BCC 8.13.19 Approved for ImageStoreHouse Agenda Item Summary (1).pdf QUOTE ImageStorehouse (estimate).docx SUBMITTAL ImageStoreHouse.pdf PROPOSAL ImageStoreHouse.pdf

29. 20-0708 Agreement with CINTAS to lease and purchase work uniforms

Recommended Action: Approve the award of Annual Uniform Rental/Lease to Cintas Corporation No. 2 utilizing Omnia Contract #R-BB-19002 FACILITIES MANAGEMENT PRODUCTS AND SOLUTIONS and authorize the Chair to sign the Agreement.

> DF Signed - AGREEMENT w CINTAS for Uniform rental -Vendor executed ATF b CAO.pdf CINTAS COI.pdf

Public Works

30. County Deed to the City of Alachua for part of an unnamed street 20-0683

Meeting Agenda

in the city limits of Alachua

Recommended Action: That the Board adopt the resolution authorizing the execution of

the county deed to the City of Alachua for the unnamed street.

DEED 200812 WITH EXHIBIT.pdf

RESO 200812 RESOLUTION WITH EXHIBIT.pdf

MAP 200811 Tolosa RW.pdf

Risk Management

31. 20-0722 Approve Amendment to Peerfit Agreement

Recommended Action: Approve Amendment

#11026 1st Amendment Peerfit Enterprise Helath Service Provider Agreement.pd #11026 2nd Amendment Peerfit Enterprise Health Service Provider Agreement.pc Third Amendment to Agreement between Alachua County and Peerfit ATF by CA

32. 20-0724 Approval of FY21 Insurance Renewal Quotes

Recommended Action: Approve and let the Risk manager bind coverage. Approve the

issuance of Purchase Order 2021-137, to Stop Loss Insurance Services, Inc., in the amount of \$1,000,000.00 for Brokerage

Services.

2021 ins renewal quotes.xlsx

Tax Collector

Extension of the 2020 Tax Roll 20-0682 33.

Recommended Action: Approve the Order the 2020 Tax Roll to be extended prior to

completion of the Value Adjustment Board hearings.

Visitors & Convention Bureau

34. Request Approval of Fifth Amendment for Administration and 20-0587

Seventh Amendment for Bid Pool with the Gainesville Sports

Commission

Recommended Action: Approve the Fifth Amendment for Administration and Seventh

Amendment for Bid Pool with the Gainesville Sports Commission

and authorize the Chair and Clerk to sign

Approve carry forward amount of \$58,000 for unspent bid pool and

\$139,000 for unspent administration funds due to COVID-19

canceled/postponed events

#6683 FIFTH AMENDMENT TO THE AGREEMENT with Gainesville Sports Com

ATF by CAO.pdf

#6619 SEVENTH AMENDMENT TO THE AGREEMENT with Gainesville Sports

Commission ATF by CAO.pdf

FY 19 20 Admin Roll Over .pdf

FY 19 20 Bid Pool Roll Over.pdf

6883 4th Amend.PDF

6619 Sixth Amendment.PDF

May 27. 2003.pdf

May 9, 2000.pdf

October 23, 2001.pdf

September 24, 2002.pdf

May 28, 2002.pdf

6619 Sixth Amendment.docx

6683 4th Amend.docx

6883 1st Amend.PDF

6883 2nd Amend.PDF

6883 3rd Amend.PDF

6883 Agreement.PDF

6619 Fifth Amendment 021015.pdf

6619 Fourth Amendment 092413.pdf

6619 Third Amendment 092810.pdf

6619 Second Amendment 102808.pdf

6619 First Amendment 010808.pdf

6619 Agreement 101006.pdf

T. Notation for Record

35. 20-0642 Arts Council of Alachua County - July 6, 2020 Minutes

Recommended Action: No action necessary. For informational purposes only.

070620 Meeting Minutes.docx

36. 20-0705 Wild Spaces Public Places Citizens Oversight Board - July 20, 2020

Minutes

Recommended Action: No action necessary. For informational purposes only.

072020 Meeting Minutes.docx

37. 20-0751 Alachua County Health Care Advisory Board Meeting Minutes - June

3, 2020

Recommended Action: No action needed, for the record only.

HCAB Meeting Minutes 06032020 Approved 07152020.pdf

U. Notice of Upcoming Meetings

38. 20-0759 Notice of Upcoming Meetings List - as of September 8th, 2020

Recommended Action: For informational purposes only.

Notice of Upcoming Meetings 1598911971.pdf



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 1.

Agenda Item Name:

Alachua County Poet Laureate

Presenter:

Stan Richardson

Description:

Click or tap here to enter text.

Recommended Action:

Hear poem.

Prior Board Motions:

Click or tap here to enter text.

Fiscal Consideration:

N/A

Background:

Click or tap here to enter text.



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 2.

Agenda Item Name:

Approval of a Proclamation Declaring September 2020 as "Suicide Prevention Month" in Alachua County, FL

Presenter:

Alachua County Board of County Commissioners

Description:

Consider proclaiming September 2020 as "Suicide Prevention Month" in Alachua County, FL

Recommended Action:

Proclaim September 2020 as "Suicide Prevention Awareness Month in Alachua County, Fl

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

N/A

Alachua County Florida A Proclamation

Declaring September 2020 as "Suicide Prevention Month" in Alachua County, Florida

Whereas,	suicide is a significant public health issue and we can all work together to support and protect our community; and
Whereas,	in the United States there were almost 48,344 deaths by suicide during 2018; and
Whereas,	in our country, suicide is the 2nd leading cause of death for those aged 15-24, and the 10th leading cause of death for people of all ages; and
Whereas,	3,427 people in Florida died by suicide in 2019; it is the 8 th leading cause of death in our state; and
Whereas,	each death by suicide directly impacts numerous family members, friends, loved ones, and by extension the entire community; and
Whereas,	the Crisis Center received over 44,000 calls in 2019 and call volume has increased approximately 55% in recent months; and
Whereas,	the challenges surrounding the impact of COVID-19 will make mental health and suicide prevention efforts even more critical; and
Whereas,	the Alachua County Crisis Center offers 24-hour crisis intervention support through phone, face-to-face and telehealth options; and
Whereas,	the Alachua County Crisis Center is committed to raising awareness, providing education and training on suicide prevention, reducing stigma; and
Whereas,	all individuals should be aware of the warning signs and feel empowered to seek help for themselves, loved ones, co-workers, friends; and
Whereas,	no single suicide prevention effort will be sufficient, everyone is asked to join together and take a stand to prevent suicide.
Commissioner	OTE, through the authority vested in me by the Board of Couns of Alachua County, Florida, I do hereby proclaim September 202 evention Month" in Alachua County, Florida.
Ouly proclaimed	I this 8th day of Sentember A.D. 2020

Duly proclaimed this 8th day of September, A.D., 2020.

	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
ATTEST:	By: Robert Hutchinson, Chair
J.K. "Jess" Irby, Clerk	



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 3.

Agenda Item Name:

Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee Membership Appointments

Presenter:

Stuart Wegener, Department of Court Services Amy Weber, Department of Court Services

Description:

Determine the best applicant to appoint to a seat on the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee

Recommended Action:

Appoint one of the two applicants to the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee for the following position:

1) Representative - Area Homeless Program.

This position's term ends on April 30, 2021.

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

This committee was created by Resolution in 2007. The committee, in coordination with the County Office of Management and Budget and the County Court Services Department, shall make a formal recommendation to the County regarding how the CJMHSARG may best be implemented in the community. The membership of the Advisory Board is comprised of 21 positions as stipulated by the State, which has set forth requirements for the composition of the committee. This board's positions are specific, designated membership categories. There is currently one vacancy on the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee, and two citizens have applied:

Jeffery Gruver, Director of Shelter Services at ACCHH/GRACE Marketplace

Ramon Tocabens, Former Care Coordinator of Meridian Behavioral Health Care Inc's Homeless

Agenda Date: 9/8/2020 Agenda Item No.: 3.

Recovery Program (Ended February 2020)

This seat on the board was most recently held by Barbara Berry, who retired from the committee for personal reasons.

Application Form

Disclaimer

Under Florida law, all information, including e-mail, written letters, documents and phone messages, sent to the Alachua County Board of County Commissioners are subject to Public Records law. This includes the sender's e-mail address, home address or phone number if shown in the message, the content of the message and any associated attachments to the mail. If you are exempt from aspects of the public records law pursuant to F.S. 119.071, contact the advisory board coordinator at 352-264-6906 prior to submission of this form.

Public Records Law.	above and understand my applicat	ion is subject t	o Florida's
✓ I Agree			
Profile			
Jeffery	Gruver		
First Name	Middle Initial Last Name		
1106 NW 30th Ave			
Home Address		Suite or Apt	
Gainesville		FL	32609
City		State	Postal Code
igruver@gracemarketplace.or Email Address	rg	_	
Mobile: (352) 300-5660	Home:		
Primary Phone	Alternate Phone		
ACCHH/GRACE Employer	Director of Shelter Services Occupation		
Education:			
BA in clinical psychology from University	Florida Institute of Technology Current	MSW student at	Florida State
Professional Organization	s:		
Robert Woods Johnson Foun Foundation Disaster Researc	dation Research Fellowship applicant C h Fellow	onverge and Nation	onal Science

10

Submit Date: May 28, 2020

Jeffery Gruver Page 1 of 3

What position(s) are you applying for?	
Board Member	
Interests & Experiences	
Are you currently serving or have you ever served on an Alachua County advisory board	d?
○ Yes ⊙ No	
If yes, please list board(s):	
Please list any civic and professional accomplishments/honors, training or experience related to this appointment:	
Mental Health First Aid certified SOAR Certifed Motivational Interviewing Trainer Trauma Informed C Trainer Orgcode Leadership training Restructured GRACE's shelter focus that led to housing 405 pe in 2019 Presented at Statewide conferences on how to start a housing program, making the case for barrier shelter, and trauma-informed care in homeless services.	ople
What Contributions do you feel you could make if you were selected to this board?	
I believe that I have a frontline perspective on how needs can be addressed in the community and a perspective on how services including my own increase their efficacy. I have a passion for Mental He and people experiencing Homelessness	
JG.pdf	
Upload a Resume	
Demographics	
Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.	
Ethnicity	
Gender	
Male	

Are you a resident of Alachua County?
⊙ Yes ⊃ No
If you are an Alachua County resident, how long have you lived in the county?
34 years
Supplemental Questions
Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?
⊙ Yes ○ No
Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities rules and regulations?
⊙ Yes ○ No
Please Agree with the Following Statement
Appointees to advisory board/committees are required to attend scheduled meetings as specified in the "Guidelines for Citizen Advisory Boards and Committees".
✓ I Agree
Please Agree with the Following Statement
I understand that this completed application is the property of Alachua County and I hereby certify that the statements made on this application are true and correct.
I Agree

Application Form

Disclaimer

Under Florida law, all information, including e-mail, written letters, documents and phone messages, sent to the Alachua County Board of County Commissioners are subject to Public Records law. This includes the sender's e-mail address, home address or phone number if shown in the message, the content of the message and any associated attachments to the mail. If you are exempt from aspects of the public records law pursuant to F.S. 119.071, contact the advisory board coordinator at 352-264-6906 prior to submission of this form.

have read the disclaimer above and understand my application is subject to Florida's Public Records Law.								
✓ I Agree								
Profile								
Ramon	A Tocabens							
irst Name	Middle Initial Last Name							
229 NW. 29th Terrace								
ome Address		Suite or Apt						
ainesville		FL	32605					
	Home: Alternate Phone Former Care Coordinator							
n between careers at the	Alternate Phone Former Care Coordinator Meridian's Homeless Recovery							
Mobile: (352) 451-9531 rimary Phone n between careers at the noment mployer	Alternate Phone Former Care Coordinator							
n between careers at the noment	Alternate Phone Former Care Coordinator Meridian's Homeless Recovery program.							
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Ramon A Tocabens

Submit Date: Jun 02, 2020

what position(s) are you applying for?
Rep. Area Homeless Program
Interests & Experiences
Are you currently serving or have you ever served on an Alachua County advisory board?
C Yes ⊙ No
f yes, please list board(s):
N/A
Please list any civic and professional accomplishments/honors, training or experience related to this appointment:
Former Member: County Continuum of Care Subcommittee and County Affordable Housing Communit Resource Panel chaired by Comm. Helen Warren.
What Contributions do you feel you could make if you were selected to this board?
As Care Coordinator I specialized in finding and placing homeless clients in affordable housing and section 8.
1 Resume.docx Upload a Resume
Demographics
Some boards and commissions require membership to be racially, politically or geographically proportionate to the general public. The following information helps track our recruitment and diversity efforts.
Ethnicity
Gender
✓ Male
04/24/1963 Date of Birth
Are you over the age of 60? (Required for some boards)
C Yes ⊙ No
Are you a resident of Alachua County?
⊙ Yes ∩ No

If you are an Alachua County resident, how long have you lived in the county?

14 months

Supplemental Questions

Some of the boards and committees appointed by the County Commission are required to comply with Chapter 112, Florida Statutes, the Financial Disclosure Law. If applicable, would you be willing to file the required financial statement?

Do you affirm that your personal and business (if applicable) affairs within Alachua County are in substantial compliance with all county regulatory and taxing authorities rules and regulations?

Yes ○ No

Please Agree with the Following Statement

Appointees to advisory board/committees are required to attend scheduled meetings as specified in the "Guidelines for Citizen Advisory Boards and Committees".

I Agree

Please Agree with the Following Statement

I understand that this completed application is the property of Alachua County and I hereby certify that the statements made on this application are true and correct.

✓ I Agree

Alachua County

Criminal Justice, Mental Health, & Substance Abuse Grant Planning Committee

Membership List Current to August 2020

Marihelen Wheeler, 1 Term

Alachua County Commissioner (Chair)*

Captain Dawn McKinley, 2 Terms Bradford County Representative

Brad Carder, 2 Terms
Bradford County Representative

Frances Michelle Hart-Wilhour, 4 Terms Chief Correctional Officer

Tony Jones, 5 Terms *Chief of Police*

Bridget Baker, 1 Term Court Administrator

Christopher Massey, 1 Term
Department of Juvenile Justice, Chief Probation Officer

Don Savoie, 1 Term

Director of a Community Mental Health Agency

Dr. Wanda Maria Lopez, 3 Terms

Director of a Local Substance Abuse Treatment Program

Carl Smart, Interim/Temporary

Director of County Probation or Pretrial Intervention Program

Robert Lloyd, 1 Term

Director of Department of Juvenile Justice Detention Facility

Honorable Denise Ferrero, 1 Term *Circuit Court Judge*

Honorable Kristine Van Vorst, 2 Terms County Court Judge

Art Stockwell, 1 Term
Family Member of a Community-Based Treatment Services Consumer

Lloyd Boulet

Mental Health Services Consumer, 3 Terms

Holly Stacy, 5 Terms

Public Defender

VACANT (Previous seat, Barbara Berry, 2 Terms)
Representative of an Area Homeless Program

Joy Rhodes, 2 Terms
Representative from DCF Substance Abuse and Mental Health Program

Kristin Pickens, 1 Term State Attorney

Cheryl Kauffman, 3 Terms
State Probation Circuit Administrator

William Wall, 6 Terms
Substance Abuse Services Consumer

COMMITTEE: Criminal Justice, Mental Health and Substance Abuse Grant Planning Committee 08/24/2020

APPLICANTS	HUTCHINSON	BYERLY	CHESTNUT	CORNELL	WHEELER					
Representative – Area Homeless Program – Appoint one to a term ending 4/30/2021										
Jeffery Gruver, Director of Shelter Services, GRACE Marketplace (2015 – Present) Has not previously served on this Committee Ramon Tocabens, Former Care Coordinator for Meridian's Homeless Recovery Program (March 2019 – February 2020) Has not previously served on this Committee										



JEFFERY BRYAN GRUVER

DIRECTOR OF SHELTER SERVICES

OBJECTIVE

To end homelessness by providing safe shelter and effective services to people without housing and those at risk of homelessness.

CERTIFICATIONS

- -SOAR certified processor
- -Trauma informed response
- -All DCF trainings for special populations and deaf and hard of hearing
- -Targeted case manager
- -VI-SPDAT/SPDAT certified
- -Blood borne pathogens
- -HIPPA
- -OrgCode Leadership Academy
- -HMIS proficient

EXPERIENCE

DIRECTOR OF SHELTER SERVICES • ACCHH • 5/27/2015 – NOW

Case manager with a case load of 40 people assisting in exiting homelessness with a housing first approach and developing case

homelessness with a housing first approach and developing case plans for self-sufficiency while maintaining confidentiality. In addition to hiring and training new staff and working with leadership to guide the direction of GRACE into becoming the most effective shelter possible.

OFFICE MANAGER • RON SHULTZ CPA • 4/24/2012 - 10/10/2015

I was responsible for our client's information and assigning them to CPA's, as well as completing easier tax forms for simpler portfolios, as well as handling all of the billing and promotion

EDUCATION

BA CLINICAL PSYCHOLOGY • GRADUATED CUM LAUDE 8/2018 • FLORIDA INSTITIUTE OF TECHNOLOGY

3.46 GPA all course work surrounding psychology and substance abuse

MSW • CURRENTLY ENROLLED • FLORIDA STATE UNIVERSITY



JEFFERYBGRUVER@HOT MAIL.COM



352-300-5660



HTTPS://WWW.LINKEDI N.COM/IN/JEFF-GRUVER-33A1A2B6/

APPENDIX B

AFFIDAVIT OF MAILING

BEFORE US, the undersigned authorities, personally appeared Michele Lieberman, who, after being duly sworn, depose and say:

- 1. <u>Michele Lieberman</u>, as County Manager for Alachua County, Florida (the "County"), pursuant to Ordinance No. 06-13 (the "Ordinance"), timely directed the preparation of the Assessment Roll and the preparation, mailing, and publication of notices in accordance with the Ordinance and in conformance with the Preliminary Stormwater Assessment Resolution adopted by the Board of County Commissioners on July 14, 2020 (the "Preliminary Rate Resolution").
- 2. In accordance with the Ordinance, Section 44.404c, the Stormwater Assessment Coordinator timely provided all necessary information for notification of the Stormwater Services Assessment to the Property Appraiser of Alachua County to be included as part of the notice of proposed property taxes under section 200.069, Florida Statutes, the truth-in-millage notification. On August 17, 2020, the Alachua County Property Appraiser caused to be mailed, by first class mail, the stormwater services assessment notices as part of the TRIM notices to each affected property owner at the addresses then shown on the real property assessment tax roll database maintained by the Alachua County Property Appraiser. The information provided to the Property Appraiser to be included on the truth-in-millage notification included the following: the purpose of the assessment; the total amount proposed to be levied against each parcel; the unit of measurement to be applied against each parcel to determine the assessment; the number of such units contained within each parcel; the total revenue the County expects to collect by the assessment; a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title; a statement that all affected property owners have a right to appear at the hearing and to file written objections with the local governing board within 20 days of the notice; and the date, time, and place of the hearing.

FURTHER AFFIANTS SAYETH NOT.

Michele Lieberman, affiant

STATE OF FLORIDA COUNTY OF ALACHUA

The foregoing Affidavit of Mailing was sworn to and subscribed before me this day of a county, Florida. He/she is personally known to me or has produced _____ as identification and did take an oath.

GINA L M PEEBLES
Notary Public-State of Florida
Commission # GG 289597
My Commission Expires
March 16, 2023

Printed Name: Gna Peesles
Notary Public, State of Florida
At Large

My Commission Expires: 3/16/23 Commission No.: GG 289 597

ATTACHMENT C

CERTIFICATE TO NON-AD VALOREM ASSESSMENT ROLLS

I, the undersigned, hereby certify that, I am the Chair of the Board or authorized agent of the Alachua County Board of County Commissioners located in Alachua County, Florida; as such I have satisfied myself that all property included or includable on the Stormwater Non-Ad Valorem Assessment Roll for the aforesaid county is properly assessed so far as I have been able to ascertain; and that all required extensions on the above described roll to show the non-ad valorem assessments attributable to the property listed therein have been made pursuant to law.

I FURTHER CERTIFY that, in accordance with the Uniform Assessment Collection Act, this certificate and the herein described Non-Ad Valorem Assessment Roll will be delivered to the Alachua County Tax Collector by September 15, 2020.

	IN	W	ITNE	SS V	VHE	REOF	, I h	iave	subsc	ribed	this	certifica	te and	cau	ısed	the :	sam	e to	be
attache	ed 1	to	and	mad	le a	part	of t	the	above	desc	ribed	Non-Ad	Valore	em	Asse	ssme	nt	Roll	this
		_ d	ay o	f Sep	tem	nber, 2	2020).											

Alachua County, Florida

Robert Hutchinson, Chair

Alachua County Board of County Commissioners

Stormwater Program Water Quality Project Descriptions

Newnans Lake Initiative - Phase II through VI (\$1,192,000)

<u>Issue:</u> Newnans Lake is impaired for total phosphorus and nitrogen. The recent amendment to the Orange Creek BMAP allocated specific load reductions to the County. FDEP has set a requirement to have projects identified to meet the TMDL by 2028. Project construction/implementation must also be underway by this date.

<u>Project Description:</u> Phase 2 of the Initiative will involve the construction of permeable reactive weirs on Little Hatchet Creek to remove phosphorus leaching into the stream from exposed portions of the Hawthorne group formations as the result of erosion and development in the watershed. Phase 2 was funded in fiscal year 2019 through an interfund load from the Stormwater Assessment that will be re-paid from grant funds. Extensive permitting was required for this project and was completed in 2020 Construction of this phase will take place in the last quarter of fiscal year 2020.

Phase 3 of the Initiative is in the conceptual planning stage as a constructed treatment wetland to treat the water in the lake or rehydration of Gum Root Swamp. This is intended to address the recycling of nutrients that have accumulated in the lake sediments. A feasibility and wetland sizing study was completed in fiscal year 2020. This will be followed by engineering design. Construction will take place is subsequent years.

Phase 4 is planned as another reactive weir at a location to be determined on Hatchet Creek.

Sweetwater Trailhead LID Parking Area Project (\$390,000)

<u>Issue:</u> The Sweetwater Trailhead uses a 44 foot wide dead end section of 16th Street as an informal parking area. In addition runoff from the road and the intersection with Waldo Road has eroded the outfall to Sweetwater Branch causing failure of the existing storm sewer.

<u>Project Description:</u> This project will redesign the dead end portion of 16th Street into a parking area using LID practices including pervious pavement, bioretention and biofiltration. The existing outfall to Sweetwater Branch will be reconstructed and stabilized to address an existing erosion problem. A biofiltration area will be constructed on the GRU power line easement that runs between the preserve and Waldo Road that will be monitored by UF to determine nitrogen removal effectiveness. Gainesville has plans for a trail connecting Depot Park and Sweetwater Wetlands that will also run along the power lines. This will provide an opportunity to create a nexus linking Sweetwater Preserve with the two city parks and provide education opportunities. The

project is funded with 2019 assessment funds and will be sent out for bid in the last quarter of fiscal year 2020.

Soil Nitrogen Leaching Investigation and LID Design for Nutrient Removal (\$89,000)

<u>Issue:</u> The nitrogen load infiltrating directly to groundwater from residential landscape turf is not well quantified for Alachua County conditions. LID best management practices, such as bioretention, can include structural design elements or engineered soils to improve nitrogen removal from stormwater. Alachua County site performance data is lacking particularly for karst areas.

<u>Project Description:</u> These are joint projects between Alachua County EPD and the University of Florida Soil and Water Science and Agricultural and Biologic Engineering

The first phase of the leaching study assessed the leaching of nitrogen from residential turf. The project involves core sampling of residential turf on a variety of soil and management practices. Lysimeters will be installed on a smaller subset of turf sites for year-long seasonal sampling. This portion of the project began in the spring of 2019 with the installation of lysimeters and collection of the first samples. Sampling was completed in 2020.

A second phase of the leaching study will begin in fiscal year 2021 and will compare the difference in nitrogen leached from differing lawn treatments including conventional mineral fertilization, top dressing with compost, and a bio-solids based product. The second phase will also study leaching from reclaimed water application.

The LID design study will assess the nitrogen removal performance of a modified biofiltration design first developed in North Carolina and an open source engineered soil mix. The Sweetwater Trailhead LID Parking Area project will be used as the test site. This project began in the summer of 2019 with UF providing input on the design and will perform water quality monitoring after construction of the Sweetwater site.

Climate Vulnerability Assessment (\$500,000)

<u>Issue:</u> Climate change is likely to affect Alachua County through changes to rainfall patterns, intensity, and frequency of large events. One potential impact is the potential for increased flood damage. Another potential impact is changes to groundwater levels and water levels in the County's lakes and waterbodies. Such changes could potentially affect internal water quality and availability for use by the County residents.

<u>Project Description:</u> This project will review current available climate research focusing on rainfall patterns in north central Florida. The projected changes in rainfall will be used to develop hydrologic and hydraulic models to determine the potential changes to flood risk and the impacts to water levels and quality in our surface waters and groundwater.

Lochloosa Lake Nutrient Source Evaluation and Lochloosa Lake Initiative (\$1,438,000)

<u>Issue:</u> Lochloosa Lake is impaired for nitrogen and phosphorus. The lake has been incorporated into the Orange Creek BMAP. The recently adopted amendment to the BMAP made specific load reduction allocations to the County. FDEP has set a requirement to have projects identified to meet the TMDL by 2028. Project construction/implementation must also be underway by this date.

<u>Project Description:</u> The first phase of the nutrient course evaluation began in fiscal year 2020 and involves a watershed assessment to determine the origin of external nutrient loads to the lake. The primary focus areas are Lochloosa Creek, West Hawthorn Branch, and septic systems along the eastern shore of the lake. The assessment will also evaluate phosphorus dissolution and transport in the lake and review of FDEP's loading model. The second phase of the assessment is expected to begin in fiscal year 2023 and will focus on potential groundwater sources of nutrients in the lake. Both phases are expected to identify potential projects to mitigate nutrient sources.

Projects to reduce nutrient loads will be identified by the assessment with the goal of improving water quality in the lake. It is planned for these projects to be designed and constructed in fiscal years 2024 through 2026.

Lake Santa Fe Nutrient Source Evaluation (\$150,000)

<u>Issue:</u> Lake Santa Fe is not currently considered impaired but has seen declining water quality. Development along the lake shore and in the lake's watershed is a potential source of nutrients from landscape fertilizer and septic systems. Mitigation actions now may prevent the lake from becoming impaired in the future.

<u>Project Description:</u> This project is expected to be similar to the efforts currently underway for Lochloosa Lake. The project will assess potential sources of nutrient pollution in the lake, develop a nutrient balance and identify potential mitigation projects.

Poe Springs Nutrient Source Evaluation (\$200,000)

<u>Issue:</u> Poe Springs is not currently considered impaired but surrounding springs in the Santa Fe River are impaired for high nitrate levels. Development activity and, agriculture continues in the springshed. There is potential for the spring to become impaired which could negatively affect its use by the public as a park. Mitigation actions now may prevent the spring from becoming impaired in the future.

<u>Project Description:</u> This project will assess potential sources of nitrogen in the springshed potentially using surface load estimates and existing groundwater quality data. In order to identify sources this project may include installation of groundwater monitoring wells. The sources of nitrogen will be categorized by land use (urban versus

agricultural) and waste water disposal method (treatment plant effluent versus septic). Potential mitigation projects and strategies will be identified.

Library and Collection Center LID Retrofits (\$1,325,000)

<u>Issue:</u> Rural Collection Center and Library District sites can be retrofitted to incorporate more LID techniques. Several collection center sites have significant drainage issues that need to be addressed.

<u>Project Description:</u> These projects are intended to retrofit County facilities to incorporate LID. Several Library sites have already incorporated LID techniques and these projects will build upon those efforts. The Rural Collection Centers have varying degrees of drainage issues which can be resolved using LID. Conceptual design are being developed by Wood. The initial site planned to be retrofitted in fiscal year 2021 will be the North Central Collection Center in conjunction with drainage improvements funded by Solid Waste.

Main Street Detention Pond Outflow Filter (\$112,000)

<u>Issue:</u> The wet detention pond at the corner of NE 35th Ave and NE 4^{tht} St. receives runoff from Main Street and discharges to Springstead Creek a tributary of Hogtown Creek. The treatment performance of wet detention ponds can be improved using upflow filters.

<u>Project Description:</u> Outflow from the pond was sampled by Wood during the summer of 2018. The sampling results will be used to design an upflow filter enhance water quality discharged from the pond. Design began in fiscal year 2020 and filter installation is planned for fiscal year 2021.

NE 22nd Lane Erosion Control (\$230,000)

<u>Issue:</u> NE 22nd Lane is a limerock road that has had significant erosion problems after large rain events and required multiple repairs. Eroding limerock and sediment is deposited in a wetland known as Morans Prairie.

<u>Project Description:</u> The project will involve an assessment of the current stability of the shoulders and recommendations for additional stabilization to prevent future erosion. In the past erosion has resulted in deep gullies along the sides of the road which are a hazard to the residents. The eroded limerock and sand that has accumulated in Morans prairie and will be assessed for removal as part of the project.

Haile Blvd. / Parker Rd. Water Quality Project (\$230,000)

<u>Issue:</u> The Chesnut Hill section of Haile Plantation discharges untreated stormwater into the right-of-way of Haile Blvd. (SW 46th Blvd.). The swale discharged to a retention pond

in the Haile Equestrian Center. A low area on Parker Road (SW 122nd St.) accumulates untreated runoff from residences along Parker Road and NW 1st LN where it infiltrates.

<u>Project Description:</u> Wood sampled the runoff discharged from Chesnut Hill and on Parker Road during the summer of 2018. The runoff is infiltrated in both the swale and a small retention area across SW 46th Blvd. in a horse pasture. Along Parker Road, runoff is infiltrated in swales and a depression on the east side of the road under a power line easement. Engineering design began in fiscal year 2020. After survey and geotechnical investigation of both sites is complete, the intent is to proceed with design to amend the soils with engineered media at one location.

Lochloosa Slough Erosion Control (\$280,000)

<u>Issue:</u> Sediment from erosion on SE 225th DR. discharged to Lochloosa Slough.

<u>Project Description:</u> The project will identify the major areas of erosion on SE 225th Dr. and will involve drainage improvements and stabilization of the road shoulders to prevent future erosion.

Old Bellamy Road Erosion Control (\$235,000)

<u>Issue:</u> Sediment from erosion on Old Bellamy discharged to the Santa Fe River.

<u>Project Description:</u> The project will identify the major areas of erosion on Old Bellamy Road and will involve drainage improvements and stabilization of the road shoulders to prevent future erosion.

Water Quality Project List

Western Overlitte Burelin sta	Fisc	al Year I	Project I	Estimated Project Budget					
Water Quality Projects	FY19	FY20	FY21	FY22	FY23	FY24	FY25	FY26	(Sources: annual assessment revenue, carry forward of unspent revenue from previous years, and grants)
Sweetwater Trailhead LID Parking Area Project									\$390,000
Newnans Lake Initiative - Reactive Weirs									\$318,000
UF Soil Nitrogen Leaching and LID Performance Studies									\$45,000
Main Street Detention Pond Outflow Filter									\$112,000
Newnans Lake Initiative -Treatment Wetland									\$574,000
Lochloosa Lake Nutrient Source Evaluation Study - Phase 1									\$163,000
Haile Blvd./Parker Rd. Water Quality Project									\$230,000
Climate Vulnerability Assessment									\$500,000
UF Soil Nitrogen Leaching Phase 2									\$44,000
North Central Collection Center Water Quality Project									\$35,000
Lake Santa Fe Nutrient Source Evaluation									\$150,000
Poe Springs Nutrient Course Evaluation									\$200,000
Fairbanks Collection Center Water Quality Project									\$35,000
NE 22nd Lane Erosion Control									\$230,000
High Springs Library Water Quality Project									\$175,000
Newnans Lake Initiative - Phase IV									\$300,000
Archer Library LID Water Quality Project									\$175,000
Alachua Library Water Quality Project									\$235,000
Lochloosa Lake Nutrient Source Evaluation Study - Phase 2									\$175,000
Old Bellamy Road Erosion Control									\$235,000
Lochloosa Lake Improvement Initiative - Phase I									\$550,000
Lochloosa Slough Erosion Control									\$280,000
Millhopper Library Water Quality Project									\$170,000
Lochloosa Lake Improvement Initiative - Phase II									\$550,000
Newberry Library Water Quality Project									\$250,000
Library Headquarters Water Quality Project									\$250,000

Alachua County Board of County Commissioners

RESOLUTION NO. 2020-95

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RELATING TO THE PROVISION OF **STORMWATER CAPITAL IMPROVEMENTS** INFRASTRUCTURE AND MANAGEMENT SERVICES WITHIN THE **COUNTY:** UNINCORPORATED PORTION OF **ALACHUA ESTABLISHING AUTHORITY FOR IMPOSITION OF** STORMWATER ASSESSMENT AND FEES: **PROVIDING** PURPOSE AND DEFINITIONS; CONFIRMING AND AMENDING THE INITIAL STORMWATER RATE RESOLUTION; PROVIDING CERTAIN FINDINGS; IMPOSING STORMWATER ASSESSMENTS AND FEES AGAINST ASSESSED PROPERTY LOCATED UNINCORPORATED ALACHUA COUNTY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020; PROVIDING FOR THE ADOPTION AND CERTIFICATION OF THE STORMWATER ROLL; PROVIDING FOR HARDSHIP EXEMPTIONS; PROVIDING FOR CHARITABLE AND RELIGIOUS EXEMPTION; PROVIDING FOR VETERANS' EXEMPTION; PROVIDING FOR BURIAL GROUNDS EXEMPTION; PROVIDING FOR CORRECTIONS OF ERRORS AND OMISSIONS; ESTABLISHING EFFECT OF ADOPTION OF RESOLUTION; **PROVIDING FOR** SEVERABILITY: AND **PROVIDING** EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County has enacted Ordinance 06-13, which authorizes the imposition of Stormwater Assessments and Fees against real property specifically benefitted by the County's Stormwater Management Services; and

WHEREAS, the continued imposition of Stormwater Assessments and Fees is an equitable and efficient method of allocating and apportioning the cost of the County's Stormwater Management Services; and

WHEREAS, stormwater runoff from impervious areas created by land development can

cause pollution of ground waters and surface waters; and

WHEREAS, on July 14, 2020, the BOARD OF COUNTY COMMISSIONERS of Alachua County adopted Resolution 20-49, the Preliminary Stormwater Assessment Resolution (the "Preliminary Rate Resolution"), identifying the unincorporated area of the County as the geographic area (the "Stormwater Service Area") to be specifically benefited by the County's Stormwater Management Services, describing the method of assessing the cost of the County's Stormwater Management Services (the "Stormwater Service Cost") against benefitted property located with the Stormwater Service Area, directing the preparation of the updated Stormwater Rolls, and directing the provision of the notices required by Sections 44.403 and 44.404 of the Ordinance; and

WHEREAS, on August 18, 2020, the Gainesville Sun published a Notice of Public Hearing regarding a public hearing to impose and provide for collection of non-ad valorem stormwater assessments and fees to be held on September 8, 2020 at 5:01pm, or as soon thereafter as the matter may be heard, in Room 209, 2nd Floor of the Alachua County Administration Building, 12 S.E. 1st Street, Gainesville, Florida, unless the state of Florida and Alachua County remain under a state of emergency as a result of the covid-19 pandemic causing the public hearing to be conducted in a virtual meeting. (Appendix A: Proof of Publication).

WHEREAS, on August 17, 2020, the Alachua County Property Appraiser caused the mailing of the annual Truth in Millage (TRIM) with inserted notices in accordance with Ordinance 06-13 and the Preliminary Stormwater Assessment Resolution by First Class mail to each affected owner, at the addresses then shown on the real property assessment tax roll database maintained by the Alachua County Property Appraiser for the purpose of the levy and collection of ad valorem taxes (Appendix B: Affidavit Regarding Notice Mailed to Property Owners).

WHEREAS, the BOARD OF COUNTY COMMISSIONERS of Alachua County has

determined that the adoption of this Annual Resolution for Stormwater Assessment and Fees will promote the restoration of water resources and the health, safety and welfare interest of the citizens of Alachua County.

WHEREAS, the Stormwater Rolls have heretofore been updated and filed with the office of the County Clerk, as provided in Section 44.402 of the Ordinance; and

WHEREAS, a public hearing has been duly held on September 8, 2020 and comments and objections of all interested persons have been heard and considered as required by Section 44.405 of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISIONERS OF ALACHUA COUNTY, FLORIDA:

Section 1. AUTHORITY. This resolution is adopted pursuant to the provisions of the Ordinance 06-13 (codified in Chapter 44, Alachua County Code), Resolution 17-45, the Initial Assessment Resolution, Resolution 17-64, the Final Assessment Resolution, Resolution 20-49 (the "Preliminary Assessment Resolution"), Article VIII, sections 125.0 and 125.66, Florida Statutes, and other applicable provisions of law.

Section 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Annual Stormwater Resolution as defined in Ordinance 06-13. As used in this resolution, all terms shall have the meanings defined in the Preliminary Rate Resolution. All terms not defined therein shall be defined in Alachua County Ordinance 06-13 and, if not there, by their common meaning, unless the context hereof otherwise requires.

Section 3. CONFIRMATION OF THE INITIAL RATE RESOLUTION. The Preliminary Assessment Resolution, as amended herein, is hereby ratified and confirmed.

Section 4. FINDINGS.

(A) The legislative determinations ascertained and declared in Ordinance 06-13 and

the Preliminary Rate Resolution are hereby ratified and confirmed.

determination of the Stormwater Assessments and Stormwater Fees.

(B) Upon the adoption of this Annual Stormwater Resolution, that certain report entitled "Alachua County Stormwater Funding Strategies Report," dated as of November 2016 and prepared by Government Services Group, Inc., is hereby adopted and incorporated herein by reference, including the assumptions, conclusions and findings in such report as to the

Section 5. STORMWATER ASSESSMENTS AND STORMWATER FEES.

- (A) There is hereby levied and imposed for the period of October 1, 2020 through September 30, 2021 a non-ad valorem assessment against all non-Government Property and a Stormwater Fee against all Government Property that is Benefited Property within the Stormwater Service Area.
- (B) The Tax Parcels of Benefitted Property described in the Stormwater Rolls are hereby found to be benefited by the County's provision of Stormwater Management Services in an amount not less than the Stormwater Service Assessment or Stormwater Service Fee set forth in the applicable Stormwater Roll. Adoption of this Annual Stormwater Rate Resolution constitutes a legislative determination that all parcels charged derive a benefit from the Stormwater Management Services to be provided.
- (C) Adoption of this Annual Stormwater Rate Resolution also constitutes a legislative determination that the Stormwater Service Assessments and Stormwater Service Fees are fairly and reasonably apportioned among the Benefitted Properties that receive the benefit from the Stormwater Management Services that is consistent with the legislative declarations, determinations and findings set forth in the Ordinance, the Initial Stormwater Rate Resolution, the Final Stormwater Rate Resolution, and the Preliminary Stormwater Rate Resolution.

- (D) The method for computing the Stormwater Service Assessments and Stormwater Service Fees and the assignment of ERUs described in the Preliminary Stormwater Rate Resolution is hereby approved.
- (E) For the Fiscal Year beginning October 1, 2020, the estimated Stormwater Service Cost, excluding collection costs, is \$1,889,715. The Stormwater Service Assessments and Stormwater Service Fees to be charged to all Benefitted Properties pursuant to the methodology set forth in the Preliminary Stormwater Rate Resolution will be computed for each Tax Parcel of Benefitted Property located within the Stormwater Service Area by multiplying the number of ERUs attributable thereto by the rate of \$40.00 per ERU.
- (F) The above rate per ERU is hereby approved. Stormwater Service Assessments and Stormwater Service Fees for the provision of Stormwater Management Services in the amounts set forth in the Stormwater Rolls, as herein approved, are hereby levied and imposed on all Tax Parcels described in the Stormwater Rolls for the Fiscal Year beginning October 1, 2020.
- (G) Pursuant to the Uniform Assessment Collection Act as provided in Ordinance 0613, the Stormwater Assessment shall constitute a lien upon non-Government Property that is
 Benefited Property within the Stormwater Service Area so assessed equal in rank and dignity
 with the liens of all state, county, district or municipal taxes and other non-ad valorem
 assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all
 other liens, titles and claims, until paid.
- (H) Stormwater Fees shall be collected from all Government Property in the manner provided in Ordinance 06-13.

Section 6. ADOPTION AND CERTIFICATION OF STORMWATER ROLL. The Board hereby adopts the Stormwater Roll for the County's fiscal year 2020-2021, and authorizes staff to present the Stormwater Roll to the Chair for certification to the Tax Collector, for

collection (Appendix C: Certificate to Non-Ad Valorem Assessment Rolls). A copy of the Stormwater Roll is currently on file and shall be maintained on file in the office of the Environmental Protection Department/Stormwater Assessment Coordinator (408 West University Avenue, Suite 106, Gainesville, Florida 32601) and open to public inspection and copying.

Section 7. HARDSHIP EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist owners of residential property that meet the criteria established in Section 37.17.1, Alachua County Code, with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who meet the criteria for their residential property pursuant to Section 37.17.1, Alachua County Code, shall have the Stormwater Service Assessment levied against said residential parcel paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 8. CHARITABLE AND RELIGIOUS EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist charitable and religious nonprofit organizations who own and use properties in the Stormwater Service Area with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who receive a total property tax exemption for charitable and religious nonprofit properties with institutional uses pursuant to Section 196.196(1)-(4), Florida Statutes, shall have the Stormwater Service Assessment levied against said properties paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 10. VETERANS' EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist totally and permanently disabled veterans and their surviving spouses who are the owners of homesteaded

Single Family Parcels in the Stormwater Service Area with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who receive a total property tax exemption for their Single Family Parcels pursuant to either Sections 196.081 or 196.091, Florida Statutes, shall have the Stormwater Service Assessment levied against said properties paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 11. BURIAL GROUNDS EXEMPTION. It is hereby ascertained, determined and declared that it is in the best interest of the citizens of the County to assist organizations operating non-profit burial grounds in the Stormwater Service Area with the financial burden created by the imposition of a Stormwater Service Assessment. Accordingly, all qualified owners who receive a total property tax exemption for their parcels pursuant to Section 196.011 (3), Florida Statutes, shall have the Stormwater Service Assessment levied against said parcels paid by the County from other legally available funds, other than those derived from the Stormwater Service Assessment or Stormwater Fees.

Section 12. CORRECTIONS OF ERRORS AND OMISSIONS.

- (A) The Stormwater Assessment Coordinator shall have authority to correct any errors or omissions made in applying the provisions of Article III hereof to a parcel, in accordance with Ordinance 06-13.
- (B) Parcel owners or their authorized agents may file petitions for correction of errors and omissions to the Stormwater Assessment Coordinator. Petitions shall be in writing and set forth, in detail, the grounds upon which adjustment is sought. Filing a petition shall not extend the time for payment of any Stormwater Assessment or Stormwater Fee or affect the amount of any discount for early payment. If the number of ERUs is adjusted for any Parcel, the Stormwater Assessment or Stormwater Fee shall be corrected in accordance with Ordinance 06-

13. The petitioner may be required, at petitioner's own cost, to provide supplemental information to the Stormwater Assessment Coordinator including, but not limited to, survey data approved by a professional land surveyor and/or engineering reports approved by a professional engineer. Failure to provide such information may result in denial of the petition.

Section 13. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein (including, but not limited to, the method of apportionment, the rate of assessment and fee, the Stormwater Roll, and the levy of the Stormwater Assessment and Fees), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days of this Annual Assessment Resolution.

Section 14. SEVERABILITY. The provisions of this Annual Stormwater Resolution are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Final Stormwater Resolution shall not be affected thereby.

Section 15. EFFECTIVE DATE. This resolution shall take effect immediately upon adoption

	DULY ADOPTED this	day of	, 2020
		COUNTY COMM ACHUA COUNTY	
	Robert Hutch	inson, Chair	
ATTEST:			
Jesse K. Irby, II, County Clerk	_		
	APPROVED	AS TO FORM:	
	Alachua Cou	nty Attorney	

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Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 16.

Agenda Item Name:

FY21 Solid Waste Non-Ad Valorem Assessment Final Rate Resolution

Presenter:

Tommy Crosby, 337-6205

Description:

Public hearing to set the rates for the Solid Waste Assessments and authorize the Chair to certify the Non-Ad Valorem Assessment Roll to the Tax Collector.

Recommended Action:

Adopt the Final Assessment Resolution for Fiscal Year 2020-2021 and authorize the Chair to certify the Non-Ad Valorem Assessment Roll to the Tax Collector.

Prior Board Motions:

Resolution 2019-115 was approved of on December 10th, 2019, electing to use the uniform method of collecting non-ad valorem assessments for solid waste collection, disposal, recycling, and management.

Resolution 20-48 was approved on July 14, 2020, to set the rates for Solid Waste Non-Ad Valorem Assessments and authorize provision of the notice to affect property owners on the Notice of Proposed Taxes (TRIM).

Fiscal Consideration:

Approving this request will allow the County to collect approximately \$10.8 million in non-ad valorem assessments to fund the Universal Curbside Collection, Rural Collection Center and Solid Waste Management Programs. Estimated revenue is \$6.3 million to account 148.76.7600.325.20.00, \$1.4 million to account 403.76.7610.325.20.00, and \$3.1 million to account 403.76.7620.325.20.00.

Background:

The proposed annual non-ad valorem assessment rates for universal solid waste collection, disposal and recycling for FY 2019-2020 are as follows: Per Dwelling Unit: Mini Can, \$184.73; 35 gallon cart, \$210.49; 64 gallon cart, \$264.56; 96 gallon cart, \$322.68. The proposed assessment for the rural collection centers is \$110.58 per residential unit in the non-universal area. The proposed assessment rates for solid waste management are: \$20.78 per Dwelling Unit on residentially collected Residential Property in the incorporated areas and in the Universal area, \$19.29 per Dwelling Unit on residentially collected Residential Property in the Non-Universal area, and \$12.08 per Dwelling Unit on commercially collected Residential Property. For Commercial Property, the rate is based on waste generation categories, as follows: Less than 5 tons per year, \$20.47; 5 to 9.9 tons per year, \$62.26;

Agenda Date: 9/8/2020 Agenda Item No.: 16.

10 to 19.9 tons per year, \$124.93; 20 to 29.9 tons per year, \$208.50; 30 to 39.9 tons per year, \$292.06; 40 to 49.9 tons per year, \$375.63; 50 to 74.9 tons per year, \$521.87; 75 to 99.9 tons per year, \$730.78; 100 to 149.9 tons per year, \$1,044.16; 150 to 199.9 tons per year, \$1,469.99; 200 to 499.9 tons per year, \$2,924.39; 500 to 999.9 tons per year, \$6,267.03; 1,000 to 1,899.9 tons per year, \$12,116.64; and for 1,900 tons per year and over, \$18,384.50.

CERTIFICATION OF NON-AD VALOREM ASSESSMENT ROLL

Pursuant to Section 197.3632, Florida Statutes
Alachua County, Florida
FY 2020-2021 Roll

I, the undersigned, Chair of the Alachua County Board of County Commissioners, pursuant to Resolutions 19-115, 20-48, and 20-71, duly adopted by the Board of County Commissioners, do certify that, in accordance with the provisions of Section 197.3632, Florida Statutes, all required hearings have been held and that the Board of County Commissioners is satisfied that the Real Property in Alachua County includable on such non-ad valorem assessment roll meets all requirements imposed by the statutes of the State of Florida and the requirements and regulations imposed by the Department of Revenue.

I further certify that it is ordered that upon completion of this certificate that the said non-ad valorem assessment roll be delivered to the Alachua County Tax Collector, on the day that this certificate is dated.

The following information is true and correct to the best of my knowledge and belief:

The total amount to be collected through the non-ad valorem assessment roll is \$6,393,028.47 for universal refuse collection, \$1,409,402.64 for rural collection centers, \$3,085,837.05 for solid waste management, \$57,421.21 for paving, and \$49,620.00 for neighborhood preservation and enhancement.

In witness whereof, I have subscribed this certificate and caused the same to be attached to and made part of the above described non-ad valorem assessment roll on this the 8th day of September, A.D., 2020.

Robert "Hutch" Hutchinson, Chair Alachua County Board of County Commissioners

ATTEST

J. K. "Jess" Irby, Esq., Clerk (SEAL)

Error! Not a valid link.

Certification to Tax Collector FY 2020-2021

Universal Refuse Collection		\$	6,393,028.47
Rural Collection Centers		\$	1,409,402.64
Solid Waste Management			
Commercial	\$ 856,683.04		
Residential	2,229,154.01		
Total SW Management		\$	3,085,837.05
Neighborhood Preservation		\$	49,620.00
Paving		\$	57,421.21
Total Non-ad Valorem Roll		\$:	10,995,309.36

Non-ad Valorem Assessments FY 2020-2021 Certified to Tax Collector

Code	Description		Rate	Parcels	Units		Totals
0120	Refuse 20	\$	184.73	549	552	\$	101,973.43
0135	Refuse 35	\$	210.49	2867	2870	_	604,092.92
0164	Refuse 64	\$	264.56	15537	15617	\$	4,131,607.47
0196	Refuse 96	\$	322.68	3837	3919	\$	1,264,573.11
0220	Refuse 20	\$	184.73	5	7	\$	1,293.14
0235	Refuse 35	\$	210.49	61	130	\$	27,363.09
0264	Refuse 64	\$	264.56	263	779	\$	206,090.94
0296	Refuse 96	\$	322.68	59	121	\$	39,043.98
0320	Refuse 20	\$	184.73	0	0	\$	-
0335	Refuse 35	\$	210.49	13	13	\$	2,736.31
0364	Refuse 64	\$	264.56	49	49	\$	12,963.36
0396	Refuse 96	\$	322.68	3	4	\$	1,290.71
TOTAL FO	R RESIDENTIAL CURBSIDE MA	NA	GEMENT	23243	24061	\$	6,393,028.47
0407	Paving - Prairie Bluff	\$	198.68	36	36	\$	7,152.48
0408	Paving - Country Club	\$	165.92	187	187	\$	31,027.04
0409	Paving - Gnv G&C Club	\$	11,588.95	1	1	\$	11,588.95
0410	Paving - NW High Springs 1	\$	114.22	67	67	\$	7,652.74
TOTAL FO	R PAVING ASSESSMENTS			291	291	\$	57,421.21
0420	Nbhd Preservation	\$	60.00	221	827	\$	49,620.00
TOTAL FO	R NBHD PRESERVATION			221	827	\$	49,620.00
0501	Rural Coll Ctr	\$	110.58	12435	12745	\$	1,409,402.64
TOTAL FO	R RURAL COLLECTION CENTER	₹		12435	12745	\$	1,409,402.64
0710	Residential		20.78	59657	61408		1,276,188.43
0720	Comm Coll Res		19.29	7354	41429		799,112.10
0730	Res/Non-Man		12.08	12424	12734		153,853.49
TOTAL FO	R RESIDENTIAL SW MANAGEN	ΛEΝ	JT	79435	115571		2,229,154.01
0801	Commercial	\$	20.47	854	854	\$	17,484.50
0802	Commercial	\$	62.26	864	864	\$	53,789.71
0803	Commercial	\$	124.93	798	798	_	99,694.97
0804	Commercial	\$	208.50	310	310	\$	64,634.05
0805	Commercial	\$	292.06	341	341	\$	99,593.43
0806	Commercial	\$	375.63	84	84	\$	31,552.82
0807	Commercial	\$	521.87	182	182	\$	94,980.18
0808	Commercial	\$	730.78	110	110		80,386.23
0809	Commercial	\$	1,044.16	50	50	_	52,207.80
0810	Commercial	\$	1,461.99	40	40	_	58,479.42
0811	Commercial	\$	2,924.39	38	38	_	111,126.78
0812	Commercial	\$	6,267.03	9	9	\$	56,403.23
0813	Commercial	_	12,116.64	3	3	\$	36,349.92
0814	Commercial		18,384.50	0	0	\$	-
	R COMMERCIAL SW MANAGE	ME	NT	3683	3683		856,683.04
TOTAL FO	R ALL GROUPS			119308	157178	\$	10,995,309.36

TOTAL FOR SW MANAGEMENT RESIDENTIAL & COMMERCIAL

3,085,837.05



STATE OF FLORIDA COUNTY OF ALACHUA

Published Daily and Sunday Gainesville, Florida

Before the undersigned authority personally appeared <u>Kim Kanemoto</u> who on oath says that she is an Advertising Account Executive of THE GAINESVILLE SUN, a daily newspaper published in Gainesville in Alachua County, Florida (with circulation in Alachua, Bradford, Columbia, Dixie, Gilchrist, Levy, Union, Counties), that the attached copy of advertisement, being a <u>Notice of Public Hearing to Impose and Provide for Collection of Solid Waste Assessments for Solid Waste Collection, Disposal, and Recycling relating to the matter of:</u>

was published in said newspaper in the issues of Tuesday, August 18, 2020.

Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida and that the newspaper has heretofore published in said Alachua continuously County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in said newspaper.

Sworn to and subscribed before me this 18th day of August A.D. 2020.

Mitness

Notary Public





YOU HAVE QUESTIONS REGARDING SESSMENT, PLEASE CALL THE ALA DUNTY WASTE COLLECTION OFFICE AT



STATE OF FLORIDA COUNTY OF ALACHUA

Published Daily and Sunday Gainesville, Florida

Before the undersigned authority personally appeared <u>Kim Kanemoto</u> who on oath says that she is an Advertising Account Executive of THE GAINESVILLE SUN, a daily newspaper published in Gainesville in Alachua County, Florida (with circulation in Alachua, Bradford, Columbia, Dixie, Gilchrist, Levy, Union, Counties), that the attached copy of advertisement, being a <u>Notice of Public Hearing to Impose and Provide for Collection of Solid Waste Assessments for Operation of Rural Colelction Centers Including Disposal and Recycling relating to the matter of:</u>

was published in said newspaper in the issues of Tuesday, August 18, 2020.

Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida and that the said newspaper has heretofore published in said Alachua continuously County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in said newspaper.

Sworn to and subscribed before me this 18th day of August A.D. 2020.

th Karen Gr.
Witness

Notary Public

ERNEST BLAKE III

Notary Public - State of Florida
Commission # GG 321916
My Comm. Expires Jun 24, 2023
Bonded through National Notary Assn.





STATE OF FLORIDA COUNTY OF ALACHUA

Published Daily and Sunday Gainesville, Florida

Before the undersigned authority personally appeared <u>Kim Kanemoto</u> who on oath says that she is an Advertising Account Executive of THE GAINESVILLE SUN, a daily newspaper published in Gainesville in Alachua County, Florida (with circulation in Alachua, Bradford, Columbia, Dixie, Gilchrist, Levy, Union, Counties), that the attached copy of advertisement, being a <u>Notice of Public Hearing to Impose and Provide for Collection of Solid Waste Assessments for Solid Waste Management</u> relating to the matter of:

was published in said newspaper in the issues of Tuesday, August 18, 2020.

Affiant further says that THE GAINESVILLE SUN is a newspaper published at Gainesville, in said Alachua County, Florida and that the newspaper has heretofore said published in said Alachua continuously County, each day, and has been entered as second class mail matter at the post office in Gainesville, in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount for publication in said newspaper.

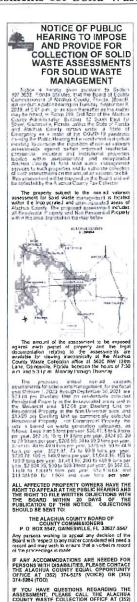
Sworn to and subscribed before me this 18th day of August A.D. 2020.

Mulack Witness

Notary Public

ERNEST BLAKE III

Notary Public - State of Florida
Commission # GG 321916
My Comm. Expires Jun 24, 2023
Bonded through National Notary Assn.



RESOLUTION 20-71

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, ESTABLISHING AND IMPOSING A NON-AD VALOREM ASSESSMENT FOR COLLECTION, DISPOSAL, RECYCLING AND MANAGEMENT OF SOLID WASTE: DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST RESIDENTIAL PROPERTY AND COMMERCIAL PROPERTY LOCATED WITHIN THE ALACHUA COUNTY MUNICIPAL SERVICE BENEFIT UNIT WHICH SERVES UNINCORPORATED AND INCORPORATED AREAS OF ALACHUA COUNTY: ESTABLISHING ΑN ASSESSMENT FOR PARCELS RECEIVING A CERTIFICATE OF OCCUPANCY ON OR AFTER OCTOBER 1, 2020; ADOPTING THE SOLID WASTE ASSESSMENT ROLL FOR COLLECTION. DISPOSAL. RECYCLING AND MANAGEMENT OF SOLID WASTE; PROVIDING FOR CERTIFICATION OF THE ROLL; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Alachua County, Florida (the "Board"), finds that proper collection, disposal, recycling, and management of solid and hazardous waste is necessary for the health, safety, and welfare of the citizens of Alachua County, Florida; and,

WHEREAS, the Board finds that having and developing additional property to allow for expansion of facilities to process solid waste and recyclable materials collected curbside is a special benefit to properties in the Universal Area; and,

WHEREAS, Chapter 75 of the Alachua County Code authorizes the imposition of a Solid Waste Assessment against Improved Property throughout the Unit, and,

WHEREAS, the imposition of a Solid Waste Assessment is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Improved Property located within the Unit; and,

WHEREAS, the Board desires to impose a Solid Waste Assessment against Improved Property within the Unit using the Uniform Assessment Collection Act for the Fiscal Year beginning October 1, 2020; and

WHEREAS, Chapter 75 of the Alachua County Code provides that the Board annually impose the non-ad valorem assessment by resolution; and,

WHEREAS, on July 14, 2020, the Board adopted Resolution 20-48, the Initial Assessment Resolution; and,

WHEREAS, in accordance with the Uniform Assessment Collection Act and Chapter 75 of the Alachua County Code, notice of the Solid Waste Assessment was sent to the owners of Assessed Property; and,

WHEREAS, in accordance with the provisions of the Uniform Assessment Collection Act, notice was given by newspaper publication, and Proof of Publication is attached hereto as Exhibit A; and,

WHEREAS, a public hearing was held on September 8, 2020, and comments and objections of all interested persons have been heard and considered by the Board as required by Chapter 75, of the Alachua County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

SECTION 1. AUTHORITY. This resolution is adopted pursuant to the provisions of Chapter 75 of the Alachua County Code, Resolution 20-48, Chapter 125, Florida Statutes, and other applicable provisions of law.

SECTION 2. PURPOSE AND DEFINITIONS. This resolution constitutes the Final Assessment Resolution as defined in Chapter 75 of the Alachua County Code. All

capitalized words and terms shall have the meanings set forth in Chapter 75 of the Alachua County Code and Resolution 20-48.

SECTION 3. CONFIRMATION OF THE INITIAL ASSESSMENT RESOLUTION. The Initial Assessment Resolution is hereby confirmed.

SECTION 4. SOLID WASTE ASSESSMENTS.

- (A) The parcels of Assessed Property described in the Assessment Roll, which is hereby approved, are hereby found to be specially benefited by the provision of the solid waste services, facilities, and programs described in the Initial Resolution, in the amount of the Solid Waste Assessment set forth in the Assessment Roll, a copy of which was present or available for inspection at the above referenced public hearing and is incorporated herein by reference. It is hereby ascertained, determined and declared that each parcel of Assessed Property within the Unit will be specially benefited by the County's provision of Curbside Collection Service, Rural Collection Center Service and Solid Waste Management Services in an amount not less than the Solid Waste Assessment for such Tax Parcel, computed in the manner set forth in the Initial Assessment Resolution. Adoption of this Final Assessment Resolution constitutes a legislative determination that all parcels assessed derive a special benefit, as set forth in the Ordinance and the Initial Assessment Resolution, from the solid waste services, facilities, and programs to be provided and a legislative determination that the Solid Waste Assessments are fairly and reasonably apportioned among the properties that receive the special benefit as set forth in the Initial Assessment Resolution.
- (B) There is hereby levied and imposed for the period of October 1, 2020, through September 30, 2021, a non-ad valorem assessment against all Assessed Property described in the Assessment Roll pursuant to the Cost Apportionment and the Parcel

Apportionment in the amounts determined in the Solid Waste Assessment Rate Schedule, as set forth in Exhibit B attached hereto. The approval of the Solid Waste Assessment Rate Schedule by the adoption of this Final Assessment Resolution determines the amount of the Solid Waste Assessment.

- (C) The Solid Waste Assessments specified in the Solid Waste Assessment Rate Schedule are hereby established to fund the specified Solid Waste Cost determined to be assessed in the Fiscal Year commencing October 1, 2020.
- (D) It is hereby ascertained, determined and declared the foregoing method of determining the Solid Waste Assessments is a fair and reasonable method of apportioning the Solid Waste Cost and the assessment collection cost among parcels of Assessed Property located within the Unit.
- (E) Solid Waste Assessments shall constitute a lien upon Assessed Property so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid.

SECTION 5. INTERIM ASSESSMENTS For Residential Property in the Universal Area and Non-Universal Area which are improved and for which a Certificate of Occupancy is issued on or after October 1, 2020, an interim assessment for collection, disposal, and recycling of solid waste shall be collected by the Director of the Office of Codes Enforcement, or his or her designee, prior to the issuance of a Certificate of Occupancy. The amount of the interim assessment for the Fiscal Year beginning October 1, 2020, and ending September 30, 2021, shall be as set forth in Exhibit C attached hereto.

SECTION 6. ADOPTION AND CERTIFICATION OF ROLL. The Board hereby adopts the Assessment Roll for collection, disposal, recycling, and management of Solid Waste for the

County's Fiscal Year 2020-2021, in accordance with the rates set forth in this resolution and authorizes staff to present the Assessment Roll to the Chair for certification to the Tax Collector, for collection on the ad valorem tax roll. If the Assessment Roll is changed by the Property Appraiser after this certification is completed, a revised Assessment Roll certification to the Tax Collector shall be completed by October 15, 2020.

SECTION 7. EFFECT OF ADOPTION OF RESOLUTION. The adoption of this Final Assessment Resolution shall be the final adjudication of the issues presented herein, (including, but not limited to, the method of apportionment, the rate of assessment, the Assessment Roll and the levy and lien of the Solid Waste Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of this Final Assessment Resolution.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 8th day of September, A.D., 2020.

	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
ATTEST:	By: Robert "Hutch" Hutchinson, Chair Board of County Commissioners
J. K. "Jess" Irby, Esq., Clerk	APPROVED AS TO FORM
(SEAL)	Alachua County Attorney

LIST OF EXHIBITS

Exhibit A: Proof of Publication

Exhibit B: Solid Waste Assessment Rate Schedule

Exhibit C: Interim Assessment Schedule

Exhibit A (To Be Provided)

Exhibit B

ESTIMATED SOLID WASTE ASSESSMENT RATE SCHEDULE

SECTION B-1. DETERMINATION OF CURBSIDE COLLECTION ASSESSED COSTS. The estimated Curbside Collection Cost to be assessed for the Fiscal Year commencing October 1, 2020, is \$6,393,028.47.

SECTION B-2. ESTIMATED CURBSIDE COLLECTION ASSESSMENTS. The estimated Curbside Collection Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Curbside Collection Cost for the Fiscal Year commencing October 1, 2020, are hereby established as follows for the purpose of this Final Assessment Resolution:

Cart Size and Rate			
Mini can	35 gallon	64 gallon	96 gallon
\$ 184.73	\$ 210.49	\$ 264.56	\$ 322.68

SECTION B-3. DETERMINATION OF RURAL COLLECTION CENTER ASSESSED COSTS. The estimated Rural Collection Center Cost to be assessed for the Fiscal Year commencing October 1, 2020, is \$1,409,402.64.

SECTION B-4. ESTIMATED RURAL COLLECTION CENTER ASSESSMENTS. The estimated Rural Collection Center Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Rural Collection Center Cost for the Fiscal Year commencing October 1, 2020, are hereby established as follows for the purpose of this Final Assessment Resolution:

Unit	Rate
Dwelling Unit	\$ 110.58

SECTION B-5. DETERMINATION OF SOLID WASTE MANAGEMENT ASSESSED COSTS. The estimated Solid Waste Management Cost to be assessed for the Fiscal Year commencing October 1, 2020, is \$3,085,837.05.

SECTION B-6. ESTIMATED SOLID WASTE MANAGEMENT ASSESSMENTS. The estimated Solid Waste Management Assessments to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and Parcel Apportionment to generate the estimated Solid Waste Management Cost for the Fiscal Year commencing

October 1, 2020, are hereby established as follows for the purpose of this Final Assessment Resolution:

Unit Type	Waste Generation Tons per Year	Residentially Collected Residential Rates/Unit, Universal & Municipal	Commercially Collected Residential Rates/Unit	Residentially Collected Residential Rates/Unit, Non-Universal	Commercial Rates/Unit
Dwelling Unit	N/A	\$ 20.78			
Dwelling Unit	N/A		\$ 19.29		
Dwelling Unit	N/A			\$ 12.08	
Parcel	< 5				\$ 20.47
	5 - 9.9				\$ 62.26
	10 - 19.9				\$ 124.93
	20 - 29.9				\$ 208.50
	30 - 39.9				\$ 292.06
	40 - 49.9				\$ 375.63
	50 - 74.9				\$ 521.87
	75 - 99.9				\$ 730.78
	100 - 149.9				\$ 1,044.16
	150 - 199.9				\$ 1,461.99
	200 - 499.9				\$ 2,924.39
	500 - 999.9				\$ 6,267.03
	1,000 - 1,899.9				\$ 12,116.64
	1,900 - above				\$ 18,384.50

Exhibit C

INTERIM ASSESSMENT

UNIVERSAL REFUSE COLLECTION CHARGES ON ISSUANCE OF CERTIFICATE OF OCCUPANCY

2020

October 1 to October 31	\$ 264.56
November 1 to November 30	\$ 242.51
December 1 to December 31	\$ 220.47

2021

January 1 to January 31	\$ 198.42
February 1 to February 28	\$ 176.37
March 1 to March 31	\$ 154.33
April 1 to April 30	\$ 132.28
May 1 to May 31	\$ 110.23

THE FOLLOWING FEES ARE FOR SERVICES THROUGH SEPTEMBER 30, 2022

June 1 to June 30	\$ 352.75
July 1 to July 31	\$ 330.70
August 1 to August 31	\$ 308.65
September 1 to September 30	\$ 286.61

INTERIM ASSESSMENT

RURAL COLLECTION CENTER CHARGES ON ISSUANCE OF CERTIFICATES OF OCCUPANCY

2020

October 1 to October 31	\$ 110.58
November 1 to November 30	\$ 101.37
December 1 to December 31	\$ 92.15

2021

January 1 to January 31	\$ 82.94
February 1 to February 28	\$ 73.72
March 1 to March 31	\$ 64.51
April 1 to April 30	\$ 55.29
May 1 to May 31	\$ 46.08

THE FOLLOWING FEES ARE FOR SERVICES THROUGH SEPTEMBER 30, 2022

June 1 to June 30	\$ 147.45
July 1 to July 31	\$ 138.23
August 1 to August 31	\$ 129.02
September 1 to September 30	\$ 119.80



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 17.

Agenda Item Name:

FY21 Fire Services Non-Ad Valorem Assessment Final Rate Resolution

Presenter:

Tommy Crosby, 337-6205

Description:

This is the Assessment Resolution authorizing a public hearing to set rates for the Fire Services Assessment for Fiscal Year 2020-21.

Recommended Action:

Adopt the Fire Services Assessment Final Rate Resolution for Fiscal year 2020-21.

Prior Board Motions:

Resolution 20-51 was approved on July 14, 2020, to set the rates for Fire Services Non-Ad Valorem Assessments and authorize provision of the notice to affect property owners on the Notice of Proposed Taxes (TRIM).

Fiscal Consideration:

The rates for FY20-21 remain the same as the adopted rates in FY2017, 2018, and 2019. Tier 1 all non-exempt parcels - improved and unimproved \$83.34 per parcel Tier 2 non-exempt improved parcels \$7.63 per EBU (Per \$5,000 of structure values, rounded down to nearest \$5,000 is Equivalent Benefit Unit EBU) FY2021 expected revenue is \$13,771,874.

Background:

The Fire Assessment was adopted by the Board and implemented as a funding source for fire protection services in FY2017-18 and continued in FY2018-19, and FY2019-2020. The FY2020-21 Tentative Budget was presented to the Board on July 7, 2020. A resolution was adopted on July 14, 2020 to set the Tentative Fire Assessment rates that were included in the TRIM notices. The tentative rates for FY2020-21 are the same as adopted in FY2017, FY2018, and FY2019.

Tier 1 all non-exempt parcels-improved and unimproved \$83.34 per parcel.

Tier 2 non-exempt improved parcels \$7.63 per EBU (Per \$5,000 of structure values, rounded down to nearest \$5,000 is Equivalent Benefit Unit EBU).



Pet Breeder Regulations

Ed Williams, Director Alachua County Animal Services

August 20, 2019

- The Board moved to:
- 1. Refer back to staff to come up with potential exemptions for situations where the County is not concerned about having to do inspections.
- 2. Return with more specificity of the fee schedule.
- 3. Convene a stake holders meeting so interested parties can provide direct input.
- 4. Seek the cooperation of the veterinary community in the registration and licensing of all animals.



Current Regulatory System (State)

- Florida law currently has no comprehensive pet breeder regulatory framework, but does have medical standards and veterinary certificate record retention requirements
- State law allows Animal Services to <u>inspect</u> animals offered for sale and veterinary inspection certificates of those animals
- Ultimately, enforcement lies with FDACS and the State Attorney's Office (misdemeanor)

Issues

- The County has noticed an increase in pet breeding that results in an abundance of dogs
- More than ten Florida counties have established breeder regulations to maintain the safety of their citizens and animals

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Recommended Action: Establish Pet Breeder Regulations

- Ensure the safety and well-being of the public
- Reduce the fiscal impact to the County of unaltered animals
- Regulate breeding conditions to prevent inhumane treatment
- Decrease the number of unwanted animals



Types of Breeders



Three Types of Breeder

- Accidental Breeder
- Hobby Breeder
- Commercial Breeder



Accidental Breeder

- Personal pet owner whose pet is unaltered and may be unintentionally impregnated
- Currently, spay and neuter is incentivized through discount on pet license required by Alachua County Code and owners are required to confine animals in heat



Hobby Breeder

- Distinct class of breeders above the "accidental breeder" level, but below a separate defined "commercial breeder" or "pet dealer" standard
- Usually a small operation, often family-run out of a private residence



Commercial Breeder or Pet Dealer

- Defined in Florida Statute § 828.29(13):
 - Business or individual engaged in annual sale of more than 2 litters, or 20 dogs or cats, whichever is greater
- State law protects consumers from false advertising, omissions, medical issues, and otherwise unsavory business practices, but doesn't comprehensively regulate the operation



Local Solutions



Regulate Intact Animals

- Regulate breeders by limiting the number of intact cats and dogs allowed on a premises by requiring permits with escalating fees for ranges of intact animals
 - Jacksonville's Excessive Unsterilized Animals code escalating permit for more than 5 unsterilized animals on premise

Regulate Intact Animals (continued)

- Prohibit unsterilized animals without breeder permit
 - Palm Beach County
- Require spay/neuter of cats unless certain exemptions are met for licensed breeders, pedigrees, medical exceptions
 - Citrus County
- Currently, County regulates intact animals through differential licensing and a requirement to confine animals in heat
- These options would cover "accidental breeders"



Regulate Active Breeders

- Require anyone engaging in breeding, selling, or owning a stud to obtain a Breeders Permit
 - Ordinance includes:
 - Retention of all veterinary and transaction records for 1 year from sale
 - Consent to inspections of premises housing breeding operations and animals
 - Yearly fee, established by fee schedule depending on the intensity of the breeding, to cover costs of enforcement
 - Revocable permit if conditions not met



Regulate Active Breeders (continued)

- Many jurisdictions distinguish hobby from commercial breeding by setting maximum number of animals offered for sale
 - Most common definition for hobby breeder allows sale of up to 20 animals, or 2 litters, a year
- Hobby breeders have lower permit fees

Enforcement

- Enforcement includes:
 - Revocation of permit
 - Codes enforcement for failing to have appropriate permit or failing to meet defined standards
 - Cruelty petitions for cruel or neglectful breeders where conditions observed during inspections demonstrate inadequate care
 - Injunction to require breeder to comply with Breeder's License program or cease breeding/sale of animals

Fee Schedule

- Animal Services Fee Schedule would be updated with a differential licensing cost for all intended breeding animals under the ownership of hobby breeder or commercial breeder.
- Cost would be established in fee schedule, to curb accidental breeders and incentivize sterilization

Fee Schedule (continued)

- Commercial Breeder License: \$200
- Hobby Breeder License: \$100
- Or fall into licensing schedule for accidental breeder and nonbreeder license holders
 - License for not sterilized and/or microchipped animal: \$40
 - License for sterilized and microchipped animal: \$10



Recommendation

- Adopt the Pet Breeder Regulations ordinance establishing a Breeder's License program with the following standards:
 - Discounted licensing for all animals, with costs established in the fee schedule, to curb "accidental breeders" and incentivize sterilization
 - A breeder's permit program for hobby, and commercial, breeders of dogs subject to:
 - 1) Retention of all veterinary and transaction records for 1 year from sale;
 - 2) Consent to inspections of premises housing breeding operations and animals;
 - 3) Standards of husbandry and veterinary care for animals;
 - 4) Maximum number of adult intact animals at a breeding facility;
 - 5) Fees (established by fee schedule) depending on intensity of breeding



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 11.

Agenda Item Name:

Public Hearing-Ordinance Amending Alachua County Code, Chapter 27 (Emergencies)

Presenter:

County Attorney

Description:

Public hearing to consider ordinance amending Alachua County Code, Chapter 27 (Emergencies)

Recommended Action:

Approve ordinance amending Chapter 27 (Emergencies), Alachua County Code, and authorize Chair to sign.

Prior Board Motions:

August 26, 2020: Motion to approve authorization to advertise

Fiscal Consideration:

N/A

Background:

Alachua County has entered week 23 of the COVID-19 declaration of emergency. Prior to this emergency event, local declared emergencies rarely lasted longer than a few weeks. Some questions regarding the emergency ordinance (codified in Chapter 27, Alachua County Code) have arisen during this considerably-longer-than-average emergency event. The County Attorney suggests the following general amendments to Chapter 27, Alachua County Code:

- 1) Add definition of "Continuing Emergency" as designation of an emergency that lasts longer than 30 days, during which the Board of County Commissioners can meet and conduct business;
- 2) Require Official Authority to report to Board all actions taken since the last Board meeting and deem such action as ratified unless the Board takes action;
- 3) Require County Manager to produce a memorandum to Board, at least once a year, that sets forth line of succession for the County Manager's authority under the emergency ordinance;
- 4) Articulate County's authority to set a penalty or civil fine by emergency order;
- 5) Allow emergency orders to be posted to the County's webpage, instead of the headquarters of county governmental operations; and
- 6) Include additional articulated power regarding the Board's authority to "take such action as may be reasonably required under the circumstances."

New studies:

Viable SARS-CoV-2 in the air of a hospital room with COVID-19 patients John A Lednicky, Michael

Agenda Date: 9/8/2020 Agenda Item No.: 11.

Lauzardo, Z. Hugh Fan, Antarpreet S Jutla, Trevor B Tilly, Mayank Gangwar, Moiz Usmani, Sripriya N Shankar, Karim Mohamed, Arantza Eiguren-Fernandez, Caroline J Stephenson, Md. Mahbubul Alam, Maha A Elbadry, Julia C Loeb, Kuttichantran Subramaniam, Thomas B Waltzek, Kartikeya Cherabuddi, John Glenn Morris Jr., Chang-Yu Wu medRxiv 2020.08.03.20167395; attached and <available at https://www.medrxiv.org/content/10.1101/2020.08.03.20167395v1.full.pdf>.

Seres, Gyula and Balleyer, Anna Helen and Cerutti, Nicola and Friedrichsen, Jana and Süer, Müge, Face Mask Use and Physical Distancing before and after Mandatory Masking: Evidence from Public Waiting Lines (July 9, 2020). Attached and <available at SSRN:

https://ssrn.com/abstract=3641367 or https://poseidon01.ssrn.com/delivery.php?

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1 2 3	ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
4	ORDINANCE NO. 2020
5 6 7 8 9 10 11 12 13 14	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 27 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "EMERGENCIES"; PROVIDING FOR REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING AN EFFECTIVE DATE. WHEREAS, as of August 24, 2020, Alachua County has entered week 23 of this
15	COVID-19 declaration of emergency;
16	WHEREAS, prior to this emergency event, local declared emergencies in Alachua
17	County rarely lasted longer than a few weeks;
18	WHEREAS, Chapter 27, Alachua County Code of Ordinances, entitled "Emergencies,"
19	makes no distinction between the most-often-experienced local emergency event and a longer
20	duration event; and
21	WHEREAS, the Alachua County Board of County Commissioners wishes to amend
22	Chapter 27, to more clearly set-out the entire Board's role in longer duration events;
23	NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY
24	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:
25	SECTION 1. Chapter 27 of the Alachua County Code of Ordinances, entitled
26	"Emergencies," is hereby amended as follows:
27 28 29	CHAPTER 27 EMERGENCIES ARTICLE I IN GENERAL Sec. 27.01. Definitions.
30 31	As used in this article the following words and terms shall have the meanings respectively ascribed.
32 33	1. Alachua County Emergency Management means the organization created in accordance with the provisions of F.S. §§ 252.31—252.91 to discharge the emergency

- management responsibilities and functions of Alachua County, directed by the Emergency
 Management Director, subject only to the direction and control of the Board acting through the
 County Manager.
 - 2. Board means the Alachua County Board of County Commissioners.

- 3. County manager means the county manager duly appointed by the Alachua County Board of County Commissioners or, in the manager's absence, any individual designated, in writing, to act in his/her stead during the course of that absence.
- 4. Disaster means any natural, technological, or civil emergency that causes damage of sufficient severity and magnitude to result in a declaration of a state of emergency by Alachua County, the Governor, or the President of the United States. Disasters shall be identified by the severity of resulting damage, as follows:
 - a) Catastrophic disaster means a disaster that will require Alachua County to seek massive state and federal assistance, including immediate military involvement.
 - b) Major disaster means a disaster that will likely exceed Alachua County's capabilities and require a broad range of state and federal assistance.
 - c) Minor disaster means the disaster that is likely to be within the response capabilities of Alachua County and to result in only a minimal need for state or federal assistance.
- 5. Emergency means any occurrence, or threat thereof, whether natural, technological or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.
- 6. Emergency management means the protection against, prevention of, the response to, the recovery from, and the mitigation against emergencies and disasters. Specific emergency management responsibilities include, but are not limited to Emergency management means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters. Specific emergency management responsibilities include, but are not limited to:
 - a) Reduction of vulnerability of people and communities of this <u>state county</u> to damage, injury, and loss of life and property resulting from natural, technological, or manmade emergencies, catastrophes or hostile military or paramilitary action.
 - b) Preparation for prompt and efficient response and recovery to protect lives and property affected by emergencies, rescue, care, and treatment of persons victimized or threatened by disasters.
 - c) Response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency.
 - d) Recovery from emergencies by providing for the rapid and orderly start of restoration and rehabilitation of persons and property affected by emergencies.
 - e) Provision of an emergency management system embodying all aspects of prevention, protection, response, recovery, and mitigation Provision of an emergency management

- f) Assistance in anticipation, recognition, appraisal, prevention, and mitigation of emergencies which may be caused or aggravated by inadequate planning for, and regulation of, public and private facilities and land use.
- 7. General emergency means an <u>emergency which emergency, which</u> affects the entire county. Examples of county-wide emergencies include, but are not limited to, hurricanes, tropical storms, large flood events, and acts of war or sedition.
- 8. Localized county emergency means an emergency that affects only a small part of the county. Examples of localized emergencies include, but are not limited to, small plane crashes, hazardous material spills, wildfires and leaking gas mains.
- 9. Manmade emergency means an emergency caused by an action against persons or society, including, but not limited to, enemy attack, sabotage, terrorism, civil unrest, or other action impairing the orderly administration of government.
- 10. Natural emergency means an emergency caused by a natural event, including, but not limited to, a hurricane, storm, fire, flood, severe wave action, drought, or earthquake.
- 11. Plan means the Alachua County Comprehensive Emergency Management Plan or its successor, as adopted by resolution by the board from time to time, and approved by the Florida Division of Emergency Management.
- 12. Technological emergency means an emergency caused by a technological failure or accident, including, but not limited to, an explosion, transportation accident, radiological accident, or chemical or other hazardous material incident.
- 13. Volunteer means contributing service, equipment or facilities to the emergency management agency without remuneration or without formal agreement or contract of hire. Persons engaged in such services have the same immunities as persons and employees of the county performing similar duties.

Sec. 27.02. - Penalties.

 Any person convicted of a violation of, or failure to comply with, any of the provisions of this chapter shall be punished for a violation of this Code. A penalty or civil fine may be set by emergency order. In addition to the foregoing, and after reasonable due process considerations, nothing herein shall prohibit the Board or its designee from also suspending or revoking any license or permit previously issued by the County to any violator. Nothing herein shall prevent the Board from taking such other lawful action as is necessary to prevent or remedy any refusal to comply with, or violation of, this chapter or the emergency measures which may be made effective pursuant hereto.

Sec. 27.03. - Authority; purpose of chapter.

Chapter 252, Florida Statutes, authorizes the waiver of procedures and formalities otherwise required of political subdivisions to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency. In accordance with and pursuant to this authority, the board hereby establishes emergency management regulations to provide effective and orderly governmental control and coordination of emergency operations. It is the intent of this article to ensure that preparations of the county will be adequate to deal with, reduce vulnerability to, and to recover from emergencies, or

threats thereof, in order to safeguard the life and property of its citizens, to designate a county official to declare states of emergency and issue orders in the event of a disaster or emergency, or the imminent threat thereof, and to authorize certain actions relating thereto.

Sec. 27.04. - Territorial jurisdiction.

This chapter shall be applicable and enforceable throughout the entire geographical area of the county.

Sec. 27.05. - Chapter to be liberally construed.

This chapter shall be liberally construed in order to carry out the purposes hereof effectively. Such purposes are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the county.

Sec. 27.06. - Conflicting provisions.

In the event this chapter conflicts with any other ordinance of the county or other applicable law, the more restrictive shall apply.

Sec. 27.07. - Declarations of emergency; general; localized—Procedure.

- 1. A state of emergency shall be declared by proclamation of an official authority as designated in this section. The duration of a state of emergency shall be limited to seven days; however, it may be extended, as necessary, in seven day increments by the same procedure as set forth in this section. Upon finding that the threat no longer exists, the board, or, if a quorum of the board is unable to meet, an official authority, may, by proclamation, terminate the state of emergency in the same manner as declaration.
- 2. A proclamation declaring a state of emergency shall activate the Plan and shall be the authority for use or distribution of any supplies, equipment, materials, and facilities assembled or arranged to be made available pursuant to such plan.
- 3. If a state of emergency is declared in the county, the county manager may request state assistance or invoke emergency-related mutual-aid assistance where the circumstances warrant such action.
- 4. Declaration of general emergency. A general state of emergency may only be declared by a special meeting of the Board. If, after reasonable effort, a special emergency meeting cannot be convened, then a state of emergency may be proclaimed by the official authority. The official authority shall be the board chair, or, in the absence of the chair, the vice-chair, or, in the absence of both the chair and vice-chair, any available commissioner. in In the event neither the chair, nor the vice-chair, nor any other commissioner can be located, the official authority shall be the county manager, or other county employee designated by the county manager. The declaration or any subsequent order, in the absence of a quorum of the Board, may authorize any of the powers set forth in Sec. 27.09. the next available assistant county manager, or the next available county officer, official or employee who has been identified in the order of succession as provided herein shall be the official authority. The county manager shall provide the members of the Board with a memorandum setting forth her line of succession in accordance with this provision. This memorandum shall be updated at least once a year.
- 5. Declaration of localized emergency. The board hereby designates the county manager as the official authority during a localized county emergency, and authorizes the county manager to carry out all emergency management functions required by such emergency. In the event the county manager cannot be located, the official authority shall be the next available

assistant county manager, or the next available county officer, official or employee who has been identified in the order of succession as provided herein. The duration of each localized state of emergency shall be no longer than that necessary to ensure the health, safety and welfare of the population, but in no event shall such declaration exceed seven days. A localized state of emergency may be extended in increments of up to seven days pursuant to the procedure set forth in subsection 27.07(4).

- 6. Order of succession. The county manager shall identify the specific order of succession and shall advise the Board of this succession annually, and whenever any changes are made to the order of succession.
- 7. Nothing in this chapter shall be construed to limit the authority of the board to declare or terminate a state of emergency and take any action authorized by law when sitting in regular or special session. Nothing in this chapter shall be construed to limit, modify, or abridge the authority of the President of the United States of America, or the governor of the state, to proclaim martial law or exercise any other powers vested in him under the constitution, statutes, or common law of the United States of America, or the state, independent of or in conjunction with any federal disaster and emergency management provisions of Part I, Chapter 252, Florida Statutes.

Sec. 27.08. - Official authority; general powers and duties.

- 1. In addition to any other powers conferred by law, rule, regulation or other ordinances, upon the declaration of a state of emergency, an official authority, as designated in section 27.07, may impose by executive order any or all of the following restrictions:
 - a) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles, or;
 - b) Prohibit or regulate any demonstration, parade, march, vigil, or participation therein from taking place on any public right-of-way or upon any public property;
 - c) Prohibit or regulate the sale or use of gasoline, kerosene, naphtha, or any other explosive or flammable fluids or substances altogether, except by delivery into a tank properly affixed to an operable vehicle;
 - d) Prohibit or regulate the participation in or carrying on of any business activity and prohibit or regulate the keeping open of places of business, places of entertainment, and any other places of public assembly;
 - e) Prohibit or regulate travel upon any public street, highway, or upon any other public property. Persons in search of medical assistance, food, or other commodity or service necessary to sustain the well-being of themselves or their families, or some member thereof, may be exempted/excepted from such prohibition or regulation;
 - f) Impose a curfew upon all or any portion of the county, thereby prohibiting persons from being on public streets, highways, parks, or other public places during the hours the curfew is in effect;
 - g) Prohibit state and/or local business licensees, vendors, merchants, and any other person operating a retail business from charging more than the normal average retail price for any goods, materials, or services sold during a declared

- state of local emergency, except when the wholesale price or the cost of obtaining the merchandise is increased as a result of the local emergency. The average retail price, as used herein, is defined to be that price which is the average of any two prices for similar goods, material, or services sold during the 12 months immediately preceding the declared state of emergency; and
 - h) Prohibit any person, firm, or corporation from using public fresh water supplies for any purpose other than cooking, drinking, or bathing.
 - i) Declare certain areas off limits.

- j) Direct or compel the evacuation of all or part of the population from any affected or threatened part of the county.
- j)k)Take such other action as may be reasonably required under the circumstances except as otherwise specifically limited by the Board of County Commissioners..
- 2. The executive orders of an official authority may exempt, from all or part of any restrictions, physicians, nurses, and ambulance operators performing medical services; on-duty employees of hospitals and other medical facilities; on-duty military personnel; bona fide members of the news media; personnel of public utilities maintaining essential public services; county authorized and requested firefighters, law enforcement officers and emergency response personnel; and such other classes of persons as may be essential to the preservation of public order or necessary to serve safety, health, and welfare needs of the people within the county.
- 3. Pursuant to F.S. § 252.46(2), all executive orders and emergency rules imposed and enacted by an official authority pursuant to this article shall be reduced to writing as soon as possible, filed with the office of the clerk to the board, and concurrently posted prominently upon the premises then serving as the headquarters of county governmental operations or posted on the County's webpage. Further, copies of all such executive orders and emergency rules shall be delivered, as soon as possible to representatives of the print and electronic news media and all appropriate law enforcement officers and other appropriate government administration officials.
- 4. Content of orders and rules. All executive orders and emergency rules issued under this section shall indicate the nature of the emergency, the threatened area or areas of the county, and the conditions creating the disaster or threat. The content of such orders shall be promptly disseminated to the general public and to the governing bodies of the applicable municipalities within Alachua County and contiguous counties.
- 5. In ordering and promulgating any executive order, the official authority shall rely on the advice and input from available county staff, as well as state and federal disaster/emergency management officials. Such executive orders shall be limited to those necessary to eliminate or contain conditions that threaten the health, safety, or welfare of the citizens of the county.
- 5.6. In the event of an declared state of local Continuing Eemergency lasting longer than 30 days where the Board has commenced meeting, the Official Authority shall report to the Board all actions taken, pursuant to Sec. 27.08, since the last meeting of the Board, pursuant to Sec. 27.08, along with any orders entered. The Board may take such action as it deems appropriate at the time. Unless modified or repealed, the actions taken by the Official Authority shall stand as ratified by the Board, as defined by the local state of emergency Unless modified or repealed, the actions taken by the Official Authority shall stand as ratified by the Board.

1 Sec. 27.09. - Board; general powers and duties. 2 The board shall, in addition to any other powers conferred by law, rule, regulation 3 or other ordinances, have the power and authority to waive the procedures and formalities 4 otherwise required by law pertaining to: 5 The performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community. 6 7 b) Entering into contracts. 8 c) Incurring of obligations. 9 Employment of permanent and temporary workers. d) 10 Utilization of volunteer workers. e) 11 f) Rental of equipment. 12 Acquisition and distribution, with or without compensation, of supplies, 13 materials, and facilities. 14 Appropriation and expenditure of public funds. 15 The board shall, in addition to any other powers conferred by law, rule, regulation 2. or other ordinances, have the power and authority to: 16 17 a) Determine that a threat to public health and safety may result from the 18 generation of widespread debris throughout the county, using any of the 19 following criteria: 20 That such debris constitutes a hazardous environment for modes of 21 movement and transportation of the residents as well as emergency aid 22 and relief services; 23 2) That such debris may endanger properties in the county; 24 3) An environment conducive to breeding disease and vermin; 25 4) Greatly increased risk of fire; and 26 That it is in the public interest to collect and remove disaster debris 5) 27 from property whether public or private lands, or public or private roads to eliminate any immediate threat to life, public health and safety; 28 29 6) To reduce the threat of additional damage to improved property; 30 and 31 7) To promote economic recovery of the community at large. 32 b) With the consent of the property owner, authorize the county or its contracted 33 agents the right of access to private property and roads or gated communities as needed by emergency vehicles such as, but not limited to, police, fire, 34 35 medical care, debris removal, and sanitation to alleviate immediate threats to public health and safety and to provide emergency repairs to vital 36 37 infrastructure assets. 38 c) With the consent of the property owner, authorize the removal of debris and

wreckage resulting from a major disaster from property whether public or

- private lands, public or private roads, or within gated communities for safe and sanitary living or functioning conditions.
 - d) Authorize the removal of derelict vessels from public water bodies pursuant to current Statutes of the State of Florida and in conjunction with the Florida Fish and Wildlife Conservation Commission.
 - e) Authorize the removal of abandoned vehicles pursuant to current Statutes of the State of Florida and in conjunction with law enforcement of the county and state.
 - f) Authorize the temporary suspension of the enforcement of the Alachua County Code, where the emergency is of such nature that immediate action outside the Code is required.

Sec. 27.10. - County manager; general powers and duties.

The county manager shall, in addition to any other powers conferred by law, rule, regulation or other ordinances, have the authority to take appropriate emergency measures without further board action. Appropriate measures include, but are not limited to:

- 1) Appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
- 2) Appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency workers.
- 3) Establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
- 4) Assign and make available for duty the offices and agencies of the county, including employees, property or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items that are services for emergency operation purposes, as the primary emergency management forces of the county for development within or outside the political limits of the county.
- 5) Perform public work in taking whatever prudent action is necessary to insure the health, safety and welfare of the community;
- 6) Utilize all available resources of the county government as reasonably necessary to cope with the disaster emergency, including emergency expenditures;
- 7) Make provisions for availability and use of temporary emergency housing and emergency warehousing of materials;

- Establish shelters in addition to, or in place of, those provided for in the county's plan;
 - 9) Enter into contracts;

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- 10) Incur obligations;
- 11) Employ permanent and temporary workers;
- 12) Utilize voluntary workers;
- 13) Rent equipment;
- 14) Acquire and distribute, with or without compensation, supplies, materials, and facilities;
- 15) Authorize expenditure of public funds;
- 16) Acquire merchandise, equipment, vehicles, or property needed to alleviate the emergency; and
- 17) In the absence of a quorum of the board, absence of the chair, absence of the vice chair and absence of any other county commissioner, the county manager may call on the national guard or other law enforcement divisions, in consultation with the Alachua County Sheriff, and request state and federal assistance as necessary to assist in the mitigation of the emergency, or to help maintain law and order, rescue assistance, and traffic control.

Nothing within this section shall be construed to limit the usual powers and duties of the county manager as conferred on him by the board and under Alachua County's Charter.

Sec. 27.10.1. - Emergency management director; general powers and duties.

- 1) There is established the position of emergency management director, which, for the purpose of this section shall be referred to as director. The director shall supervise the day-to-day operations of the emergency management division. The director shall be designated by, serve at the pleasure of the county manager in accordance with the Policies and Procedures of the Board of County Commissioners as they are amended from time to time. The director shall be placed in the organizational chart of the county pursuant to the county manager's authority. During periods of declared emergency the director shall directly report to the county manager. The director shall have those responsibilities as designated by the county manager consistent with section 27.10, and those enumerated in F.S. § 252.38 for directors of county emergency management agencies, including, but not limited to direct responsibility for the structure, administration, and operation of the emergency management division; coordination of emergency management activities, services, and programs within the county; and shall serve as a liaison to the state division of emergency management, or its successor, and to other local emergency management agencies and organizations.
- 2) The director or designee shall monitor and advise the chair and the manager of any threat, emergency or disaster that may pose a risk to the lives and safety of the population of Alachua County, and the protective actions the county may take

1 2 3	e	ard life and property, which actions may include compelling the on of all or part of the population from the affected or threatened area are county.	
4 5 6	th	ne coun	claration of a state of emergency, the director or designee will serve as ty coordinating officer and shall direct all activities of the emergency as center.
7 8			tion or demand of exorbitant or excessive price during ing declared emergencies.
9	1) <i>F</i>	indings	of fact. The board does hereby find:
10 11 12		fe	Ouring periods of local and state emergency, sources of fuel, medicine, bood, building supplies or other necessities are sometimes destroyed, amaged or otherwise severely restricted in supply.
13 14 15 16 17		n d e	Ouring periods of local and state emergency unscrupulous opportunists hay take advantage of the citizens of the county who require the above escribed necessities to sustain themselves by requiring the payment of excessive or unconscionable prices to provide services and various ommodities needed by the victims of a natural or manmade disaster.
18 19 20 21 22		w u c	The board finds it appropriate and in the interest of the health, safety and velfare of the citizens of the county to protect potential victims of inscrupulous pricing practices from those that would take advantage of itizens needing services and commodities as a result of a natural or nanmade disaster.
23	2) <i>A</i>	s used i	in this section:
24 25 26 27		e li	Commodity means any goods, services, materials, merchandise, supplies, quipment, resources, or other article of commerce, and includes, without mitation, food, water, ice, chemicals, petroleum products, and lumber ecessary for consumption or use as a direct result of the emergency.
28		b. It	t is prima facie evidence that a price is unconscionable if:
29 30 31 32 33 34 35 36 37 38		1.	The amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, unless the increase in the amount charged is attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national or international market trends; or
39 40 41 42 43		2.	The amount charged grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the 30 days immediately prior to a declaration of a state of emergency, unless the increase in the amount charged is attributable to additional costs incurred in connection with the rental or sale of the

1 commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national or international market trends. 2 3 3) Prohibition against unconscionable prices. 4 a. Upon a declaration of a state of emergency by the governor and/or upon 5 declaration of a state of emergency pursuant to this chapter, it is a 6 violation of this section for a person or his or her agent or employee to 7 rent or sell or offer to rent or sell at an unconscionable price within the 8 area for which the state of emergency is declared, any essential 9 commodity, including but not limited to, supplies, services, provisions or 10 equipment that is necessary for consumption or use as a direct result of 11 the emergency. This prohibition remains in effect until the direct declaration expires or is terminated. 12 13 b. It is a violation of this section for any person to impose unconscionable 14 prices for the rental or lease of any dwelling unit or self-storage facility during a period of declared state of emergency. 15 16 c. A price increase approved by an appropriate government agency shall not be in violation of this section. 17 18 d. This section shall not apply to sales by growers, producers, or processors 19 of raw or processed food products, except for retail sales of such products to the ultimate consumer within the area of the declared state of 20 21 emergency. 22 e. During a declared emergency and when there is an allegation of price gouging against the person, failure to possess a business tax receipt 23 24 pursuant to Chapter 205, Florida Statutes, constitutes reasonable cause to 25 detain the person, provided that the detention shall only be made in a reasonable manner and only for a reasonable period of time sufficient for 26 27 an inquiry into the circumstances surrounding the failure to possess a tax 28 receipt. During a declared emergency, this subsection does not apply to religious, charitable, fraternal, civic, educational, or social organizations. 29 30 4) Enforcement. 31 1. All law enforcement agencies, including but not limited to the Alachua County Sheriff's Office, the Gainesville, Alachua and High Springs 32 33 Police Departments are hereby authorized to take all necessary legal measures to curtail violations of this section. 34 35 2. Any person subject to any violation of this section shall be entitled to 36 seek such relief or remedies as are provided for in chapter 501, part II, 37 F.S., or other laws of the state. 38 3. Nothing in this section creates a private cause of action in favor of any person damaged by a violation of this section. 39 40 5) Incorporation of § 501.160, F.S., and ch. 501 et seq., Florida Deceptive and Unfair Trade Practices Act. All sections and provisions of § 501.160, F.S., and 41 42 ch. 501, part II, F.S., known as the Florida Deceptive and Unfair Trade Practices 43 Act, are hereby incorporated by reference.

6) *Penalties*. If prosecuted pursuant to this section, a person shall be punished for a violation of this Code. If action is pursued civilly, any person found to have violated this section shall be subject to the penalties prescribed in § 501.164, F.S., in addition to all other remedies provided by the Florida Deceptive and Unfair Trade Practices Act. Each transaction made in violation of this section shall be considered a separate offense.

ARTICLE II. - HAZARDOUS MATERIALS INCIDENT COST RECOVERY ORDINANCE

Sec. 27.11. - Title.

This article shall be known as the "Hazardous Material Incident Cost Recovery Ordinance."

Sec. 27.12. - Intent and purpose.

This article is intended to provide for recovery by Alachua County, a charter county and political subdivision of the State of Florida, its agencies or agents, and the municipalities within the county, of unbudgeted costs incurred in response and recovery efforts related to hazardous material incidents. In addition, it is intended to provide for cost recovery for damages to natural resources, and government owned properties.

Sec. 27.13. - Authority.

The county board of county commissioners has the authority to adopt this article pursuant to the provision of F.S. chs. 125 and 252.

Sec. 27.14. - Jurisdiction.

This article shall apply to the Cities of Archer, Hawthorne, Newberry, and Waldo, and the unincorporated area of Alachua County, Florida.

Sec. 27.15. - Definitions.

[As used in this article, the following words and phrases shall have the meaning indicated unless the context otherwise requires:]

Cost(s) means and includes, but is not limited to those expenses that are extraordinary in nature, including those for which funds are not provided for in the county's annual budget:

- 1) All costs incurred for response, containment and/or removal and disposal of hazardous materials or remedial actions to include costs associated with transportation and temporary storage of hazardous materials.
- 2) All costs incurred for ensuring the safety of the public to include costs incurred for actions taken on and off the site of the hazardous material incident.
- 3) Damages for injury to, destruction of, or loss of natural resources, as determined by the appropriate local, state or federal agency, including the reasonable costs of assessing such injury, destruction, or loss resulting from a hazardous material incident.
- 4) Health care costs for persons or animals injured from a hazardous material incident or costs of any health assessment or health effects study carried out as a necessity resulting from a hazardous material incident.

- 1 5) Labor, including benefits, overtime and administrative overhead for government employees.
 - 6) The costs of operating, maintaining, leasing, repairing and replacing equipment.
 - 7) Contract labor and equipment.

- 8) Labor and equipment obtained by Alachua County, Alachua County agencies or agents, and the municipalities.
- 9) Materials, including but not limited to, absorbents, foams, dispersants, neutralization agents, overpack drums or containers.
- 10) Supervision of cleanup and abatement.

Hazardous material means any substance material defined, listed, characterized, or classified as a hazardous material, hazardous substance, hazardous waste, or toxic substance according to any or all of the following: Chapter 38F-41, Florida Administrative Code (Florida Substance List); Title 40 Code of Federal Regulations Part 261 (Identification and Listing of Hazardous Wastes); Title 40 Code of Federal Regulations Part 302.1.4 (Designation of Hazard Substances); Title 40 Code of Federal Regulations Part 355, Appendices A and B (List of Extremely Hazardous Substances), and Title 49 Code of Federal Regulations Parts 172.101 and 172.102 (Hazardous Materials Table).

Hazardous material incident means actual or threatened release of hazardous substances or material, including hazardous waste, which pose an imminent threat to the environment, and to health, safety or welfare of the population.

Hazardous substance includes any solution, mixture, or formulation containing hazardous material, or any material which, due to its chemical or physical characteristics, is determined by the county to pose a substantial threat to the life, health, or safety of persons or property or to the environment. The term includes, but is not limited to, explosives, radioactive materials, petroleum products, gases, poisons, biologic agents, flammables and corrosives.

Municipality means any municipality within Alachua County.

Natural resources means land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by Alachua County, Alachua County agencies, and the municipalities.

Person means an individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity, or any other legal entity.

Recovery means restoration to pre-event conditions.

Release means the accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant).

Response means the provision of emergency and nonemergency assistance during and following an incident and to reduce the likelihood of secondary damage.

Responsible party means the person(s) whose act or omission caused a release; or, the person(s) who owned or had custody or control of the hazardous substance or waste at the time of such release without regard to fault or proximate cause; or, the person or persons who owned or had custody or control of the container which held the hazardous substance at the time or immediately prior to such release without regard to fault or proximate cause.

Sec. 27.16. - Hazardous materials incidents—Liability for costs.

- a) Liability for costs. Any responsible party who causes a hazardous material incident shall be liable for the payment of all reasonable and necessary extraordinary and unbudgeted costs incurred by the county, county agencies or agents, and the municipalities for response to and remediation of such an incident.
- b) Remedies at law. The county will seek all available remedies at law, to include the provisions of this article, against any parties responsible for any hazardous materials event, to include those actions and remedies available under the U.S. Bankruptcy Code relating to such matters.

Sec. 27.17. - Collection and disbursement of funds for cost recovery.

- a) Agent for collection. The county department of finance and accounting shall serve as the county's agent for collecting invoices and billing the responsible party for costs in the unincorporated area. Agencies of the county and agencies responding to a hazardous material incident in the unincorporated area of the county according to the responsibilities set forth in the local emergency planning committee hazardous material response plan or at the request of the county are eligible to submit bills.
- b) Procedure for submitting invoices. An invoice identifying eligible costs under this article shall be submitted to the county department of finance and accounting within a reasonable time after the cost was incurred or identified. Submitted invoices must include sufficient documentation for cost reimbursement (i.e. copies of time sheets for specific personnel, copies of bills for materials, equipment and supplies procured or used, etc.). Accepting invoices from agencies outside the county shall not incur liability to the county to pay costs from such agencies until payment is received by the county from the responsible party.
- c) Method of payment. The county department of finance and administrative services shall submit one or a series of consolidated invoices to the responsible party identifying agencies, agents or municipalities and their specific costs or reimbursements. The responsible party shall issue a certified check made payable to each governmental entity that responded and submitted an invoice. The checks will be sent to Alachua County within 60 days of receiving a consolidated invoice.

Sec. 27.18. - Methods of enforcement.

a) Civil action. The county may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the county may be

- recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such person(s) and such lien shall be coequal with the lien of all state, district and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.

 b) Other remedies. This article shall not prohibit the county from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction. Nor shall
 - b) Other remedies. This article shall not prohibit the county from pursuing any other remedy, whether civil or criminal, or from instituting any appropriate action or proceedings, including injunction in a court of competent jurisdiction. Nor shall the recovery of expenses under this article in any way release the various parties, or limit them, from legal liability incurred as a result of hazardous material cleanup or abatement as defined under any local, state or federal rule or regulation.

Sec. 27.19. - Conflict with other laws.

Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply. Further, this article shall not restrict or replace cost recovery from funding sources available under state and federal regulations including but not limited to the revolving fund established under section 311(K) of the Federal Water Pollution Trust Fund established under Comprehensive Environmental Response, Compensation and Liability Act (42 USC 9611); the Hazardous Materials Administration Trust Fund established under F.S. ch. 252, and the Florida Coastal Protection Trust Fund established under F.S. ch. 376.

- **SECTION 2.** Repealing Clause. All ordinances or portions thereof in conflict herewith are, to the extent of such conflict, hereby repealed.
- **SECTION 3.** Modification. It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.
- **SECTION 4.** Severability. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.
- **SECTION 5.** <u>Inclusion in the Code.</u> It is the intent of the Board of County
 33 Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this

1	ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
2	Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
3	intent and that the word "ordinance" may be changed to "section", "article", or other appropriate
4	designation.
5	SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the
6	Department of State by the Clerk of the Board within ten (10) days after enactment by the
7	Board and shall take effect upon filing with the Department of State.
8 9 10 11	DULY ADOPTED in regular session, this day of, 2020. BOARD OF COUNTY COMMISSIONERS OF A LACTURE COUNTY OF COUNTY COMMISSIONERS OF COUNTY COMMISSIONERS OF COUNTY OF
12 13 14 15	ALACHUA COUNTY, FLORIDA ATTEST: BY:
16 17 18 19	Robert Hutchinson, Chair Board of County Commissioners J.K. "Jess" Irby, Esq. Clerk
20	APPROVED AS TO FORM
21 22 23	County Attorney (SEAL)



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 12.

Agenda Item Name:

Public Hearing-Ordinance Enacting Needle Exchange Program

Presenter:

Claudia Tuck, Community Support Services

Description:

Public hearing to consider an ordinance enacting a Needle Exchange Program in Alachua County.

Recommended Action:

Adopt ordinance enacting a Needle Exchange Program in Alachua County and authorize Chair to sign.

Prior Board Motions:

November 12, 2019- Board discussed and moved to direct staff to provide Commissioner briefings and schedule proposal to a Board Policy meeting, motion carried 3-0. August 25 2020 - Board approved authorization to advertise.

Fiscal Consideration:

None.

Background:

The Board of County Commissioners of Alachua County intend to establish a sterile needle exchange program for health and safety of the residents of Alachua County.

Laws of Florida 2019-143 amended Section 381.0038 to provide for a needle exchange program to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous users. Section 381.0038(4) F.S. provides that in order for a local program to be set up, it must be established by Ordinance by the Board of County Commissioners. In order to establish such a program the County must enter into an agreement with the Department of Health, which agrees that the County shall operate the program in accordance with State law. Further, the agreement will provide for ongoing consultation and advice by the Department in the operation of the program. Additionally, the County must contract with one of a number of agencies listed by statute for the operation of the program. No State, county, or municipal funds may be used to operate an exchange program which must be funded through grants and donations from private resources and funds.

The Florida Senate BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations										
BILL: CS/CS/SB 366										
INTRODUCER:		Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senators Braynon, Pizzo, and Book								
SUBJECT:	Infectious	Disease E	limination Pro	grams						
DATE:	March 28,	2019	REVISED:							
ANAI	_YST	STAF	F DIRECTOR	REFERENCE		ACTION				
. Lloyd		Brown	1	HP	Fav/CS					
2. Gerbrandt	Gerbrandt			AHS	Recomme	end: Fav/CS				
3. Gerbrandt		Kynoc	eh e	AP	Fav/CS					

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 366 establishes the Infectious Disease Elimination Act (IDEA) and modifies section 381.0038, Florida Statutes. The bill eliminates references to the current sterile needle and syringe exchange pilot program in Miami-Dade County except to authorize its continuation until the Miami-Dade County Board of County Commissioners authorizes the program under the IDEA or July 1, 2021, whichever occurs first.

The bill allows county commissions to establish sterile needle and syringe exchange programs through the adoption of a county ordinance and satisfaction of the specified program requirements. Exchange programs must cooperate with the Department of Health (DOH) and the local county health department. Exchange programs are prohibited from using state funds; however, programs may be funded with county or municipal funds, or with private donations.

The bill provides the DOH with rulemaking authority for data collection and reporting requirements.

The bill has no fiscal impact on state government. See Section V.

The effective date of the bill is July 1, 2019.

II. Present Situation:

HIV/AIDS

The first cases of human immunodeficiency virus (HIV) were reported in 1981 and since then, approximately 77 million people have been infected with the virus. HIV is a virus that is transmitted through certain body fluids and weakens the body's immune system. Over time, the body is unable to fight off infections and disease. No effective cure currently exists but with proper medical care, it can be controlled.

HIV can eventually lead to the development of AIDS or acquired immunodeficiency syndrome.³ The term *diagnosis of HIV infection* is defined by the Centers for Disease Control and Prevention (CDC) as a diagnosis of HIV infection regardless of the state of the disease (stage 0, 1, 2, 3 (AIDS), or unknown), and refers to all person with a diagnosis of HIV infection.⁴

The CDC's *HIV Surveillance Report* compares Florida to other states, the region, and nation. For example, in the South, a year-by-year and a cumulative death rate is given from 2012 through 2016. The surveillance reports provide one-year figures that show both the rate per 100,000 in population, raw totals, three-year rolling rates, raw totals for infection rates, and death totals. Cause of death or cause for infection are also broken out by state and by certain metropolitan statistical areas (MSA)⁵. The cumulative three-year death total for the South⁶ is 134,957. An HIV infection diagnosis rate attributed to injected drug use for the period of 2012 to 2017 in the South for men is 77 and 103 for women.⁸

For 2016, 4,708 adults and adolescents in Florida, plus 18 children (those under age 13) for a total of 4,726 in 2016 were newly diagnosed with HIV in Florida. This number increased in 2017 to 4,783 newly diagnosed adults or adolescents and 17 children for a total of 4,800. The Florida

¹ Kaiser Family Foundation, *The Global HIV/AIDS Epidemic*, (Jan 28, 2019) *available at:* https://www.kff.org/global-health-policy/fact-sheet/the-global-hivaids-epidemic/ (last visited Feb. 26, 2019).

² Centers for Disease Control and Prevention, *About HIV/AIDS*, (last updated: October 31, 2018) *available at:* https://www.cdc.gov/hiv/basics/whatishiv.html (last visited Feb. 26, 2019).

³ Kaiser Family Foundation, *supra* note 1.

⁴ Centers for Disease Control and Prevention, *HIV Surveillance Report*, 2016; vol. 28 (Nov. 2017), p. 5, *available at:* https://www.cdc.gov/hiv/pdf/library/reports/surveillance/cdc-hiv-surveillance-report-2016-vol-28.pdf (last visited Feb. 26, 2019).

⁵ Formerly referred to as standard metropolitan statistical areas (SMSA).

⁶ The CDC's South Region includes Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

⁷ Centers for Disease Control and Prevention, *HIV Surveillance Report*, 2017; vol. 29 (Nov. 2018), Table 19b: Deaths of persons with diagnosed HIV infection ever classified as stage 3 (AIDS), by year of death and selected characteristics, 2012-2016 and cumulative – United State and 6 dependent areas, available at: https://www.cdc.gov/hiv/pdf/library/reports/surveillance/cdc-hiv-surveillance-report-2017-vol-29.pdf (last visited Feb. 26, 2019).

⁸ Centers for Disease Control and Prevention, *supra* note 7 at 53.

⁹ Centers for Disease Control and Prevention, *supra* note 7 at 114.

Department of Health's (DOH) annual report shows 116,944 persons of all ages living with an HIV diagnosis in Florida as of the end of the year, 2017. 10

The Miami-Ft. Lauderdale-Palm Beach MSA had the highest prevalence of newly-diagnosed individuals with HIV infection in the nation. The prevalence rate translates to a total of 53,269 individuals who have been newly diagnosed with an HIV infection. For 2017, the Miami MSA is also ranked first in the nation for HIV infection diagnoses with a total of 2,177. The table below shows the information in comparison to other Florida MSAs.

Diagnoses of HIV Infection, 2017 and Persons Living with Diagnoses HIV Infection (Prevalence) ¹²								
MSA]	Diagnosis – 201'	Prevalence of HIV					
			1	Infection, 2016				
	Number	Rate	Rank	Number	Rate			
Cape Coral-Ft. Myers	81	11.0	49	2,103	2,91.1			
Deltona-Daytona Beach-	94	14.5	29	1,804	283.3			
Ormond Beach								
Jacksonville	353	23.5	7	6,759	457.8			
Lakeland–Winter Haven	94	13.7	36	2,247	3,36.9			
Miami-Ft. Lauderdale-Palm	2,177	35.3	1	53,269	8,72.2			
Beach								
North Port-Sarasota-	83	10.3	57	1,901	2,41.1			
Bradenton								
Orlando-Kissimmee-Sanford	718	28.6	2	11,316	4,61.3			
Palm Bay-Melbourne-	55	9.3	62	14,979	2,59.0			
Titusville								
Tampa-St. Petersburg-	561	18.1	14	12,308	405.3			
Clearwater								
State ^{13,14}	4,949	24.1		116,944	568.9			
Explanation:		Per 100,000	Based on		Per 100,000			
		population	rate		population			

The vast majority of Floridians who received an HIV diagnosis in 2017 report their mode of HIV exposure as male to male contact (61 percent), followed by heterosexual contact either female (19 percent) or male (13 percent) with male and female injection drug use at 2 percent each. A combination of male-to-male contact and injection drug use was also at 2 percent. The age range with the most persons receiving an HIV diagnosis in 2017 was between 20 and 29 (30 percent) followed closely by ages 30 to 39 (27 percent). In 2017, males were much more likely to

¹⁰ Florida Dep't of Health, *Persons Living with an HIV Diagnosis in Florida*, 2017, available at: http://www.floridahealth.gov/diseases-and-conditions/aids/surveillance/documents/fact-sheet/FloridaFactsheet_20180830.pdf (last visited Feb. 12, 2019).

¹¹ Centers for Disease Control and Prevention, *supra* note 7 at 121.

¹² Florida Dep't of Health, *supra* note 10.

¹³ Florida Dep't of Health, flhealthcharts.com, HIV Cases, available at:

<u>http://www.flhealthcharts.com/charts/OtherIndicators/NonVitalHIVAIDSViewer.aspx?cid=0471</u>, (report generated on Feb. 12, 2019).

¹⁴ Florida Dep't of Health, flhealthcharts.com, *Persons Living with HIV (PLWH), available at:* http://www.flhealthcharts.com/charts/OtherIndicators/NonVitalHIVAIDSViewer.aspx?cid=0471 (report generated on Feb. 12, 2019)

¹⁵ Centers for Disease Control and Prevention, *supra* note 7.

¹⁶ Centers for Disease Control and Prevention, *supra* note 7.

receive an HIV diagnosis than a female, by more than three to one. Males represented 78 percent of the HIV diagnoses and females 22 percent.¹⁷

HIV Diagnosis in Florida, 2016 and 2017 ¹⁸ (Based on CDC Surveillance Reports)										
	2016 2017 (preliminary data)									
								Child Rate*	Total Rate	
Florida	4,708	26.6	18	0.6	4,783	26.6	17	0.6	22.9	
National 40,012 14.6 130 0.2 38,640 14.0 99 0.2 11										
*Rates are per 100,000 population.										

On the continuum of HIV/AIDS care, an individual can move from receiving an initial diagnosis to a virally suppressed status. In Florida for 2017, 25 percent of those living with an HIV diagnosis were not in care.

2017 – Florida's Continuum of Care ¹⁹ From the beginning (a diagnosis to viral suppression)										
Status Living with Ever in Care In Care Retained in Vir										
HIV				Care	Suppressed					
	Diagnosis									
Florida	116,944	108,461	87,184	79,831	71,955					
% of Whole	100%	93%	75%	68%	62%					
Documented care			Less than or equal to 1 medical visit	Less than or equal to 2 medical visits	Suppression of HIV viral load					
			for HIV in 2017	for HIV in 2017;	as measured by					
				greater than 3 mos.	level of virus					
				apart in 2017	in blood.					

The CDC recommends that anyone at increased risk of an HIV infection,²⁰ including injection drug users (IDUs), undergo HIV testing at least annually. Individuals between the ages of 13 and 64 who are not at risk should be tested for HIV at least once as part of their normal health care routine.²¹

National HIV/AIDS Strategy

Additionally, the CDC has four strategy goals aimed at achieving its overall mission:

¹⁷ Centers for Disease Control and Prevention, *supra* note 7.

¹⁸ Centers for Disease Control and Prevention, *supra* note 4.

¹⁹ Florida Dep't of Health, *supra* note 12.

²⁰ Those at increased risk for HIV include: men who have sex with men; individuals who have sex with an HIV-positive partner; individuals who have had more than one sexual partner since their last HIV test; individuals who have injected drugs and shared needles or the water or cotton with others; individuals who have been treated for hepatitis or tuberculosis; individuals who have traded sex for money; individuals who have been treated for another sexually transmitted disease; or individuals who have had sex with someone who can answer yes to any of the above questions or whose sexual history is unknown. *See* Centers for Disease Control and Prevention, *HIV Risk Reduction Tool, available at:* https://wwwn.cdc.gov/hivrisk/how_know/testing.html (last visited Feb. 13, 2019).

²¹ Centers for Disease Control and Prevention, *Testing*, *available at*: https://www.cdc.gov/hiv/basics/testing.html (last visited Feb. 13, 2019).

The United States will become a place where new HIV infections are rare and when they do occur, every person, regardless of age, gender, race/ethnicity, sexual orientation, gender identity or socio-economic circumstance, will have unfettered access to high quality, life extending care, free from stigma and discrimination.²²

The mission is supported by four strategy goals that focus on reducing the number of new infections, increasing access to care, reducing health disparities and inequities, and achieving a more coordinated response. The 13 national HIV indicators include three that were identified as under development. The 10 other national indicators are:

- Increase the percentage of people living with HIV who know their status to at least 90 percent.
- Reduce the number of new diagnoses by 25 percent.
- Reduce the percentage of young gay and bisexual men who have engaged in HIV-risk behaviors by 10 percent.
- Increase the percentage of newly-diagnosed persons who are linked to HIV medical care within one month after HIV diagnosis to at least 85 percent.
- Increase the percentage of persons with diagnosed HIV infection who are retained in medical care (two or more visits at least 3 months apart) to at least 90 percent.
- Increase the percentage of persons who are virally suppressed to at least 80 percent.
- Reduce the percentage of persons in HIV medical care who are homeless to no more than 5 percent.
- Reduce the death rate among persons with diagnosed HIV infection by at least 33 percent.
- Reduce disparities in the rate of new diagnoses by at least 15 percent in the following groups: gay and bisexual men, young black and bisexual men, black females, and persons living in the southern United States.
- Increase the percentage of youth and persons who inject drugs with diagnosed HIV infections who are virally suppressed to at least 80 percent.²³

Twenty-eight federal offices under the coordinating efforts of the Office of the National AIDS Policy in the White House and the Director of the Health and Human Services Office of HIV/AIDS and Infectious Disease Policy work to implement the National HIV/AIDS Strategy. The coordinating group meets on a regular basis to provide feedback and advice, review outcomes, and discuss research findings. The first set of policies was released in 2010 and the most recent list of 13 was updated in 2015 with its goals set for 2020.²⁴

²² United States Dep't of Health and Human Services, Secretary's Minority AIDS Initiative Fund, The Office of National AIDS Policy, *National HIV/AIDS Strategy, available at:* https://www.hiv.gov/federal-response/national-hiv-aids-strategy/overview (last visited Feb. 26, 2019).

²³ United States Dep't of Health and Human Services, *supra* note 22.

²⁴ United States Dep't of Health and Human Services, Secretary's Minority AIDS Initiative Fund, *Strategy Implementation*, available at: https://www.hiv.gov/federal-response/national-hiv-aids-strategy/strategy-implementation (last visited Feb. 14, 2019)

Florida IDEA Pilot Program

In 2016, the Miami-Dade Infectious Disease Elimination Act (IDEA)²⁵ was enacted by the Legislature and implemented by the University of Miami as a sterile needle and syringe exchange pilot program. The pilot program is prohibited by state law from accepting public funds. The pilot program currently receives funds from the Gilead COMPASS Initiative (Commitment to Partnership in Addressing HIV/AIDS in Southern States)²⁶ to support the program's screening component.²⁷ Funding is also obtained through grants from the MAC AIDS Fund, the Elton John AIDS Foundation, the Fishman Family Foundation, the Comer Family Foundation, and the Health Foundation of South Florida.²⁸

Needle and syringe exchange programs provide sterile needles and syringes in exchange for used needles and syringes to reduce the transmission of human immunodeficiency virus (HIV) and other blood-borne infections associated with the reuse of contaminated needles and syringes by IDUs. Florida's IDEA pilot program in Miami-Dade provides one-for-one needle exchange as well as prevention services at its main site and on its mobile unit. Services include providing basic wound care, bandages, antibiotics, sanitizers, and condoms. Rapid and anonymous testing for HIV and Hepatitis C is also offered at both the main site and on its mobile unit. For those that need referrals to rehabilitation and treatment, the pilot program will provide assistance linking individuals with community stakeholders who can provide those services.²⁹

In addition to the services above, the pilot program offers two different kits. One is a *Safe Injection Pack* which is intended to reduce the need for sharing of needles and other related items, which the program hopes will lead to a decrease in the spread of HIV and Hepatitis C. The kit includes cottons, cookers, ties, sterile water, alcohol swabs, and portable sharps containers. The other kit is the *Naloxone Pack*, which includes Narcan, a prescription medication used to treat drug overdoses.³⁰

According to its August 1, 2018 annual report, the IDEA pilot program has:

- Enrolled over 800 participants.
- Exchanged 173,532 clean needles for 186,167 used needles.
- Distributed over 1.300 boxes of Narcan.
- Made 682 overdose referrals.
- Administered 600 HIV tests and 500 Hepatitis C tests.
- Added five mobile sites with 141 enrollees.

²⁵ Chapter 2016-68, Laws of Fla., (amending s. 381.0038, F.S, effective July 1, 2016).

²⁶ COMPASS Initiative, Who We Are, available at: https://www.gileadcompass.com/whoweare/ (last visited Feb. 12, 2019).

²⁷ Sammy Mack, New HIV Cases and an Investigation on a Closed Street: Doctor Explains Situation under 836 Overpass HEALTHNEWS FLORIDA (Nov. 8, 2018), available at: http://health.wusf.usf.edu/post/new-hiv-cases-and-investigation-closed-street-doctor-explains-situation-under-836-overpass#stream/0 (last visited Feb. 12, 2019).

²⁸ University of Miami Miller School of Medicine, *Senator Bill Nelson Tours Miller School's Needle Exchange, Sees Opioid Epidemic First Hand* (July 16, 2018), *available at:* http://med.miami.edu/news/senator-bill-nelson-tours-miller-schools-needle-exchange-sees-opioid-epidem (last visited Feb. 12, 2019).

²⁹ IDEA Exchange, *Services*, http://ideaexchangeflorida.org/services/ (last visited Feb. 26, 2019).

³⁰ *Id*.

• Been selected as one of two international site for a multi-year grant, which will allow 250 random patients to receive a direct-acting anti-viral medication on site.³¹

The IDEA pilot program annual report also notes that during the first half of the 2017, there were 133 fatal overdoses compared with 217 for the second half of 2016. The overall death rate in Miami-Dade related to HIV/AIDS has also lowered while the pilot program has been in operation.³²

Intravenous Drug Use in Florida

At the end of 2016, there were a total of 114,772 diagnosed persons living with HIV in Florida.³³ The modes of exposure for adults (age 13 and above) in 2016 are shown in the table below.

Adult (Age 13+) Diagnosed Persons Living with HIV, Year End 2016, Florida ³⁴					
Mode of Exposure	Male	Female			
	Count (%)	Count (%)			
Men who have sex with Men	56,829 (69%)	NA			
(MSM)					
Injection Drug Use	5,300 (6%)	3,977 (13%)			
Heterosexual Contact	15,625 (19%)	26,894 (85%)			
Other Risk	775 (1%)	874 (3%)			
State Total:	82,863	31,745			

During this same time period, the state's total number of deaths from HIV was 864. This is a decrease over a nine-year period from 1,526 in 2007 to 864 in 2016.³⁵ However, within these rates there are differences between races and ethnicities. For example, the age-adjusted death rate due to HIV was nine times higher for non-Hispanic blacks compared to non-Hispanic whites. Among non-Hispanic blacks, the age-adjusted resident death rate due to HIV decreased by 56 percent from 2007, decreased by 49 percent for non-Hispanic whites, Hispanics by 58 percent, and other races by 55 percent.³⁶

³¹ Miami-Dade County Commission Agenda Item, *Resolution Urging the Florida Legislature to Authorize Additional Institutions to Collaborate with the University of Miami in the Operation of the Miami-Dade Infectious Disease Elimination Act Needle and Syringe Exchange Pilot Program, Agenda Item 11(A)(19)* (September 5, 2018), available at: http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2018/181939.pdf (last visited Feb. 26, 2019).

³³ Florida Dep't of Health, *FL HealthCHARTS.com Statistical Brief, HV Trends in Florida 2007 through 2016* (July 2018), available at: http://www.flhealthcharts.com/charts/StatisticalBriefs.aspx (last visited Feb. 26, 2019).

³⁴ *Id*.

³⁵ *Id*.

³⁶ *Id*.

Resident Deaths Due to HIV by Count and Rate per 100,000 Population, 2007-2016, Florida ³⁷										
Year	White Black Non-Hispanic Non-Hispan			Hisp	anic	Other ³⁸		State Total		
	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
2007	389	3.5	917	35.3	202	5.3	18	2	1,526	8.3
2016	244	1.8	482	15.7	112	2.2	26	0.9	864	3.9

A study conducted at the University of Miami and Jackson Health System from July 1, 2013, through June 30, 2014, reviewed the charts of patients hospitalized for injection drug use-related infections.³⁹ Records from the emergency room and inpatient hospitalizations were researched for drug abuse and use, infection, and hospitalization during this time period. The findings over the 12-month period included:

- 349 IDUs hospitalized with 423 total admissions for injection-related infections.
 - o 59 percent abused cocaine.
 - o The median hospital charge for an injection-related infection was \$39,896 with a range in claims from \$14,158 to \$104,912.
- Only 8 percent of the population had private insurance; 41 percent had Medicaid, 15 percent had Medicare, and 36 percent were uninsured.
- Of those hospitalized, 64 percent had skin and soft tissue infections resulting from dirty or unsterile needles.
- Opiate abuse was diagnosed in 37 percent of patients. 40

The study notated above occurred prior to the implementation of Miami-Dade's needle exchange pilot program. A group of doctors found that at Jackson Memorial Hospital the total costs over one year from hospitalizations relating to bacterial infections linked to using dirty needles cost \$11.4 million.⁴¹

Florida Comprehensive Drug Abuse Prevention and Control Act⁴²

In Florida, the term "drug paraphernalia" is defined as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of ch. 893, F.S., or s. 877.111, F.S.⁴³

³⁷ *Id*.

³⁸ Other includes American Indian/Alaska Native, Asian/Pacific Islander, and multi-racial.

³⁹ Hansel Tookes, Chanelle Diaz, et al., *A Cost Analysis of Hospitalizations for Infections Related to Drug Use at a County Safety-Net Hospital in Miami, Florida,* (2015), PLOS ONE 10(6): e0129360, *available at*: https://doi.org/10.1371/journal.pone.0129360 (last visited February 12, 2019).

⁴¹ Christine Dimattei, *Miami Doctor Behind Florida's New Needle-Exchange Programs Says It Will Save Lives, (WLRN radio broadcast March 30, 2016), transcript available at:* http://www.wlrn.org/post/miami-doctor-behind-floridas-new-needle-exchange-program-says-it-will-save-lives.

⁴² Chapter 893, F.S.

⁴³ Section 893.145, F.S.

Section 893.147, F.S., regulates the use or possession of drug paraphernalia. Currently, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia:

- To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of ch. 893, F.S.; or
- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of ch. 893, F.S.

Any person who violates this provision commits a first degree misdemeanor.⁴⁴

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

- To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of the Florida Comprehensive Drug Abuse Prevention and Control Act; or
- To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Florida Comprehensive Drug Abuse Prevention and Control Act.

Any person who violates this provision commits a third degree felony.⁴⁵

A court or jury is required to consider a number of factors in determining whether an object is drug paraphernalia, such as proximity of the object in time and space to a controlled substance, the existence of residue of controlled substances on the object, and expert testimony concerning its use.⁴⁶

Safe Sharps Disposal

Improperly discarded sharps pose a serious risk for injury and infection to sanitation workers and the community. "Sharps" is a medical term for devices with sharp points or edges that can puncture or cut the skin. ⁴⁷ Examples of sharps include:

- Needles: hollow needles used to inject drugs or medications under the skin.
- Syringes: devices used to inject medication into or withdraw fluid from the body.
- Lancets, also called finger stick devices: instruments with a short, two-edged blade used to get drops of blood for testing.
- Auto injectors: includes epinephrine and insulin pens or syringes with pre-filled fluid medication designed to be self-injected into the body.
- Infusion sets: tubing systems with a needle used to deliver drugs to the body.

⁴⁴ A first degree misdemeanor is punishable by up to 1-year imprisonment in a county jail, a fine of up to \$1,000, or both. *See* ss. 775.082 and 775.083, F.S.

⁴⁵ A third degree felony is punishable by up to 5 years in state prison, a fine not to exceed \$5,000, or both. *See* ss. 775.082 and 775.083, F.S.

⁴⁶ Section 893.146, F.S.

⁴⁷ United States Food and Drug Administration, *Safely Using Sharps* (page last updated August 30, 2018), *available at:* https://www.fda.gov/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/Sharps/default.htm, (last visited Feb. 13, 2019).

 Connection needles/set: needles that connect to a tube used to transfer fluids in and out of the body.⁴⁸

Used needles and other sharps pose a dangerous risk to people and animals if not properly disposed of, as they can spread disease and cause injury. The most common infections are Hepatitis B (HBV), Hepatitis C (HCV), and HIV.⁴⁹

A National HIV Behavioral Surveillance Report on HIV Infection, Risk, Prevention, and Testing Behaviors among Persons Who Inject Drugs, conducted in 20 cities in 2015, produced data from 10,485 participants, including participants from Miami and was released in 2016. Approximately one third of the participants reported using a syringe used by someone else with 25 percent indicating that the syringe had been used by an HIV-positive IDU. Fifty-two percent of the respondents indicated they had received syringes from a syringe services program or syringe exchange program during the past 12 months; however the range of participation varied greatly with the HIV-negative group by city, from 2 percent to 90 percent. ⁵⁰

For the Miami site, 412 participants, or 88.6 percent of the survey respondents, indicated they had had at least one HIV test performed. Of those that had an HIV test performed, 300 participants, or 64.5 percent, had most recently had a test within the past 12 months, as recommended by the CDC. The national averages in the report were 91.4 percent had ever had a test done and 57.1 percent had done so within the past 12 months.

Safe disposal of syringes is also an important component to decrease the number of accidental transmission of infections and the re-use of spoiled syringes. Only 18 percent of IDUs reported the use of safe disposal methods for used syringes. The U.S. Food and Drug Administration's guidelines for disposal are to never place loose needles or other sharps in household or public trashcans or recycling bins, and to never flush them down toilets.⁵¹ Many Florida counties and municipalities have their own sharps disposal programs through their respective county health departments.⁵²

Needle and Syringe Exchange Programs in Other States

Sixteen other states have passed laws authorizing needle and syringe exchanges.⁵³ California has passed legislation permitting the sale of syringes and needles as non-prescription items for

⁴⁸ *Id*.

⁴⁹ *Id*.

⁵⁰ Centers for Disease Control and Prevention, *HIV Infection, Risk, Prevention, and Testing Behaviors among Persons Who Inject Drugs—National HIV Behavioral Surveillance: Injection Drug Use, 20 U.S. Cities, 2015*, HIV Surveillance Special Report 18, Revised edition, *available at:* http://www.cdc.gov/hiv/library/reports/hiv-surveillance.html (Published May 2018) (last visited Feb. 27, 2019).

⁵¹ U.S. Food and Drug Administration, *Do's and Don'ts – Safe Disposal of Needles and Other Sharps Used at Home, Work, or While Traveling, available at:*

https://www.fda.gov/downloads/MedicalDevices/ProductsandMedicalProcedures/HomeHealthandConsumer/ConsumerProducts/Sharps/UCM278775.pdf (last visited February 13, 2019).

⁵² Florida Dep't of Health, A Safe Way to Throw Away Needles, available at: http://www.floridahealth.gov/environmental-health/biomedical-waste/_documents/HomeDisposal.pdf (last visited Feb. 26, 2019).

⁵³ Centers for Disease Control and Prevention, *Access to Clean Syringe – Improving Access to Prevent Spread of HIV and HCV, available at:* https://www.cdc.gov/policy/hst/hi5/cleansyringes/index.html (last visited February 11, 2019).

personal use if sold by a pharmacy, doctor, or by an authorized syringe exchange program.⁵⁴ As of January 1, 2015, California removed the prior limits on the number of the non-prescription sale of hypodermic needles and syringes by pharmacies and physicians that an adult may purchase and possess.⁵⁵

Louisville, Kentucky, has a syringe exchange program operated by Volunteer America in a mobile RV that also provides wound supplies, safe injection supplies, biohazard containers/sharps containers, HIV/HCV testing and referrals for care, naloxone testing and referrals for care, safe injection education, and referrals for drug treatment, medical care, and community resources. Kentucky's program also permits local health departments to operate outreach programs whereby individuals can exchange used hypodermic needles and syringes for clean needles and syringes. 7

The Kentucky guidelines also discuss the different syringe and needle exchange transaction models:

- Needs Based Negotiation: The program does not set a limit on the number of syringes a participant can receive regardless of the number of returned syringes. The number of new, sterile syringes given out is based on the participant's need, frequency of injection, and the length of time until the participant can next visit the program. Some programs may place an upper limit on the number of sterile syringes distributed per individual.
- Strict One-for-One Exchange: Provides the participant with the exact same number of sterile syringes as the participant brings in for disposal. If the participant did not bring in any syringes or needles, the participant would not receive any new, sterile syringes or needles in return.
- One-for-One-Plus Exchange: Modifies the strict one-for-one exchange by providing a predetermined number of needles that can be obtained beyond the one-for-one ratio. A voucher system could also be used for the additional syringes or needles.⁵⁸

In Maine, the Church of Safe Injection distributes free supplies, including syringes and Narcan, a drug that can reduce an opioid overdose. The Church of Safe Injection operates in several states and is one of six programs certified in Maine.⁵⁹ It is also illegal in Maine to possess hypodermic

⁵⁴ California Department of Public Health, Office of AIDS, Fact Sheet – For Syringe Exchange Programs and Law Enforcement, Non-Prescription Sale and Provision of Syringes (January, 2017), available at: https://www.cdph.ca.gov/Programs/CID/DOA/CDPH%20Document%20Library/Fact%20Sheet%20-%20What%20the%20Law%20Says_ADA.pdf (last visited Feb. 11, 2019).

⁵⁵ California Department of Public Health, Office of AIDS, *California Legal Code Related to Access to Sterile Needles and Syringes* (updated January 2017), *available at:*

 $[\]frac{https://www.cdph.ca.gov/Programs/CID/DOA/CDPH\%20Document\%20Library/CA\%20Legal\%20Code\ Jan\%202017\ AD\ A.pdf.$

⁵⁶ Louisville, Kentucky Office of Addiction Services, *Syringe Exchange, available at*: https://louisvilleky.gov/sites/default/files/health_and_wellness/educationalmaterials/2017julysepbrochure2.pdf (last visited Feb. 11, 2019).

⁵⁷ Kentucky Public Health, *Kentucky Harm Reduction and Syringe Exchange Program (HRSEP)* Guidelines for Local Health Departments Implementing Needle Exchange Programs (May 11, 2015), *available at:* https://louisvilleky.gov/sites/default/files/health_and_wellness/clinics/2015_kydph_hrsep_guidelines_long_version.pdf (last visited Feb. 11, 2019).

⁵⁸ *Id*.

⁵⁹ Deborah Becker, 'Church of Safe Injection' Offers Needles, Naloxone to Prevent Opioid Overdoses, NPR.org, available at: https://www.npr.org/sections/health-shots/2019/02/12/693653562/church-of-safe-injection-offers-needles-naloxone-to-

needles unless you are a certified needle exchange.⁶⁰ For the time period of November 2014, through October 2015, Maine's six certified sites collected 545,475 contaminated needles from 4,264 individuals. Maine state law and administrative rule, requires certified needle exchange sites to only exchange needles on a strict one-for-one exchange policy up to ten needles at a time, to individuals age 18 and older who are enrolled in the program.⁶¹

Federal Status of Needle Exchange Programs

Syringe service programs are described as an effective component of a comprehensive, integrative approach to a community-based HIV prevention program in CDC and U.S. Department of Health and Human Services guidance documents. ⁶² On December 23, 2011, President Barack Obama signed the 2012 omnibus spending bill that reinstated a 1988 ban on the use of federal funds for sterile needle or syringe programs, which reversed the 111th Congress' 2009 decision to allow federal funds to be used for such programs. ⁶³ However, on December 18, 2015, President Obama signed the Consolidated Appropriations Act of 2016 (Pub. L. 114-113), which modified the restriction on the use of federal funds for needle exchange programs for persons who inject drugs to allow the use of federal funds for certain services. ⁶⁴

The Consolidated Appropriations Act of 2016 allows:

SEC. 520. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.⁶⁵

Additionally, under the Consolidated Appropriations Act of 2016, needle exchange programs must be part of a comprehensive service program that includes:

• Comprehensive sexual and injection risk reduction counseling.

<u>prevent-opioid-overdoses?utm_medium=RSS&utm_campaign=shotshealthnews</u> (February 12, 2019) (last visited Feb 12, 2019).

⁶⁰ *Id*.

⁶¹ State of Maine, Dep't of Human Services, Maine Center for Disease Control and Prevention, Chapter 252: Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, *available at:*

https://www.maine.gov/dhhs/mecdc/infectious-disease/hiv-std/provider/documents/nep-rules.pdf (last visited Feb. 14, 2019).

⁶² Centers for Disease Control and Prevention, *Syringe Services Programs, available at:* https://www.cdc.gov/hiv/risk/ssps.html (last visited Feb. 13, 2019).

⁶³ Centers for Disease Control and Prevention, *U.S. Department of Health and Human Services Implementation Guide to Support Certain Component of Syringe Services Programs*, 2016, (Mar. 29, 2016), available at: https://www.cdc.gov/hiv/pdf/risk/hhs-ssp-guidance.pdf, (last visited Feb. 13, 2019).

⁶⁴ *Id*.

⁶⁵ *Id*.

• HIV, viral hepatitis, other sexually transmitted diseases, and tuberculosis screening, prevention care and treatment services, and referral and linkage to HIV, viral hepatitis A virus, and human papillomavirus vaccinations.

- Referral to integrated and coordinated substance abuse disorder services, mental health services, physical health care services, social services, and recovery support services.
- Provision of naloxone to reverse opioid overdoses.
- Provision of sterile needles, syringes, and other drug preparation equipment purchased with non-federal funds and disposal services.⁶⁶

While the federal government does continue to prohibit the use of federal funds to purchase sterile needles and syringes for exchange programs, it does allow the use of federal funds by the state or local health department for other needs⁶⁷ of such programs. In order to receive such funds from the Department of Health and Human Services, a state must first consult with the CDC and provide evidence that its jurisdiction is experiencing or is at risk for significant increases in hepatitis infections or an HIV outbreak due to injection drug use.⁶⁸ As of February 6, 2019, 37 states, the District of Columbia, one territory, six counties, and one city have demonstrated adequate need, according to federal law, and are thereby authorized to use federal funds to purchase needles or syringes.⁶⁹

Federal Law Exemption

Any person authorized by local, state, or federal law to manufacture, possess, or distribute drug paraphernalia is exempt from the federal drug paraphernalia statute.⁷⁰

III. Effect of Proposed Changes:

Section 1 provides that the act may be cited as the "Infectious Disease Elimination Act (IDEA)."

Section 2 amends subsection (4) of section 381.0038, F.S., to authorize sterile needle and syringe exchange programs in counties other than Miami-Dade rather than limiting such programs to a single pilot program at the University of Miami.

The bill allows a county commission to authorize a sterile needle and syringe program within its county boundaries. The program may operate at one or more fixed or mobile locations. The bill prohibits a needle and syringe exchange program from being established unless authorized by the county commission through a county ordinance.

The stated goal for a sterile needle and syringe exchange program must be the prevention of disease transmission. The bill defines an "exchange program" as a sterile needle and syringe program established by a county commission.

⁶⁷ Other needs include personnel, virus testing, syringe disposal services, naloxone provisions, condom dissemination, outreach activities, and educational materials.

⁷⁰ 21 U.S.C. § 863(f)(1).

⁶⁶ *Id*.

⁶⁸ U.S. Department of Health and Human Services, *supra* note 62.

⁶⁹ Centers for Disease Control and Prevention, *Syringe Service Program Determination of Need*, (Feb. 8, 2019) *available at:* https://www.cdc.gov/hiv/risk/ssps-jurisdictions.html (last visited Feb. 13, 2019).

Before a program can be established, a county commission must complete a number of steps:

- Authorize the program through a county ordinance.
- Enter into a letter of agreement with the Department of Health (DOH) in which the county commission agrees that any needle and syringe exchange program will operate in accordance with the provisions of the IDEA.
- Enlist the local county health department to provide ongoing advice, consultation, and recommendations for the operation of the program.
- Contract with one of the following entities to operate the program:
 - o A hospital licensed under chapter 395;
 - o A health care clinic licensed under part X of chapter 400;
 - A medical school in Florida accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation;
 - o A licensed addictions receiving facility as defined in s. 397.311, F.S.⁷¹; or
 - o A 501(c) (3) HIV/AIDS service organization.

An exchange program is required to:

- Develop an oversight and accountability system with measurable objectives to track the program's progress towards its goals and report routinely to the county commission and the DOH.
- Incorporate into its accountability system mechanisms to address issues of compliance or noncompliance with contractual obligations.
- Provide for maximum security of sites where needles and syringes are exchanged as with the current pilot program, including an accounting of the number of needles and syringes in use, the number in storage, safe disposal of returned needles, and other measures.
- Operate a one-to-one exchange; however, a waiver of this requirement may be granted under exigent circumstances.
- Require the program operator to offer educational materials whenever needles or syringes are exchanged.
- Provide onsite counseling or referrals for drug abuse prevention, education, and treatment, and provide onsite HIV and viral hepatitis screening, and, if such services are not provided onsite, referrals for same services must be available within 72 hours of a referral. The county commission may adjust the 72-hour time period in rural areas if the availability of providers warrants such an adjustment.
- Provide kits containing an emergency opioid antagonist, as defined in s. 381.887, F.S. ⁷², or provide referrals to a program that can provide a kit.
- Collect data for annual reporting purposes, including the number of people served, services
 provided, types of services provided, and number of needles and syringes exchanged and
 received.

⁷¹ Section 397.311(26)(a)1., F.S., defines a licensed addictions receiving facility as a secure, acute care facility that provides, at a minimum, detoxification and stabilization services; is operated 24 hours per day, 7 days per week; and is designated by the Florida Department of Children and Families to serve individuals found to be substance abuse impaired as described in s. 397.675, F.S., who meet the placement criteria for this component.

⁷² Section 381.887(1)(d), F.S., defines an emergency opioid antagonist as naloxone hydrochloride or any similarly acting drug that block the effects of opioids administered from outside the body and that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose.

• Submit a report to its county commission and to the DOH annually by August 1st.

The DOH is required to compile annual reports of exchange programs and submit the compilation report to the Governor, President of the Senate, and the Speaker of the House of Representatives annually by October 1st. The bill provides the DOH with rulemaking authority for the parameters for data collection and reporting.

Immunity is provided, notwithstanding chapter 893 or any other law, to any program staff member, volunteer, or participant, from criminal prosecution for possession of a needle or syringe that is obtained or surrendered as part of this program. The extension of this immunity protects volunteers, staff members, or participants who are handling needles and syringes that are being turned in or exchanged pursuant to the terms of the program.

The bill prohibits an exchange from using state funds to operate; however, programs may be funded with county or municipal funds, or with private resources.

The bill provides that a law enforcement officer who acts in good faith by arresting or charging an individual with a needle or syringe who is thereafter found to be immune from prosecution is granted immunity from any civil liability that may be incurred because of the officer's actions.

Section 3 authorizes the continued operation of the Miami-Dade pilot program, as authorized under chapter 2016-68, Laws of Florida, until the Miami-Dade County Board of County Commissioners establishes an exchange program under this act or until July 1, 2021, whichever occurs first.

Section 4 contains a severability clause so that if any provision of the act is found to be invalid, that invalidity does not affect the ability of the other provisions of the act to go into effect. If that provision is severed, the other provisions of this act can be given effect.

Section 5 provides an effective date of July 1, 2019.

IV. Constitutional Issues:

Α.

	' '
	None.
B.	Public Records/Open Meetings Issues:
	None.
C.	Trust Funds Restrictions:

Municipality/County Mandates Restrictions:

D. State Tax or Fee Increases:

None.

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Areas that elect to participate in this program may see a reduction in the number of infectious diseases consistent with the results seen in the pilot program in Miami-Dade County.

C. Government Sector Impact:

Local governments may elect to provide funding for a sterile needle and syringe program; however, the bill specifically prohibits the use of state funding. The program is voluntary and requires the county commission to opt-in through adoption of an ordinance and satisfaction of statutory requirements. There is no requirement for any minimum funding level.

Local law enforcement are also impacted as the bill provides limited immunity to program staff, volunteers, and participants who are in possession of a syringe or needle that was obtained through the program or was surrendered to the program. If the syringe or needle was obtained in this manner, then the individual may be immune from prosecution under chapter 893, Florida Statutes, Florida's drug abuse prevention and control law.^{73,74}

Additionally, for those local governments that elect to participate, they may see a reduction in other health care expenditures related to the treatment of blood-borne diseases associated with intravenous drug use. For example, local governments pay a portion of costs for some patients with AIDS who are enrolled in Medicaid, the AIDS

⁷³ Under s. 893.147(3)(b), F.S., it is unlawful for any person to sell or otherwise deliver hypodermic syringes, needles, or other objects which may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian or by a pharmacist pursuant to a valid prescription for same. Any person who violates the provisions of this paragraph is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For a misdemeanor of the first degree, it may be punishable by a term of imprisonment of not more than one year or a fine of not more than \$1,000.

⁷⁴ Section 893.145, F.S. defines drug paraphernalia as all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to...(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

Drug Assistance Program, and the AIDS Insurance Continuation Program. The lifetime cost per individual for HIV treatment is estimated to be \$379,668 in 2010 dollars.⁷⁵

Studies of the New York City needle syringe exchange program showed an estimated savings of \$1,300 to \$3,000 per individual per year and a drop in the HIV prevalence rate from 50 percent to 17 percent in the time period of 1990 to 2002.⁷⁶

In 2015, for those who do not have insurance and for whom the hospital or other local charity programs or local government must pay, a study that involved the Miami-Dade area found that the median hospital charge for an injection-related infection was \$39,896 with a range in claims from \$14,158 to \$104,912.⁷⁷

The DOH is required to enter into a letters of agreement with any county commission that elects to establish an exchange program, in which the county agrees that the program will abide by all of the provisions of the IDEA. The DOH must collect annual data from each exchange program for the compilation of the annual report for submission to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

A county commission must also enlist its county health department to provide ongoing advice, consultation, and recommendations for the program. The local county health department could play an ongoing advisory and oversight role in the program.

The bill prohibits the use of any state funds to operate an exchange program. In 2017, the DOH questioned how it could effectively administer the program, promulgate rules or complete any comprehensive reports without using any state funds (i.e. through the use of department staff and salary). The bill authorizes, but not require the DOH to promulgate rules related to the collection of data and the compilation of the annual report.

VI. Technical Deficiencies:

None

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.0038 of the Florida Statutes.

⁷⁵ Centers for Disease Control, *Improving access to prevent the spread of HIV and HCV*, (page last updated Aug. 5, 2016) *available at* https://www.cdc.gov/policy/hst/hi5/cleansyringes/index.html (last visited Feb. 25, 2019).

⁷⁷ Hansel Tookes, Chanelle Diaz, et al., *Supra* note 46.

⁷⁸ Florida Dep't of Health, *Senate Bill 800 Analysis* (November 13, 2017) (on file with Senate Committee on Health Policy).

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Appropriations on March 27, 2019:

The committee substitute clarifies the types of entities that a county commission can contract with to operate a sterile needle and syringe exchange program, including a Florida medical school accredited by the Liaison Committee on Education or the Commission on Osteopathic College Accreditation.

CS by Health Policy on February 19, 2019:

The CS modifies the sterile needle and syringe exchange program and provides a process by which a county commission may authorize an exchange program. A program's goal of disease prevention is specifically stated. The CS also defines the term "exchange program" as a sterile needle and syringe exchange program established by a county commission and provides that an exchange program may not operate unless it has been approved by the county commission in accordance with the IDEA.

The CS provides specific requirements for the county commission before an exchange program may be established. Those requirements for the county commission include specific adoption of a county ordinance approving the program, approval of the program's needle and syringe exchange program operator, coordination with the DOH and county health department, and development of an accountability and tracking system.

Exchange programs have several operational requirements under the CS including:

- Operate a one-to-one exchange; however, the CS permits the county commission to grant a waiver of this requirement for exigent circumstances.
- Offer educational materials to program participants whenever needles or syringes are exchanged.
- Provide onsite counseling or referrals for drug abuse prevention, education, treatment, and provide onsite HIV and viral hepatitis screening or referrals. If not available on site, must be available within 72 hours. The CS also provides for a rural exception if providers are not readily available.
- Provide kits or refer to a program that can provide the kits containing an opioid antagonist.
- Collect and submit data to the county commission and the DOH.

The CS also recognizes the existence of the pilot program in Miami-Dade County and authorizes its continuation until the Miami-Dade County Board of County Commissioners establishes an exchange program as defined under the IDEA or until July 1, 2021, whichever occurs first.

ט	Ameno	ımanıtaı

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

Select Year: 2019 **✓** Go

The 2019 Florida Statutes

<u>Title XXIX</u> <u>Chapter 381</u> <u>View Entire Chapter</u>

PUBLIC HEALTH: GENERAL PROVISIONS

381.0038 Education; sterile needle and syringe exchange programs.—The Department of Health shall establish a program to educate the public about the threat of acquired immune deficiency syndrome.

- (1) The acquired immune deficiency syndrome education program shall:
- (a) Be designed to reach all segments of Florida's population;
- (b) Contain special components designed to reach non-English-speaking and other minority groups within the state;
- (c) Impart knowledge to the public about methods of transmission of acquired immune deficiency syndrome and methods of prevention;
 - (d) Educate the public about transmission risks in social, employment, and educational situations;
- (e) Educate health care workers and health facility employees about methods of transmission and prevention in their unique workplace environments;
- (f) Contain special components designed to reach persons who may frequently engage in behaviors placing them at a high risk for acquiring acquired immune deficiency syndrome;
 - (g) Provide information and consultation to state agencies to educate all state employees;
- (h) Provide information and consultation to state and local agencies to educate law enforcement and correctional personnel and inmates;
 - (i) Provide information and consultation to local governments to educate local government employees;
- (j) Make information available to private employers and encourage them to distribute this information to their employees;
 - (k) Contain special components which emphasize appropriate behavior and attitude change; and
- (l) Contain components that include information about domestic violence and the risk factors associated with domestic violence and AIDS.
- (2) The education program designed by the Department of Health shall use all forms of the media and shall place emphasis on the design of educational materials that can be used by businesses, schools, and health care providers in the regular course of their business.
- (3) The department may contract with other persons in the design, development, and distribution of the components of the education program.
- (4) A county commission may authorize a sterile needle and syringe exchange program to operate within its county boundaries. The program may operate at one or more fixed locations or through mobile health units. The program shall offer the free exchange of clean, unused needles and hypodermic syringes for used needles and hypodermic syringes as a means to prevent the transmission of HIV, AIDS, viral hepatitis, or other blood-borne diseases among intravenous drug users and their sexual partners and offspring. Prevention of disease transmission must be the goal of the program. For the purposes of this subsection, the term "exchange program" means a sterile needle and syringe exchange program established by a county commission under this subsection. A sterile needle and syringe exchange program may not operate unless it is authorized and approved by a county commission in accordance with this subsection.
 - (a) Before an exchange program may be established, a county commission must:
 - 1. Authorize the program under the provisions of a county ordinance;

- 2. Enter into a letter of agreement with the department in which the county commission agrees that any exchange program authorized by the county commission will operate in accordance with this subsection;
- 3. Enlist the local county health department to provide ongoing advice, consultation, and recommendations for the operation of the program;
 - 4. Contract with one of the following entities to operate the program:
 - a. A hospital licensed under chapter 395.
 - b. A health care clinic licensed under part X of chapter 400.
- c. A medical school in this state accredited by the Liaison Committee on Medical Education or the Commission on Osteopathic College Accreditation.
 - d. A licensed addictions receiving facility as defined in s. 397.311(26)(a)1.
 - e. A s. 501(c)(3) HIV/AIDS service organization.
 - (b) An exchange program must:
- 1. Develop an oversight and accountability system to ensure the program's compliance with statutory and contractual requirements. The system must include measurable objectives for meeting the goal of the program and must track the progress in achieving those objectives. The system must require the program operator to routinely report its progress in achieving the objectives and the goal of the program. The system must also incorporate mechanisms to track the program operator's compliance or noncompliance with contractual obligations and to apply consequences for noncompliance. The program must receive the county commission's approval of the oversight and accountability system before commencing operations.
- 2. Provide for maximum security of sites where needles and syringes are exchanged and of any equipment used under the program, including, at a minimum, an accounting of the number of needles and syringes in use, the number of needles and syringes in storage, safe disposal of returned needles, and any other measure that may be required to control the use and dispersal of sterile needles and syringes.
- 3. Operate a one-to-one exchange, whereby a participant shall receive one sterile needle and syringe unit in exchange for each used one.
- 4. Make available educational materials regarding the transmission of HIV, viral hepatitis, and other blood-borne diseases. The program operator must offer such materials to program participants whenever needles or syringes are exchanged.
- 5. Provide onsite counseling or referrals for drug abuse prevention, education, and treatment, and provide onsite HIV and viral hepatitis screening or referrals for such screening. If such services are offered solely by referral, they must be made available to participants within 72 hours. The county commission in a rural county may, under its contract with the program operator, adjust the 72-hour requirement if the commission finds that the availability of providers warrants an extended timeframe.
- 6. Provide kits containing an emergency opioid antagonist, as defined in s. <u>381.887</u>, or provide referrals to a program that can provide such kits.
- 7. Collect data for annual reporting purposes. The data must include the number of participants served; the number of used needles and syringes received and the number of clean, unused needles and syringes distributed through exchange with participants; the demographic profiles of the participants served; the number of participants entering drug counseling or treatment; the number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases; and other data that may be required under department rule. However, a participant's personal identifying information may not be collected for any purpose. Each exchange program shall submit a report to its county commission and to the department by August 1 annually. The department shall submit a compilation report encompassing data from all exchange programs annually by October 1 to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The department may adopt rules to implement this subparagraph.
- (c) The possession, distribution, or exchange of needles or syringes as part of an exchange program established under this subsection is not a violation of any part of chapter 893 or any other law.
 - (d) An exchange program staff member, volunteer, or participant is not immune from criminal prosecution for:
 - The possession of needles or syringes that are not a part of the exchange program; or

- 2. The redistribution of needles or syringes in any form, if acting outside the exchange program.
- (e) A law enforcement officer acting in good faith who arrests or charges a person who is thereafter determined to be immune from prosecution under this section shall be immune from civil liability that might otherwise be incurred or imposed by reason of the officer's actions.
- (f) State, county, or municipal funds may not be used to operate an exchange program. Exchange programs shall be funded through grants and donations from private resources and funds.

History.—s. 2, ch. 88-380; s. 17, ch. 91-297; s. 1, ch. 95-187; s. 34, ch. 97-101; s. 2, ch. 2016-68; s. 2, ch. 2019-143. **Note.**—Former s. 381.608.

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1 2	ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
3	
4	ORDINANCE NO. 2020
5	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
6 7	OF ALACHUA COUNTY, FLORIDA, ENACTING THE ALACHUA
8	COUNTY NEEDLE EXCHANGE PROGRAM, PROVIDING FOR
9 10	REPEALING CLAUSE, PROVIDING FOR MODIFICATION AT PUBLIC HEARING, PROVIDING FOR SEVERABILITY,
11	PROVIDING FOR INCLUSION IN THE CODE, AND PROVIDING
12 13	AN EFFECTIVE DATE.
14	WHEREAS, the Board of County Commissioners of Alachua County intend to establish
15	a sterile needle exchange program for health and safety of the residents of Alachua County; and,
16	WHEREAS, Laws of Florida 2019-143 amended Section 381.0038 to provide for a
17	needle exchange program to prevent the transmission of HIV, AIDS, viral hepatitis, or other
18	blood-borne diseases among intravenous drug users; and,
19	WHEREAS, the Section 381.0038(4) F.S. provides that in order for a local program to be
20	set up, it must be established by Ordinance by the Board of County Commissioners; and,
21	WHEREAS, in order to establish such a program the County must enter into an
22	agreement with the Department of Health which agrees that the County shall operate the program
23	in accordance with State law. Further the agreement will provide for ongoing consultation and
24	advice by the Department in the operation of the program, and
25	WHEREAS, the County must Contract with one of a number of agencies listed by
26	statute for the operation of the program; and,
27	WHEREAS, no State, county, or municipal funds may be used to operate an exchange
28	program which must be funded through grants and donations from private resources and funds.
29	NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY
30	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:

1	SECTION 1.	7T31 A 1 1		a	AT 11	T 1	D .	, 1
1		The Alachia	County	TATILA	NAAMIA	Hychanga	Urogram 10	e crantad ac
1	DIX IIVIN I.		COULLY	MEHIEL	NECUIE	TACHAIISE	er rogram r	S CICAICU AS

- 2 follows:
- 3 A. The County Manager shall enter into an agreement with the Department of Health to
- 4 establish a program which meets the requirements of Section 381.0038, F.S.
- 5 B. The County Manager shall place responsibility for the program within one of her
- 6 operational departments.
- 7 C. The County shall identify an entity meeting the requirements of Section
- 8 381.0038(4)(a)(4) to create and operate the program. These programs are:
- 9 i. A hospital licensed under chapter 395.
- ii. A health care clinic licensed under part X of chapter 400.
- 11 iii. A medical school in this state accredited by the Liaison Committee on
- Medical Education or the Commission on Osteopathic College Accreditation.
- iv. A licensed addictions receiving facility as defined in s. 397.311(26)(a)1.
- v. A s. 501(c)(3) HIV/AIDS service organization.
- 15 D. An exchange program must:
- i. Develop an oversight and accountability system to ensure the program's
- 17 compliance with statutory and contractual requirements. The system must include
- measurable objectives for meeting the goal of the program and must track the
- progress in achieving those objectives. The system must require the program
- 20 operator to routinely report its progress in achieving the objectives and the goal of
- 21 the program. The system must also incorporate mechanisms to track the program
- 22 operator's compliance or noncompliance with contractual obligations and to apply
- consequences for noncompliance. The program must receive the county
- commission's approval of the oversight and accountability system before
- commencing operations.

- 1 ii. Provide for maximum security of sites where needles and syringes are exchanged
 2 and of any equipment used under the program, including, at a minimum, an
 3 accounting of the number of needles and syringes in use, the number of needles
 4 and syringes in storage, safe disposal of returned needles, and any other measure
 5 that may be required to control the use and dispersal of sterile needles and
 6 syringes.
- 7 iii. Operate a one-to-one exchange, whereby a participant shall receive one sterile needle and syringe unit in exchange for each used one.

- iv. Make available educational materials regarding the transmission of HIV, viral hepatitis, and other blood-borne diseases. The program operator must offer such materials to program participants whenever needles or syringes are exchanged.
- v. Provide onsite counseling or referrals for drug abuse prevention, education, and treatment, and provide onsite HIV and viral hepatitis screening or referrals for such screening. If such services are offered solely by referral, they must be made available to participants within 72 hours. The county commission in a rural county may, under its contract with the program operator, adjust the 72-hour requirement if the commission finds that the availability of providers warrants an extended timeframe.
- vi. Provide kits containing an emergency opioid antagonist, as defined in s. 381.887, or provide referrals to a program that can provide such kits.
 - vii. Collect data for annual reporting purposes. The data must include the number of participants served; the number of used needles and syringes received and the number of clean, unused needles and syringes distributed through exchange with participants; the demographic profiles of the participants served; the number of participants entering drug counseling or treatment; the number of participants receiving testing for HIV, AIDS, viral hepatitis, or other blood-borne diseases; and other data that may be required under department rule. However, a participant's personal identifying information may not be collected for any

2	and to the department by August 1 annually. The department shall submit a
3	compilation report encompassing data from all exchange programs annually by
	October 1 to the Governor, the President of the Senate, and the Speaker of the
4	•
5	House of Representatives. The department may adopt rules to implement this
6	subparagraph.
7	E. The County shall conduct periodic reviews to determine if the program is meeting
8	the requirements of Section 381.0038(4)(b)
9	SECTION 2. Repealing Clause. All ordinances or portions thereof in conflict herewith
10	are, to the extent of such conflict, hereby repealed.
11	SECTION 3. Modification. It is the intent of the Board of County Commissioners that
12	the provisions of this ordinance may be modified as a result of considerations that may arise
13	during public hearings. Such modifications shall be incorporated into the final version of the
14	ordinance adopted by the Board and filed by the Clerk to the Board.
15	SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of
16	this ordinance or the application hereof to any person or circumstance is held invalid or
17	unconstitutional, such finding shall not affect the other provisions or applications of the
18	ordinance which can be given effect without the invalid or unconstitutional provisions or
19	application, and to this end the provisions of this ordinance are declared severable.
20	SECTION 5. <u>Inclusion in the Code.</u> It is the intent of the Board of County
21	Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of this
22	ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
23	Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such
24	intent and that the word "ordinance" may be changed to "section", "article", or other appropriate
25	designation.

1	SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the
2	Department of State by the Clerk of the Board within ten (10) days after enactment by the
3	Board and shall take effect upon filing with the Department of State.
4 5 6	DULY ADOPTED in regular session, this day of, 2020.
7	BOARD OF COUNTY COMMISSIONERS OF
8 9	ALACHUA COUNTY, FLORIDA
10	ATTEST:
11	BY:
11 12 13	Robert Hutchinson, Chair
13	Board of County Commissioners
14 15	J.K. "Jess" Irby, Esq. Clerk
16	APPROVED AS TO FORM
17	
18	County Attorney
19	(SEAL)



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 13.

Agenda Item Name:

Adopt the FY21 Proposed Millage Rates and Tentative Budget

Presenter:

Tommy Crosby, 337-6205

Description:

Adopt the FY21 Proposed Millage Rates and Tentative Budget.

Recommended Action:

Conduct public hearing and adopt the resolutions to approve the proposed FY21 millage rates for the General County and MSTU-Law Enforcement budgets, and adopt the FY21 Tentative Budget.

Prior Board Motions:

NA

Fiscal Consideration:

General Fund budget including all revenues - \$184,734,350. The total budget is \$486,463,399.

Background:

This is the first of two required public hearings to adopt the FY21 Budget.

FY21 Budget Meetings (as of 6-15-20)

December Departmental Budget & CIP Plan Review (CM, Departments, OMB)

December 31, Tue Internal Service Charges Due (Fleet, IT, Risk)

December 31, Tue CIP Final Submissions Due to OMB

January 28, Tue Bocc Regular Meeting (FY20 Budget Guidelines, Adoption of Calendar and Resolution for Constitutional

Officers, Adoption of Financial Policies, BoCC, CM, CA, OMB)

March 6, Fri Fee Schedule Revisions Due to OMB

March 12, Thu BoCC Special Budget Meeting 1:30pm (Board Focus Issues – Solid Waste Assessment/5 Year Financial Plan,

BoCC, CM, CA, OMB)

April 14, Tue BoCC Regular Meeting 11:30am (Board Focus Issues – Fire Assessment/5 Year Financial Plan/Radio System,

BoCC, CM, CA, OMB)

May 1, Fri BoCC Budget Information Delivered via Email (Historical Trends, FY19 Level of Service Matrix, FY19 Budget

Allocation Breakout by Focus Area, BoCC, CM, CA, OMB)

May 14, Thu Capital Improvement Plan Review 1:30pm (Financial Oversight Workgroup)
May 29, Fri Preliminary Property Value Estimates are delivered (Property Appraiser)

June 2, Tue Constitutional Officers Submit Budgets (Constitutional Officers, BoCC, CM, CA, OMB)

June 26, Fri Preliminary Tax Roll is Certified (Property Appraiser)

July 7, Tue BoCC Special Meeting 5:01pm (County Manager Tentative Budget Presentation, BoCC, CM, CA, OMB)

July 14, Tue BoCC Regular Meeting 5:01pm (Set Proposed Millage and Assessment Rates, BoCC, CM, CA, OMB)

July 16, Thu County Manager advises ACPA of proposed millage and assessment rates

August 4, Tue BoCC Special Budget Meeting 10:00am (Budget and Fiscal Services, General Government (County Manager's

Office, Human Resources, County Attorney's Office, Public Information Office, County-wide Budget Impacts,

BoCC, CM, CA, OMB)

August 4, Tue BoCC Special Budget Meeting 1:30pm (Environmental Protection, Growth Management, Solid Waste, Public

Works, Facilities, Economic Development, Sustainability, CIP, Stormwater, BoCC, CM, CA, Deputy CM, OMB)

BoCC Special Budget Meeting 11:30am (Fire/Rescue, Community Support Services, Court Services, Animal

Services, BoCC, CM, CA, Assistant CM Public Safety, OMB)

August 13, Thu BoCC Special Budget Meeting 1:30pm (Information Technology, Parks and Open Spaces, Equal Opportunity,

Tourist Development, Ag Ext, Office of Dev & Training, Fairgrounds, BoCC, CM, CA, Assist CM Admin Services,

OMB)

August 6, Thu

August 14, Fri TRIM Notices Mailed (Property Appraiser)

August 20, Thu BoCC Special Budget Meeting 10:00am (Constitutional and Judiciary Budgets, Adopt Fee Schedule, Adopt FTE

Chart, BoCC, CM, CA, OMB)

August 20, Thu BoCC Special Budget Meeting 1:30pm (Revenue Projections, Changes from Tentative Budget, Budget

Decisions Finalized, Tax Rates Finalized, Assessments Finalized, Millage Chart, BoCC, CM, CA, OMB)

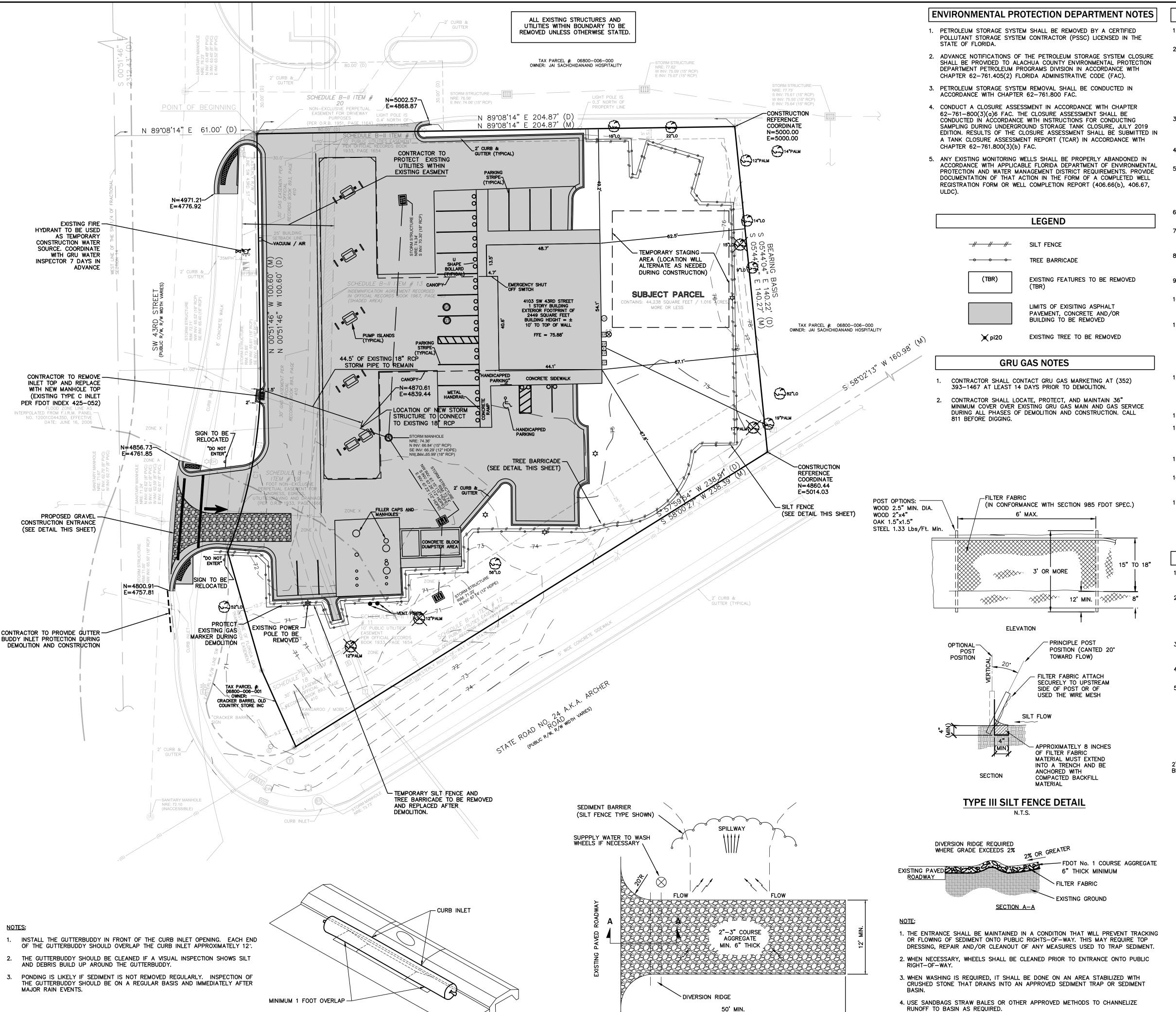
September 8, Tue 1st Public Budget Hearing 5:01pm (Adopt FY21 Adjusted Tentative Budget, Millage and Assessment)

September 22, Tue Final Public Budget Hearing 5:01pm (Adopt FY21 Final Budget, Millage and Assessment)

FY21 Proposed Millage Rates			
	General	MSTU	
Property Tax Revenue Only	Fund	Law Enforcement	
2021 Final Taxable Value	16,262,056,197	6,795,962,341	
2020 Final Gross Taxable Value	15,257,672,680	6,368,386,316	
Current Millage	8.2729	3.7240	
FY21 Projected Revenue	127,807,646	24,042,756	
FY20 Projected Revenue	119,913,940	22,530,077	
Difference	7,893,706	1,512,678	
Simple Majority Cap	9.8676	3.6856	
Millage Change	1.5947	-0.0384	
FY21 Projected Revenue	152,444,092	23,794,839	
FY20 Projected Revenue	119,913,940	22,530,077	
Difference	32,530,152	1,264,762	
Super Majority Cap	10.0000	4.0542	
Millage Change	1.7271	0.3302	
FY21 Projected Revenue	154,489,534	26,174,581	
FY20 Projected Revenue	119,913,940	22,530,077	
Difference	34,575,594	3,644,504	
Recommended			
Rollback Rate	7.8961	3.5678	
Millage Change	-0.3768	-0.1562	
FY21 Projected Revenue	121,986,481	23,034,303	
FY20 Projected Revenue	119,913,940	22,530,077	
Difference	2,072,541	504,226	

Note: Change in Florida Per Capita Personal Income 1.0322% per the Florida Department of Revenue.

GUTTERBUDDY TYPICAL DETAIL



PLAN VIEW

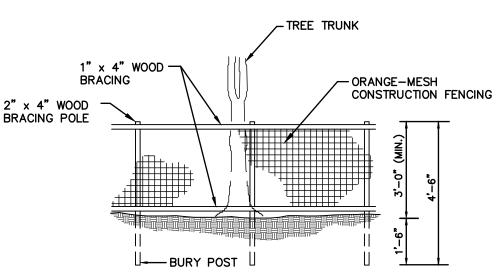
TYPICAL GRAVEL CONSTRUCTION ENTRANCE

DEMOLITION NOTES

- 1. ALL MATERIAL REMOVED FROM THIS SITE BY THE CONTRACTOR SHALL BE DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER.
- 2. REFER TO THE TOPOGRAPHIC SURVEY FOR ADDITIONAL DETAILS OF EXISTING STRUCTURES, ETC., LOCATED WITHIN THE PROJECT SITE. UNLESS OTHERWISE NOTED, ALL EXISTING BUILDINGS. STRUCTURES, SLABS, CONCRETE, ASPHALT, DEBRIS PILES, SIGNS, AND ALL APPURTENANCES ARE TO BE REMOVED FROM THE SITE BY THE CONTRACTOR AND PROPERLY DISPOSED OF IN A LEGAL MANNER AS PART OF THIS CONTRACT. SOME ITEMS TO BE REMOVED MAY NOT BE DEPICTED ON THE TOPOGRAPHIC SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VISIT THE SITE AND DETERMINE THE FULL EXTENT OF ITEMS TO BE REMOVED. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF
- THE CONTRACTOR SHALL REFER TO THE DEMOLITION PLAN FOR DEMOLITION / PRESERVATION OF EXISTING TREES, ALL TREES NOT SPECIFICALLY SHOWN TO BE PRESERVED OR RELOCATED SHALL BE REMOVED AS A PART OF THIS CONTRACT. TREE PROTECTION FENCING SHALL BE INSTALLED PRIOR TO ANY DEMOLITION.
- CONTRACTOR SHALL SUBMIT DEMOLITION SCHEDULE TO OWNER PRIOR TO PROCEEDING WITH DEMOLITION ACTIVITIES.
- CONDUCT SITE DEMOLITION OPERATIONS TO ENSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS, AND OTHER ADJACENT OCCUPIED OR USED FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS, OR OTHER OCCUPIED OR USED FACILITIES WITHOUT PERMISSION FROM AUTHORITIES HAVING JURISDICTION. CLOSURE OF THESE FACILITIES MAY REQUIRE A MAINTENANCE OF TRAFFIC PLAN PREPARED BY A REGISTERED PROFESSIONAL AT THE CONTRACTORS EXPENSE.
- PROVIDE PROTECTION AS NECESSARY TO PREVENT DAMAGE TO EXISTING IMPROVEMENTS SHOWN IN THE PLANS TO REMAIN.
- 7. LOCATE EXISTING ABOVE GROUND AND UNDERGROUND UTILITIES IN AREAS OF WORK. IF UTILITIES ARE TO REMAIN IN PLACE, PROVIDE ADEQUATE MEANS OF SUPPORT AND PROTECTION DURING DEMOLITION AND CONSTRUCTION OPERATIONS.
- 8. CONTRACTOR SHALL COORDINATE WITH APPLICABLE UTILITY COMPANIES FOR THE TERMINATION, CAPPING-OFF AND REMOVAL OF ALL EXISTING UNDERGROUND AND ABOVE GROUND UTILITY SERVICES UNLESS DIRECTED TO OTHERWISE.
- 9. EROSION CONTROLS ARE TO BE INSTALLED AND INSPECTED PRIOR TO BEGINNING DEMOLITION WORK.
- 10. IN AREAS WHERE PROPOSED CURBING IS TO BE PLACED, THE ASPHALT PAVEMENT SHALL BE REMOVED TO THE FACE OF CURB TO ALLOW PLACEMENT OF 6" STANDARD CONCRETE CURBING.
- 11. IN AREAS OF PROPOSED LANDSCAPE AREA THE PAVEMENT, LIMEROCK BASE, AND 12" OF THE STABILIZED SUBGRADE SHALL BE REMOVED. COORDINATE WITH LANDSCAPE ARCHITECT TO DETERMINE IF ADDITIONAL REMOVAL IS REQUIRED TO MAKE AREA SUITABLE FOR LANDSCAPE PURPOSES. THE REMOVED LIMEROCK BASE SHALL NOT BE USED IN THE BASE FOR THE NEW PAVEMENT (PER FDOT SECTION 200), BUT THE REMOVED BASE CAN BE USED IN THE STABILIZATION OF SUBGRADE. SEE GRADING PLAN FOR BACKFILL REQUIREMENTS.
- 12. ALL CONSTRUCTION DEBRIS, LIMEROCK, EXCESS OF BUILDER'S SAND, CONCRETE AND MORTAR DEBRIS, EXISTING WEEDS AND GRASSES, ALL FOREIGN MATERIALS IN THE PLANTING BED AND SOD AREAS SHALL BE REMOVED AND 36" OF CLEAN FILL OF PH 5.5 - 6.5 SHALL BE INSTALLED PRIOR TO ANY INSTALLATION OF PLANTS OR
- 13. SEE DIMENSION PLAN FOR DIMENSIONING OF PROPOSED LANDSCAPE AREAS.
- 14. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF EXISTING UTILITIES TO REMAIN AS SHOWN IN THE UTILITY PLAN. ANY EXISTING UTILITIES TO BE REMOVED SHALL BE COORDINATED WITH THE ASSOCIATED UTILITY COMPANY, AND PERFORMED IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
- 15. SEE ELECTRICAL AND IRRIGATION PLANS FOR COORDINATION OF PAVEMENT CUTS FOR ASSOCIATED CONDUITS.
- 16. INSTALL TREE BARRICADES PRIOR TO ANY DEMOLITION WORK. CALL ALACHUA COUNTY ARBORIST AT 352-374-5243 EXT. 3503 FOR A BARRICADE INSPECTION PRIOR TO START OF CONSTRUCTION.
- 17. PRIOR TO BEGINNING ANY UTILITY DEMOLITION WORK THE CONTRACTOR SHALL SUBMIT A DEMOLITION REQUEST WITH A COPY OF THE DEMOLITION PLAN TO GRU NEW SERVICES (352)-393-1513 (NEWSERVICES@GRU.COM) TO COORDINATE ANY DEMOLITION ACTIVITIES AND TEMPORARY SERVICE INTERRUPTIONS. COORDINATE WITH THE APPROPRIATE UTILITY INSPECTOR THROUGH GRU NEW SERVICES 48 HOURS IN ADVANCE OF PERFORMING ANY UTILITY DEMOLITION WORK.

NOTES

- TREE BARRICADES WILL BE BUILT BEFORE ANY SITE WORK IS UNDERTAKEN AND WILL REMAIN IN PLACE UNTIL THE LANDSCAPING IS
- TREE BARRICADES MUST ENCLOSE AN AREA EQUAL TO THE DRIPLINE OF THE TREE CANOPY. EACH BARRICADE MUST BE AT LEAST 3 FEET TALL, WITH CORNER POSTS OF 2" X 4" WOOD INSERTED AT LEAST ONE AND A HALF (1-1/2) FEET DEEP. THE TWO ROWS OF SIDE SLATS MUST BE 1" X 4" AND BE MARKED WITH PLASTIC RIBBONS OR MESH FENCING FOR
- 3. NO GRADING WITHIN FENCING. ANY ROOTS GREATER THAN 1" IN DIAMETER THAT ARE DAMAGED OR EXPOSED SHALL BE CLEANLY CUT AND COVERED
- 4. NO CONSTRUCTION MATERIALS OR EQUIPMENT SHALL BE PERMITTED WITHIN CONSTRUCTION FENCING OR BEYOND THE CONSTRUCTION LIMITS.
- 5. THE AREA ENCLOSED MUST BE EQUAL TO THE DRIPLINE OF THE TREE



ELEVATION

- 1. TREE BARRICADES WILL BE BUILT BEFORE ANY SITE WORK IS UNDERTAKEN AND WILL REMAIN IN PLACE UNTIL THE LANDSCAPING IS
- 2. EACH BARRICADE MUST BE AT LEAST 3 FEET TALL, WITH CORNER POSTS OF 2" X 4" WOOD INSERTED AT LEAST ONE AND A HALF (1-1/2) FEET DEEP. THE TWO ROWS OF SIDE SLATS MUST BE 1" X 4" AND BE MARKED WITH PLASTIC RIBBONS OR MESH FENCING FOR VISIBILITY.
- 3. NO GRADING WITHIN FENCING. ANY ROOTS GREATER THAN 1" IN DIAMETER THAT ARE DAMAGED OR EXPOSED SHALL BE CLEANLY CUT AND COVERED
- 4. NO CONSTRUCTION MATERIALS OR EQUIPMENT SHALL BE PERMITTED WITHIN CONSTRUCTION FENCING OR BEYOND THE CONSTRUCTION LIMITS.
- 5. THE AREA ENCLOSED MUST BE EQUAL TO THE DRIPLINE OF THE TREE. WHERE SUFFICIENT PROTECTION CAN BE DEMONSTRATED, THE REQUIRED MINIMUM UNDISTURBED AREA MAY BE REDUCED WITH COUNTY APPROVAL, TAKING INTO CONSIDERATION THE TYPE OF ACTIVITY, AND THE SPECIES, HEALTH, AND LOCATION OF TREES AND NATIVE VEGETATION WITHIN THE

TREE BARRICADE FENCING DETAIL

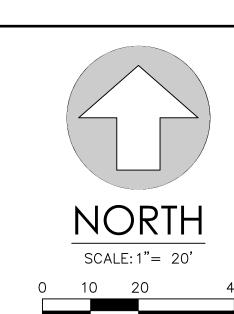
consultants, inc.

720 S.W. 2nd Ave, Suite 300

GAINESVILLE, FLORIDA 32601-6602

TEL. (352) 373-3541 FAX. (352) 373-6271

www.edafl.com mail@edafl.com



Comment

GRAPHIC SCALE

Professional Engineer of Record:

Claudia Vega, P.E. 51532 Certificate No. 19-108

Project phase: GRU RESUBMITTAL

SHOPS AT ARCHER & 43RD ALACHUA COUNTY, FLORIDA

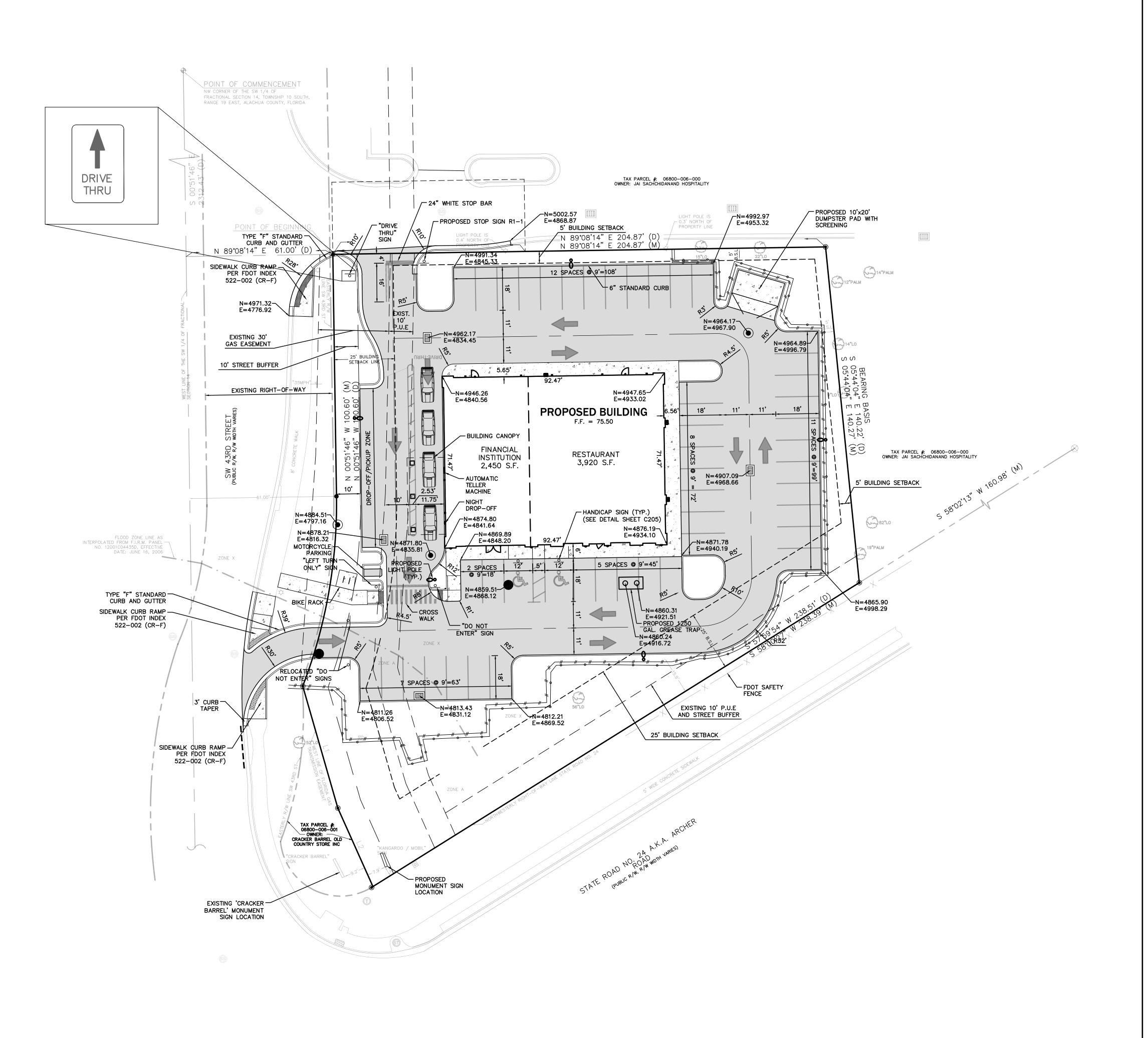
Sheet title:

Date: 08/06/20

Project title:

DEMOLITION PLAN

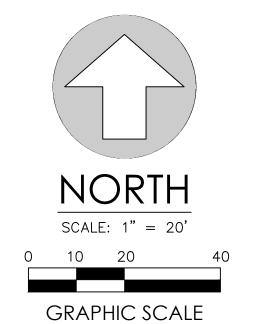
MD esianed: CSV Checked:



GENERAL NOTES

- . ALL PARKING LOT DIMENSIONS AND RADII SHOWN ARE MEASURED FROM FACE OF CURB AND/OR THE EDGE OF PAVEMENT IF THERE IS NOT CURB PROPOSED. ALL RADIAL PARKING IS 9' MIN. WIDTH AT NARROWEST POINT.
- 2. CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF LOCATION OF ALL EXISTING UTILITIES AND PROTECTION OF SAME DURING CONSTRUCTION.
- 3. ELECTRIC SERVICE TO BE COORDINATED WITH G.R.U. ELECTRIC ENGINEERING
- 4. SIDEWALKS WILL BE CONNECTED TO BUILDING ENTRANCE. COORDINATE LOCATIONS WITH ARCHITECT.





No.	Date	Comment

Professional Engineer of Record:

Claudia Vega, P.E.	51532
Engineer	Certificate No.

Project No: 19-108

Project phase:

GRU RESUBMITTAL

Project title:

SHOPS AT ARCHER & 43RD.
ALACHUA COUNTY,
FLORIDA

Sheet title:

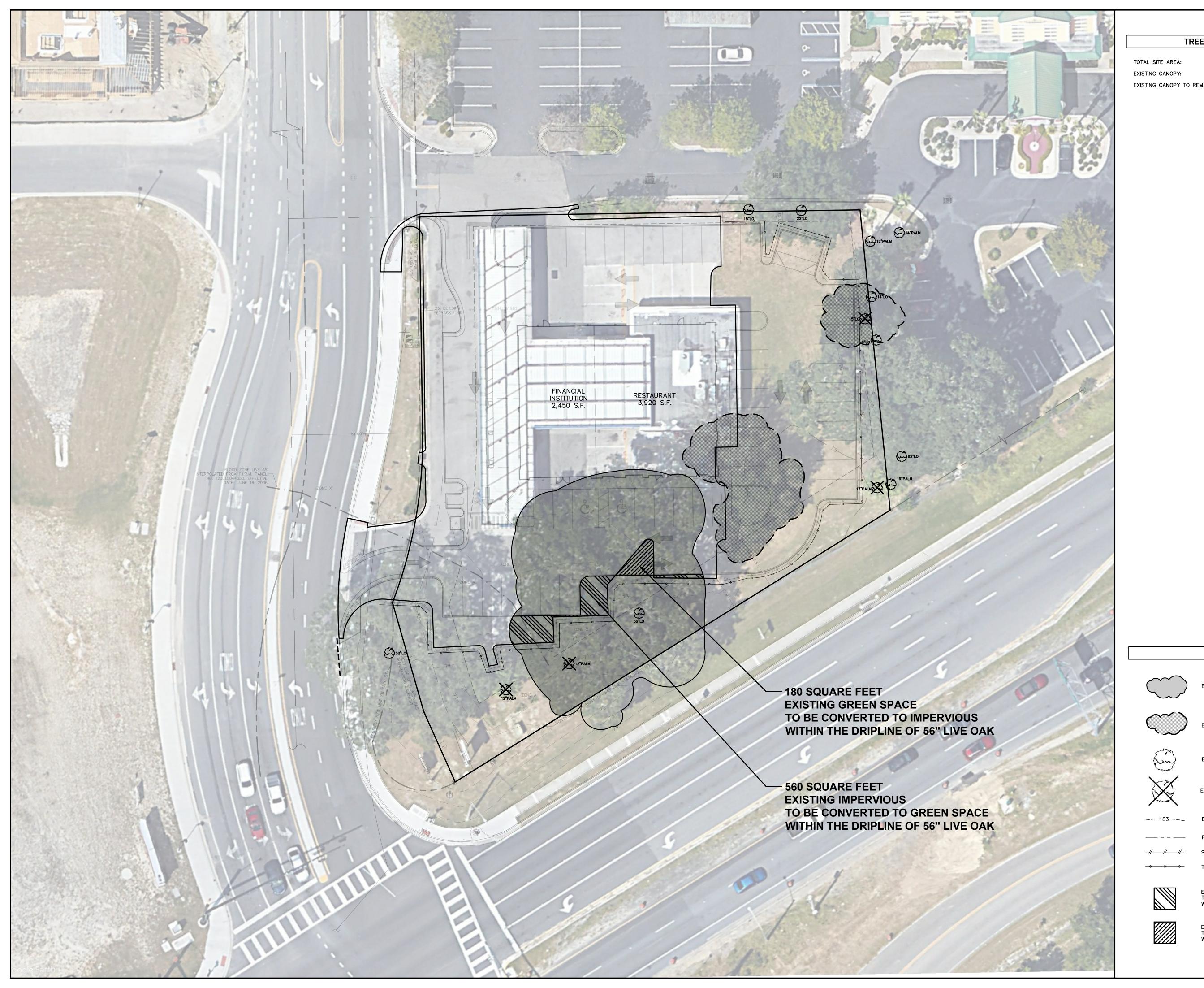
DIMENSION PLAN

Designed: MD Sheet No.

Drawn: MAB

Checked: CSV

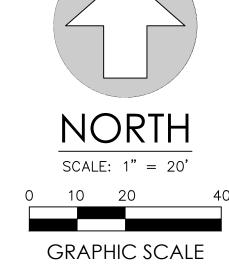
Date: 08/06/20



TREE CLEARING DATA

44,238 S.F. 1.01 AC. 10,818 S.F. 100% EXISTING CANOPY TO REMAIN: 7,859 S.F. 72.6%





GRAPHIC SCALE				
No.	Date	Comment		
		<u> </u>		

Professional Engineer of Record:

Claudia Vega, P.E. 51532

19-108

GRU RESUBMITTAL

SHOPS AT ARCHER &

43RD.

Project phase:

Certificate No.

LEGEND

EXISTING TREE CANOPY TO REMAIN

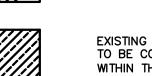
EXISTING TREE CANOPY TO BE REMOVED



---183 --- EXISTING CONTOUR ELEVATION

FEMA FLOOD ZONE LIMITS

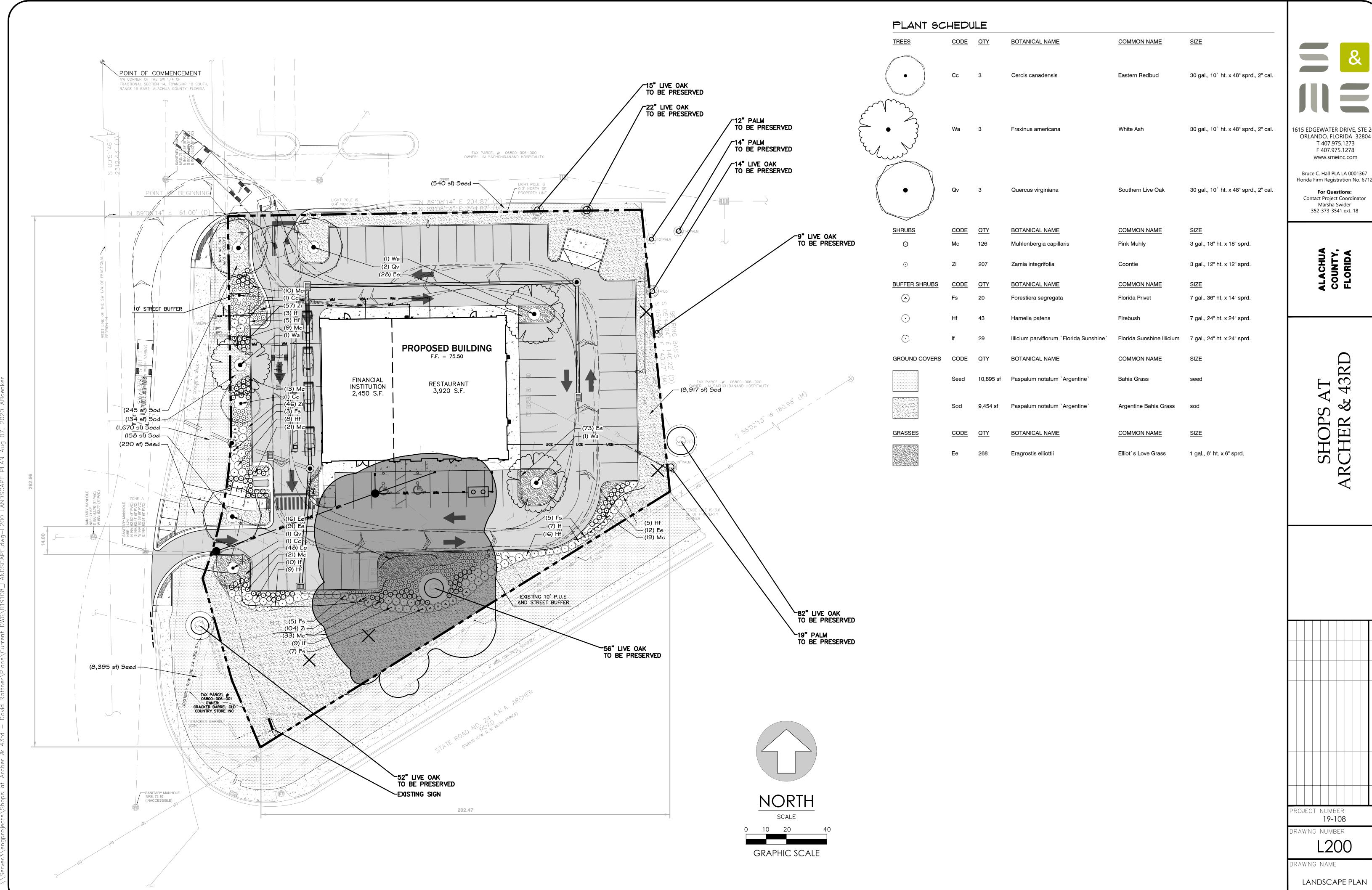
EXISTING IMPERVIOUS TO BE CONVERTED TO GREEN SPACE WITHIN THE DRIPLINE OF 56" LIVE OAK



EXISTING GREEN SPACE TO BE CONVERTED TO IMPERVIOUS WITHIN THE DRIPLINE OF 56" LIVE OAK

ALACHUA COUNTY, FLORIDA TREE PRESERVATION

Checked: CSV Date: 08/06/20





1615 EDGEWATER DRIVE, STE 200 ORLANDO, FLORIDA 32804 T 407.975.1273 F 407.975.1278 www.smeinc.com

Bruce C. Hall PLA LA 0001367 Florida Firm Registration No. 6712

For Questions: Contact Project Coordinator Marsha Swider 352-373-3541 ext. 18

ALACHUA COUNTY, FLORIDA

PROJECT NUMBER 19-108 DRAWING NUMBER L200

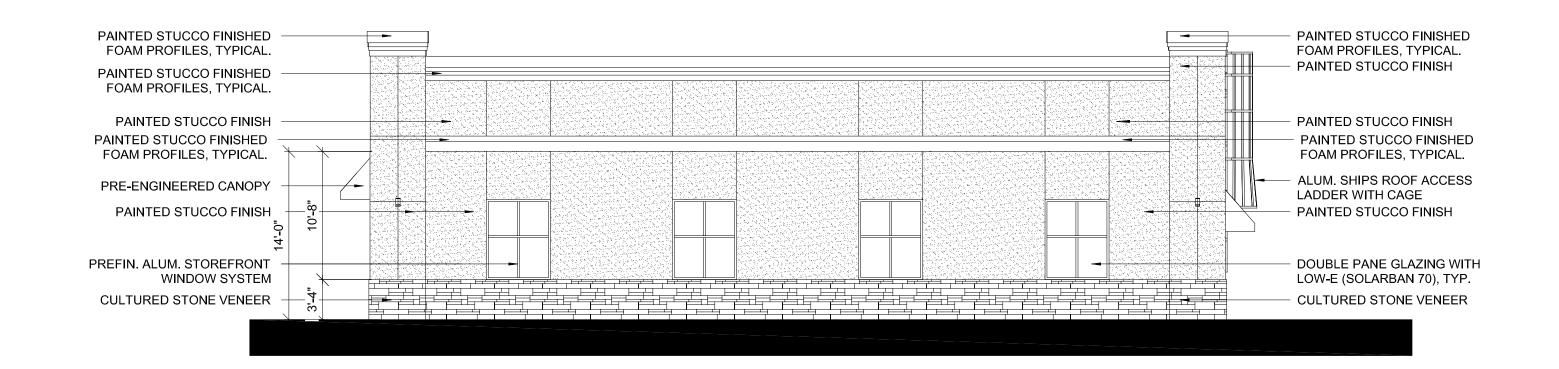


GENERAL ELEVATION NOTES:

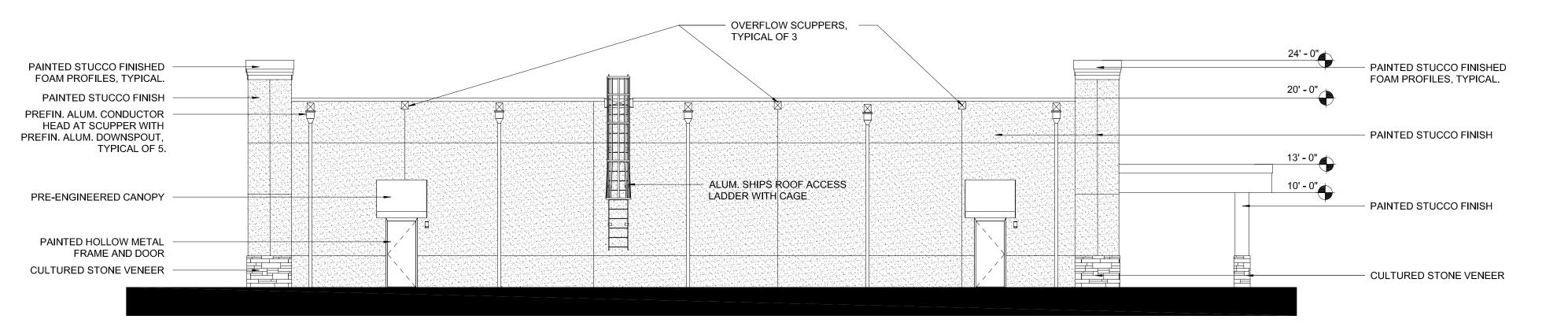
1. SEE SHEET TBD FOR DOOR ELEVATIONS, DIMENSIONS, AND SCHEDULE.

2. SEE SHEET TBD FOR WINDOW ELEVATIONS, DIMENSIONS, AND SCHEDULE.

3. S.C.J. INDICATES STUCCO CONTROL JOINT. SEE DETAIL4. C.C.J. INDICATES CONTROL JOINT THROUGH STRUCTURE. SEE DETAIL AND STRUCTURAL DOCUMENTS.



2 EXTERIOR ELEVATION - EAST SCALE: 1/8" = 1'-0" SCALE IS APPROX.



LENGTH OF SOUTH GLASS = 62' - 9" (68.9%) LENGTH OF SOUTH FACE = 91' - 0"

LENGTH OF EAST GLASS = 21' - 4" (30.4%) LENGTH OF EAST FACE = 70' - 0" LENGTH OF NORTH GLASS = N/A (0')

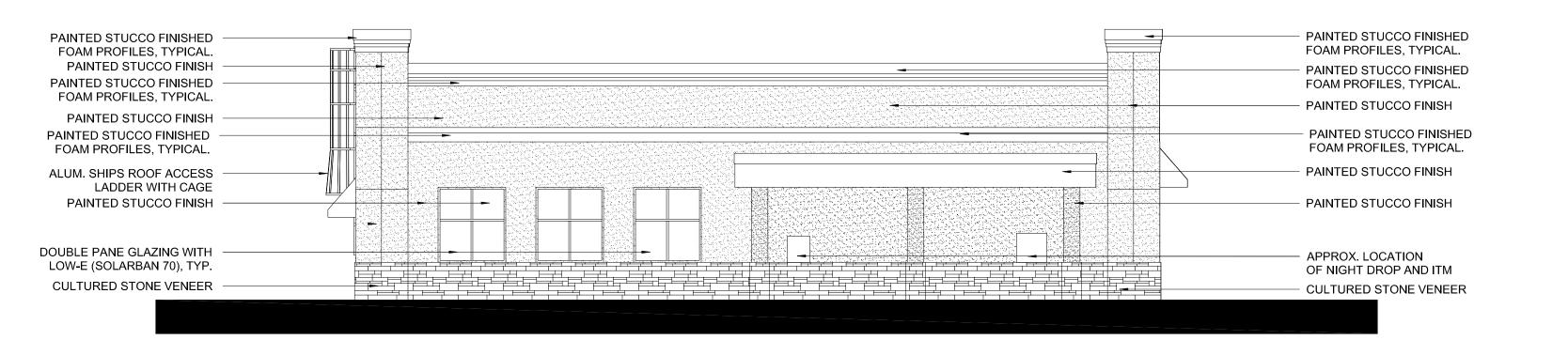
LENGTH OF NORTH FACE = 91' - 0"

LENGTH OF WEST GLASS = 18' - 0" (25.7%)

LENGTH OF WEST FACE = 70' - 0"

TOTAL LENGTH OF GLASS = 102' - 1" (31.6% AVG.) TOTAL LENGTH OF FACE = 322' - 0"

3 EXTERIOR ELEVATION - NORTH SCALE: 1/8" = 1'-0" SCALE IS APPROX.





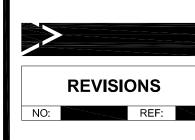
ARCHITECTURE + INTERIOR

720 SW 2ND AVENUE, SUITE 105
GAINESVILLE, FLORIDA 32601
352-448-7788 www.leveldesign.co
LICENSE #AA23003617









DRAWING STATUS:

ORIG. ISSUE DATE:
08/05/2020

08/05/2020

DRAWN BY: CHECKED BY:

EL JB

PROJECT NUMBER:

20009

DRAWING TITLE:

EXTERIOR ELEVATIONS

A2.01

DATE/TIME STAMP:
8/5/2020 2:30 PM



2579 SW 87th Drive, Suite 101 Gainesville, FL 32608 nueurbanconcepts@gmail.com 833-NUC-8484 (o) 352-363-0614 (c)

April 23rd, 2020

Ms. Christine Berish
Development Service Manager
Alachua County
Growth Management Department
10 SW 2nd Avenue
Gainesville, FL 32601

Re: Parking Study for the proposed Shops at Archer & 43rd Street

Dear Christine:

This parking study is submitted as part of a request for the redevelopment of the parcel located at the northeast corner of Archer Road (SR 24) and SW 43rd Street. This parcel currently has a Circle K convenience store and fueling pumps. The proposed redevelopment is a 6,370 square foot multi-tenant buildings with a 2,450-square foot bank and 3,920 square feet for a restaurant (Appendix A). This parking study request a total of 47 off-street parking spaces. This is an increase of 16 spaces above the total number of allowed off-street surface parking spaces for the proposed development.

The Alachua County Unified Land Development Code (ULDC) establishes the following offsite parking requirements per Table 407.14.1 for the proposed development:

Proposed Land Use	Square Footage	ULDC Parking Rate	Maximum Spaces
Bank	2,450	1 per 400 sq. ft.	6
Restaurant	3,920	5 to 5.5 per 1,000 sq. ft.	22
Total	6,370		28

The ULDC classifies restaurants that are not stand alone as retail sales and service for the purposes of determining the maximum number of allowable spaces. The current ULDC would allow a total of 28 off-street surface parking spaces. Section 407.14 of the ULDC allows for a development to increase or decrease the number of parking spaces by 10%. Utilizing this allowance, an additional three (3) off-street surface parking spaces would be permitted. This would provide the development with a total of 31 allowable off-street surface parking spaces.

The ULDC Section 407.18 does provide for an allowance for an applicant to conduct a parking study to request either a reduction or an increase in the number of allowable parking spaces. Section 404.14 (c) does provide criteria for land uses that are not included in Table 407.14.1. The requested information under 404.14 (c) is for unique land uses. A restaurant within a multi-tenant building is not a unique land use, it is a common land uses.

The industry standard for banks is typically 1 space per 250 sq. ft. and for restaurants it is between ten (10) to twenty (20) spaces per 1,000 sq. ft. based on numerous studies conducted in the Institute of Transportation Engineers (ITE) Parking Generation Manual. The ITE Parking Generation Manual is the industry and government standard for determining the number of projected parking spaces needed for a variety of land uses. ITE has recently released the 5th edition of the Parking Generation Manual. This parking study proposes to use the data and information provided by the ITE manual to illustrate that the proposed number of off-street parking spaces is based on industry standards for parking.

The ITE Parking Generation Manual has established weekday parking rates for drive-in banks. A total of 39 independent studies have been conducted for drive-in banks. The ITE Manual includes a description for drive-in banks and the associated parking rates (Appendix B). ITE provides three parking rates: (1) average, (2) 33^{rd} Percentile, and (3) 85^{th} Percentile. The two rates typically used by local governments when establishing minimums and maximus are the average rate and the 85^{th} Percentile Rate. Parking lots typically designed by planners and engineers for private development applications provide a parking supply to match the 85th percentile peak parking demand for a given land use. This means 85% of sites will have peak parking at or below this rate and typically gives a safety factor versus just using the average peak parking rate. The following is the maximum number of parking spaces based on the ITE Manual and the proposed drive-in bank square footage for the Shops:

Proposed Land Use	Square Footage	Rate	Maximum Spaces
Bank (Average Rate)	2,450	3.72 per 1,000 sq. ft.	9
Bank (85% Rate)	2,450	6.0 per 1,000 sq. ft.	15

The type of proposed restaurant for the Shops is not known at this time and is subject to market conditions and demand. The ITE Parking Generation Manual has established parking rates for five different types of restaurants (Appendix C). The following five restaurant types, which could be in the proposed restaurant space, were evaluated: (1) Fast Casual Restaurant, (2) Quality Restaurant, (3) High-Turnover Restaurant, (4) Fast Foot Restaurant with-out Drive-Thru, and (5) Coffee / Donut with-out Drive-Thru. A more detailed description for each restaurant use is provided for in Appendix C.

A total of 119 independent studies were conducted to determine the parking rates for different peak periods for the restaurant types evaluated. The evaluation includes the daily and 85th Percentile Rate. In addition, a weighted daily and 85th percentile rate, based on the number of independent studies for each peak parking period, has also been calculated (SUM (studies per use per period / total number of studies) X rate per studies per use per period). The following is an analysis of the peak parking demand for the five restaurant types that were evaluated:

Land Use	ITE	Period	Studies	Rate		Weighted Rate	
Land Ose	Code			Daily	85 %	Daily	85 %
Fast Casual Restaurant	930	Weekday	4	9.93	11.03	0.33	0.37
Fast Casual Restaurant	930	Saturday	2	8.75	8.75	0.15	0.15
Quality Restaurant	931	Weekday	3	10.52	15.35	0.27	0.39
Quality Restaurant	931	Friday	11	14.84	22.52	1.37	2.08
Quality Restaurant	931	Saturday	4	17	20.57	0.57	0.69
High-Turnover Restaurant	932	Weekday	51	9.44	17.40	4.05	7.46
High-Turnover Restaurant	932	Friday	5	11.33	17.64	0.48	0.74
High-Turnover Restaurant	932	Saturday	14	12.28	24.91	1.44	2.93
Fast Food Restaurant w/o Drive-Thru	933	Weekday	11	9.91	16.60	0.92	1.53
Coffee/Donut w/o Drive-Thru	936	Weekday	11	10.49	17.20	0.97	1.59
Coffee/Donut w/o Drive-Thru	936	Saturday	3	14.44	14.67	0.36	0.37
Total / Average			119	11.72	16.97	10.91	18.30

The following is the maximum number of parking spaces based on both the weighted average rates and 85th % rates per the ITE Manual. The maximum number of spaces is based upon the proposed restaurant square footage (rounded).

Proposed Land Use	Square Footage	Weighted Rate	Maximum Spaces
Restaurant (Average Rate)	3,920	10.91 per 1,000 sq. ft.	43
Restaurant (85% Rate)	3,920	18.30 per 1,000 sq. ft.	72

The following is a summary of the allowable number of spaces per the ULDC and the projected demand for spaces based on the ITE average and 85% parking rates for drive-in banks and the ITE weighted average and 85 th % rates:

Proposed Land Use	ULDC Spaces	Average Rate	85% Rate
Drive-in Bank	6 spaces	9 spaces	15 spaces
Restaurant	22 spaces	43 spaces	72 spaces
Total	28 spaces	52 spaces	87 spaces

The ULDC allows for a 10% increase in the number of allowed spaced, which would permit up to 31 parking spaces for the Shops at Archer & 43rd Street. The applicant is requesting a total of 47 off-street surface parking spaces. This represents a request increase of 16 off-street parking spaces over the current ULDC maximum allowance. The parking study, based on the independent studies in the ITE Parking Manual indicates that up to 52 spaces are warranted based on average parking rates. The proposed request is five (5) spaces less than the average rate and 40 spaces less than the weighted average rate. The ITE Parking Manual is used by developments and local governments through-out both Florida and the U.S. to determine the number of parking spaces to be provided for various land uses.

The current ULDC allowances are less than what the projected need is based on both the ITE Parking Manual and the bank and restaurant end users that are in discussion with the applicant to locate within the Shops. While the current type of restaurant use to occupy the square footage now is not known, the parking requirements are similar across the different types of restaurants. The current ULDC parking allowance would significantly restrict the types of end users that would occupy the proposed development. The proximity of the development to the Archer Road and Interstate 75 Interchange (less than 1/8 mile to the west) will attract many patrons and will require adequate parking.

The applicant is requesting an increase of 16 parking spaces over the current amount allowed by the ULDC. The data and analysis provided as part of this parking study demonstrates that the current ULDC parking allowances are below the projected parking demand, based on the numerous studies used to develop the parking rates in the ITE Manual. The proposed number of parking spaces is less than what is projected using the ITE Data. The applicant request the County consider this analysis are documented evidence that the additional parking requested is supported by factual data. Thank you for taking the time to consider this request for a total of 47 off-street parking spaces; which is an additional 16 parking spaces above the current ULDC allowances. Please let me know if you have any questions or require additional documentation.

Sincerely,

Jonathan B. Paul, AICP

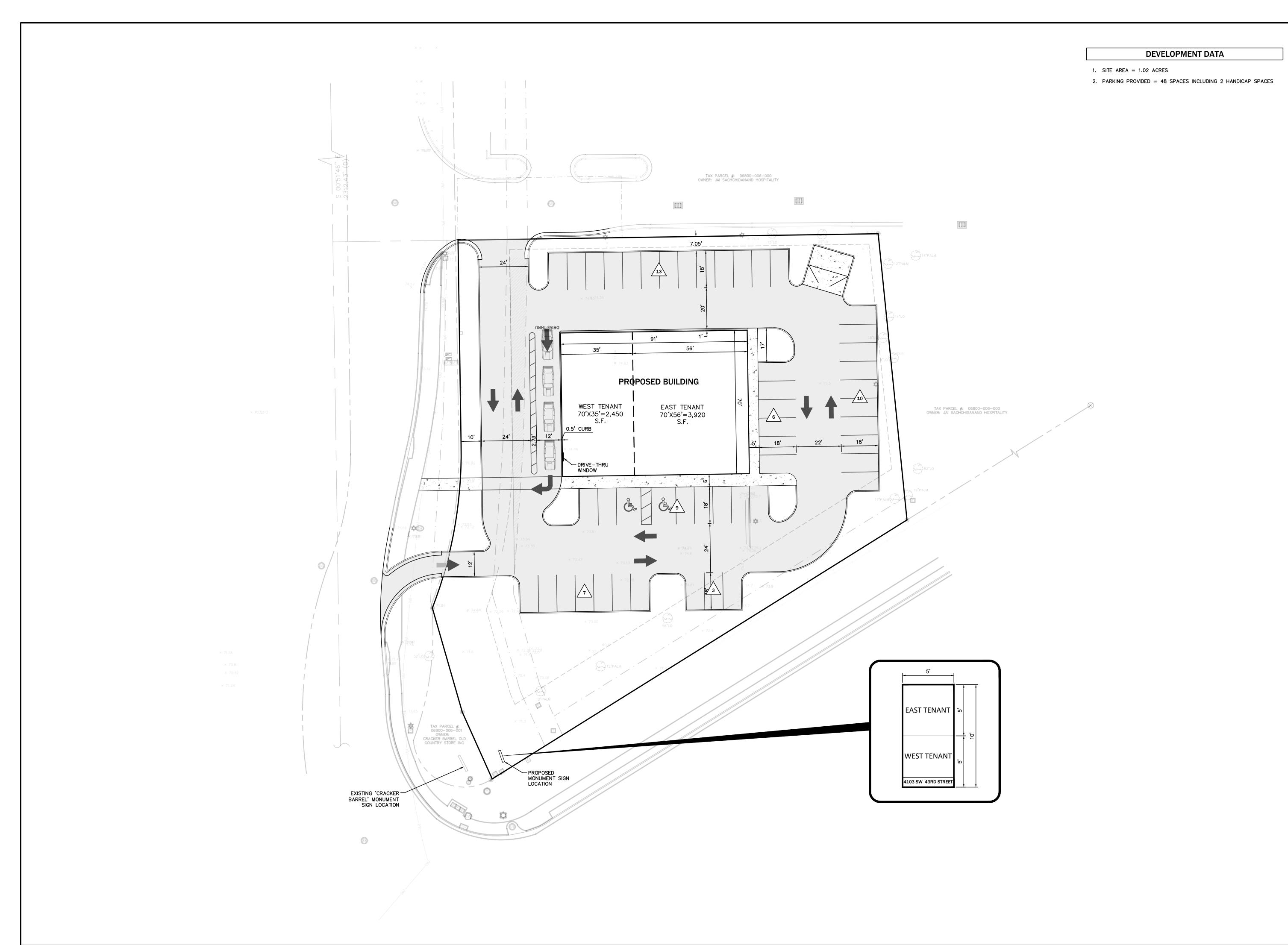
Jonathan B. Paul

Cc: David Rattner, Developer Sergio Reyes, P.E., Engineer

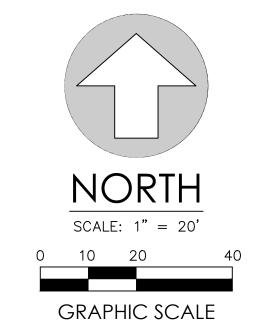
Appendix A

Proposed Site Plan

(Please note that this Site Plan is for information purposes only and may differ in detail from the final site plan submitted and subject to approval by the County)



engineers • surveyors • planners EB 2389 2404 N.W. 43rd ST, GAINESVILLE, FLORIDA 32606-6602 TEL. (352) 373-3541 FAX. (352) 373-7249 www.edafl.com mail@edafl.com



No. Date Comment

Professional Engineer of Record:

Certificate No. Engineer

Project phase: CONCEPUTAL

Project title:

SW 43RD & ARCHER ROAD

Sheet title:

CONCEPT PLAN

Designed: SJR Checked:

Date: 12/23/19

Appendix B

ITE Parking Rates

Drive-In Bank

Land Use: 912 Drive-In Bank

Description

A drive-in bank provides banking facilities for motorists who conduct financial transactions from their vehicles. The drive-in lanes may or may not provide automatic teller machines (ATMs). All sites in database also provide walk-in services.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday at 25 study sites in a general urban/suburban setting.

Hour Beginning	Percent of Weekday Peak Parking Demand
12:00-4:00 a.m.	-
5:00 a.m.	-
6:00 a.m.	-
7:00 a.m.	7
8:00 a.m.	24
9:00 a.m.	62
10:00 a.m.	82
11:00 a.m.	90
12:00 p.m.	85
1:00 p.m.	88
2:00 p.m.	92
3:00 p.m.	100
4:00 p.m.	92
5:00 p.m.	72
6:00 p.m.	36
7:00 p.m.	9
8:00 p.m.	-
9:00 p.m.	-
10:00 p.m.	-
11:00 p.m.	-

Additional Data

Parking demand does not include vehicles queued at drive-in lanes.

The average parking supply ratio for the 11 study sites in a general urban/suburban setting with parking supply information is 7.2 spaces per 1,000 square feet GFA.

The sites were surveyed in the 2000s and the 2010s in New Jersey, New York, Tennessee, Texas, and Washington.

Source Numbers

411, 445, 503, 527, 530, 567

Drive-in Bank (912)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

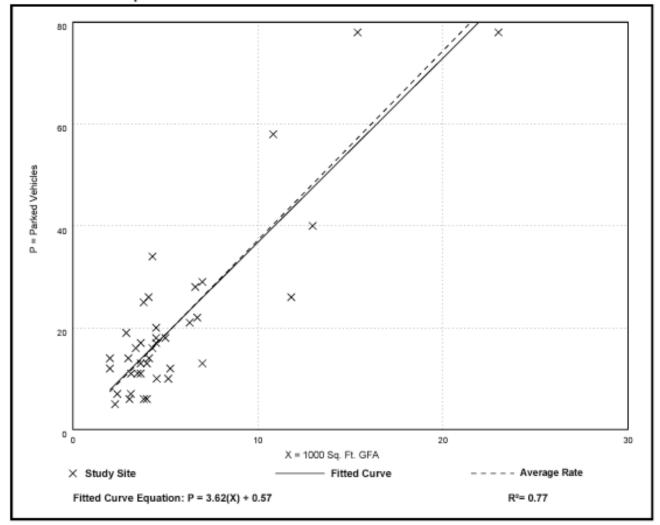
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 11:00 a.m. - 4:00 p.m.

Number of Studies: 39 Avg. 1000 Sq. Ft. GFA: 5.5

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
3.72	1.50 - 7.91	3.10 / 6.00	3.27 - 4.17	1.42 (38%)



Appendix C

ITE Parking Rates

Restaurants

Land Use: 930 Fast Casual Restaurant

Description

A fast casual restaurant is a sit-down restaurant with no (or very limited) wait staff or table service. Customers typically order off a menu board, pay for food before the food is prepared and seat themselves. The menu generally contains higher quality made to order food items with fewer frozen or processed ingredients than at a fast food restaurant. Most patrons eat their meal within the restaurant, but a significant proportion of the restaurant sales are carry-out orders. The restaurants typically serve lunch and dinner; some serve breakfast. A typical duration of stay for an eat-in customer is 40 minutes or less. Quality restaurant (Land Use 931), high-turnover (sit-down) restaurant (Land Use 932), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window (Land Use 934) are related uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (three study sites) and a Saturday (one study site) in a general urban/suburban setting.

	Percent of Peak Parking Demand		
Hour Beginning	Weekday	Saturday	
12:00-4:00 a.m.	-	-	
5:00 a.m.	-	-	
6:00 a.m.	2	-	
7:00 a.m.	2	-	
8:00 a.m.	5	3	
9:00 a.m.	14	7	
10:00 a.m.	17	7	
11:00 a.m.	18	27	
12:00 p.m.	100	70	
1:00 p.m.	75	80	
2:00 p.m.	45	100	
3:00 p.m.	31	57	
4:00 p.m.	23	43	
5:00 p.m.	49	60	
6:00 p.m.	77	87	
7:00 p.m.	69	53	
8:00 p.m.	28	43	
9:00 p.m.	20	33	
10:00 p.m.	11	20	
11:00 p.m.	-	-	

Additional Data

The average parking supply ratio for the one study site in a general urban/suburban setting with parking supply information is 11 spaces per 1,000 square feet GFA.

The sites were surveyed in the 2010s in California and Minnesota.

Source Numbers

543, 556, 557

Fast Casual Restaurant (930)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 12:00 - 1:00 p.m.

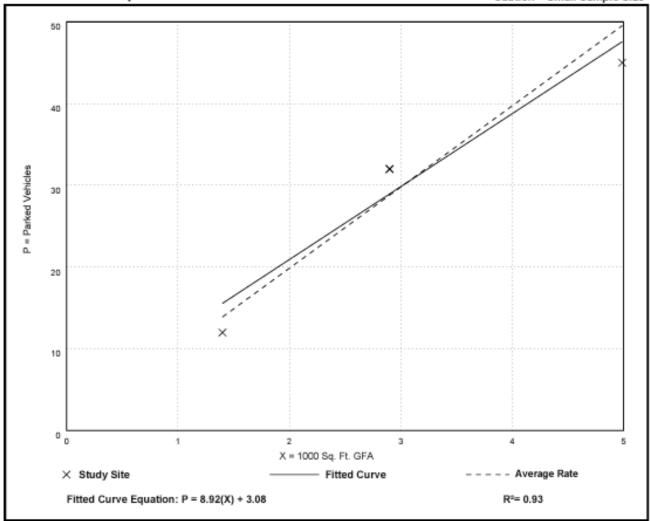
Number of Studies: 4 Avg. 1000 Sq. Ft. GFA: 3.1

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
9.93	8.57 - 11.03	8.86 / 11.03	***	1.23 (12%)



Caution - Small Sample Size



Fast Casual Restaurant (930)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

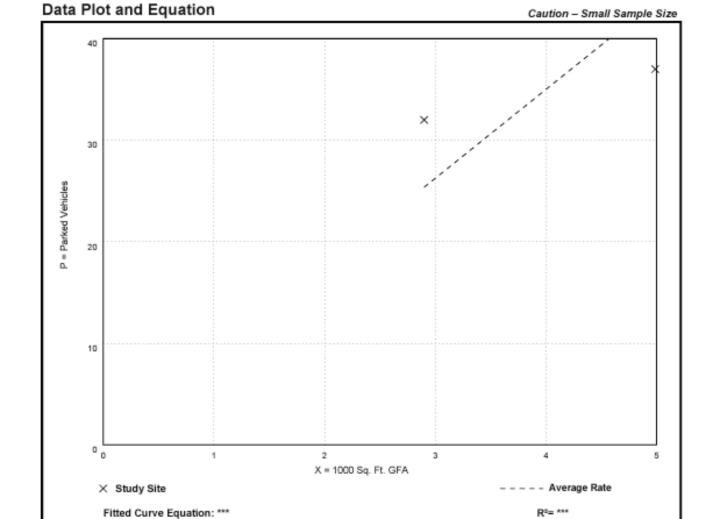
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 2:00 p.m.; 6:00 p.m.

Number of Studies: 2 Avg. 1000 Sq. Ft. GFA: 3.9

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
8.75	7.42 - 11.03	*** / ***	***	*** (***)



Land Use: 931 Quality Restaurant

Description

This land use consists of high quality, full-service eating establishments with a typical duration of stay of at least one hour. They are also commonly referred to as fine dining. Quality restaurants generally do not serve breakfast; some do not serve lunch; all serve dinner. This type of restaurant often requests and sometimes requires a reservation and is generally not part of a chain. A patron commonly waits to be seated, is served by wait staff, orders from a menu and pays after the meal. Some of the study sites have lounge or bar facilities (serving alcoholic beverages), but they are ancillary to the restaurant. Fast casual restaurant (Land Use 930) and high-turnover (sit-down) restaurant (Land Use 932) are related uses.

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a Monday-through-Thursday weekday (one study site) and a Friday (one study site) in a general urban/suburban setting.

	Percent of Peak Parking Demand		
Hour Beginning	Weekday	Friday	
12:00-4:00 a.m.	-	-	
5:00 a.m.	-	-	
6:00 a.m.	-	-	
7:00 a.m.	-	-	
8:00 a.m.	-	-	
9:00 a.m.	-	-	
10:00 a.m.	-	-	
11:00 a.m.	20	11	
12:00 p.m.	51	37	
1:00 p.m.	56	54	
2:00 p.m.	40	29	
3:00 p.m.	27	22	
4:00 p.m.	27	14	
5:00 p.m.	39	18	
6:00 p.m.	71	42	
7:00 p.m.	100	91	
8:00 p.m.	97	100	
9:00 p.m.	-	-	
10:00 p.m.	-	-	
11:00 p.m.	-	-	

Additional Data

Any outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish parking generation rates for facilities having significant outdoor seating.

The average parking supply ratios for the study sites with parking supply information are as follows:

- in a general urban/suburban setting, 23 spaces per 1,000 square feet GFA (nine sites) and 0.7 spaces per seat (seven sites)
- in a dense multi-use urban setting, 12 spaces per 1,000 square feet GFA (five sites) and 0.3 spaces per seat (five sites)

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Illinois, Indiana, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, and Texas.

Source Numbers

21, 22, 47, 154, 168, 201, 274, 418, 431, 531



Quality Restaurant (931)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Thursday)

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 7:00 - 8:00 p.m.

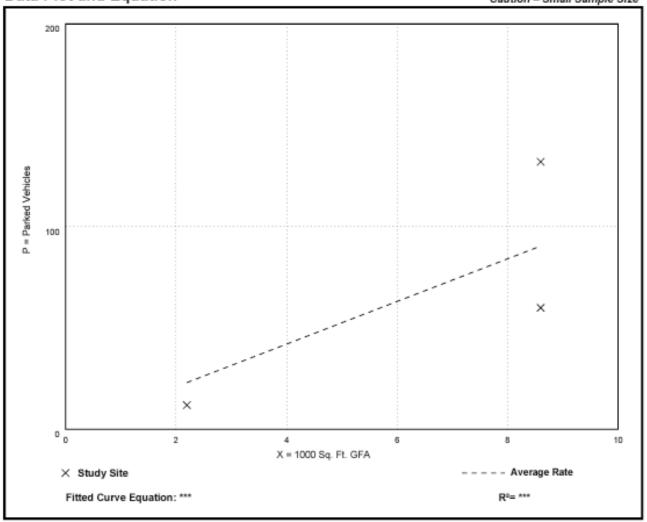
Number of Studies: 3 Avg. 1000 Sq. Ft. GFA: 6.5

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
10.52	5.46 - 15.35	5.95 / 15.35	***	5.31 (50%)

Data Plot and Equation

Caution - Small Sample Size



Quality Restaurant (931)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Friday

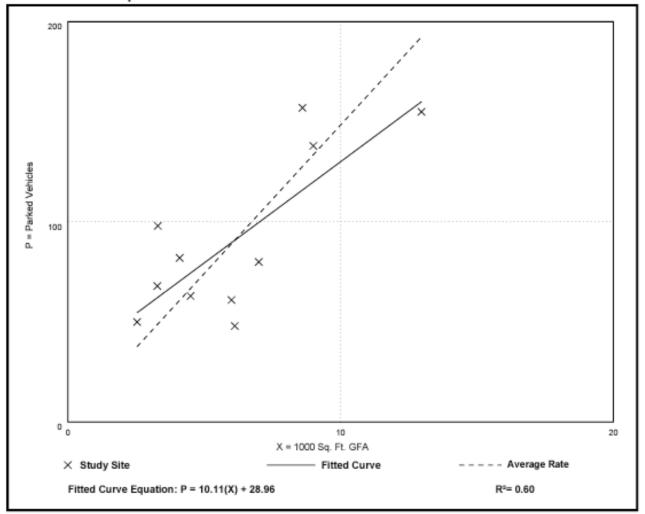
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 7:00 - 9:00 p.m.

Number of Studies: 11 Avg. 1000 Sq. Ft. GFA: 6.1

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
14.84	7.84 - 29.70	11.93 / 22.52	***	5.32 (36%)



Quality Restaurant (931)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 7:00 - 8:00 p.m.

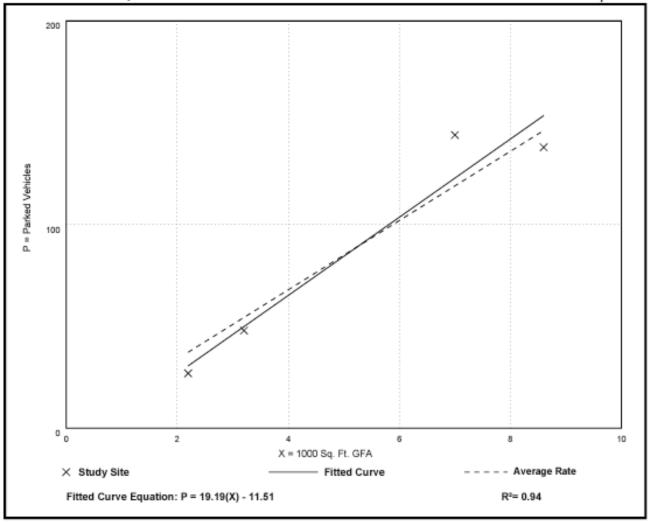
Number of Studies: 4 Avg. 1000 Sq. Ft. GFA: 5.3

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
17.00	12.30 - 20.57	14.05 / 20.57	***	3.17 (19%)

Data Plot and Equation

Caution - Small Sample Size



Land Use: 932 High-Turnover (Sit-Down) Restaurant

Description

This land use consists of sit-down, full-service eating establishments with a typical duration of stay of 60 minutes or less. They are commonly referred to as casual dining. This type of restaurant is usually moderately priced and frequently belongs to a restaurant chain. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. A patron commonly waits to be seated, is served by wait staff, orders from a menu, and pays after the meal. Some facilities offer carry-out for a small proportion of its customers. Some facilities within this land use may also contain lounge or bar area for serving food and alcoholic drinks. Fast casual restaurant (Land Use 930), quality restaurant (Land Use 931), fast-food restaurant without drive-through window (Land Use 933), and fast-food restaurant with drive-through window (Land Use 934) are related uses.

The analysis of parking demand for this land use has identified different parking demand rates between high-turnover restaurants with and without lounges. The term "family restaurant" is used interchangeably as an abbreviated version of "high-turnover (sit-down) restaurant without lounge or bar facilities."

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand **on a weekday** at family restaurants that serve breakfast, lunch, and dinner (12 study sites); family restaurants that serve lunch and dinner (38 sites), and restaurants with a lounge or bar (four sites).

	Percent of Weekday Peak Parking Demand				
Hour Beginning	Family (breakfast, lunch, and dinner)	Family (lunch and dinner)	Lounge or Bar		
12:00-4:00 a.m		-	-		
5:00 a.m.	-	-	-		
6:00 a.m.	10	-	-		
7:00 a.m.	25	-	-		
8:00 a.m.	68	-	-		
9:00 a.m.	72	-	-		
10:00 a.m. 77		26	9		
11:00 a.m.	11:00 a.m. 83		15		
12:00 p.m.	12:00 p.m. 100	95	100		
1:00 p.m. 91	95	81			
2:00 p.m.	2:00 p.m. 56 3:00 p.m. 42 4:00 p.m. 42		54		
3:00 p.m.			33		
4:00 p.m.			26		
5:00 p.m.	64	62	29		
6:00 p.m.	87	99	58		
7:00 p.m.	79	100	70		
8:00 p.m.	65	83	77		
9:00 p.m.	42	51	61		
10:00 p.m.	21	28	41		
11:00 p.m.	-	-	-		

The following table presents a time-of-day distribution of parking demand **on a Saturday** at family restaurants that serve breakfast, lunch, and dinner (six study sites); family restaurants that serve lunch and dinner (10 sites), and restaurants with a lounge or bar (six sites).

	Percent of Saturday Peak Parking Demand				
Hour Beginning	Family (breakfast, lunch, and dinner)	Family (lunch and dinner)	Lounge or Bar		
12:00-4:00 a.m.	-	-	-		
5:00 a.m.	-	-	-		
6:00 a.m.	15	-	-		
7:00 a.m.	28	-	-		
8:00 a.m.	52	-	-		
9:00 a.m.	75	-	-		
10:00 a.m.	91	87	15		
11:00 a.m.	100	90	23		
12:00 p.m.	00 p.m. 90	100	37		
1:00 p.m.	m. 80	98	50		
2:00 p.m.	67	85	44		
3:00 p.m.	45	73	37		
4:00 p.m.	39	58	48		
5:00 p.m.	40	63	64		
6:00 p.m.	40	76	90		
7:00 p.m.	58	78	100		
8:00 p.m.	40	76	89		
9:00 p.m.	35	55	71		
10:00 p.m.	33	46	56		
11:00 p.m.	-	-	-		

Additional Data

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish parking generation rates for facilities having significant outdoor seating.

The average parking supply ratios for the study sites with parking supply information are as follows:

- in a general urban/suburban setting, 15 spaces per 1,000 square feet GFA (53 sites) and 0.5 spaces per seat (42 sites)
- in a dense multi-use urban setting, 7 spaces per 1,000 square feet GFA (six sites) and 0.4 spaces per seat (one site)

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in California, Connecticut, Florida, Illinois, Indiana, Massachusetts, Minnesota, New Jersey, New York, Oklahoma, Oregon, Pennsylvania, Texas, and Washington.

Source Numbers

8, 9, 21, 22, 47, 168, 182, 201, 218, 274, 276, 299, 527, 531, 556, 557, 567, 568



High-Turnover (Sit Down) Restaurant - Family (932)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Thursday)

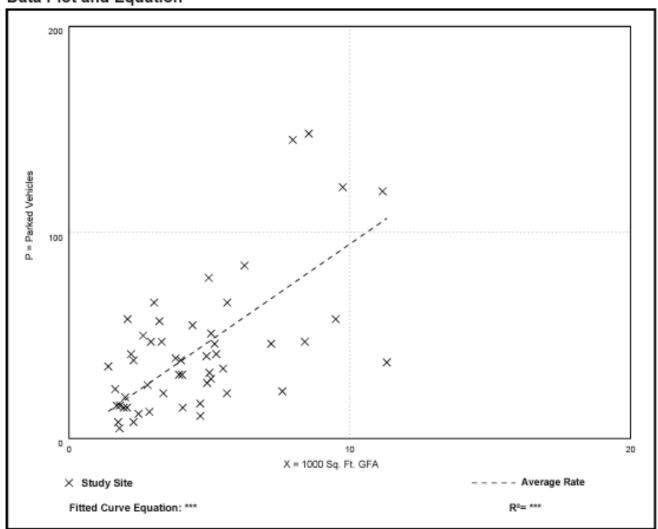
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 12:00 - 1:00 p.m.; 6:00 - 8:00 p.m.

Number of Studies: 51 Avg. 1000 Sq. Ft. GFA: 4.5

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
9.44	2.35 - 27.78	6.39 / 17.40	7.96 - 10.92	5.38 (57%)



High-Turnover (Sit Down) Restaurant - Family (932)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Friday

Setting/Location: General Urban/Suburban

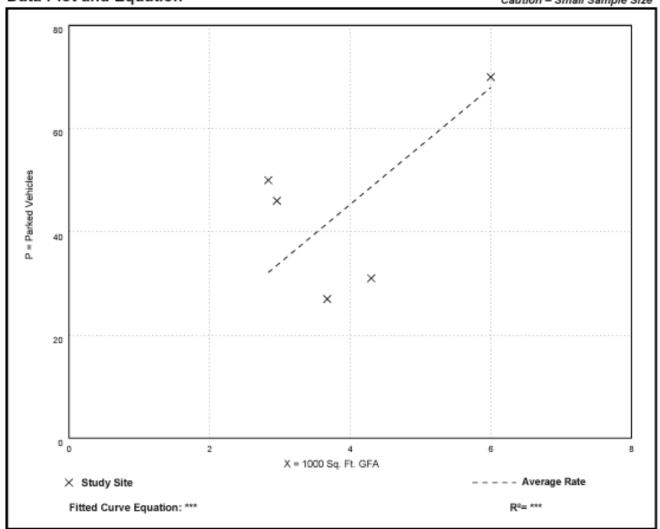
Peak Period of Parking Demand: 12:00 - 1:00 p.m.; 6:00 - 8:00 p.m.

Number of Studies: 5 Avg. 1000 Sq. Ft. GFA: 4.0

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
11.33	7.21 - 17.64	7.35 / 17.64	***	4.34 (38%)

Caution - Small Sample Size



High-Turnover (Sit Down) Restaurant - Family (932)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

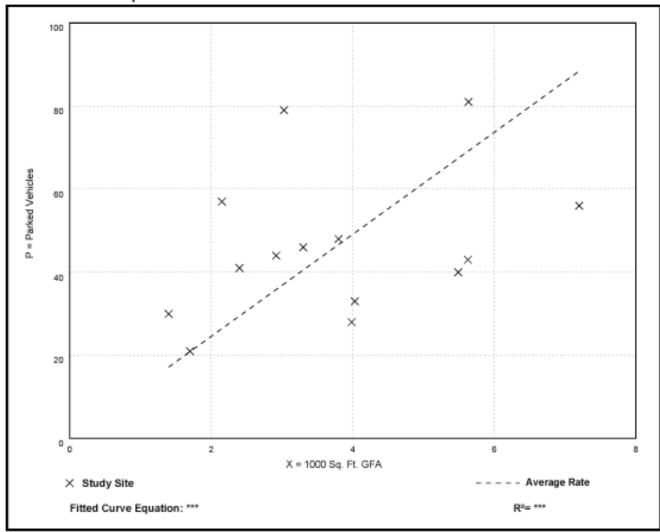
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 10:00 a.m. - 12:00 p.m.; 6:00 - 9:00 p.m.

Number of Studies: 14 Avg. 1000 Sq. Ft. GFA: 3.8

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
12.28	7.03 - 26.49	8.17 / 24.91	***	6.10 (50%)



Land Use: 933 Fast-Food Restaurant without Drive-Through Window

Description

This land use includes fast-food restaurants without drive-through windows. This type of restaurant is characterized by a large carry-out clientele, long hours of service (some are open for breakfast, all are open for lunch and dinner, some are open late at night or 24 hours a day) and high turnover rates for eat-in customers. These limited-service eating establishments do not provide table service. A patron generally orders from a menu board and pays before receiving the meal. A typical duration of stay for an eat-in customer is less than 30 minutes. Fast casual restaurant (Land Use 930), high-turnover (sit-down) restaurant (Land Use 932), and fast-food restaurant with drive-through window (Land Use 934) are related uses.

Additional Data

The outdoor seating area is not included in the overall gross floor area. Therefore, the number of seats may be a more reliable independent variable on which to establish parking generation rates for facilities having significant outdoor seating.

The average parking supply ratios for the study sites with parking supply information are as follows:

- in a general urban/suburban setting, 16 spaces per 1,000 square feet GFA (11 sites)
- in a dense multi-use urban setting, 10 spaces per 1,000 square feet GFA (7 sites)

The sites were surveyed in the 1980s and the 1990s in California, Connecticut, Oklahoma, and Washington.

Source Numbers

8, 9, 47, 235, 241, 298

Fast-Food Restaurant without Drive-Through Window (933)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

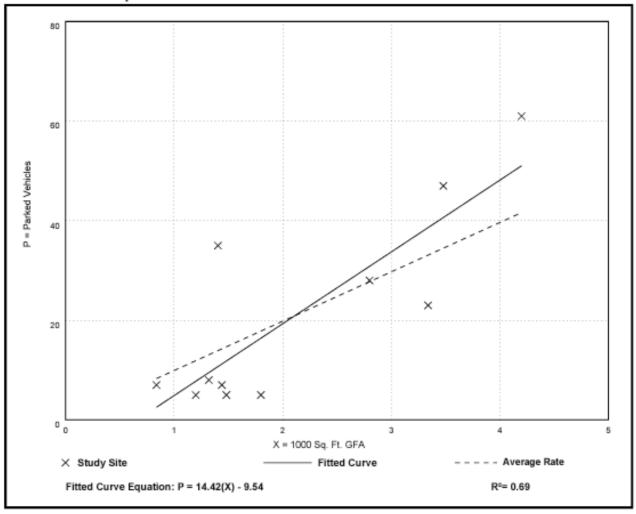
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 11:00 a.m. - 1:00 p.m.

Number of Studies: 11 Avg. 1000 Sq. Ft. GFA: 2.1

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
9.91	2.78 - 24.93	4.83 / 16.60	***	5.89 (59%)



Land Use: 936 Coffee/Donut Shop without Drive-Through Window

Description

This land use includes single-tenant coffee and donut restaurants without drive-through windows. Freshly brewed coffee and a variety of coffee-related accessories are the primary retail products sold at these sites. They may also sell other refreshment items, such as donuts, bagels, muffins, cakes, sandwiches, wraps, salads, and other hot and cold beverages. Some sites may also sell newspapers, music CDs, and books. The coffee and donut shops contained in this land use typically hold long store hours (more than 15 hours) with an early morning opening. Limited indoor seating is generally provided for patrons, but table service is not provided. Coffee/donut shop with drive-through window (Land Use 937), coffee/donut shop with drive-through window and no indoor seating (Land Use 938), bread/donut/bagel shop without drive-through window (Land Use 939), and bread/donut/bagel shop with drive-through window (Land Use 939), and bread/donut/bagel shop with drive-through window (Land Use 939).

Time of Day Distribution for Parking Demand

The following table presents a time-of-day distribution of parking demand on a weekday (three study sites) and a Saturday (three study sites) in a general urban/suburban setting.

	Percent of Peak Parking Demand		
Hour Beginning	Weekday	Saturday	
12:00-4:00 a.m.	-	-	
5:00 a.m.	-	-	
6:00 a.m.	-	-	
7:00 a.m.	73	100	
8:00 a.m.	100	90	
9:00 a.m.	63	80	
10:00 a.m.	57	65	
11:00 a.m.	42	62	
12:00 p.m.	39	40	
1:00 p.m.	27	32	
2:00 p.m.	-	-	
3:00 p.m.	-	-	
4:00 p.m.	-	-	
5:00 p.m.	-	-	
6:00 p.m.	-	-	
7:00 p.m.	-	-	
8:00 p.m.	-	-	
9:00 p.m.	-	-	
10:00 p.m.	-	-	
11:00 p.m.	-	-	

Additional Data

The average parking supply ratio for the four study sites with parking supply information is 7.1 spaces per 1,000 square feet GFA.

The sites were surveyed in the 1990s, the 2000s, and the 2010s in California, New Jersey, Oregon, Pennsylvania, and Washington.

Source Numbers

298, 399, 428, 431, 531

Coffee/Donut Shop without Drive-Through Window (936)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Weekday (Monday - Friday)

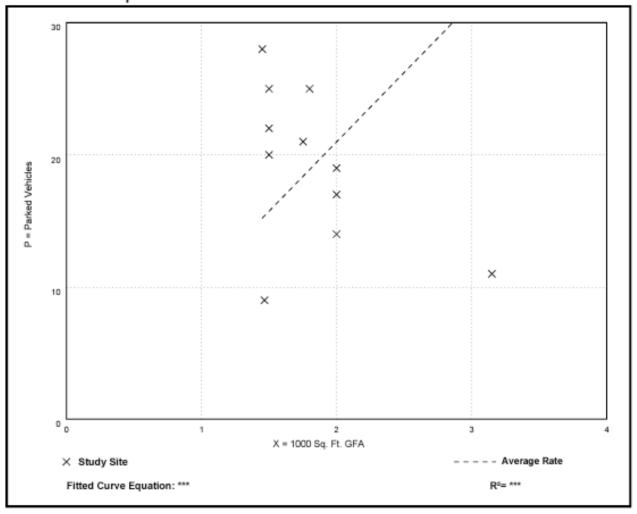
Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 7:00 - 8:00 a.m.

Number of Studies: 11 Avg. 1000 Sq. Ft. GFA: 1.8

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
10.49	3.49 - 19.31	8.44 / 17.20	***	4.98 (47%)



Coffee/Donut Shop without Drive-Through Window (936)

Peak Period Parking Demand vs: 1000 Sq. Ft. GFA

On a: Saturday

Setting/Location: General Urban/Suburban

Peak Period of Parking Demand: 7:00 - 8:00 a.m.

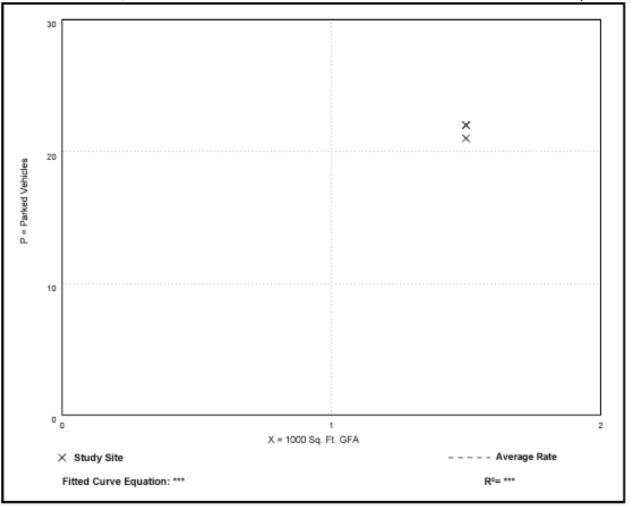
Number of Studies: 3 Avg. 1000 Sq. Ft. GFA: 1.5

Peak Period Parking Demand per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	33rd / 85th Percentile	95% Confidence Interval	Standard Deviation (Coeff. of Variation)
14.44	14.00 - 14.67	14.21 / 14.67	***	0.38 (3%)

Data Plot and Equation

Caution - Small Sample Size



END OF PARKING STUDY



2579 SW 87th Drive, Suite 101 Gainesville, FL 32608 nueurbanconcepts@gmail.com 833-NUC-8484 (o) 352-363-0614 (c)

July 13th, 2020

Ms. Christine Berish
Development Service Manager
Alachua County
Growth Management Department
10 SW 2nd Avenue
Gainesville, FL 32601

Re: Redevelopment Deviation Request for the Shops at Archer & 43rd Street

Dear Christine:

This redevelopment deviation request is submitted as part of a request for final development plans for the redevelopment of parcel 06800-006-002 located at 4103 SW 43rd Street. The 1.02-acre parcel currently has a convenience store with fueling pumps. The proposed redevelopment is a 6,370-square foot multi-tenant buildings with a 2,450-square foot bank and 3,920 square feet for a restaurant (Site Plan Attachment A). EDA submitted a Comprehensive Plan and ULDC consistency statement in support of the final development plan application for the redevelopment of the existing convenience store (Attachment B).

The Alachua County Unified Land Development Code (ULDC) Chapter 407 Article XV provides for the orderly and efficient redevelopment of properties within the urban cluster to promote efficient use of land, provide flexibility in design, promote walkable communities, and to discourage greenfield development and sprawl. Section 407.151 allows for deviations to the ULDC to promote redevelopment within the urban cluster. The applicant request deviation from ULDC Sections 405.07 (c)(4) and 405.07 (e)(4).

ULDC Section 405.07 (c)(4) states:

"Parking design standards. Off-street parking and loading areas shall be provided in accordance with Article II, Parking, Loading and Stacking, of Chapter 407 of this ULDC. In addition, the following shall apply:

a. Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.

- b. All surface-parking areas shall be located in the interior of blocks.
- c. Parking structures on sites that abut a public street shall have at least 50 percent of the ground floor street frontage developed for office, commercial, or civic uses."

ULDC Section 405.07 (e)(4) states:

- "(e) Pedestrian circulation and amenities. Activity center roadways shall be designed to accommodate pedestrians in a safe, comfortable and convenient manner, as follows:
- (4) At least one continuous pedestrian walkway must be provided from any public right-of-way to the primary entrance of all commercial retail, office and multiple family buildings. Pedestrian connections shall also be provided between adjacent parcels and uses, with exceptions for instances where:
- a. The adjacent use is an individual single family lot;
- b. There are topographic or other physical limitations preventing a connection; or
- c. A connection would not be consistent with the protection of natural or historic resources."

The proposed redevelopment is located at the northeast corner of Archer Road (SR 24) and SW 43rd Street, less than 1/8 mile west of the Interstate 75 and Archer Road (SR 24) Interchange. The future land use designation for the parcel is tourist entertainment, which the Comprehensive Plan states is most appropriate along arterial roads at highway interchanges with Interstate 75. Land uses such as convenience stores with gas, banks and restaurants, with and with-out drive-thru's, are permitted uses in the tourist entertainment land use designation. The parcel outlined in red in the aerial below is the current convenience store with fuel pumps.



The current parcel, like the other three parcels developed along the east side of SW 43rd Street are, was designed to primarily be accessed by motor vehicles. The land use allowed within the designation of tourist entertainment are motor vehicle oriented uses with convenient access to arterials and the Interstate 75 and Archer Road (SR 24) interchange. One of the principal components of motor vehicle serving land uses is convenient access and easily accessible parking. The current convenience store, the Country Inn & Suites, the Cracker Barrel and the recently renovated HOM Suites Hotel all have parking that fronts SW 43rd Street and all have parking in front of each of the land uses. The aerial below shows the four developed parcels along the east side of SW 43rd Street.



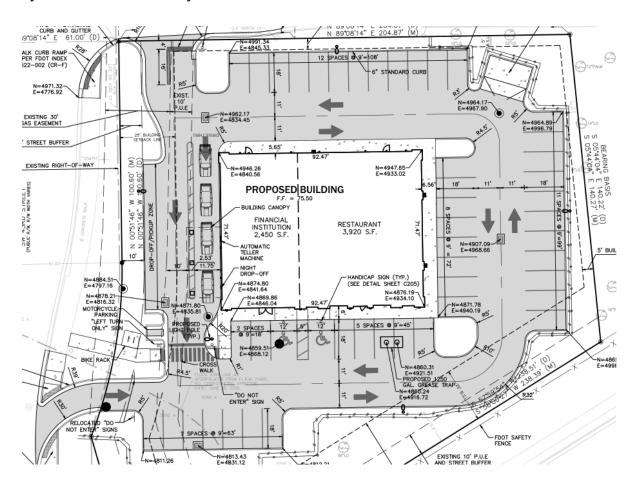
The redevelopment parcel is bound by six (6) lanes of Archer Road to the south, four (4) lanes of SW 43rd Street along the west, and the southbound off-ramps and Country Inn & Suites along the east and north. The redevelopment parcel is shown in red on the aerial.



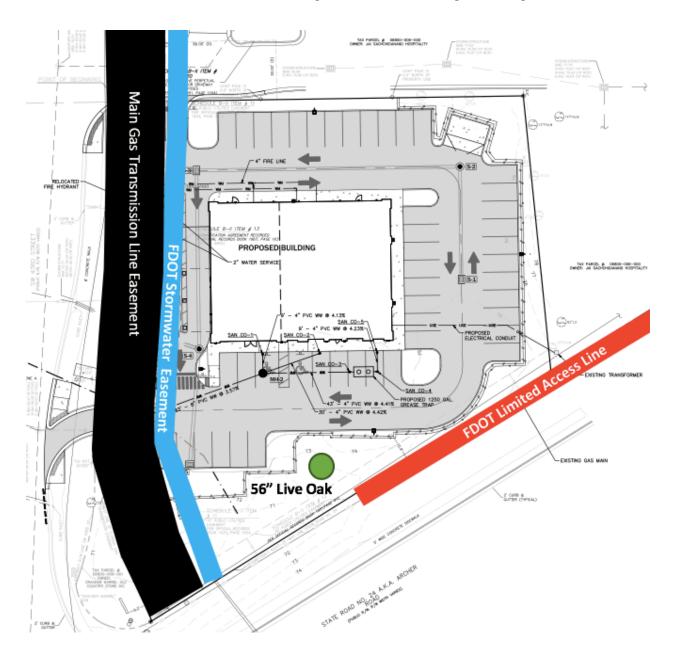
The Board of County Commissioners (BOCC), recognized through Comprehensive Plan policies approvals for Celebration Pointe, that land uses near Interstate 75 and Archer Road would primarily be oriented towards motor vehicles and that and land uses within the Village Center of Celebration Pointe are oriented towards people walking and bicycling with off-street parking to the rear of land uses. The Commons in Celebration Pointe has approvals for a Wawa convenience store with gas pumps and parking along all sides of the use, including in front of the store. A Starbucks and a Texas Roadhouse have already been built and both uses have parking in front of the uses.



The proposed redevelopment has a total of 16 parking spaces in front of the store, two (2) of which are accessible spaces. There are 19 spaces proposed along the east side of the use and 12 spaces along the back of the use. There are no parking spaces proposed along the west side of SW 43rd Street. The west side of the use proposes a drive thru lane for an ATM and an evening drop drop-off for deposits. The bank does not have a traditional drive-thru as it encourages customers to come into the branch. There is a one-way by-pass lane along the drive-thru. There is also a drop-off / pick-up zone for ride share services like Uber and Lyft and for food delivery for services such as Uber Eats and Door Dash.

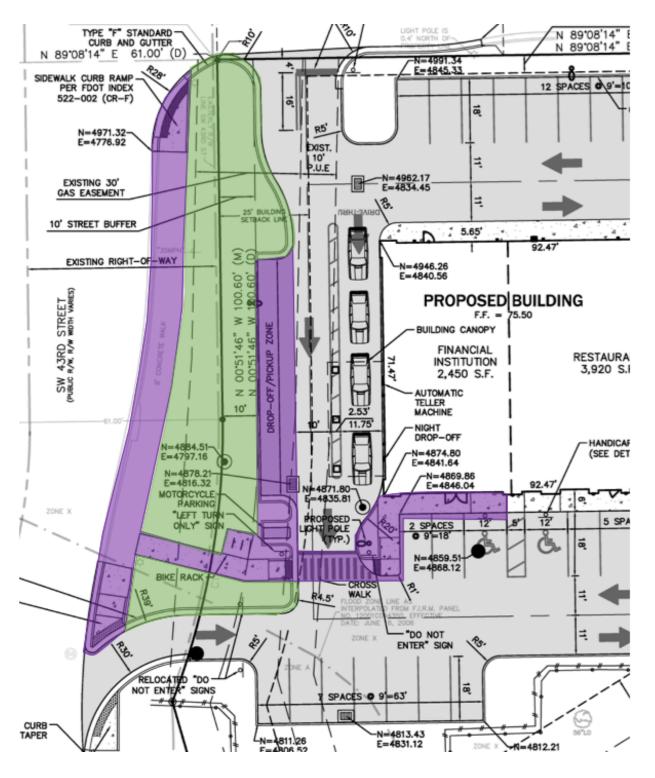


The prospective end users are requiring convenient access and accessible parking in front of the proposed uses. Prospective tenants except, given the location and access to Interstate 75 and Archer Road, that motor vehicles would be able to conveniently access their businesses. End users that desire a more urban setting, oriented to people walking and bicycling and parking to the rear or in garages, have several options within the Village Center and Transit Supportive Area of Celebration Pointe. Besides the expectations of end users, there are also several physical limitations to the site that limit the ability of parking to meet the requirements of ULDC Sections 405.07 (c)(4). There is an FDOT limited access line along Archer Road and major utility easements along SW 43rd Street.

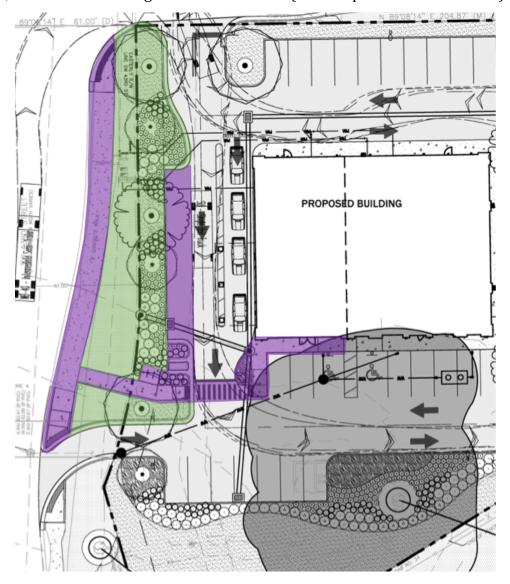


If there was an allowable access connection to Archer Road along the east side of the parcel, there may have been more flexibility to place parking to the side and rear of the proposed redevelopment as required by ULDC Sections 405.07 (c)(4)(a). The presences of the FDOT limited access line and the 56" Live Oak proposed for preservation restrict access to Archer Road. There are limited uses permitted and no permanent structures allowed on top of utility easements along SW 43rd Street. The most appropriate use of the area is for the proposed drive-thru and the bypass lane. Undeveloped parcels and larger sites with fewer physical constraints would have provided more flexibility related to site layout and parking. Redevelopment of existing sites with an already defined development pattern have greater limitations on meeting ULDC design standards for green field developments.

The Shops at Archer Rd and SW 43^{rd} Street request a deviation from ULDC Section 405.07 (c)(4)(a) and (b). The physical site constraints, the 1.02-acre parcel size, the current development patterns for the Country Inn & Suites, Cracker Barrel, HOM Suites and the Commons, as well as demand from end users, limits the ability of the proposed development to meet the requirements of Section 405.07 (c)(4)(a) and (b).



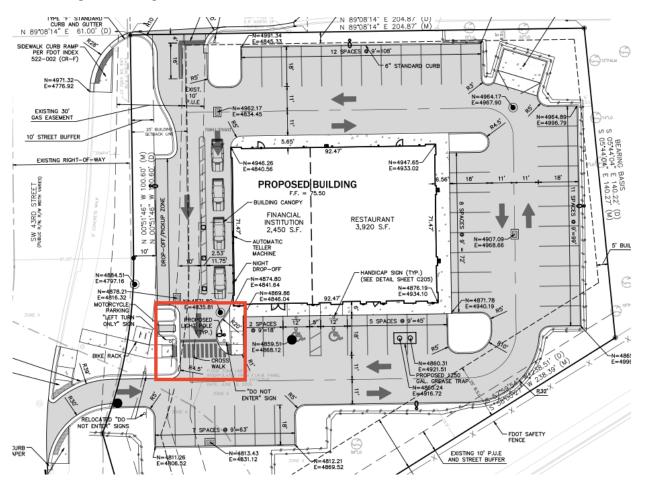
As an alternative design to meet the intent of the Comprehensive Plan and ULDC to enhance accessibility for people walking and bicycling through site design, including locating parking to the side and rear of parcels, the development has removed parking along SW 43rd Street and located multimodal facilities to allow for safe and convenient access from SW 43rd Street. Bicycle, scooter and motor cycle parking is located along the sidewalk connection to SW 43rd Street near the project entrance. A drop-off and pick-up zone for ride hailing services like Uber and Lyft has been located along the west side of the parcel. A high visibility crossing across the drive aisle along the west side of SW 43rd Street has been added to make a convenient connection to SW 43rd Street and the project entrances. The multimodal areas are shown in purple in both the graphic above and below, including the recently added eight (8) foot wide path along SW 43rd Street. The green areas above and below show open space along SW 43rd Street. The graphic below also illustrates the enhanced landscaping along SW 43rd Street to visually minimize the drive-thru and bypass lane, as well as enhancing the visual aesthetic (Landscape Plan Attachment C).



07/13/2020

The Applicant request a deviation from ULDC Section 405.07 (c)(4)(a) and (b). The physical site constraints, the 1.02-acre parcel size, the current development patterns for the Country Inn & Suites, Cracker Barrel, HOM Suites and the Commons, as well as demand from end users, limits the ability of the proposed development to meet the ULDC requirements. The requirements of ULDC Section 405.07 (c)(4)(a) and (b) are appropriate within Activity Centers, mixed-use developments such as Traditional Neighborhood Developments and Transit Oriented Developments, larger parcels and green field developments that are not located near interchanges with Interstate 75. The proposed redevelopment site plan prepared by the Shops at Archer and SW 43rd Street provides a balance between multimodal access and motor vehicle access and is appropriate given the tourist entertainment land use and the motor vehicle oriented design of parking areas for all uses surrounding the development.

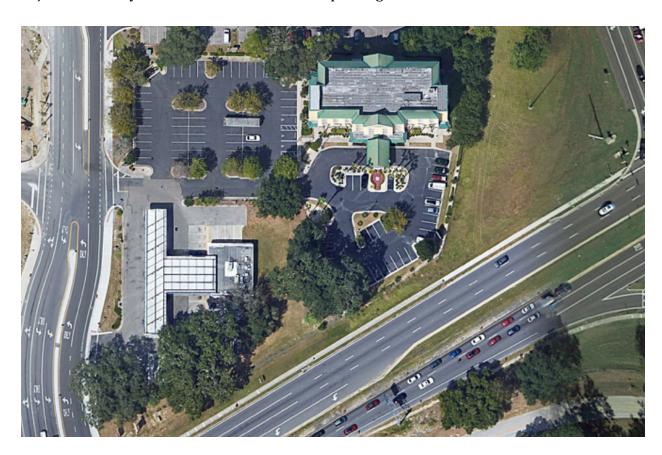
The Applicant request a deviation from ULDC Section 405.07 (e)(4) related to pedestrian access to adjacent street right-of-way and adjacent parcels. The proposed site plan has been designed to enhance pedestrian and bicycle accessibility and safety by limiting walkways within vehicular circulation areas to a single, high visibility marked crosswalk, with a stop bar, that provides direct access to SW 43rd Street.



07/13/2020

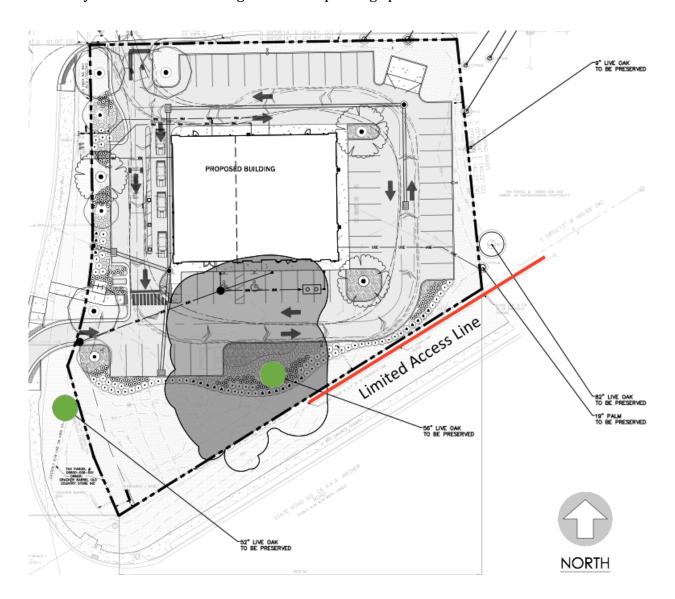
Further, the site design encourages people walking and bicycling from Archer Road and adjacent properties to use the high visibility 8' wide sidewalk along SW 43rd Street and then access the entrance to the proposed end users along the marked crosswalk. The hotel to the northeast of the development is accessed by a shared drive aisle from SW 43rd Street with no provision for crossing through vehicular use areas other than the main access drive aisle. To discourage people walking through parking spaces and drive aisles within the parking lot of both the hotel and the proposed development, the safest and most visible route is for hotel guest to use the sites drive aisles to access the sidewalk on SW 43rd Street and to access the entrance at the marked crosswalk connection from SW 43rd Street to the entrances of the proposed uses.

Providing a pedestrian connection into the drive aisle and parking lot of the Country Inn and Suites without appropriate crosswalks, landings, or sidewalk connections on property not owned by the Applicant opens the property owner to potential litigation should someone use the multimodal access connection and get hurt in the drive aisle or parking lot of the hotel. It's unfortunate that we live in a litigious society, but the reality is that we do and that care needs to be exercised where access is provided. The safest route is to direct and encourage people walking and bicycling to use the eight (8) foot wide path recently constructed by Celebration Pointe along SW 43rd Street. The aerial below shows the adjacent Country Inn & Suites drive aisle and parking area.



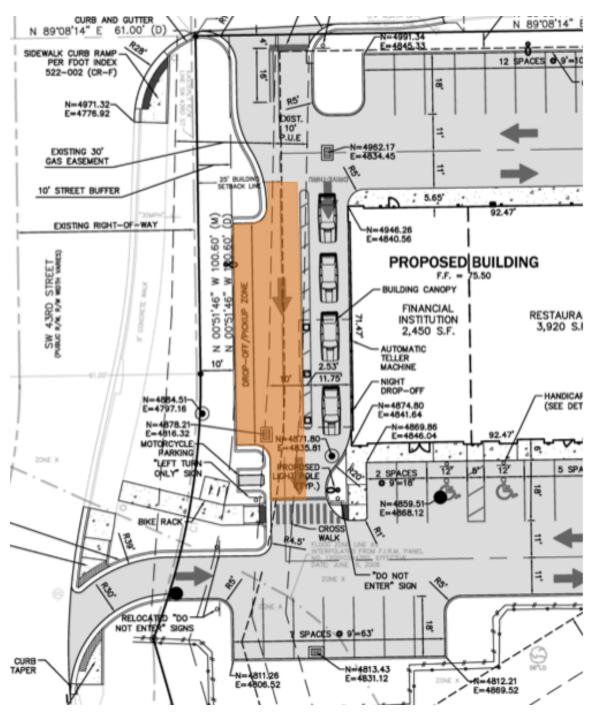
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FDOT current has a limited access fence than runs along roughly 50% of the developments frontage with Archer Road (SR 24) and prohibits vehicle and pedestrian access. Where the limited access fence ends, there is a large 56" Live Oak that is being preserved as well as a shallow depressed area from the back of sidewalk on Archer Road to the current surface parking lot. The addition of an access connection from Archer Road would add impervious surfaces through the provision of a meandering sidewalk, which would be longer than normal to meet ADA requirements, and impact the open area around the preserved Live Oak. In addition, a sidewalk connection from Archer Road would require the crossing of two-way drive aisle and through vehicular parking spaces.



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There was a second drive aisle along SW 43rd Street that was originally proposed. The northbound drive aisle has been removed and the crosswalk has been relocated to a point where it just crosses a single drive aisle. In addition, the remaining drive aisle has been reduced in width from 12' to 10', reducing the width of vehicle circulation and parking areas helps to slow down vehicles and make it safer for people walking and bicycling to cross. The previous drive-aisle has been repurposed as a drop-off / pick-up area for Uber, Lyft, Door Dash, Uber Eats and other ride-hailing and delivery services. This limits these vehicles from idling in drive aisles and parking spaces.



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The Applicant request a deviation from ULDC Sections 405.07 (c)(4) and 405.07 (e)(4). The physical site constraints (limited access line, utility easements, tree preservation), the 1.02-acre parcel size, the current layout for the Country Inn & Suites, Cracker Barrel, HOM Suites and the Commons, as well as demand from prospective tenants, limits the ability of the proposed development to meet these specific ULDC requirements. *The proposed redevelopment site plan prepared by the Shops at Archer and SW 43rd Street provides a balance between multimodal access and motor vehicle access and is appropriate given the tourist entertainment land use and the motor vehicle oriented design of parking areas for all uses surrounding the development.* Please feel free to contact me if there are any questions or if additional information is necessary.

Sincerely,

Jonathan B. Paul, AICP

Jonathan B. Paul

Principal

Attachments

07/13/2020

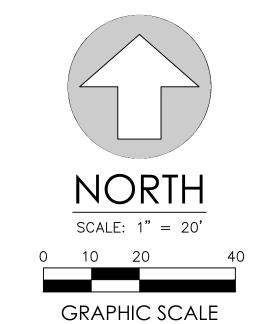
Attachment A

Site Plan

GENERAL NOTES

- . ALL PARKING LOT DIMENSIONS AND RADII SHOWN ARE MEASURED FROM FACE OF CURB AND/OR THE EDGE OF PAVEMENT IF THERE IS NOT CURB PROPOSED. ALL RADIAL PARKING IS 9' MIN. WIDTH AT NARROWEST POINT.
- CONTRACTOR IS RESPONSIBLE FOR VERIFICATION OF LOCATION OF ALL EXISTING UTILITIES AND PROTECTION OF SAME DURING CONSTRUCTION.
- 3. ELECTRIC SERVICE TO BE COORDINATED WITH G.R.U. ELECTRIC ENGINEERING
- 4. SIDEWALKS WILL BE CONNECTED TO BUILDING ENTRANCE. COORDINATE LOCATIONS WITH ARCHITECT.





No.	Date	Comment

Professional Engineer of Record:

Claudia Vega, P.E.	51532
Engineer	Certificate No.

Project No: 19-108

Project phase:

FINAL REDEVELOPMENT SUBMITTA
Project title:

SHOPS AT ARCHER & 43RD.

ALACHUA COUNTY, FLORIDA

Sheet title:

Checked:

Date: 07/13/20

DIMENSION PLAN

Designed: MD Sheet N
Drawn: MAB

CSV

C100

Attachment B

Comprehensive Plan & ULDC Consistency Letter



April 27, 2020

Alachua County Growth Management Attn: Leslie McLendon 10 SW 2nd Avenue Gainesville. FL 32601

Re: Shops at Archer & 43rd

Final Development Plan Application

Ms. McLendon:

This letter accompanies a Final Development Plan submittal for a proposed redevelopment on parcel number 06800-006-002 located at 4103 SW 43rd Street. The approximately 1.02 acre site has been fully developed for decades as a gas station (currently a Circle K). The project associated with the Final Development Plan is the proposed redevelopment of the site, removing the convenience store and fueling pumps and replacing with a 6,370 SF restaurant / bank building with associated parking and utilities.

The future land use designation (Tourist Entertainment) permits these proposed uses. The following Objective and Policy apply:

OBJECTIVE 3.10 - TOURIST/ENTERTAINMENT COMMERCIAL POLICIES AND STANDARDS

Tourist/entertainment commercial uses are oriented primarily toward providing services for the short term visitor to Alachua County. **These commonly include gasoline stations, restaurants, lodging, bed and breakfast, and special entertainment facilities**.

Policy 3.10.1 Tourist/entertainment uses shall be located consistent with the following policies:

- (a) These uses are most appropriate, but are not limited to, highway interchanges with Interstate 75.
- (b) Tourist/entertainment uses should have direct access from arterials with preference given to intersections. In specific instances it may be appropriate for certain uses to locate away from arterials due to the desire to locate that individual use adjacent to the natural environment or a cultural resource. (e.g., near lakes, marine business uses and campgrounds might be appropriate, or in a rural cluster, where a bed and breakfast establishment might be appropriate.)

As outlined above, the Tourist / Entertainment future land use designation was intended by the County Comprehensive Plan to provide land primarily located near interstate interchanges, along arterial roadways and with adequate utilities to serve the site. The subject property meets all of these criteria and is very well suited to accommodate the type of commercial development that is promoted in Tourist / Entertainment including the proposed restaurant / bank businesses that serve both the tourism industry and the local community.

The proposed site redevelopment is a permitted use in the BR-1 zoning district, which allows the proposed restaurant / bank uses (per ULDC Table 404, Article 2). In addition, as demonstrated on the Development Plan, the proposed project complies with the dimensional standards outlined in Table 403.12.1 (Standards for Commercial Districts).

The proposed site redevelopment utilizes the applicable provisions in ULDC, Sec. 405.45. This code section (stated below), outlines the design criteria for parcels less than 5 acres that cannot strictly adhere to the design standards in Ch. 407, Article VII (TND design criteria):

Sec. 405.45. - Exceptions to design standards for certain development types.

(a) Parcels less than five acres. Where it can be demonstrated that development on parcels less than 5 acres can not strictly adhere to the urban design standards in Chapter 407, Article VII, those parcels shall develop consistent with the design standards in section 405.07.

The project site cannot strictly adhere to the design standards in TND's and TOD's (Ch. 407, Article VII requirements for several reasons). First, the project site is very small in size (just over 1 acre) and is thus not suited / or intended to be developed as a TND or TOD. In addition, the project proposes a redevelopment of the site, which provides limitations to feasibility of design. The property is a conversion of a prototypical highway gas station on a site that is surrounded by existing development. This property is also in an area in immediate proximity to Interstate 75 with a Tourist Entertainment future land use designation that promotes uses that are not synonymous with larger scale mixed use TND / TOD-style development.

As such, the project proposes to comply with the standards outlined in Sec. 405.07 (not Ch. 407, Article VII) to the greatest degree possible as a redevelopment site. The ULDC includes provisions for site redevelopments to allow some flexibility in design to accommodate for unique site considerations and features that frequently come as part of previously developed properties.

The provisions for redevelopment are indicated below:

ARTICLE XV. - REDEVELOPMENT

Sec. 407.149. - Purpose.

It is the intent of this article to provide for orderly and efficient redevelopment of properties within the urban cluster in order to promote efficient use of land, provide flexibility in design, promote walkable communities, and to discourage greenfield development and sprawl.

Sec. 407.150. - Applicability.

For the purpose of this article, redevelopment means any construction or improvement performed on sites where the existing site's impervious area exceeds 40 percent.

Sec. 407.151. - Flexible design standards.

All development shall meet applicable requirements of the Unified Land Development Code. However, recognizing the difficulty in redeveloping sites the board of county commissioners may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a final redevelopment plan with a description of the deviation requested and a justification that explains why the current standard is not feasible based on the conditions of the site. Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the board of county commissioners. The BoCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of the ULDC and would not hinder the public health, safety and general welfare

of the residents and property owners of Alachua County. When no deviations are requested, a final development plan shall be submitted for review by the development review committee.

The subject property meets the applicability criteria for the redevelopment projects as stated above. Primarily, the site will include redevelopment of a property where the existing site's impervious area exceeds 40 percent. The proposed Final Development Plan proposes to redevelop the site in a manner that complies with all applicable design criteria to the greatest degree possible. As indicated in Sec. 405.45 above, the applicable criteria for this project are outlined in Sec. 405.07 (design standards for developments other than TNDs or TODs in activity centers.

A review of these design standards area indicated below and a statement after each indicating how the site complies with the criteria or a justification that explains why this standard is infeasible based on the conditions of the site (per Sec. 407.151):

Sec. 405.07. - Design standards for developments other than TNDs or TODs in activity centers.

- (a) Blocks and streets. All blocks and streets shall meet the requirements of Article XIII, Access Management and Street Network Standards, of Chapter 407, the Alachua County Corridor Design Guidelines, and the following regulations:
 - (1) The street and roadway network within an activity center shall be designed to conform to existing natural features and shall provide for logical and orderly mobility throughout the activity center.

Applicant's Response: No changes to the street roadway network is proposed. A connection to all interconnectivity options available to the existing private driveway

(2) Provisions shall be made for the reservation or dedication of all rights-of-way needed for the improvement of existing streets or the construction of new streets within or surrounding the activity center.

<u>Applicant's Response</u>: The site is surrounded by exiting development and roadways/driveways and no reservation of right-of-way is needed for this project.

(3) New development and redevelopment within activity centers shall allow for new streets that connect existing public roadways, or that are designed to facilitate future roadway connections.

<u>Applicant's Response</u>: The site provides connection to a public right of way to the west and a private driveway to the north, provided appropriate interconnectivity.

(4) New development and redevelopment shall provide multimodal cross access to adjacent existing or future development. Cross access facilities shall be covered with appropriate cross access easement.

<u>Applicant's Response</u>: The site provides cross-access to a private driveway to the north, which serves the properties to the north and east.

(5) The arrangement, character, and location of all blocks and streets shall be designed to create a cohesive internal street network that connects individual parcels within the activity center.

<u>Applicant's Response</u>: The blocks have been defined in this immediate area for years and this redevelopment will contribute to the existing interconnected street network to the west, north and east.

(6) The layout and types of streets, sidewalks, shared-use paths, and bicycle lanes on individual sites shall provide for the continuation or appropriate projection into adjacent

areas unless topography, traffic volume, or other conditions make continuance impractical.

<u>Applicant's Response:</u> The project provides street interconnectivity and a safe pedestrian connection from the entrance of the proposed buildings to the adjacent pedestrian network to the west.

(7) Private streets and roadways within an activity center shall remain privately owned and maintained and shall not be accepted by the county for maintenance unless the streets are designed and inspected to all applicable public road standards. Public access easements shall be provided on all streets, roadways and alleys and pedestrian pathways. Alleys shall be constructed to a structural standard and geometric configuration that will accommodate service delivery vehicles.

<u>Applicant's Response:</u> No private or public streets are proposed as part of this project.

- (b) Stormwater facilities.
 - (1) The design and construction of stormwater facilities shall be in accordance with Article IX, Stormwater Management, of Chapter 407 and other applicable regulations, ordinances, resolutions and rules. The stormwater management system shall also be consistent with applicable activity center Master Plans, special area studies and the standards herein.
 - (2) A stormwater plan will be required as part of an activity center master plan. The stormwater plan shall provide data on the stormwater retention needs for the entire master plan area (minimum of one quadrant within the activity center) at build out conditions, and provide a mechanism for shared stormwater facilities, where feasible.
 - (3) Surface stormwater facilities shall be designed to provide a physical or visual amenity within an activity center, as public open space, or as an aesthetic feature to resemble natural areas with native landscaping, consistent with Article V, Open Space, and Article IX, Stormwater Management, of Chapter 407 of this ULDC.
 - (4) The use of shared stormwater facilities to accommodate multiple developments within the activity center is encouraged.

<u>Applicant's Response:</u> These standards are not applicable to this project as the site connects to an existing off-site stormwater system that will not be altered as part of this project.

- (c) Parking.
 - (1) A parking plan shall be prepared for the entire master plan area at build out conditions, and shall include the locations for parking facilities and the types of parking facilities (e.g., surface, structure, or on-street).
 - (2) Buildings and land uses within activity centers may utilize shared parking areas to serve complementary uses and activities. Provisions for shared parking may be addressed through the development of an activity center master plan. where a master plan has not been adopted or is not required, development plan applications that will include shared parking facilities shall be in accordance with section 407.17 of this ULDC.
 - (3) Reductions in the required number of paved parking spaces may be permitted in accordance with section 407.18 of this ULDC, or through the master plan process.
 - (4) Parking design standards. Off-street parking and loading areas shall be provided in accordance with Article II, Parking, Loading and Stacking, of Chapter 407 of this ULDC. In addition, the following shall apply:

- Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
- b. All surface-parking areas shall be located in the interior of blocks.
- c. Parking structures on sites that abut a public street shall have at least 50 percent of the ground floor street frontage developed for office, commercial, or civic uses.

Applicant's Response: The project site complies with the parking criteria to the greatest degree feasible on this redevelopment site. The project site ties into private driveways and parking areas, thus allowing for shared use of these spaces. The proposed building and parking area have been designed in a manner that places a large majority of the parking to the side or rear of the property (approx. 66% or 2/3), as required above. As can be seen on the site layout, there is no additional room to the side or rear to provide additional parking spaces. The parking in the front of the building has been minimized to the greatest degree possible to comply with the intent of the code and to also provide the necessary amount of parking spaces to serve the proposed uses.

- (d) Transit facilities. Transit facilities include bus stops (school, public, or private), pull-out lanes, benches, transit-related signage, shelters, and bicycle racks for transit users.
 - (1) Any development plan with required parking of more than 200 spaces shall be required to provide on-site transit facilities if such facilities are not located within one-quarter mile of the development site, unless otherwise specified in an adopted master plan.
 - (2) Where transit facilities are required, transit easements shall be provided on the development plan.
 - (3) Transit facilities shall be located so as to minimize conflict with vehicular, bicycle, or pedestrian traffic.
 - (4) Transit facilities should be oriented to the entrance of the primary or anchor building on sites within the activity center and/or to the central core of the activity center. The placement of transit facilities should not be limited only to the edges of the activity center.
 - (5) Signage shall clearly indicate the location of transit stops.
 - (6) In order to be consistent with county-wide public transportation, the size, design, and location of transit facilities shall be determined in coordination with the Gainesville Regional Transit System and the Alachua County Transportation Planning Staff.

<u>Applicant's Response:</u> These standards are not applicable to this project as the project is below the threshold for provision of transit facilities as indicated above. The project, however, will not create any conflicts with future provision of transit services for this area.

- (e) Pedestrian circulation and amenities. Activity center roadways shall be designed to accommodate pedestrians in a safe, comfortable and convenient manner, as follows:
 - (1) Commercial retail, office, civic and multiple-family buildings shall provide pedestrian walkways that connect all buildings at their primary entrances.
 - (2) Pedestrian walkways connecting buildings within an activity center shall minimize crossing of vehicular areas.
 - (3) Pedestrian walkways, not less than six feet in width, shall be provided where a lot abuts a public right-of-way.
 - (4) At least one continuous pedestrian walkway must be provided from any public right-ofway to the primary entrance of all commercial retail, office and multiple family buildings. Pedestrian connections shall also be provided between adjacent parcels and uses, with exceptions for instances where:

- a. The adjacent use is an individual single family lot;
- b. There are topographic or other physical limitations preventing a connection; or
- A connection would not be consistent with the protection of natural or historic resources.
- (5) All pedestrian crosswalks shall be distinguished from all parking and vehicle maneuvering areas through the use of contrasting surface materials such as pavers, brick or scored concrete, striping using high durability paints, or other techniques approved by the development review committee or provided in a master plan.

<u>Applicant's Response:</u> The Development Plan complies with the above criteria as the site redevelopment has been designed in such a manner to provide pedestrian walkways in a manner that connects the primary entrances of the building to an adjacent sidewalk in an abutting right of way that minimizes crossing of vehicular use areas.

- (f) Bicycle circulation and amenities.
 - (1) Bicycle lanes shall be provided on primary public roads within an activity center. These bicycle lanes shall provide continuous connection between existing bicycle lanes on surrounding public streets and any commercial, office, multiple-family residential, or civic uses within activity center sites.
 - (2) Where bicycle lanes are required, they shall be at least five feet in width.
 - (3) Bicycle parking shall be provided at all structures within activity centers, and the parking requirements shall apply to all land uses except single-family detached residential uses, in accordance with section 407.15.

<u>Applicant's Response:</u> The Development Plan complies with the above criteria as the site redevelopment proposes bicycle parking at an amount that complies with Code criteria. Provision of bicycle lanes are not applicable to this project as no primary public roads are being constructed as part of this project.

- (q) Open space.
 - (1) Open space, landscape, and buffer areas shall be provided on at least 20 percent of an activity center site in accordance with Article V, Open Space, of this ULDC. The required open space may be provided on a site-by-site basis through the development review process, or on an overall activity center basis through the use of the activity center master planning process.
 - (2) Land designated for open space shall be accessible from all areas of the activity center.

<u>Applicant's Response:</u> These standards are no longer applicable as the recently amended Comprehensive Plan indicates that no designated open space is required for non-residential developments, such as the proposed project.

- (h) Civic space.
 - (1) A minimum of 500 square feet of civic space per acre of land must be provided within an activity center. This requirement may be met through the provision of one or more centrally located spaces within the activity center using the master plan process, or on an individual development basis through the development plan review process.
 - (2) Where civic space is required, it may be in the form of police stations, libraries, day cares, fire stations, meeting halls, governmental buildings, museums, schools, performing arts centers, religious buildings, community centers, amphitheaters, public squares, parks, landscaped plazas, courtyards or similar elements approved by the development review committee or board of county commissioners.

- (3) Civic space may be used to satisfy up to 50 percent of the required open space for an activity center site if the civic space otherwise meets the open space requirements of this ULDC and the comprehensive plan. At least 25 percent of the required civic space for an activity center site must be in the form of civic structures or usable open space.
- (4) Civic space shall provide linkages between buildings and land uses within the activity center.
- (5) Civic uses should be located on prominent sites throughout the activity center and serve as focal points and landmarks for the community.

<u>Applicant's Response</u>: These standards are not applicable to this project as the civic space criteria above are requirements for an overall master planned activity center, in which this project site is not located within.

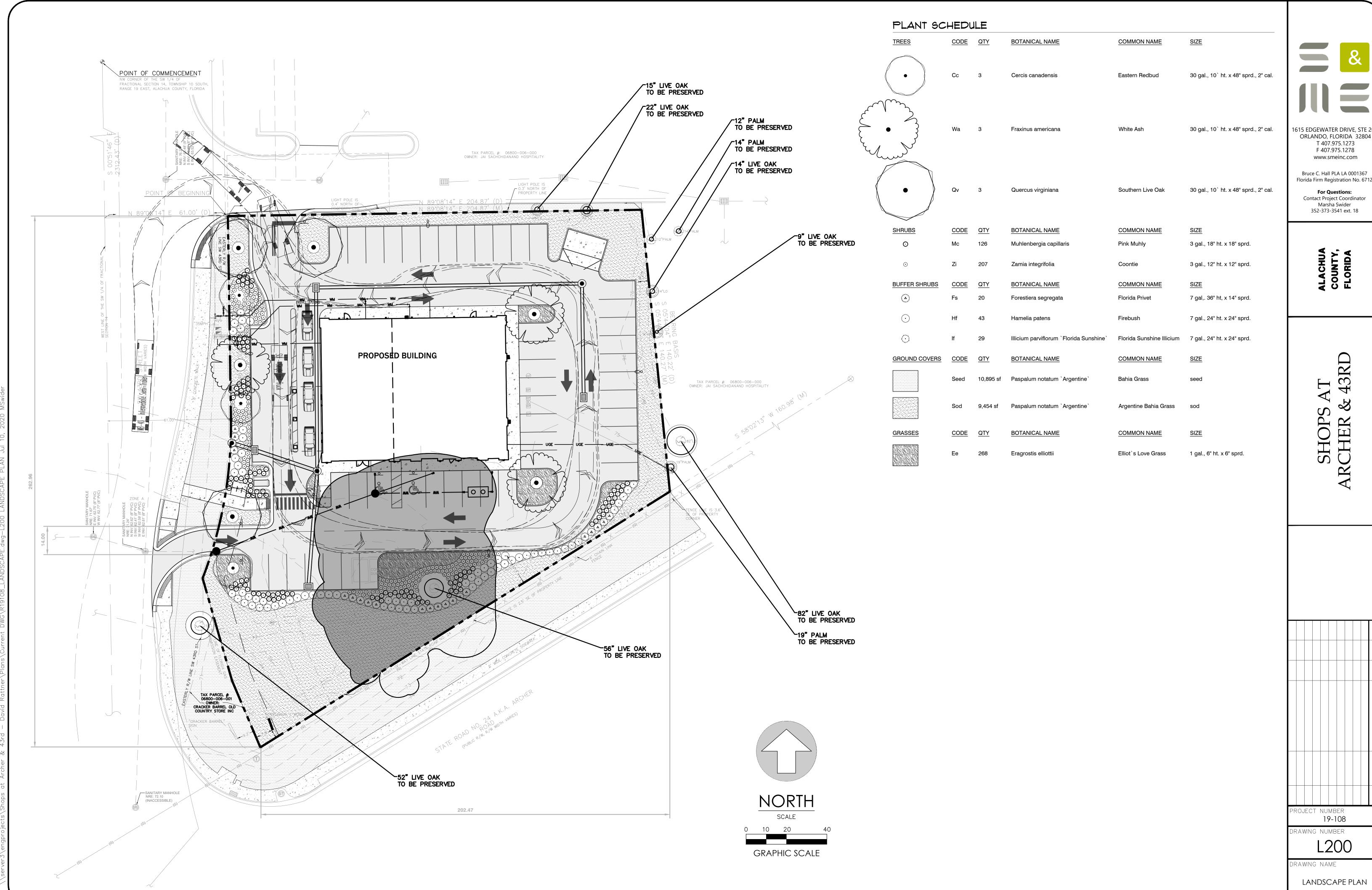
If you have any questions, please feel free to contact our office at any time.

Sincerely,

Clay Sweger, AICP, LEED AP Principal / Director of Planning

Attachment C

Landscape Plan





1615 EDGEWATER DRIVE, STE 200 ORLANDO, FLORIDA 32804 T 407.975.1273 F 407.975.1278 www.smeinc.com

Bruce C. Hall PLA LA 0001367 Florida Firm Registration No. 6712

For Questions: Contact Project Coordinator Marsha Swider 352-373-3541 ext. 18

ALACHUA COUNTY, FLORIDA

PROJECT NUMBER 19-108 DRAWING NUMBER L200

RESOLUTION DR-20-39

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY. FLORIDA TO DENY A FINAL DEVELOPMENT PLAN FOR SHOPS ATARCHER AND 43RD FOR THE REDEVELOPMENT OF A 2.449 SF CONVENIENCE STORE WITH A 2,450 SF BANK WITH DRIVE-THROUGH AND A 3,920 SF RESTUARANT IN THE BR-1 ZONING DISTRICT WITH FUTURE LAND USE DESIGNATION OF TOURIST ENTERNTAINMENT ON APPROXIMATELY 1.02 ACRES LOCATED AT 4103 SW 43RD STREET ON TAX PARCEL NUMBER 06800-006-002.

WHEREAS, pursuant to Unified Land Development Code Section 407.151, the Alachua County Board of County Commissioners considered this Final Development Plan at its regular meeting of September 8, 2020

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Final Development Plan Application 2020042702, a request by eda engineers-surveyors-planners, inc., agents for Blue Sky GNV 4103, LLC, for an approximately 2,450 sf bank and 3,920 sf restaurant on approximately 1.02 acres located at 4301 SW 43rd Street on tax parcel number 06800-006-002 as shown on Exhibit A is found to not be consistent with the Alachua County Comprehensive Plan and Unified Land Development Code and is hereby denied with the following bases:

- 1. ULDC 405.07 Design standards for development other than TNDs or TODs in Activity Centers
 - a. 405.07(c)(4)(a) Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
 - b. 405.07(e)(2) Pedestrian walkways connecting buildings within activity center shall minimize crossing of vehicular areas.

The development plan does not locate parking to the rear or sides of the building, Page **1** of **5**

and there is no adopted master plan. Parking is located to south (front), east, and north of the building. Additionally, there is one pedestrian walkway and it does not minimize crossing of vehicular areas. The pedestrian walkway crosses a drive aisle and drive-through lane for the bank.

2. ULDC 407.23(a) Off-street parking stacking requirements: In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.

The design of the drive-through lane creates conflict between pedestrian and vehicular circulation.

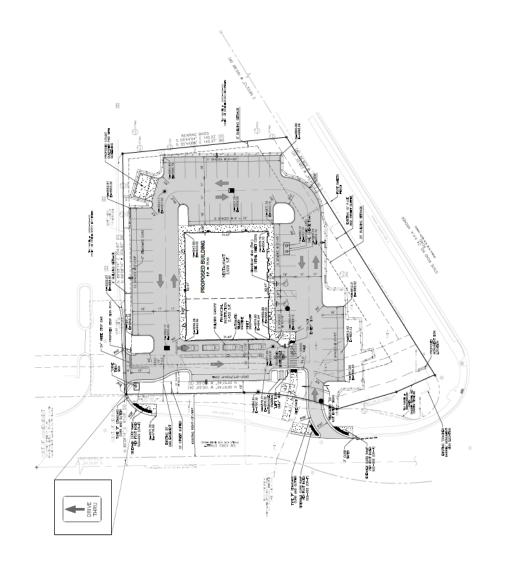
3. ULDC 407.134(b) Operational characteristics of connections. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits.

The proposed design does not provide minimum disruption to traffic flow on the intersecting roadway. The location of the entrance from the north could create conflicts with the traffic flow along SW 43d Street as well as conflicts with the drive-through lane.

DULY ADOPTED in regular session this 8^{th} Day of September, 2020.

	BOARD OF COUNTY COMMISSIONERS OF
	ALACHUA COUNTY, FLORIDA
	Ву:
	Robert Hutchinson, Chair
ATTEST:	APPROVED AS TO FORM
J. K. "Jess" Irby, Esq. Clerk	APPROVED AS TO FORM
(SEAL)	Alachua County Attorney
DEPARTMENT APPROVAL	
AS TO CORRECTNESS	
	_
Department of Growth Management	
Authorized Designee	

EXHIBIT WAS SERVED TO THE PROPERTY OF THE PROP



Page **4** of **5**

LEGAL DESCRIPTION

DESCRIPTION: (PER FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 2037-4451404, DATED AUGUST 28, 2019)
PARCEL 1 (FEF PARCEL):

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OF SAID SOUTH-WEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, ANDE 19 EAST, AND RUN THENCE SOUTH 00"51"46" EAST, ALONG THE WEST LINE OF SAID SOUTH-WEST 1/4 A DISTANCE OF 2312.43 FEET; THENCE NORTH 89"08"14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89"08"14" EAST, 204.87 FEET; THENCE SOUTH 05"44"04" EAST. 140.22 FEET TO A POINT ON THE NORTH-WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 24 (ARCHER ROAD); THENCE SOUTH 57"59"54" WEST, ALONG SAID RIGHT-OF-WAY LINE, 238.51 FEET TO THE WEST BOUNDARY LINE OF A FLORIDA GAS TRANSMISSION EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 893, PAGE 410, ET SEQ. OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 24"03"31" WEST, ALONG SAID WEST BOUNDARY LINE, 35.74 FEET; THENCE NORTH 15"58"20" WEST, ALONG SAID WEST BOUNDARY LINE, 52.77 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 149.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"3"709", AN ARC DISTANCE OF 1.61 FEET TO THE END OF SAID CURVE, SAID CURVE BEING SUBTENDED BY A CHORD HAVING A RADIUS OF 211.00 FEET; THENCE NORTHEASTERLY AND FEET; THENCE NORTHEASTERLY AND CONCAVE WESTERLY AND HAVING A RADIUS OF 211.00 FEET; THENCE NORTHEASTERLY AND CONCAVE WESTERLY AND HAVING A RADIUS OF 211.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10"5146" WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE

PARCEL 2 (EASEMENT PARCEL):

TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND ACCESS TO SOUTHWEST 43RD STREET, OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERLY, THE RIGHTS TO WHICH WERE RESERVED BY GRANTOR IN THAT CERTAIN DEED FROM GRANTOR TO CRACKER BARREL OLD COUNTRY STORE, INC. DATED NOVEMBER 1, 1993 AND RECORDED IN OFFICIAL RECORDS BOOK 1933, PAGE 1666, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OR SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2146.95 FEET; THENCE NORTH 89°08'14" EAST, 60.00 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE NORTH 89°08'14" EAST, 1.00 FOOT: THENCE SOUTH 00°51'46" EAST, PARALLEL WITH AND 61.00 FEET EASTERLY OF (MEASURED PERPENDICULAR) SAID WEST LINE, 266.08 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 211.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°26'68", AN ARC DISTANCE OF 78.99 FEET TO THE END OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 09°51'44" WEST, 78.53 FEET; THENCE NORTH 60°24'45" WEST, 1.00 FOOT TO A POINT AT THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 210.00 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°27'00", AN ARC DISTANCE OF 78.62 FEET TO THE END OF SAID CURVE, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 09°51'44" EAST, 78.16 FEET; SAID END OF CURVE, SAID ARC BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 09°51'44" EAST, 78.16 FEET; SAID END OF CURVE LYING AT A POINT 60.00 FEET EASTERLY OF (MEASURED PERPENDICULAR) SAID WEST LINE OF THE SOUTHWEST 1/4; (MEASURED PERPENDICULAR) 266.08 FEET TO THE POINT OF BEGINNING.

PARCEL 3 (EASEMENT PARCEL):

TOGETHER WITH A PERPETUAL, NON-EXCLUSIVE EASEMENT FOR DRIVEWAY PURPOSES OVER AND ACROSS THE FOLLOWING DESCRIBED PROPERTY, SAID DRIVEWAY TO BE USED IN COMMON WITH OTHERS, THE RIGHTS OF WHICH WERE ESTABLISHED IN THE TRUSTEE'S DEED RECORDED FEBRUARY 24, 1994 IN BOOK 1951, PAGE 1164, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA:

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2312.43 FEET; THENCE NORTH 89°08'14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'14" EAST, 80.00 FEET; THENCE SOUTH 00°51'46" WEST, 30.00 FEET; THENCE SOUTH 89°08'14" WEST, 80.00 FEET; THENCE SOUTH 00°51'46" EAST, 30.00 FEET TO THE POINT OF BEGINNING.



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 10.

Agenda Item Name:

Public Hearing-Pet Breeder Regulation Ordinance

Presenter:

Alachua County Animal Services

Description:

Public hearing to consider ordinance regulating pet breeders

Recommended Action:

Approve ordinance regulating pet breeders and authorize the Chair's signature.

Prior Board Motions:

April 16, 2019:

The Board directed staff to:

- Bring back examples of breeder license ordinance programs from the southeast and Florida so the Board can discuss at the first available Policy Meeting prior to the drafting of the ordinance
- Inform the Board of enforceability of the State of Florida Regulations. 2)

August 20, 2019:

Motion to authorize advertisement of an ordinance establishing a Breeder's License program with the following standards was discussed as listed below:

- Differential licensing for all animals, with costs established in the fee schedule, to curb "accidental breeders" and incentivize sterilization
- A breeder's permit program for hobby, and commercial, breeders of dogs subject to:
 - Retention of all veterinary and transaction records for 1 year from sale; 1)
 - 2) Consent to inspections of premises housing breeding operations and animals;
 - Standards of husbandry and veterinary care for animals; 3)
 - 4) Maximum number of adult intact animals at a breeding facility'
 - 5) Fees (established by fee schedule) depending on intensity of breeding
 - 6) Staff and the attorney to bring back a separate proposal to seek the cooperation of the veterinary community in the registration and licensing of all animals.

The motion was than amended to add

- 1. To refer back to staff to develop potential exemptions for areas where the County is not concerned with having to conduct inspections.
- Come back with more specificity about fee schedules 2.
- Convene a stack holder meeting where they can provide direct input 3.
- 4. Seek the cooperation of the veterinary community in the registration and licensing of all

Agenda Date: 9/8/2020 Agenda Item No.: 10.

animals.

The motion carried 5-0.

Fiscal Consideration:

The Ordinance indicates that "the cost of the permit and other related fees shall be established by the Board of County Commissioners by resolution and shall be maintained in a fee schedule." This item was not included as part of the Animal Services section of the Fee Schedule that was adopted by the BoCC on 8/20/20. Fees related to this Ordinance cannot be collected until this step is also completed.

Background:

This topic has been discussed on several occasions as it relates to costs incurred by the County to house, provide care for, and rehome unwanted animals. It has also been discussed in relation to its effect on public safety with breeding having been a component of several recent aggressive dog cases.

1 2 3	ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
<i>3</i>	ORDINANCE NO. 2020
5	
6 7 8 9 10 11 12 13 14 15	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 72 OF THE ALACHUA COUNTY CODE OF ORDINANCES, ENTITLED "ANIMALS"; CREATING SEC. 72.44 – PET BREEDER REGULATIONS; PROVIDING FOR REPEALING CLAUSE; PROVIDING FOR MODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.
16	WHEREAS, the Alachua County Board of County Commissioners has broad authority to enact
17	ordinances and prescribe penalties for violations of those ordinances; and
18	WHEREAS, Florida law anticipates local ordinances and restrictions on the ownership and
19	treatment of animals; and
20	WHEREAS, the Alachua County Board of County Commissioners recognizes that the health,
21	safety, and welfare of its citizens will be better served by a comprehensive and progressive animal
22	control ordinance; and,
23	WHEREAS, the County currently regulates animals under the provisions of Chapter 72 of the
24	Alachua County Code of Ordinances; and
25	WHEREAS, the County now desires to amend the provisions of Chapter 72 of the Alachua
26	County Code of ordinances to update the standards and processes within the Code.
27	NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY
28	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:
29	SECTION 1. Chapter 72, Section 72.44 of the Alachua County Code of Ordinances is hereby
30	created as follows:
31	

1 Sec. 72.44. – Pet Breeder Regulations.

- 2 (a) Definitions
- 3 As used in this chapter, the following words and phrases are defined as follows:
- 4 Breeder means both hobby breeder and commercial breeder.
- 5 Commercial breeder means any person, firm, partnership, corporation, or other association which, in
- 6 the ordinary course of business, engages in the sale of more than two litters, or 20 or more dogs or
- 7 cats, per year, whichever is greater, to the public. This definition includes breeders of animals who
- 8 <u>sell such animals directly to a consumer.</u>
- 9 Health Certificate means "Official Certificate of Veterinary Inspection" (OCVI) [Form DACS-
- 10 <u>09805</u>, in accordance with Sec. 828.29, Florida Statutes] issued by a Florida licensed veterinarian
- and accredited by the U.S.D.A.
- 12 Hobby breeder means any person, business, or organization who breeds and/or raises on their
- property dogs or cats for the purposes of transferring ownership with or without monetary
- compensation of no more than two litters, or 20 dogs or 20 cats, per year, whichever is greater.
- 15 (b) <u>Breeder Permit Requirements.</u>
- 16 (1) No breeder shall cause or allow the breeding of a dog or cat, or offer a dog or cat
 17 for breeding or stud purposes, without first obtaining a breeder permit issued by Animal Services.
 18 The cost of the permit and other related fees shall be established by the Board of County
- 19 Commissioners by resolution and shall be maintained in a fee schedule.
- 20 (2) A breeder permit is valid for a period of one (1) year from the date of issuance and must be renewed annually. Renewal applications for permits shall be made at least thirty (30) days prior to expiration.
 - (3) No permit shall be renewed hereunder to any applicant that has outstanding and unsatisfied civil penalties imposed due to violations of this section.
 - (4) A breeder permit is not transferable, assignable, or refundable.
- 26 (5) Hobby Breeder shall:

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- 27 a. <u>Not intentionally breed more than two (2) litters or more than twenty (20)</u> 28 dogs, cats, puppies, or kittens during a one-year period; and
- b. Not offer for sale, trade, receive any compensation for or give away more than two (2) litters or more than twenty (20) dogs, cats, puppies, or kittens during a one-year period.
 - (6) Commercial Breeders may:
- 33 a. <u>Breed at least two (2) litters or at least twenty (20) dogs, cats, puppies, or</u> 34 <u>kittens during a one-year period; and</u>
- b. offer for sale, trade, receive any compensation for or give away at least two (2) litters or at least twenty (20) dogs, cats, puppies, or kittens during a one-year period;
 - (7) All Breeders shall comply with the following:
- 38 a. <u>Keep records, for the duration of the breeder permit and all permit renewals,</u>
 39 of the birth of each litter of puppies or kittens, and make such records available for review by
 40 Animal Services upon request;

b. For a period of at least one (1) year, keep veterinary records of rabies vaccinations, all other inoculations, and any medical condition(s) of each dog, cat, puppy, or kitten bred to be sold, given away, or otherwise conveyed, and all other records described herein; and maintain all veterinary and transactional records for each dog, cat, puppy, or kitten sold for a period of one (1) year from the sale of that animal.

- c. On a yearly basis, provide to Animal Services the name, address, and telephone number of the new owner of each dog, cat, puppy, or kitten sold, given away, or conveyed that remains within Alachua County;
 - d. Furnish to each new owner of a dog, cat, puppy, or kitten with:
 - i. A copy of the complete record pertaining to the individual animal;
- 11 ii. The breeder permit number, providing proof and assurance that the animal was legally bred,
 - iii. The microchip number of the animal, and
 - iv. A copy of the animal's Health Certificate, which must be signed on the date of examination by the examining veterinarian no more than 30 days before the sale of the animal per F.S. 828.29(3)(c), and must include the veterinarian's license number. Each dog or cat offered for transfer of ownership must receive vaccines and anthelmintics against the diseases and internal parasites stated in F.S. 828.29.
 - e. Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation, or gift, with the exception of animals taken to an animal shelter;
 - f. Recommend to each new owner that any animal sold, transferred, or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner of state and local requirements for rabies vaccinations and County licenses;
 - g. <u>List the breeder permit number on all advertisements and literature</u> concerning the sale or gift of any dog, cat, puppy, or kitten of the breeder;
 - h. Adhere to minimum standards regarding humane care and manner of keeping of animals, as provided in Section 72.10 of this Chapter;
 - i. <u>Provide a medical history of the sire and dam as well as, when possible, a</u> medical family history of the sire and dam;
 - j. <u>Present a copy of a valid, current Health Certificate to any Animal Services</u> officer or investigator upon demand for review, provided, however, that animal shelters and rescue groups offering animals for adoption are exempt from this requirement;
 - k. If a dog or cat dies while in the possession of a breeder, the breeder shall secure the services of a licensed veterinarian to determine the cause of death or suspected cause of death. The veterinarian shall document the date of death and known or suspected cause of death on a Health Certificate.
 - l. Consent to allow an Animal Services officer or investigator to view each animal that is the subject of a breeder permit and to inspect the premises where the animal is maintained, as well as the location where the breeding operation occurs. The breeder may opt for the inspection to be conducted by a USDA-accredited veterinarian instead of by an Animal Services officer or investigator, though if this option is selected, the breeder agrees to pay the veterinarian's costs for the visit and any other related costs, and the veterinarian must agree to fill

out the veterinarian inspection form created by Animal Services, including any additional documentation and photographs required by the inspection form, and must provide Animal Services with all of the above required information within 5 business days of the veterinarian's visit.

Such inspection will be limited to that necessary to ascertain compliance with Section 72.10. If a breeder refuses to allow the Animal Services officer or investigator to perform such inspection, Animal Services may apply for a warrant pursuant to applicable provisions of Chapter 933, Florida Statutes. All reports of such inspections shall be in writing and maintained by Animal Services.

An inspection shall not be made between 6 p.m. of any day and 8 a.m. of the succeeding day or in the absence of an owner or occupant over the age of 18 years of the particular place, dwelling, structure, or premises unless specifically authorized by the owner of the premises. An inspection shall not be made by means of forcible entry, except that the judge may expressly authorize a forcible entry when facts are shown which are sufficient to create a reasonable suspicion of a violation of a state or local law or rule relating to municipal or animal control, which, if such violation existed, would be an immediate threat to health or safety or when facts are shown establishing that reasonable attempts to serve a previous warrant have been unsuccessful. When prior consent has been sought and refused, notice that a warrant has been issued shall be given at least 24 hours before the warrant is executed. Immediate execution of a warrant shall be prohibited except when necessary to prevent loss of life or property.

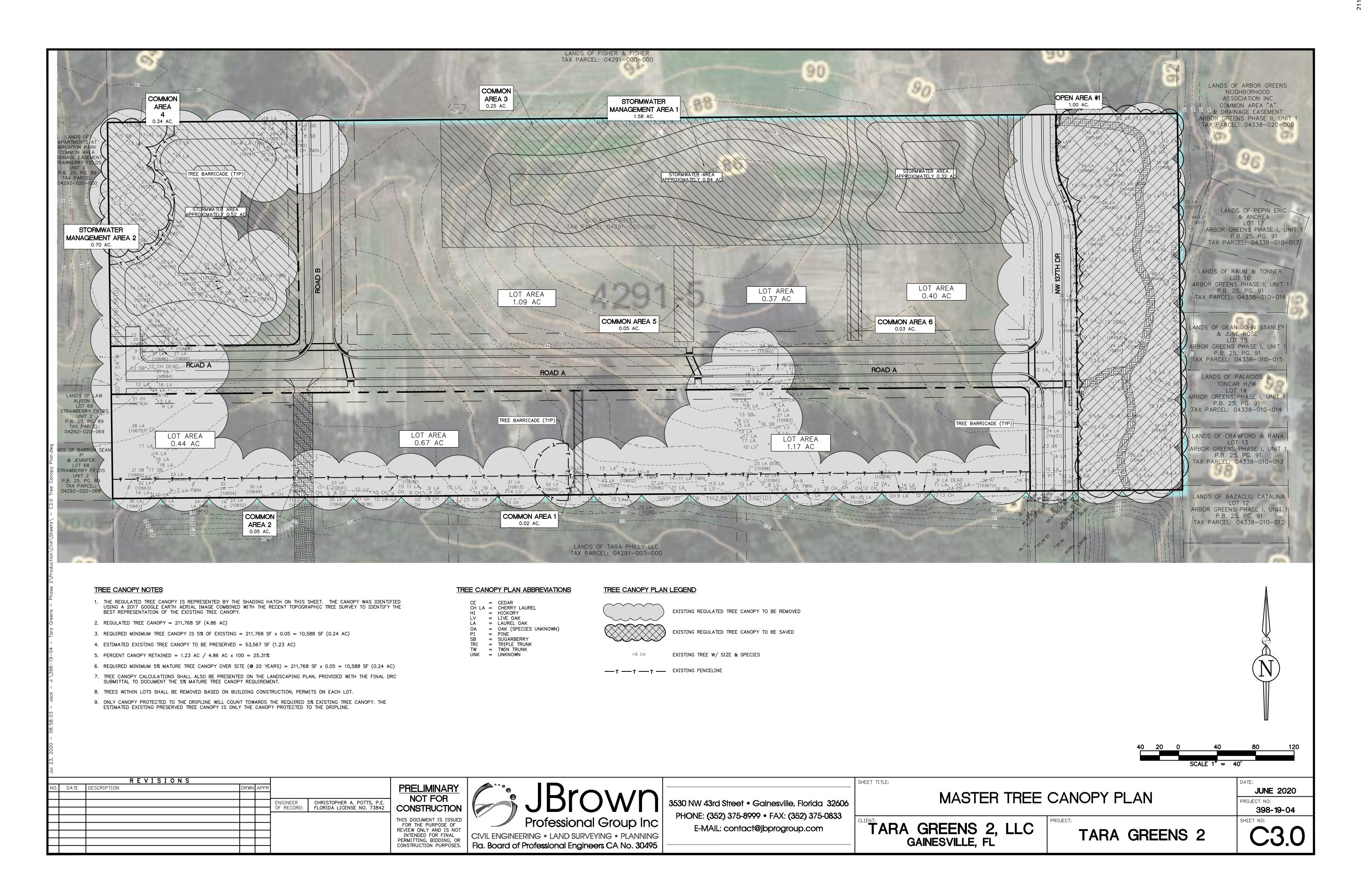
- m. <u>Allow an Animal Services officer or investigator, or a USDA-accredited</u> veterinarian if the breeder has elected to use one, to view and examine any and all records upon request.
 - (8) Obtaining a breeder permit

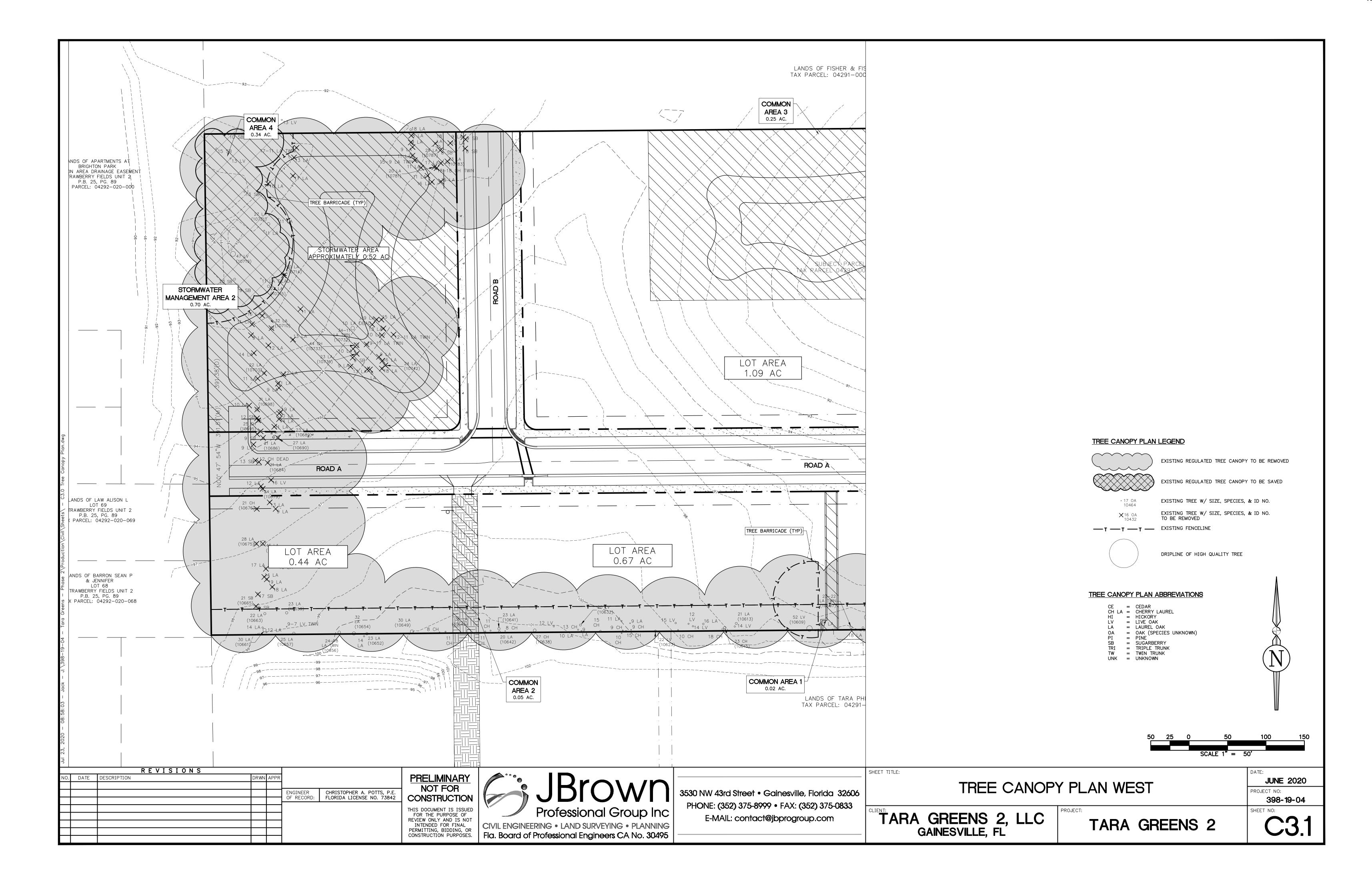
- a. <u>A person seeking a breeder permit shall apply to Animal Services on a form approved by Animal Services.</u>
- b. <u>The permit application shall include, but not be limited to, the following information:</u>
 - i. The name, address, and telephone number of the applicant;
- ii. A statement as to whether the applicant has ever been found to have violated the prohibitions against cruelty to animals in this section, or has been convicted of the offense of cruelty to animals, under State law, or has been the subject of a final judgment entered under Section 828.073, Florida Statutes, or any other Florida statute prohibiting animal neglect or mistreatment;
- iii. A description (species, breed, sex, age, coloration) of each animal to be bred or used for stud under the permit;
 - iv. A description of the activity for which the permit is requested; and
- v. <u>Verifiable proof that all required animals are current on rabies vaccination and County license.</u>
- c. <u>If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued to the applicant based on false or withheld information shall be revoked.</u>

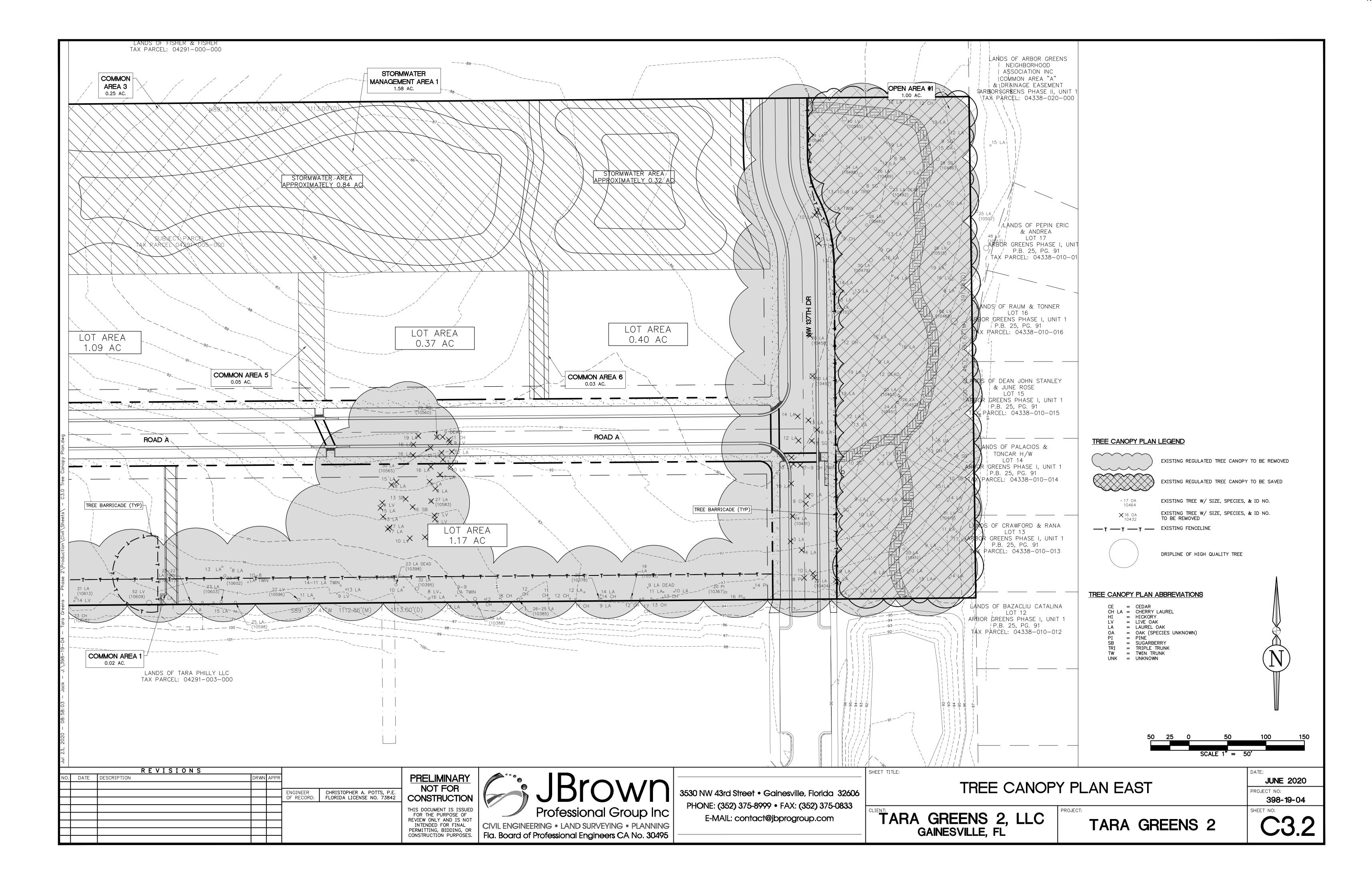
1 2 3 4 5	d. No person previously found by a Hearing Officer to be in violation of the cruelty section of this chapter, or convicted of cruelty to animals pursuant to Section 828.073, Florida Statutes, or who has been the subject of a final judgment pursuant to Section 828.073, Florida Statutes, or any other Florida statute prohibiting animal neglect or mistreatment, shall be issued a breeder permit.
6	(9) Permit procedures
7 8	a. <u>The permit applicant shall provide a completed application to Animal Services, supply all information requested by Animal Services, and pay the applicable permit fee.</u>
9 10 11	b. <u>Permit applications shall remain open for thirty (30) days from the date of submittal to Animal Services in order for applicants to make corrections and to meet minimum requirements.</u>
12 13 14	c. All dog or cat breeders who obtain a breeding permit shall be charged a discounted fee for licensing the unsterilized dogs or cats that are owned for the purpose of breeding, so long as the breeder maintains a valid breeding permit.
15	(10) Exemptions
16 17 18	a. <u>Licensed veterinarians and licensed animal hospitals providing animal reproduction and related veterinary services in the course of their business shall be exempt from this ordinance.</u>
19 20	b. <u>Animal Services, humane societies, and 501(c)3 rescue organizations shall</u> be exempt from the provisions of this section.
21	(11) Violations
22 23	a. Failure by a breeder to obtain a permit prior to using or offering to use an animal for breeding or stud shall constitute a violation.
24 25	b. Reapplication by a breeder for a permit less than thirty (30) days before the expiration of the existing permit shall constitute a violation.
26 27	c. <u>Counterfeiting a breeder permit or Health Certificate or maliciously destroying a breeder permit shall constitute a violation.</u>
28	(12) Permit denial, revocation, and suspension
29 30	a. <u>Animal Services may deny, revoke, or suspend any permit if it is determined that:</u>
31 32	i. There has been a material misstatement or misrepresentation in the permit application;
33 34	ii. The applicant or permit holder has been found in violation for at least three (3) violations of this article within the preceding two-year period;
35 36	iii. The applicant or permit holder has failed to pay a fine or to request a hearing as provided in this article within thirty (30) days after issuance of a violation;
37 38 39 40	iv. The applicant or permit holder has been found by a Hearing Officer to be in violation of the cruelty section of this chapter, or convicted of a violation of law involving cruelty to animals, or has been subject to a final judgment pursuant to Section 828.073, Florida Statutes;

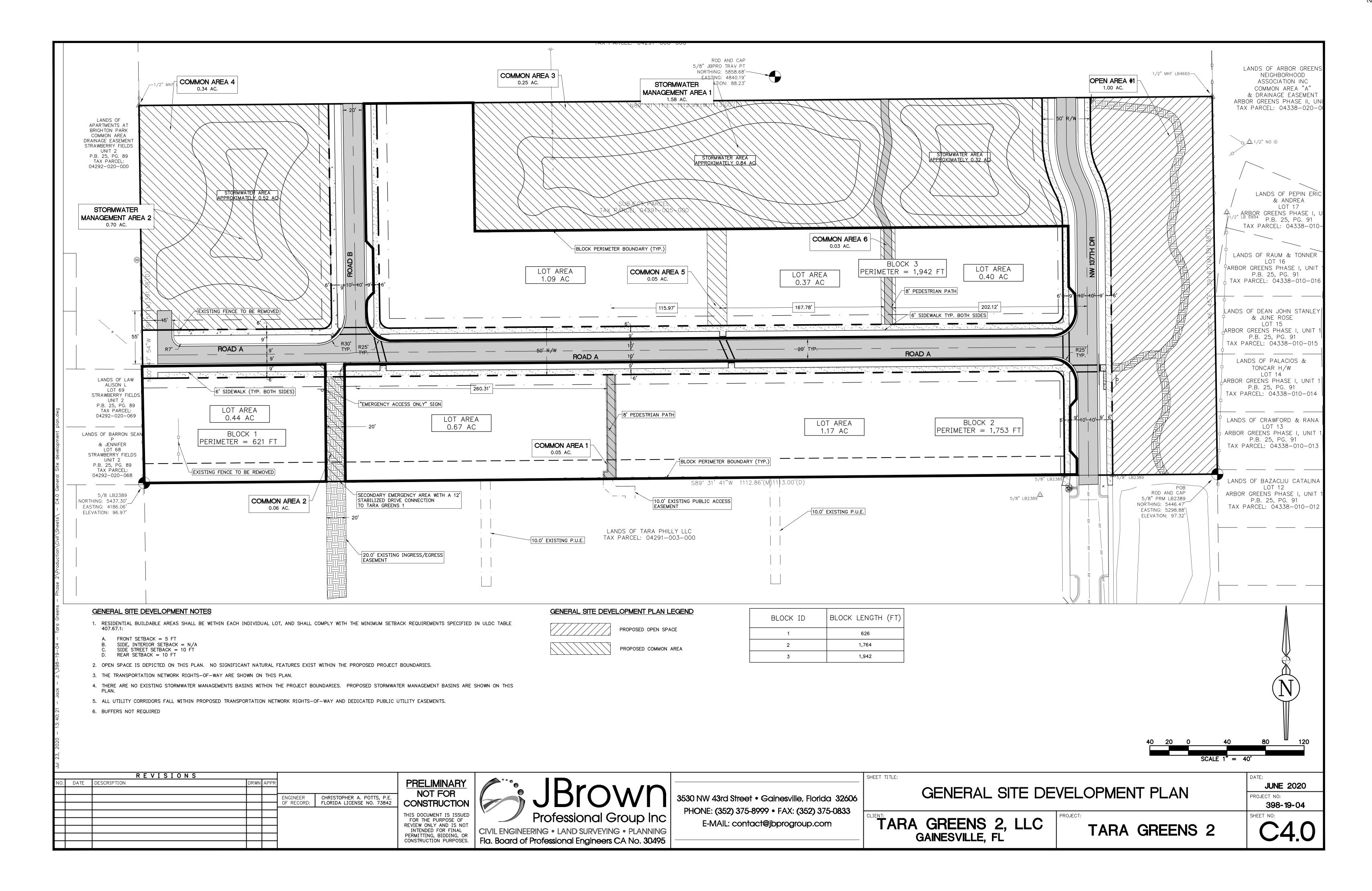
1 2 3	v. An animal under the care and responsibility of an applicant or permit holder has been found to be in need of immediate veterinary care that, if not treated, would
3 4	result in suffering, pain, or death, and the applicant or permit holder did not address the medical need in a timely manner; or
5 6	vi. A breeder has exceeded the maximum number of litters or animals permitted per calendar year.
7 8	vii. A breeder failing to consent to the annual inspection as provided in this article shall result in the revocation of the issued breeding permit.
9	b. <u>No permit fee shall be refunded for a permit that is revoked or suspended.</u>
10 11 12 13 14	c. <u>If a permit is either denied, revoked, or suspended, Animal Services shall</u> provide written notification of the denial, revocation, or suspension to the applicant or permit holder by certified mail, return receipt requested; hand delivery by an officer evidenced by an affidavit of delivery; or service in conformance with the provisions of Chapter 48, Florida Statutes, relating to service of process.
15	SECTION 2. Repealing Clause. All ordinances or portions thereof in conflict herewith are,
16	to the extent of such conflict, hereby repealed.
17	SECTION 3. Modification. It is the intent of the Board of County Commissioners that the
18	provisions of this ordinance may be modified as a result of considerations that may arise during
19	public hearings. Such modifications shall be incorporated into the final version of the ordinance
20	adopted by the Board and filed by the Clerk to the Board.
21	SECTION 4. Severability. If any word, phrase, clause, paragraph, section or provision of this
22	ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional,
23	such finding shall not affect the other provisions or applications of the ordinance which can be given
24	effect without the invalid or unconstitutional provisions or application, and to this end the provisions
25	of this ordinance are declared severable.
26	SECTION 5. <u>Inclusion in the Code, Scrivener's Error.</u> It is the intention of the Board of
27	County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions of
28	this ordinance shall become and be made a part of the Code of Ordinances of Alachua County,
29	Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such intent
30	and that the word "ordinance" may be changed to "section", "article", or other appropriate

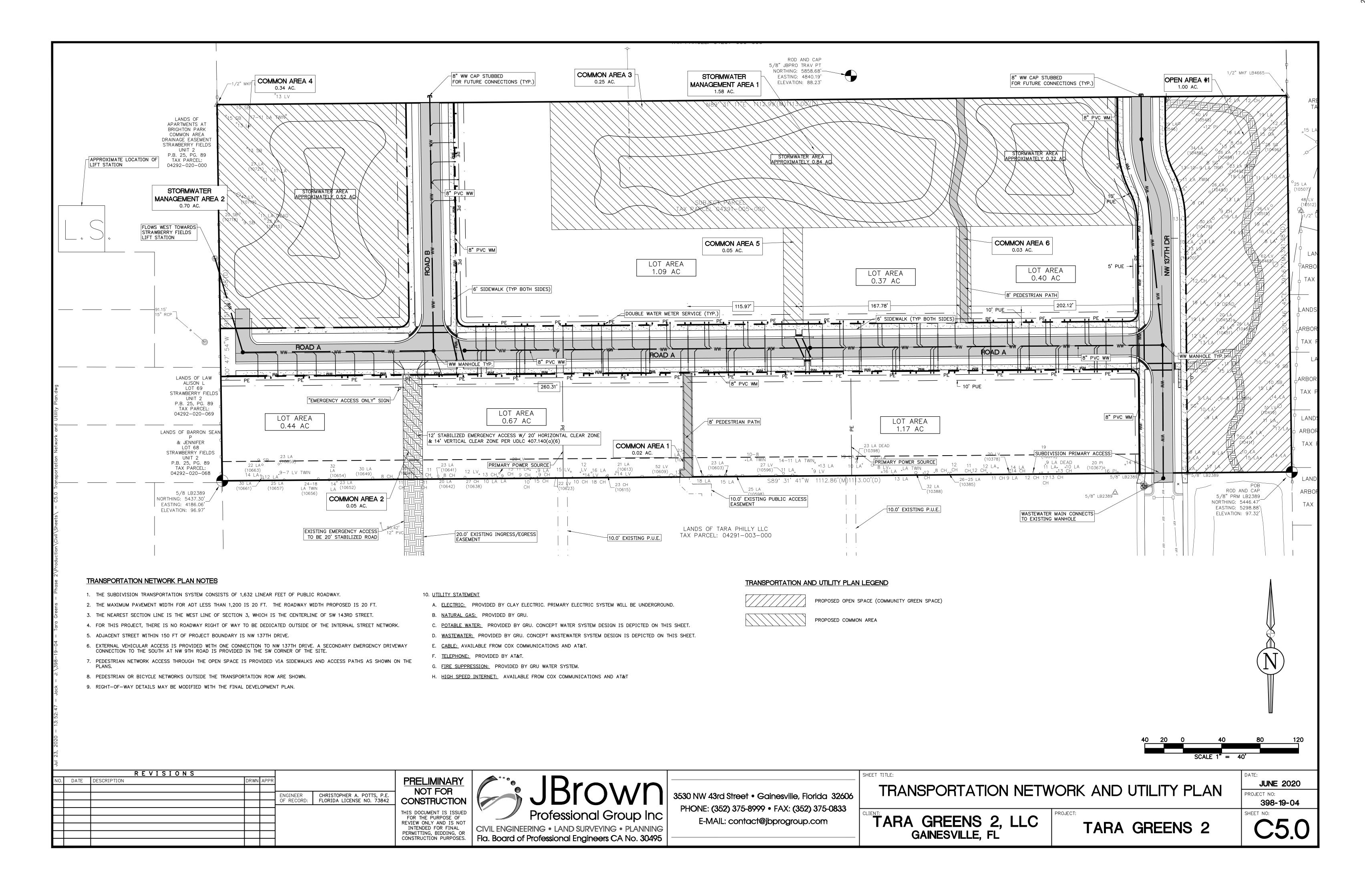
1	designation. The correction of typographical errors that do not affect the intent of the ordinance may
2	be authorized by the County Manager or designee, without public hearing, by filing a corrected or re-
3	codified copy of the same with the Clerk of the Circuit Court.", "article", or other appropriate
4	designation.
5	SECTION 6. Effective Date. A certified copy of this ordinance shall be filed with the
6	Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and
7	shall take effect upon filing with the Department of State.
8	DULY ADOPTED in regular session, this day of, 2020
9 10 11	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
12	ATTEST:
13 14 15 16	BY: Robert Hutchinson, Chair Board of County Commissioners J.K. "Jess" Irby, Esq.
17 18	Clerk APPROVED AS TO FORM
19 20 21	County Attorney (SEAL)











RESOLUTION DR-20-33

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO APPROVE A PRELIMINARY DEVELOPMENT PLAN FOR TARA GREEN 2 FOR A 80 LOT SINGLE FAMILY ATTACHED RESIDENTIAL SUBDIVISION IN THE SINGLE-FAMILY RESIDENTIAL (R-2) ZONING DISTRICT WITH FUTURE LAND USE DESIGNATION OF MEDIUM DENSITY RESIDENTIAL ON APPROXIMATELY 10.00 ACRES LOCATED IN THE 13000 BLCOK OF NW 8^{TH} LANE AND WEST OF NW 136^{TH} STREET ON TAX PARCEL NUMBER 04291-005-000

WHEREAS, pursuant to Unified Land Development Code Section 402.44, the Alachua County Board of County Commissioners considered this Revised Preliminary Development Plan at its regular meeting of August 25, 2020

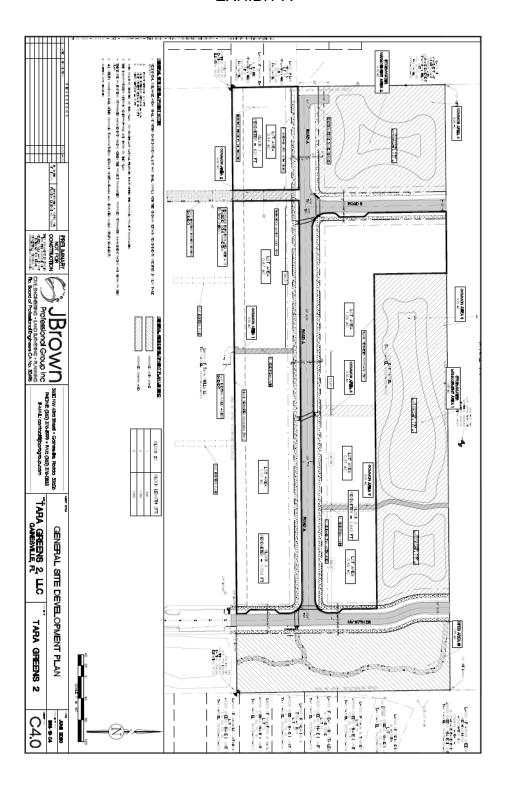
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Preliminary Development Plan Application 2020051106, a request by JBrown Professional Group, inc., agents for HA Fisher, for an approximately 80 lot single family attached residential subdivision on approximately 10.00 acres located in the 13000 block north of NW 8th Lane and west of NW 136th Street on tax parcel number 04291-005-000 as shown on Exhibit A is found to be consistent with the Alachua County Comprehensive Plan and Unified Land Development Code and is hereby approved.

DULY ADOPTED in regular session this 8^{th} Day of September, 2020.

	BOARD OF COUNTY COMMISSIONERS OF	
	ALACHUA COUNTY, FLORIDA	
	Ву:	
	Robert Hutchinson, Chair	
ATTEST:		
	APPROVED AS TO FORM	
J. K. "Jess" Irby, Esq. Clerk		
(SEAL)	Alachua County Attorney	
DEPARTMENT APPROVAL		
AS TO CORRECTNESS		
	_	
Department of Growth Management		
Authorized Designee		

EXHIBIT A



Page 3 of 4

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 34 TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCE AT THE SOUTHEAST CORNER OF FRACTIONAL SECTION 34, TOWNSHIP 9 SOUTH, RANGE 18 EAST IN THE GRANT; THENCE RUN NORTH 332.6 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 674 AT PAGE 255 OF THE PUBLIC RECORDS OF ALACHUA COUNTY FOR A POINT OF BEGINNING; THENCE RUN WEST ALONG THE NORTH BOUNDARY OF THE LANDS DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 674 AT PAGE 255, A DISTANCE OF 1113.00 FEET TO THE SOUTHWEST CORNER OF THE LANDS HEREIN CONVEYED; THENCE RUN NORTH PARALLEL TO THE EAST LINE OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 18 EAST INSIDE THE GRANT, A DISTANCE OF 391.38 FEET TO THE NORTHWEST CORNER OF THE LANDS HEREIN CONVEYED; THENCE RUN EAST PARALLEL TO THE SOUTH BOUNDARY OF THE TRACT HEREIN CONVEYED, A DISTANCE OF 1113.00 FEET TO THE NORTHEAST CORNER OF THE LANDS HEREIN CONVEYED; THENCE RUN SOUTH ALONG THE EAST LINE OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 18 EAST INSIDE THE GRANT, A DISTANCE OF 391.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.00 ACRES MORE OR LESS

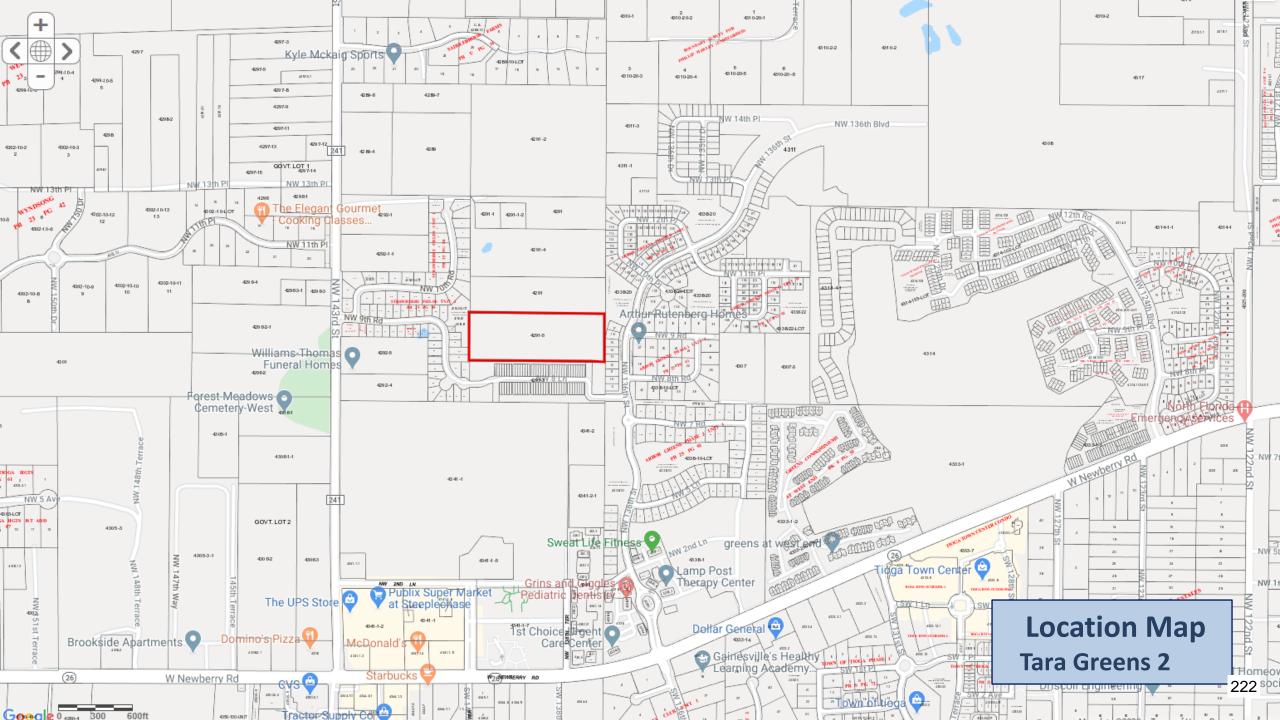


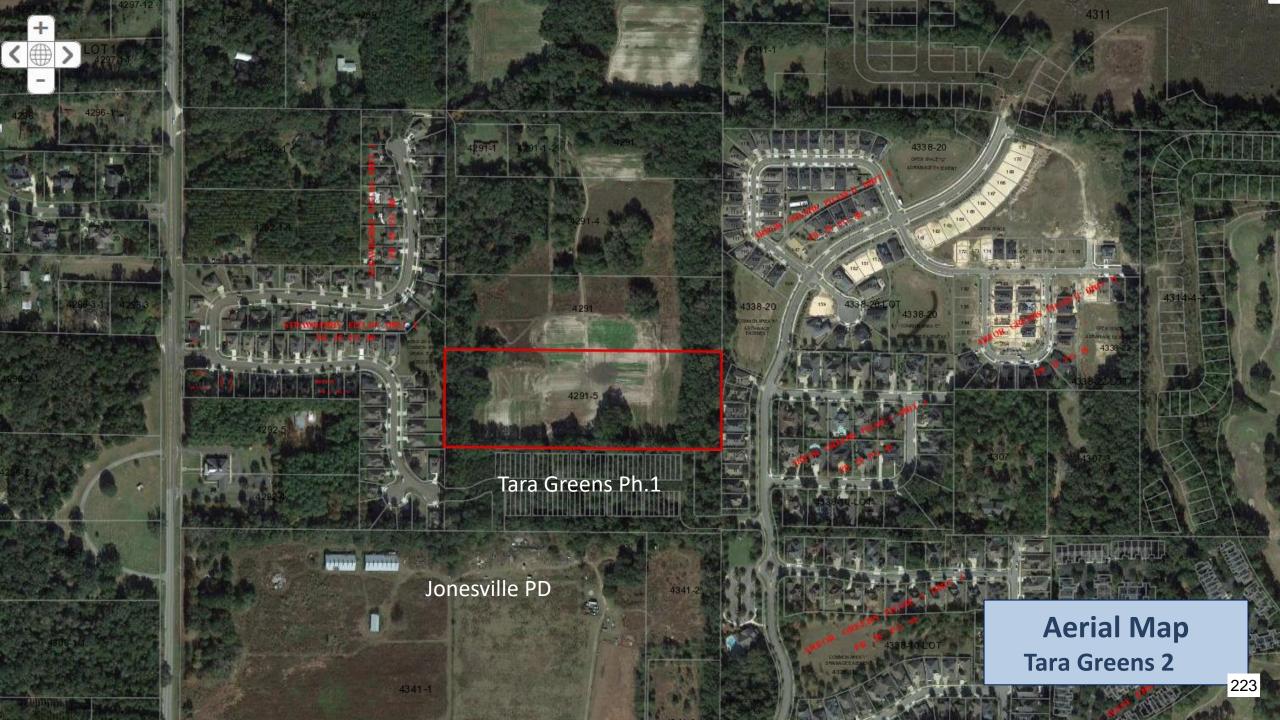
Tara Greens 2 Preliminary Development Plan

September 8, 2020

Tara Greens Phase 2 Preliminary Development Plan

- 80-lot attached residential subdivision
- Location: 13000 block north of NW 8th Lane and west of NW 136th Street
- Future Land Use: Medium Density (4-8 du/acre)
- Zoning District: R-2





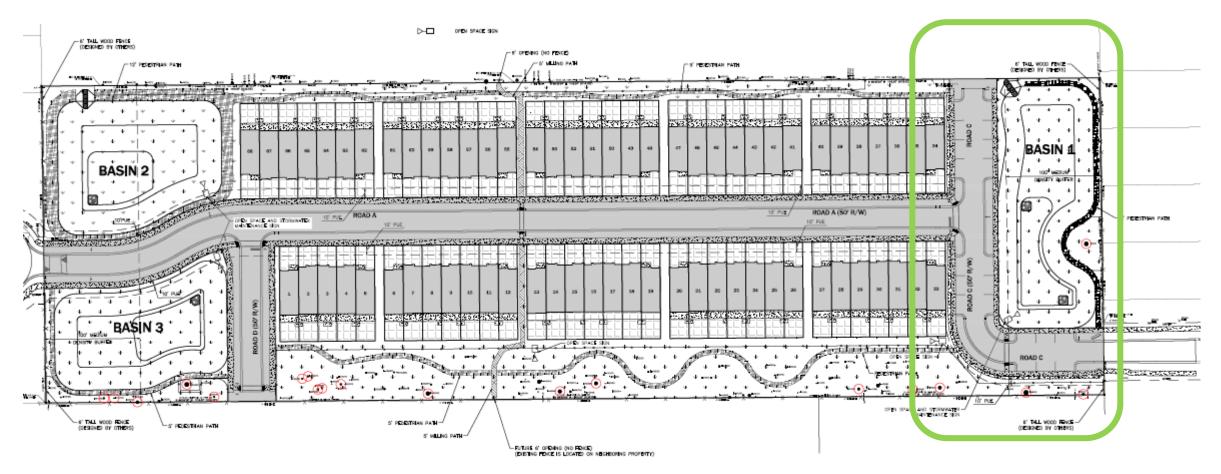




Open Space Map for Tara Greens Phase 2 Preliminary Development Plan and Surrounding Developments



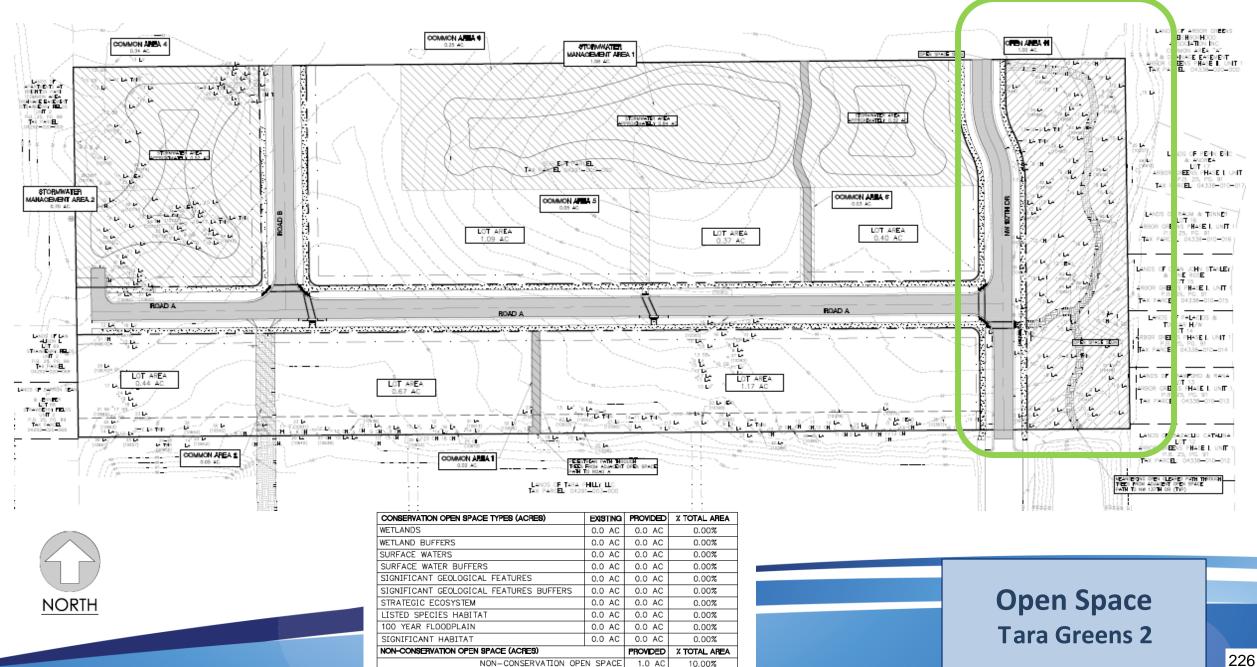
Adjacent Open Space
Tara Greens 2

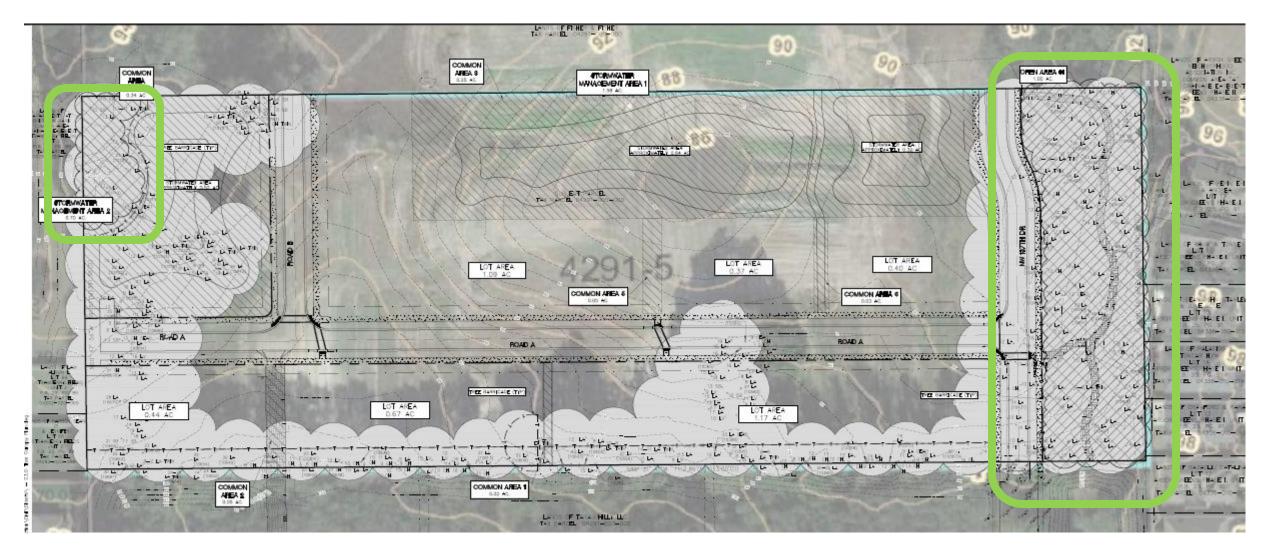




PRIMARY OPEN SPACE (ACRES)	EXISTING	PROVIDED	% TOTAL AREA
WETLANDS	0 Ac.	0 Ac.	0%
WETLAND BUFFERS	0 Ac.	0 Ac.	0%
SURFACE WATERS	0 Ac.	0 Ac.	0%
SURFACE WATERS BUFFERS	0 Ac.	0 Ac.	0%
SIGNIFICANT GEOLOGICAL FEATURES	0 Ac.	0 Ac.	0%
SIGNIFICANT GEOLOGICAL FEATURE BUFFERS	0 Ac.	0 Ac.	0%
STRATEGIC ECOSYSTEM	0 Ac.	0 Ac.	0%
LISTED SPECIES HABITAT	0 Ac.	0 Ac.	0%
100 YEAR FLOODPLAIN (FEMA AREA)	0 Ac.	0 Ac.	0%
SIGNIFICANT HABITAT	0 Ac.	0 Ac.	0%
OTHER NATURAL AREAS	0 Ac.	0 Ac.	0%
SECONDARY OPEN SPACE (ACRES)		PROVIDED	% TOTAL AREA
COMMUNITY GREEN SPACES		1.4 Ac.	16%
STORMWATER AREAS		2.0 Ac.	24%
TOTAL OPEN SPACE PROVIDED (ACRES)		3.4 Ac.	40%

Approved
Open Space
Tara Greens

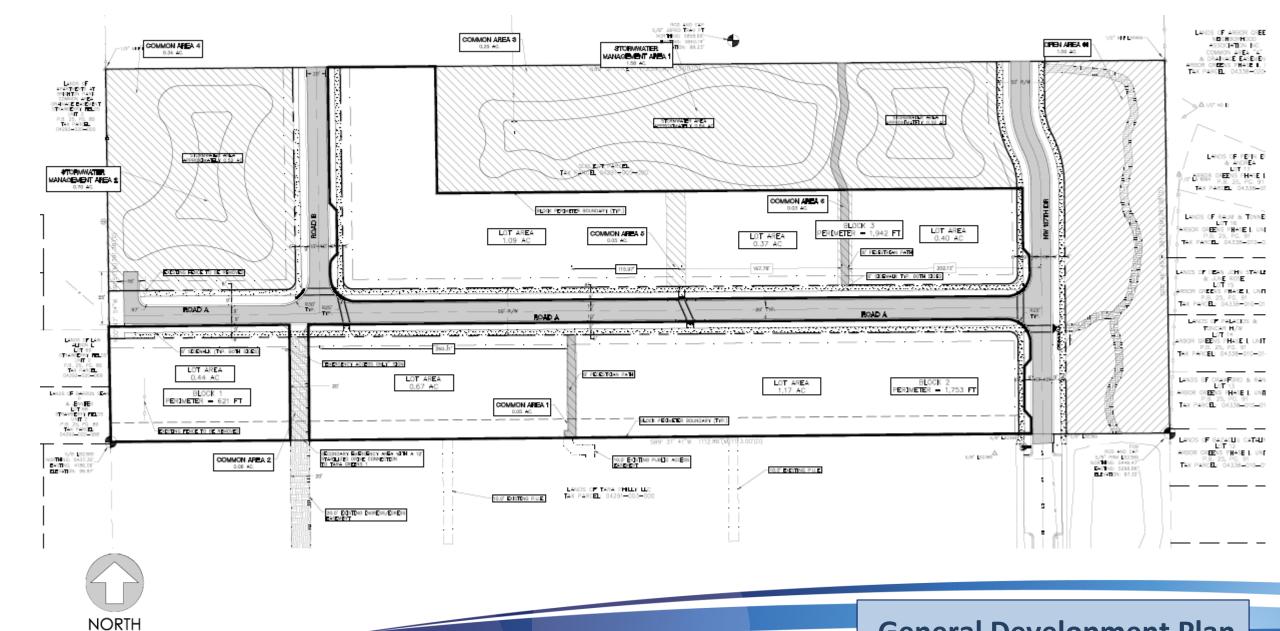






5% Required = 0.24 acres 25.31% Proposed = 1.23 acres

Tree Canopy Retention
Tara Greens 2



General Development Plan Tara Greens 2

228

Consistency Analysis

Proposed Preliminary Development Plan is found to be consistent with:

- Comprehensive Plan
- Unified Land Development Code

Staff Recommendation

Staff recommends **approval** of the Preliminary Development Plan, Resolution DR-20-33, and issuance of a Preliminary CLSC for **Tara Greens 2**.



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 9.

Agenda Item Name:

Final Redevelopment Plan with Deviations from the Unified Land Development Code (ULDC) for Shops at Archer Road and SW 43rd Street

Presenter:

Christine Berish

Description:

Redevelopment of gas station with 2,449 square foot(sf) convenience store for a proposed 2,450sf bank with drive through, and a 3,920sf restaurant

Recommended Action:

Denial of the Final Redevelopment Plan

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

The purpose of the proposed Final Redevelopment Plan is for the demolition of a gas station with a 2,449 square foot(sf) convenience store in order to construct a 6,370sf multi-tenant building. The new multi-tenant building will include a 2,450sf bank with drive through, and a 3,920sf restaurant on approximately 1.02 acres. The subject property is located on the NE corner of the intersection of Archer Road and SW 43rd Street and is located within the Urban Cluster.

In 2017 the Board adopted Article XV of Chapter 407, for Redevelopment. According to ULDC 407.151 for Flexible Design Standards:

All development shall meet applicable requirements of the Unified Land Development Code. However, recognizing the difficulty in redeveloping sites the board of county commissioners may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a final redevelopment plan with a description of the deviation requested and a justification that explains why the current standard is not feasible based on the conditions of the site. Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the

Agenda Date: 9/8/2020 Agenda Item No.: 9.

board of county commissioners. The BoCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of the ULDC and would not hinder the public health, safety and general welfare of the residents and property owners of Alachua County. When no deviations are requested, a final development plan shall be submitted for review by the development review committee.

The proposed development plan shows parking on three sides of the building as well as access management conflicts. Staff does not find the proposed deviations to be the minimal possible as required by ULDC 407.151, and therefore recommends denial of the Final Redevelopment Plan. The Staff Report provides the analysis and bases for a denial as well as requirements that are consistent with the Comprehensive Plan and ULDC.



Project Number: 2020042702

Final Redevelopment Plan for Shops at Archer and SW 43rd Street

SUBJECT: Shops at Archer Redevelopment

DESCRIPTION: Redevelopment of gas station with 2,449 square foot (sf)

convenience store for a proposed 2,450sf bank with drive-

through, and a 3,920sf restaurant

AGENT/APPLICANT: eda engineers-surveyors-planners, inc

PROPERTY OWNER: Blue Sky GNV 4103, LLC

PROPERTY DESCRIPTION:

Location 4103 SW 43rd Street Parcel Numbers 06800-006-002

Section/Township/Range 14/10/19

Land Use Tourist Entertainment

Zoning BR-1 Acreage 1.02 acres

CHRONOLOGY:

Application Submittal 04/27/2020

Insufficiency Report Sent 05/22/2020;08/03/2020

Application Resubmitted 07/13/2020 Sufficiency Determination 08/03/2020 Final Redevelopment Plan Hearing 09/08/2020

STAFF RECOMMENDATION: Recommend denial of the Final Redevelopment Plan for

Shops at Archer Road and SW 43rd Street

BOCC ACTION: TBD

SITE DESCRIPTION

Below is an aerial of the existing site. Construction for Celebration Pointe "The Commons" is to the west, across SW 43rd Street. The remainder of the site is surrounded by an existing hotel to the north and eastern sides. The I-75/Archer Road interchange is to the east.



BACKGROUND:

The purpose of the proposed Final Redevelopment Plan is for the demolition of a gas station with a 2,449 square foot (sf) convenience store in order to construct a 6,370sf multi-tenant building. The new multi-tenant building will include a 2,450sf bank with drive-through, and a 3,920sf restaurant on approximately 1.02 acres. The subject property is located on the NE corner of the intersection of Archer Road and SW 43rd Street and is located within the Urban Cluster.

In 2017 the Board adopted code to facilitate redevelopment. ULDC 407.151 for *Flexible Design Standards* provides the following:

All development shall meet applicable requirements of the Unified Land Development Code. However, recognizing the difficulty in redeveloping sites the board of county commissioners may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a final redevelopment plan with a description of the deviation requested and a justification that explains why the current standard is not feasible based on the

conditions of the site. Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the board of county commissioners. The BoCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of the ULDC and would not hinder the public health, safety and general welfare of the residents and property owners of Alachua County. When no deviations are requested, a final development plan shall be submitted for review by the development review committee.

To date there have been several redevelopment projects that have met the standards required by the ULDC, and therefore were approved by the Development Review Committee (DRC). Redevelopment projects approved by the DRC include similar proposals of gas stations converted to banks with drive-through facilities, as well as quick-serve restaurants with a drive-through. Additional information about these projects will be provided in Staff's presentation.

The proposed Shops at Archer is the first redevelopment project that has requested a deviation from the ULDC. The subject property is required to meet ULDC 405.07 for *Design Standards for developments other than TND's or TOD's in Activity Centers*, which is further explained in the ULDC consistency portion of this staff report.

As an overview, the applicant is requesting deviations from the following:

405.07(c)(4) Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.

405.07(e) Pedestrian circulation and amenities

(2) Pedestrian walkways connecting buildings within activity center shall minimize crossing of vehicular areas.

In addition, the proposed development plan does not meet some of the parking or access management requirements and the plan deviates from the following:

407.23(a) Off-street parking stacking requirements: In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.

ULDC 407.134(b) Operational characteristics of connections. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits.

The proposed development plan shows parking on three sides of the building including in the front and the layout of drive aisles and parking creates access management conflicts including conflicts between vehicles and pedestrians. Staff suggested to the applicant that if the building could be re-oriented 90 degrees to provide the entrance or 'front' at SW 43rd Street the site layout could then comply with the ULDC. A drive-through lane between the front entrance and SW 43rd Street would allow circulation around the building while also providing the separation needed from the existing easements. This configuration would allow the site to meet the ULDC and is similar to the design of other drive-throughs in Activity Centers as noted in the back up presentation. Staff does not find the proposed deviations to be the minimal possible as required by ULDC 407.151, and therefore recommends denial of the Final Redevelopment Plan. The following provides the analysis and bases for a denial as well as requirements that are consistent with the Comprehensive Plan and ULDC.

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

The subject property has the Tourist/Entertainment Future Land Use designation. Future Land Use Element Objective 3.10 states that tourist/entertainment commercial uses are oriented primarily toward providing services for the short-term visitor to Alachua County. The proposed uses of a bank and restaurant are consistent with the Future Land Use as both provide services to short term visitors.

Comprehensive Plan Future Land Use Policy 7.1.33 requires all development within the Urban Cluster to be designed in accordance with Traditional Neighborhood Design standards under Future Land Use Element policies and sub-policies in 1.6.6, *Site and Building Design*, 1.6.7 *Transportation Network*, and 1.6.8 *Parking*. The ULDC provides for exceptions to these design standards, but overall the proposed development plan is not consistent with these policies and is further explained below.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

The subject property carries the BR-1 zoning district designation. The proposed uses of restaurant and bank/financial institutions are both permitted uses per Chapter 404 Article 2. Use Table. According to ULDC 403.11(d) Commercial district descriptions states that the business, tourist, and entertainment (BR-1) district implements the tourist entertainment policies. The BR-1 district is intended to provide commercial uses oriented primarily toward services for the short term visitor to Alachua County by providing lodging and related commercial uses at locations...such as the highway

interchanges with Interstate 75. Table 403.12.1 Standards for Commercial Districts provides the required setbacks. The proposed Final Redevelopment Plan is consistent with the required setbacks.

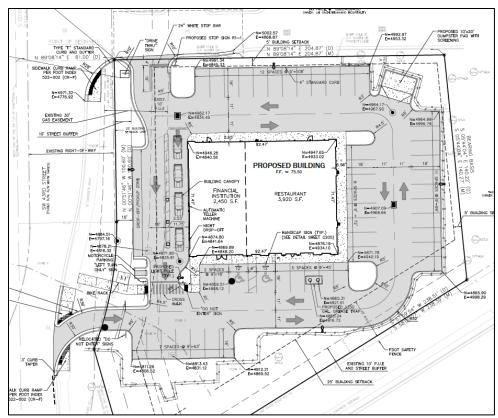
URBAN CLUSTER DESIGN

The subject property is within the Urban Cluster, but is not located within an Activity Center. Comprehensive Plan Future Land Use Policy 7.1.33 requires all development within the Urban Cluster to be designed in accordance with Traditional Neighborhood Design standards under Future Land Use Element policies and sub-policies in 1.6.6, Site and Building Design, 1.6.7 Transportation Network, and 1.6.8 Parking. Article 11 of Chapter 405 for Urban Service Area in the ULDC provides for Exceptions to design standards for certain development types [ULDC 405.45]. According to this provision for parcels less than five acres, "Where it can be demonstrated that development on parcels less than five acres cannot strictly adhere to the urban design standards in Chapter 407, Article 7, those parcels shall develop consistent with the design standards in section 405.07." The proposed Final Redevelopment Plan has been analyzed according to ULDC 405.07.

ULDC 405.07 Design standards for development other than TNDs or TODs in Activity Centers has several requirements for blocks and streets, stormwater facilities, parking, transit facilities, pedestrian circulation and amenities, and bicycle circulation and amenities. These requirements include:

- Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
- Commercial retail, office, civic and multiple-family buildings shall provide pedestrian walkways that connect all buildings at their primary entrances.
- Pedestrian walkways connecting building within an activity center shall minimize crossing of vehicular areas.

The applicant provided a request for deviation from these Activity Center requirements (the deviation request with their justification is provided in the back-up information). The proposed Final Redevelopment Plan, which is shown below, provides for parking on three sides of the building. The front of the building is facing south (Archer Road) with two-way drive aisles and two rows of perpendicular parking. In addition, the drive through facility along the west, contains a pass by lane, and an additional parking area for mobile rideshare or delivery vehicles. Therefore, a pedestrian from SW 43rd Street, or a delivery driver, would need to cross the delivery lanes and pass-by lane in order to access the front entrance of the building.



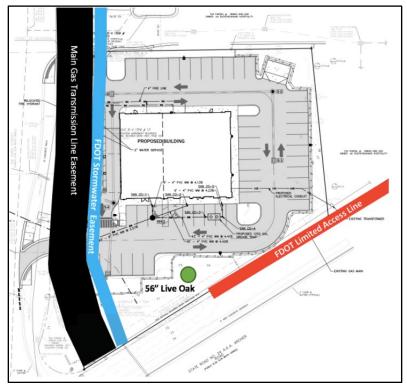
Proposed Layout - Sheet C100 Dimension Plan

The applicant justifies the location of the parking due to parking being located in front of buildings on other properties located on SW 43rd Street such as HOM Suites and Cracker Barrel. The applicant further justifies the deviations from the ULDC as "The Commons" at Celebration Pointe was allowed to develop in this pattern with the approval of CPA-08-17. CPA-08-17 was a Comprehensive Plan amendment that approved a new Future Land Use Objective 1.9, which created policies specific to Celebration Pointe Transit Oriented Development (TOD). Policy 1.9.3(g) Site, Building, Parking, and Street Design states that Off-street surface parking areas shall be located to the rear of buildings in the VC and TSA. Parking areas along the external property boundaries of the Celebration Pointe TOD are not required to be screened by buildings at the property boundary. Outside the TSA, off-street surface parking areas are permitted around all sides of buildings and are not required to be screened by liner buildings or pocket parks.

This provision is only applicable within Celebration Pointe. This parcel has never been part of the Celebration Pointe Transit Oriented Development.

The applicant's justification cites existing site constraints such as limited access to Archer Road as one of the reasons for requesting the deviation. There are currently no connections to the property from Archer Road and Staff is of the opinion the lack of connection to Archer Road does not inhibit the ability to provide parking to the rear or sides of buildings, or safe pedestrian and vehicular circulation within the site. One other

justification provided is the existing and underground utility easements along SW 43rd Street. There is a gas main transmission line, and FDOT stormwater easement along this road frontage. The easements allow limited uses and provides a prohibition on any permanent structures within the utility easement. Staff provided recommendations during the review to re-orient the front of the building to face SW 43rd Street, while allowing the minimum drive aisles necessary to provide the internal circulation (examples of this are included in the presentation). This reconfiguration of the building and parking layout could have been achieved in order to comply with the restrictions of the utility easements and requirements of ULDC 405.07(c)(4)(a) for *Parking*. The applicant also cited demand from end users as an additional justification for the deviations from ULDC 405.07(c)(4)(a).



Applicant's Justification – Existing Constraints

Staff has made attempts through the plan review and comment process to seek changes to the layout such as reorientation of the building to face SW 43rd Street, a reduction in building size, as well as a reduction in the amount of parking to bring the proposed Final Redevelopment Plan into compliance with all applicable provisions of the ULDC.

PARKING STANDARDS AND ACCESS MANAGEMENT

Existing access to this site is from both a driveway from SW 43rd Street at the southwest corner, as well as a shared access from SW 43rd Street on the northern project boundary. The proposed development plan will provide a right-in only for the southern

entrance and no modifications to the northern entrance.

ULDC 407.14 *Parking Schedule* provides for a required amount of parking spaces. Applicants proposing greater than ten percent variation must provide a parking study. The table below shows the required amount of spaces for this multi-tenant use.

Proposed Land Use	Square Footage	ULDC Parking Rate	Maximum Spaces
Bank	2,450	1 per 400 sq. ft.	6
Restaurant	3,920	5 to 5.5 per 1,000 sq. ft.	22
Total	6,370		28

The proposed uses require 28 spaces per the County's parking requirements. The applicant is requesting an increase in parking and requests a total of 47 parking spaces. The applicant provided the required parking study, which is provided in the back-up materials. Although Staff agrees with the methodology used in the parking study, Staff cannot justify the parking increase when other requirements of the ULDC have not been met. Alternatively, if the layout of the building and parking were modified to meet the ULDC, then a parking increase could be justified by the applicant and supported by Staff.

In addition to the increased parking shown on this plan, the design of the parking and drive through lanes creates conflicts with pedestrian walkways to access the multitenant building. A pedestrian will have to contend with vehicles in the drive through lane, a car passing by from the north, and the delivery drivers parking parallel to both of these lanes along SW 43rd Street.

With the current design, there is potential for two vehicular conflicts. The first is the northern entrance; vehicles turning right from SW 43rd Street (public roadway) have to make an immediate right to get into the site. This has potential to slow traffic down or back traffic up on SW 43rd Street. This condition is exacerbated by the options of proceeding to both a drive through lane and a bypass lane. There is no physical separation between the drive-through lane and the by-pass lane; only pavement markings. It is preferred for drivers to go south and around the building to enter the drive-through. With no physical separation, drivers could go directly to the drive-through and potentially cause vehicular conflicts.

Staff recommendation was to construct a raised traffic separator to separate the drivethrough lane and the bypass lane which would help ensure proper flow and be more consistent with 407.134 (b) by not causing traffic to back up on SW 43rd Street.

The second conflict point is the two parking spaces at the southwest location of the site. There is a one-way entrance that leads into a two-way drive-aisle. If a driver is heading west and needs to park in the southwest most parking spaces, then there could be

conflict with incoming traffic entering the site from SW 43rd Street.

Staff recommendation was to eliminate the two parking spaces on the southwest location of the site closest to the one-way entrance and be more consistent with 407.134 (b) by not causing disruption to the entering traffic from SW 43rd Street and potentially cause back up on SW 43rd Street.

ULDC 407.134(b) Operational characteristics of connections. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits. The above mentioned recommendations were provided to the applicant during the review as Staff comments and would have helped improve both pedestrian and vehicle safety onsite. As is, Staff finds the proposed Final Redevelopment Plan to be inconsistent with this provision of the ULDC.

CONSERVATION AREAS

There are no conservation resources associated with this site.

OPEN SPACE

Non-residential development is not required to provide Open Space, unless there are conservation resources present on site (ULDC 407.52 *Minimum open space requirement*). There are no conservation resources for the subject property, and therefore no Open Space is provided.

TREE PRESERVATION

There are five regulated trees located within the property. One of the trees is a 56 inch heritage live oak that will be preserved to count towards the required 20% tree preservation requirement per ULDC 406.12. Since the one heritage live oak currently contains impacts to the dripline, from the development of the gas station, the proposed Final Redevelopment Plan provides additional impervious area (560sf), to off-set the modification to the parking island that is currently within the dripline of the tree (180sf). ULDC 406.12 requires a minimum of 20% of existing tree canopy to be retained. The 56 inch live oak will be retained, which accounts for approximately 72% of the existing tree canopy to meet this requirement.

ARCHITECTURE

Chapter 407.105 of the ULDC provides architectural criteria for non-residential construction as part of any new development plan. The design features dual tenants with entrances on the south side of the building. The 'west' tenant store also features a drive-through along the west façade. The south facing façade features a preengineered canopy along the length of the façade. This facade exceeds all of the glazing requirements of the ULDC. Individual storefront glazing is divided by piers with

cultured stone bases and brick to the top of the canopy level. Above this is a stucco system with painted built-up cornice profiles. The 'east' unit features curved pediments on the south and east sides to accommodate signage. The north elevation is a service area and not subject to the fenestration and other standards found in this section of the ULDC. The roof is a parapet design with HVAC equipment screened to the greatest extent possible. All glazing and material requirements found in 407.105 have been met with this submission. Based on the submitted elevations, the proposed Shops at Archer Road meets all of the criteria found in Chapter 407.105 of the ULDC for *Building Design*.

OUTDOOR LIGHTING

ULDC 407.148 *Lighting standards* requires that lighting levels not exceed 1.0 footcandles if the adjacent property is zoned non-residential. The photometric plan demonstrates that the lighting level along north/east/south are 0.0 footcandles, and there is a maximum of 0.3 footcandles along the west property line. This is consistent with the ULDC requirements for lighting of parking areas in the ULDC.

LANDSCAPING AND BUFFERING

No project boundary buffers are required. ULDC 407.43(d) *Required roadway buffers* requires a ten-foot-wide buffer for arterial or collector streets. This is required along Archer Road and SW 43rd Street (ULDC). These buffers are shown with the appropriate landscaping on the development plan.

The development plan demonstrates that 39.6 percent of the site will have canopy coverage, consistent with the requirement of ULDC 407.41(n) *Landscape and planting plan objectives* that within 20 years 30 percent of the site will be under mature canopy. ULDC 407.43.1(c) *Landscaping in paved ground surface areas* requires at least 50 percent of the paved ground surface area to be under mature canopy in 20 years. The development plan demonstrates that 50 percent will be under mature canopy in 20 years. Additionally, screening shall be provided where a paved ground surface area lies within 50 feet of, and is visible, from any street right-of-way. The screening shall consist of sufficient shrubs to provide a visual screening of 75 percent opacity. Shrubs are provided within the street buffers along the southern and western property boundaries, meeting the screening requirement.

WATER AND WASTEWATER SERVICES

The development is within the Urban Cluster and is therefore required to connect to central water and sewer services by Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan.

STORMWATER MANAGEMENT

There is a master stormwater basin located north of HOM Suites that was modified during the construction of SW 43rd Street. The master basin was designed to serve the subject parcel. Public Works has evaluated the development plan to ensure the basin can accommodate the changes to the increased impervious area consistent with Article

9 of Chapter 407 for Stormwater Management.

TRANSPORTATION

The subject application proposes redevelopment of a gas station with 10 fueling pumps. Based on the 10th edition of the ITE Trip Generation Manual, this use would have generated 3,225 Average Daily Trips. The proposed restaurant could generate 440 average daily trips and the bank could generate 320 average daily trips, also based on the ITE Trip Generation Manual. This represents a reduction of 2,465 average daily trips. Therefore, no mitigation will be required for this development.

STAFF RECOMMENDATION

Staff finds the proposed Final Redevelopment Plan to <u>not be consistent</u> with the following provisions of the ULDC:

ULDC 405.07 Design standards for development other than TNDs or TODs in Activity Centers

- 405.07(c)(4)(a) Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
- 405.07(e)(2) Pedestrian walkways connecting buildings within activity center shall minimize crossing of vehicular areas.

ULDC 407.23(a) Off-street parking stacking requirements: In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.

ULDC 407.134(b) Operational characteristics of connections. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits.

Staff recommends **denial** of the Final Redevelopment Plan for Shops at Archer Road and SW 43rd Street with the following bases:

- 1. ULDC 405.07 Design standards for development other than TNDs or TODs in Activity Centers
 - a. 405.07(c)(4)(a) Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
 - b. 405.07(e)(2) Pedestrian walkways connecting buildings within activity center shall minimize crossing of vehicular areas.

The development plan does not locate parking to the rear or sides of the building, and there is no adopted master plan. Parking is located to south (front), east, and north of the building. Additionally, there is one pedestrian walkway and it does not minimize crossing of vehicular areas. The pedestrian walkway crosses a drive aisle and drive-through lane for the bank.

2. **ULDC 407.23(a) Off-street parking stacking requirements**: In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.

The design of the drive-through lane creates conflict between pedestrian and vehicular circulation.

3. **ULDC 407.134(b) Operational characteristics of connections**. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits.

The design of the drive-through lane creates conflict between pedestrian and vehicular circulation.

4. Section ULDC 407.151 for Flexible Design Standards:

All development shall meet applicable requirements of the Unified Land Development Code. However, recognizing the difficulty in redeveloping sites the board of county commissioners may consider deviations from certain development standards, such as buffers, landscaping, and stormwater, as may be necessary to promote redevelopment. Applicants shall provide a final redevelopment plan with a description of the deviation requested and a justification that explains why the current standard is not feasible based on the conditions of the site. Any requested deviations will be evaluated by staff and described in the staff report and presented with justification as a recommendation to the board of county commissioners. The BoCC shall make a finding that the deviation is the minimal possible and that approval of such deviation generally meets the intent of the ULDC and would not hinder the public health, safety and general welfare of the residents and property owners of Alachua County. When no deviations are requested, a final development plan shall be submitted for review by the development review committee.

The deviations from Code must be the minimal and, even with development plans in general, cannot hinder the public health, safety and general welfare of the residents. The proposed layout of the site for access including drive aisles, drive-through lanes and parking could be revised to more closely meet the code and alleviate the unsafe conditions for vehicles and pedestrians. The proposed development plan does not meet ULDC Section 407.151.



Shops at Archer Road and SW 43rd Street

Final Redevelopment Plan

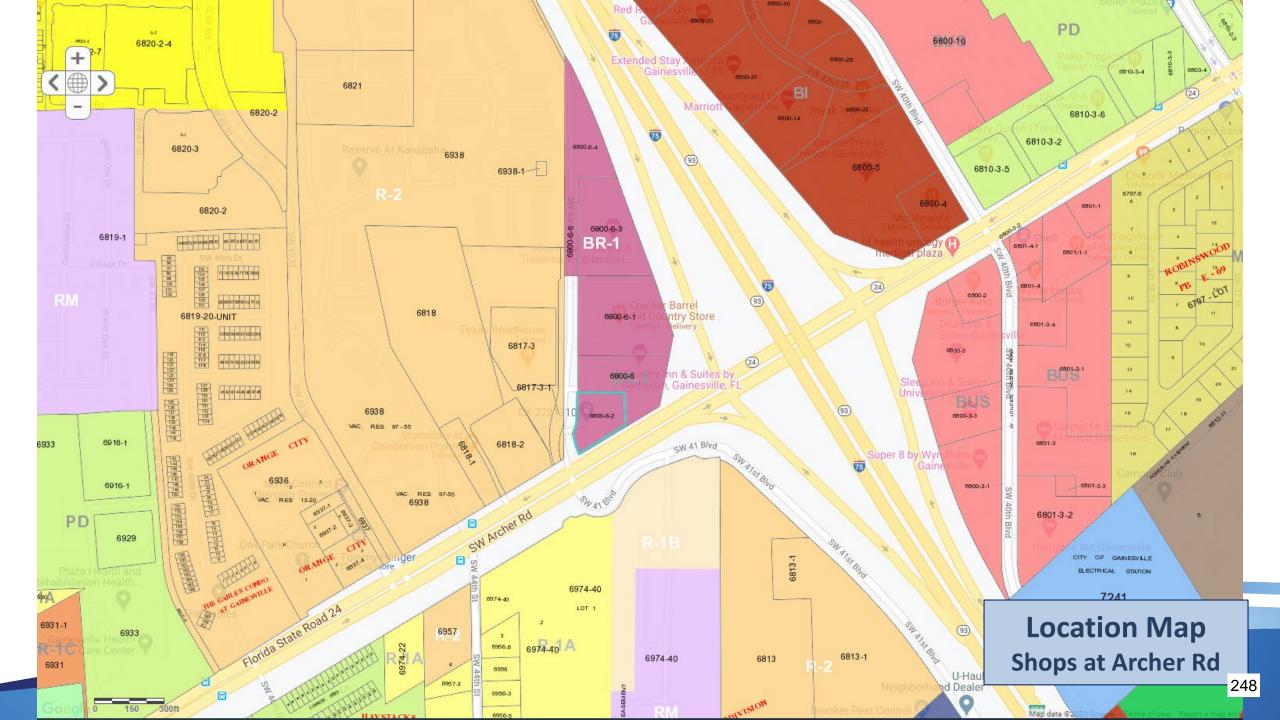
September 8, 2020

Christine Berish Development Review Manager

Shops at Archer Road and SW 43rd Street Final Redevelopment Plan

- Redevelopment plan for a proposed 2,450sf bank and 3,920sf restaurant
- Location: 4103 SW 43rd Street
- Future Land Use: Tourist Entertainment
- Zoning District: BR-1

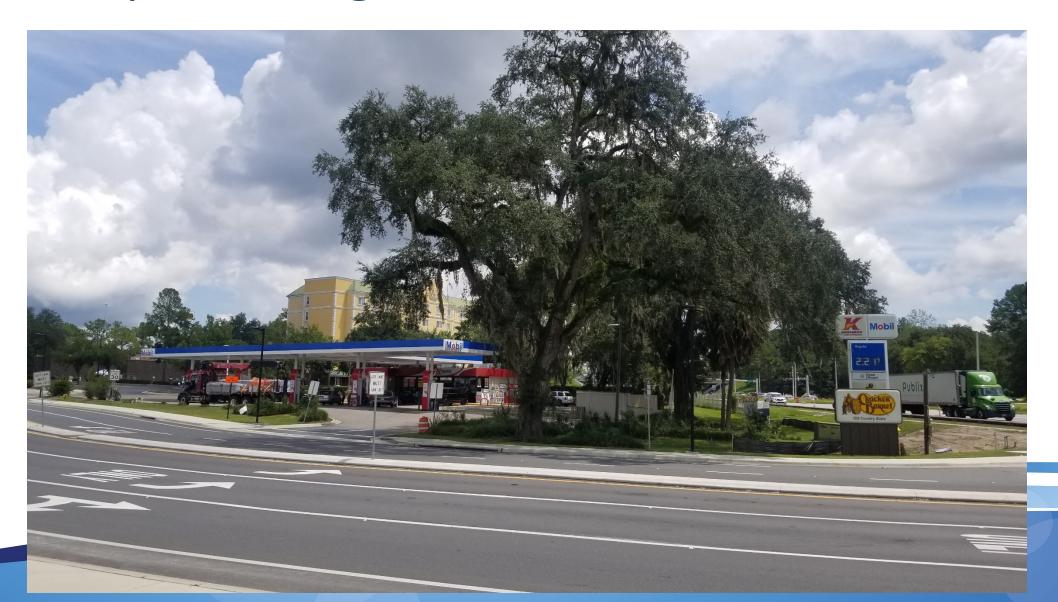


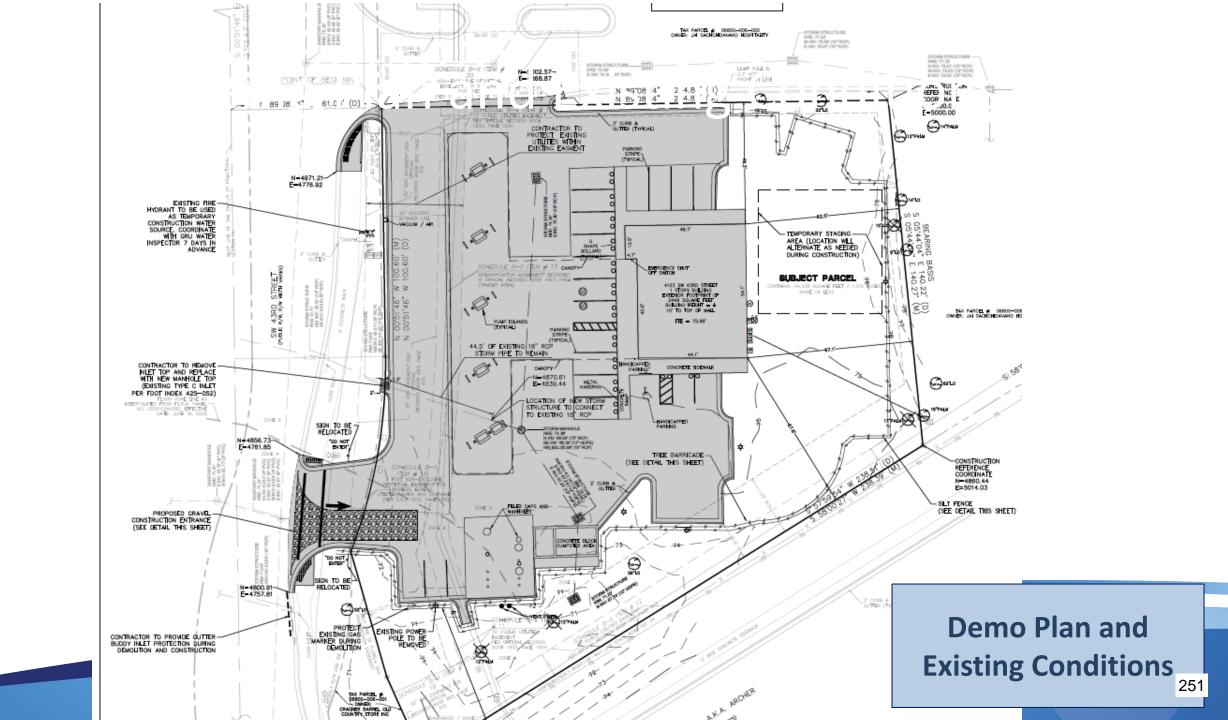


Shops Existing Conditions



Shops Existing Conditions – SW 43rd Street



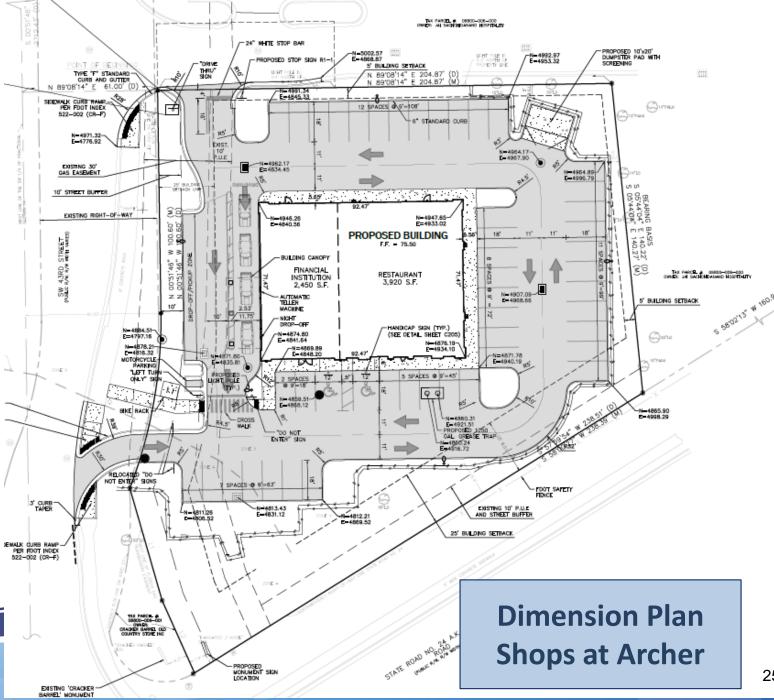


Urban Cluster Design Requirements

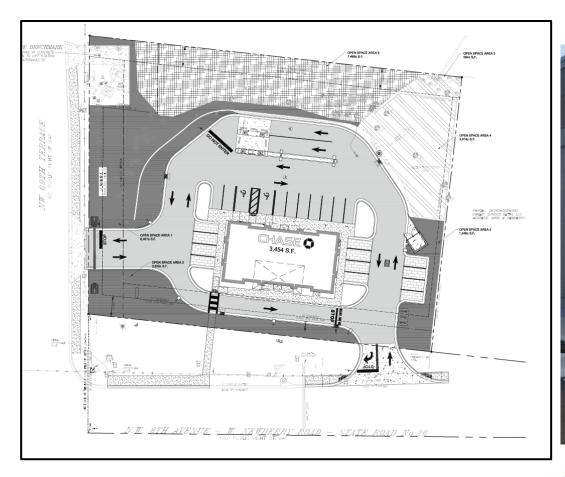
- Comprehensive Plan FLU Policy 7.1.33 requires all development in the Urban Cluster to be designed with Traditional Neighborhood Design (TND) requirements.
- If parcels less than 5 acres cannot strictly adhere to these standards, then they shall develop consistent with ULDC 405.07 (Activity Center).
 - Surface parking to the rear sides of buildings
 - Pedestrian walkways that connect all buildings at their primary entrances
 - Pedestrian walkways shall minimize crossing of vehicular areas.
- ULDC 407.151 Flexible Design Standards
 - Applicant may request deviation from standards
 - The BoCC shall make a finding that the deviation is the minimal possible and that approval
 of such deviation meets the intent of the ULDC and would not hinder the public health,
 safety, and general welfare of the residents and property owners of Alachua County.

Bases for Denial:

- 405.07(c)(4) Parking located in front
- 405.07(e) Pedestrians crossing vehicular areas
- 407.23(a) SW parking could create conflicts and stacking at SW 43rd
- 407.134(b) Disruption to traffic flow at entrances



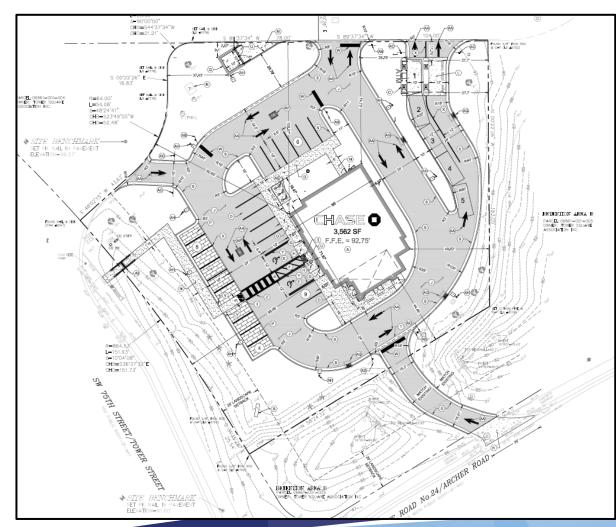
Redevelopment & Activity Center Design







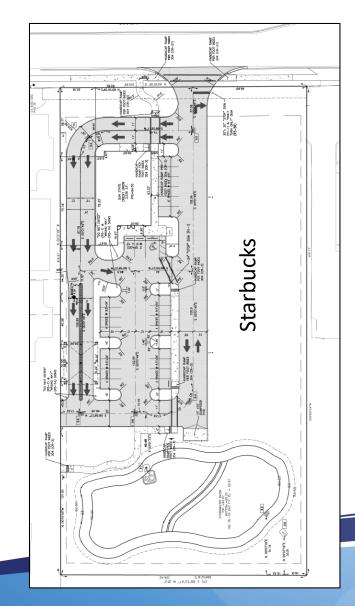
Redevelopment & Activity Center Design





Chase Bank Archer/Tower Road

Activity Center Design Examples



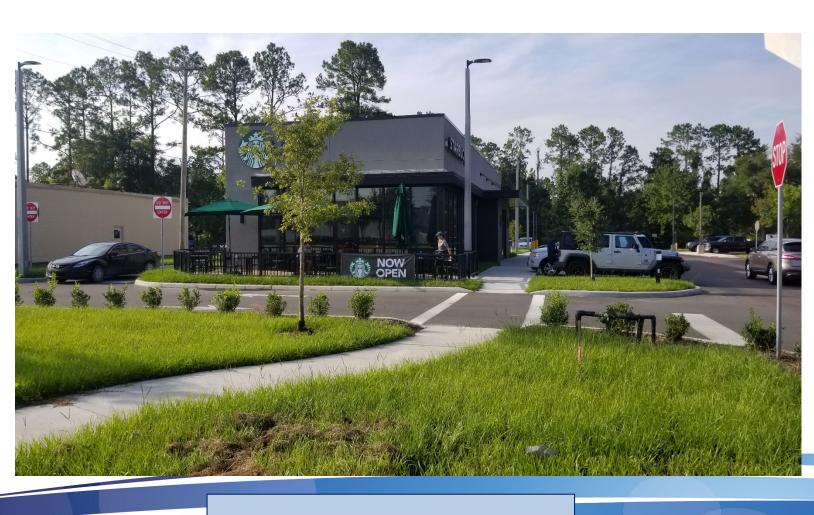






Activity Center Design Examples

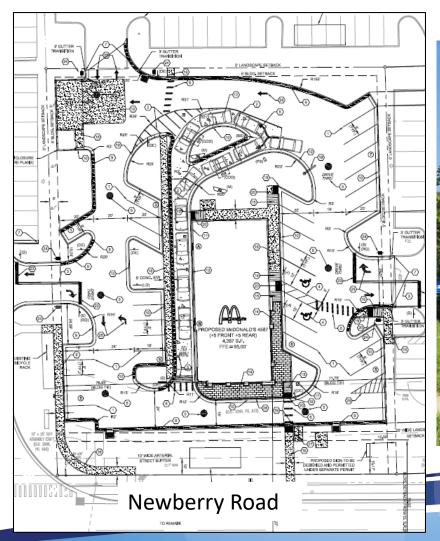








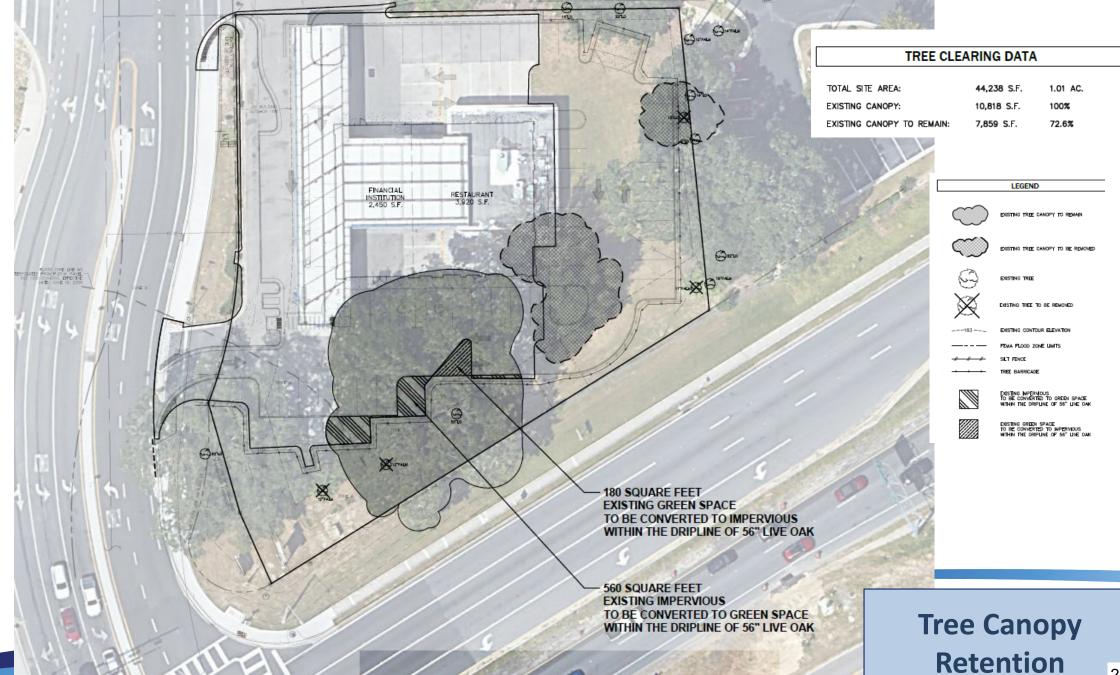
Activity Center Design Examples



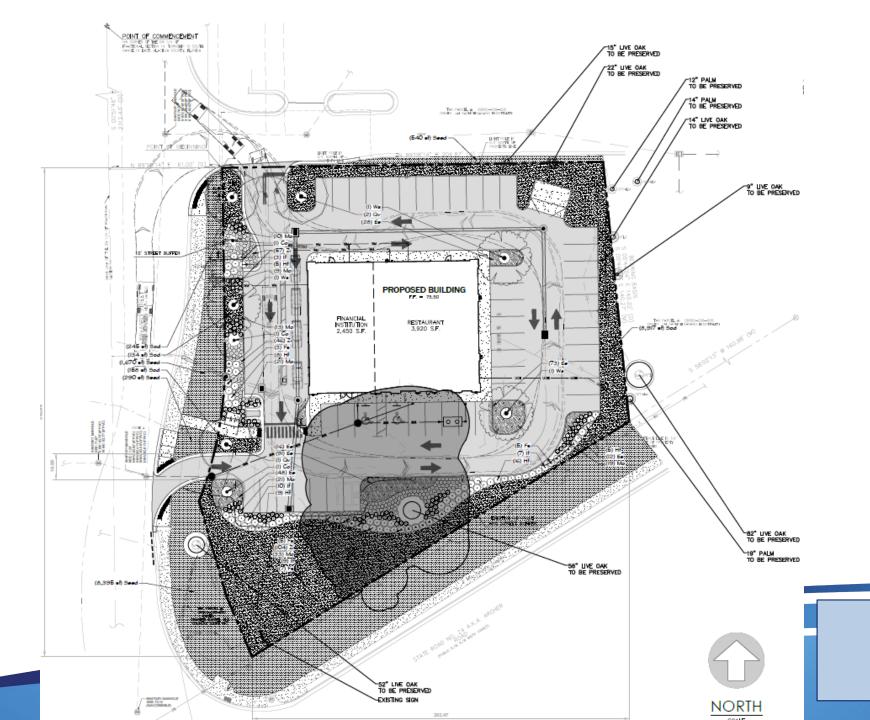




McDonald's Jonesville



NORTH



Landscape Plan Shops at Archer

Recommendation of Denial with the following bases:

Staff finds the proposed Final Redevelopment Plan to <u>not be consistent</u> with the following provisions of the ULDC:

- **ULDC 405.07** Design standards for development other than TNDs or TODs in Activity Centers
 - 405.07(c)(4)(a) Surface parking shall be located to the rear or sides of building sites, unless otherwise specified in an adopted master plan.
 - 405.07(e)(2) Pedestrian walkways connecting buildings within activity center shall minimize crossing of vehicular areas.
- **ULDC 407.23(a)** Off-street parking stacking requirements: In addition to meeting the minimum off-street parking standards, drive-through facilities shall provide a minimum of five stacking spaces for each drive-through lane. Such spaces shall be designed so as to not create conflicts between pedestrian or vehicular circulation on the site or on any abutting street.
- **ULDC 407.134(b)** Operational characteristics of connections. All connections should be constructed so that all entering and exiting movements can be accomplished with minimum disruption to traffic flow on the intersecting roadway. For developments having drive-in services, the service area should be far enough from the roadway to ensure adequate vehicle storage space within the property limits.

Staff recommends **denial** of the Final Redevelopment Plan for The Shops at Archer Road and SW 43rd Street

Attachment B:

For Reference in Connection with CPA 04-20

Excerpted Policies from the Following Elements:

Future Land Use (Includes Proposed Amendments),

Conservation and Open Space, Housing, Economic, and Energy

FUTURE LAND USE ELEMENT

6.0 RURAL AND AGRICULTURAL POLICIES

OBJECTIVE 6.1 - GENERAL

Rural and agricultural areas shall be protected in a manner consistent with the retention of agriculture, open space, and rural character, and the preservation of environmentally sensitive areas, and efficient use of public services and facilities.

- Policy 6.1.1 The County shall encourage the continuation of productive agricultural uses through an integrated program of strategies, including innovative land use regulations in conjunction with transfer of development rights and support for use of local, State, and Federal incentives including pursuit of funds from state and federal programs for purchase of agricultural conservation easements and purchase of development rights. The County shall initiate a stewardship program utilizing strategies from but not limited to the Rural and Family Lands Protection Act, Section 163.3177 (11) (d) F.S. and Section 570.70, F.S., as appropriate to Alachua County.
- **Policy 6.1.2** Protection of important agricultural areas, based on factors such as the existing agricultural uses, soils, land use patterns, and economics of the county's agricultural community, shall be encouraged.
- Policy 6.1.3 The most recent, applicable best management practices for agriculture and silviculture shall be required consistent with Section 5.5, Agricultural and Silvicultural Practices, of the Conservation and Open Space Element. The County shall encourage sustainable and conservation-oriented agricultural practices for agriculture and silviculture, and shall work with landowners to facilitate participation in the County's Transfer of Development Rights program, voluntary certification programs whose standards meet or exceed best management practices, agricultural and conservation easements, and federal and state cost-share programs. The land development regulations shall be reviewed for the inclusion of incentives to encourage voluntary participation in certification programs.
- Policy 6.1.4 The County shall support the development of markets and programs that promote the sale of locally produced agricultural goods, including but not limited to farmers markets, community gardens, farm to institution programs, and agritourism opportunities. The County shall partner with local community groups and organizations and other local governments to pursue funding sources for the development of a sustainable local food system.

- **Policy 6.1.5** Agricultural pursuits shall be allowed in all land use classifications, provided that the health, safety and welfare of the general public and the protection of the natural environment are assured. The land development regulations shall include standards for agricultural pursuits and related uses in the Urban Cluster, including but not limited to farmers markets, community gardens, laying hens, and other small scale agricultural uses as allowable uses in appropriate areas.
 - **Policy 6.1.5.1** In order to provide access to fresh, nutritious local foods in the Urban Cluster, farmers markets shall be allowed in the Cluster within mixed-use and non-residential areas as permitted uses subject to the standards provided in the land development regulations and site plan approval by the Development Review Committee.
 - **Policy 6.1.5.2** Community gardens shall be allowed in the Urban Cluster in areas with an urban residential land use designation, mixed-use areas or in Activity Centers as permitted uses subject to the standards provided in the land development regulations and administrative approval by the Growth Management Department.
 - **Policy 6.1.5.3** The land development regulations shall include standards for the allowance of laying hens in residential areas within the Urban Cluster, such as standards for coops/runs, setbacks, and number of hens permitted per lot.
 - **Policy 6.1.5.4** The land development regulations shall include standards for the allowance of other small scale agricultural uses in residential areas within the Urban Cluster, such as aquaculture, apiculture, poultry and rabbit raising.
- **Policy 6.1.6** The land development regulations shall specify performance criteria and standards for intensive agricultural operations such as concentrated animal feeding operations and dairies to ensure protection of water quality and natural systems.
- Policy 6.1.7 Clean debris and construction and demolition debris landfills may be permitted through the special use permit process in areas identified as Rural/Agriculture, subject to performance criteria in the land development regulations, including the protection of groundwater quality.
- **Policy 6.1.8** The land development regulations shall include thresholds that address the size, intensity and impacts of off-site agricultural product packaging and processing facilities and wood product processing and wood manufacturing facilities, below which such uses may be appropriately located in areas identified as Rural/Agriculture. Uses exceeding the established thresholds shall either be allowed in areas identified as Industrial on the Future Land Use Map or processed as a materials oriented industrial use in the Rural/Agriculture area subject to a Comprehensive Plan Amendment in accordance with Policy 4.1.1, Section 4.0, Industrial, of the Future Land Use Element. The land development regulations shall provide standards for wood product processing and wood manufacturing facilities that may be allowed in Rural/Agriculture areas subject to Board of County Commissioners approval in order to ensure compatibility with surrounding uses and minimize or eliminate impacts to natural resources. Standards shall address at a minimum hours of operation, buffering and screening, hazardous materials and wood waste management, setbacks, ingress and egress, parking, sales, product storage and display, and shall require the use of best management practices to minimize or eliminate impacts to natural resources and surrounding properties such as use of reclaimed wood products, reuse of scrap materials and recycling of wood product on-site and noise, odor and air pollution controls.

OBJECTIVE 6.2 - RURAL/AGRICULTURE

Areas identified for Rural/Agriculture on the Future Land Use Map are for agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, farmers' markets, agritourism activities, composting, limited agricultural processing and wood product processing and wood manufacturing as provided in Policy 6.1.8 above, and agricultural products distribution. Rural residential uses, home-based businesses, rural event centers, heritage tourism and ecotourism activities, resource-based recreation and outdoor activity-based recreation are also allowed. Other uses involving animals not normally associated with agricultural activities, which would be suitable in the Rural/Agricultural areas, such as animal sanctuaries, kennels, and commercial animal raising, may be approved by the County Commission. New residential uses at a maximum density of one dwelling unit per five acres shall be permitted subject to the restrictions in Policy 6.2.7, except that the total allowable dwelling units may be increased pursuant to the Planned Development-Transfer of Development Rights program in accordance with 6.2.5.1 or the incentive bonuses for clustering of rural residential subdivisions in accordance with Policies 6.2.9 - 6.2.14.

- Policy 6.1.9 Road construction to support new development in the Rural/Agricultural area shall be the responsibility of the private land developer. Public funds may be allocated to roads designated as part of the State primary and County road system or those roads determined to be needed for the benefit of the general public and designated for construction by the State or Board of County Commissioners. The County shall only assume operation and maintenance responsibilities for a road that is dedicated to the County and that meets the standards of the Subdivision Regulations and the Transportation Mobility Element.
 - **Policy 6.1.9.1** Safety improvements shall be appropriate in any area of the County.
- **Policy 6.1.10** Central water and sanitary sewer lines shall not be extended into the Rural/Agricultural area, unless these services are needed to correct a public or environmental health threat, or as necessary for the efficient delivery of services to the Urban Cluster, as provided in the adopted Potable Water and Sanitary Sewer Element.
- **Policy 6.1.11** Stormwater facilities consistent with the level of service standards for drainage shall be required as a condition of new development.
- **Policy 6.1.12** The land development regulations shall insure adequate internal traffic circulation on dedicated local roads and shall minimize driveway access to rural collector and arterial roads.
- Policy 6.1.13 Parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with those policies, such that the natural functions of the resource area are not significantly altered. This shall be accomplished either through clustering of new developments in accordance with Policy 6.2.9 through 6.2.14 below, or for developments of less than 25 10 lots that might not be clustered in accordance with these policies, through a development plan that assures the permanent protection of natural resources consistent with the requirements of the Conservation and Open Space Element; the land development regulations shall detail the requirements for management and permanent protection of the ecological value of natural resources in those developments that are not clustered through legally enforceable mechanisms that provide protection of those resources equivalent to the protection under Policies 6.2.12(c) through 6.2.12(e).

- Policy 6.1.13.1 In order to implement COSE Policy 4.10.6, Planned Developments with Transfers of Development (PD-TDR) may be proposed for two or more separate parcels under the same ownership to facilitate transfers of development rights from regulated conservation areas, as defined in Conservation and Open Space Element Policy 3.1.1, to less sensitive areas designated as Rural/Agriculture on the Future Land Use Map. The PD-TDR will allow units of density to be transferred from one or more contiguous parcels (sending parcels) to one or more geographically separate parcels (receiving parcels). All parcels involved shall be rezoned as PD-TDR-S or PD-TDR-R. As a result of the transfer, receiving parcels may be developed at a gross density that exceeds that provided on the receiving parcel by the Rural/Agriculture land use category. The process and standards for PD/TDR developments shall be consistent with rural clustering policies with the following additional requirements:
 - (a) The parcel (s) from which density will be transferred shall be designated PD-TDR-S on the zoning map. The parcel receiving the density shall be designated PD-TDR-R. The sending parcel shall be so designated in perpetuity unless both the sending and receiving parcels are considered for rezoning simultaneously and the overall density in the rural area is not increased.
 - (b) The maximum number of units that can be transferred shall be the lesser of:
 - (1) The number of units that could be developed on the sending parcel(s) under the Rural/Agriculture maximum gross density of 1 units per 5 acres, plus bonus units consistent with Policy 6.2.10(d); or
 - (2) The number of upland acres, excluding wetlands and wetland buffers, on the sending parcel(s).
 - (c) The sending parcel(s) must be at least 50% field-verified conservation areas, as defined in Conservation and Open Space Element Policy 3.1.1. The sending parcels shall include all individual parcels that have been created after the adoption of this amendment to the Alachua County Comprehensive Plan or from a date 5 years prior to the application for a PD-TDR, whichever is later.
 - (d) Units not transferred to an initial receiving parcel(s) as part of the original PD-TDR approval shall remain with the sending parcel(s). At a subsequent time, the remaining units may only be directed to additional receiving parcels by way of a major amendment to the approved PD-TDR Master Plan. All sending and receiving parcels shall be identified on the PD-TDR Master Plan.
 - (e) Sending parcels shall be designated as conservation management areas on the PDTDR Master Plan. Residential densities of one dwelling unit per 40 acres to one dwelling unit per 200 acres may be retained on the sending areas where consistent with a Conservation Management Plan. Retained density must be clustered on the least sensitive portion of the property. The amount of density to be retained shall be based on what is necessary to protect the integrity of the ecological system and conservation resources.
 - (f) Development of receiving parcels shall be consistent with COSE policies 3.1.1 3.1.3 and the objectives and policies in COSE 3.6.
 - (g) An area equal to at least 50% of the combined acreage of the sending and receiving areas for a PD-TDR shall be permanently set aside as open space on the

- sending parcel(s). Additionally, a minimum of 20% of the receiving parcel(s) shall be designated as open space consistent with COSE Policy 5.2.2.
- (h) The maximum density allowed on the receiving parcel will be the number of units based on the Rural/Agriculture land use designation for the receiving area, plus the additional units transferred from the sending area, subject to the minimum lot size requirements for developed areas of rural clustered subdivisions specified in Policy 6.2.13. Allowance of this maximum density shall be subject to an evaluation of factors, including: proximity to developed areas; availability and capacity of public infrastructure and services; environmental suitability; and compatibility with surrounding land uses. A finding shall be made whether or not the receiving parcel location and proposed density are appropriate based on these factors.
- (i) The land development regulations shall include provisions to assure implementation of the planned development as a unified development plan.

RURAL RESIDENTIAL SUBDIVISIONS

- **Policy 6.1.14** No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below. Residential subdivisions of more than six nine lots in the Rural/Agricultural area shall be designed to provide:
 - (a) Paved, interconnected, internal, and local roads that are dedicated to a responsible maintenance entity.
 - (b) Limited driveways, including the use of common access driveways, on rural collector and arterial roads.
 - (c) Paved public road access.
- Policy 6.2.6.1 Subdivisions of no more than six nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, public safety, emergency vehicle access, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than six nine lots without having paved roads throughout the subdivision.
- **Policy 6.1.15** The Development Review Committee shall not authorize more than 150 lots smaller than eight acres in the Rural/Agricultural area in any calendar year except for lots that are clustered according to the provisions of 6.2.9 6.2.14.
- Policy 6.1.16 New rural residential subdivisions of parcels legally created prior to October 2, 1991, which contain more than 100 lots, including cumulative phases or continued subdivision of land in common ownership or partnership as of October 2, 1991, shall be allowed only after adoption of a comprehensive plan amendment based on a completed special area study. This study, developed through the Community Planning Program, shall address factors such as transportation impacts, community services, fire protection, impacts on surrounding land uses, and environmental issues. This requirement for a comprehensive plan amendment is not applicable to a rural residential subdivision that exceeds 100 lots as a result of incentive density bonuses for clustering.

Policy 6.1.17 Clustering

The preferred design for new rural residential subdivisions is that they be clustered in order to protect the characteristics and features of rural areas through the following goals:

- (a) Protect natural and historic resources.
- (b) Support continued agricultural activities by preserving viable soils and effective land masses.
- (c) <u>Provide opportunities for agriculture areas such as community gardens.</u>
- (c)(d) Minimize land use conflicts.
- (d)(e) Provide recreational and habitat corridors through linked open space networks.
- (e)(f) Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.
- (f)(g) Reduce natural hazard risks to life and property.

Policy 6.1.18 Density and Intensity

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except as a result of the provisions for accessory dwelling units found in Policy 6.2.10.1, family homestead exceptions found in Policy 6.2.14(c), temporary permits issued by the Growth Management Department or as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element. These standards include the following requirements:

- (a) Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with Conservation and Open Space Element Policies 4.7.4. and 4.6.6.
- (b) Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in Conservation and Open Space Element Objective 3.6.
- (c) Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to Conservation and Open Space Element Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.
- (d) As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number of units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area or agriculture area such as community gardens set aside as open space; plus 1 additional unit per every 20 acres of other non-conservation area set aside as open space.
- **6.2.10.1** To provide for a greater range of choices of housing types, affordable housing, and the promotion of infill into existing neighborhoods while maintaining rural character,

one accessory dwelling unit shall be allowed on residential lots in the Rural/Agriculture area without being included in gross residential density calculations as follows.

- (a) Performance criteria shall be detailed in the land development regulations and include elements such as size, site design, access, and parking requirements. In no instance shall an accessory dwelling unit be permitted on a lot with less than one acre of buildable area outside the boundaries of any conservation areas.
- (b) Prior to the issuance of a building permit for the construction of an accessory dwelling unit in an existing residential area, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot.
- (c) Permanent occupancy by the owner of either the primary or accessory dwelling unit shall be required for all accessory dwelling units.
- (d) The accessory dwelling unit shall meet all applicable requirements of the Florida Department of Health for the well and septic system.

Policy 6.2.11 Design Sequence

The design of rural residential clustered subdivisions shall be sequenced according to the following four-step process:

- (a) Identify open space area, including natural resources consistent with Conservation and Open Space Element Section 3, agricultural areas, and potential open space network connections consistent with Conservation and Open Space Element Section 6.3.
- (b) Identify developed area and locate home sites.
- (c) Align streets and trails.
- (d) Delineate lot lines.

Policy 6.2.12 Open Space Area in Clustered Subdivisions

A portion of a clustered rural residential subdivision shall be designated and maintained as undeveloped open space area.

- (a) Percentage of site. Clustered Rural residential subdivisions shall designate a minimum of 50% of the site as open space area.
- (b) Design Principles. Open space shall be selected and designed according to the following principles, consistent with Conservation and Open Space Element policies for the identification and protection of natural resources:
 - (1) Protect natural, historic, and paleontological resources and agricultural areas of the site identified through a site specific inventory.
 - a. Conservation areas shall receive top priority for inclusion as part of the designated open space area, and may only be impacted in accordance with Conservation and Open Space Element policies specific to the resource.
 - Agricultural areas with viable soils and effective land masses shall be included evaluated for inclusion as part of the designated open space area after resource protection criteria are met. Agricultural uses

- consistent with 6.2.12(c) Permitted and Prohibited Uses and in accordance with requirements for management plans in 6.2.12(e)(3) are encouraged to be included as part of the designated open space area.
- c. Historic and paleontological resources shall be included as part of the designated open space area when appropriate in accordance with the Historic Preservation Element.
- (2) Design the open space area as a single contiguous area with logical, straightforward boundaries to eliminate or minimize fragmentation.
- (3) Form linked open space networks with existing or potential open space areas on adjacent properties, other developments, or greenways, consistent with Conservation and Open Space Element Section 6.3.
- (c) Permitted and Prohibited Uuses.
 - (1) Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture <u>for food production</u> including community gardens, <u>non-intensive</u> silviculture <u>consistent with (3) below</u>, and common open space, resource-based recreation uses which maintain the undeveloped area in a natural state, permeable stormwater facilities consistent with Stormwater Element Policy 5.1.11, community energy systems, and common water supply systems and common septic system drainfields. A <u>residential unit used as a homestead just prior to the creation of the clustered subdivision can continue to be used as a homestead within the open space area and not counted toward the total number of units allowed in the rural clustered subdivision.</u>
 - (2) More intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens shall not be allowed in any clustered rural residential subdivision.
 - Intensive silviculture uses of planted monoculture "plantation" forests, with intensive management regimes that include practices that are adverse to the natural resource values and functions of a natural forest system, shall not be allowed in any clustered rural residential subdivision. Only natural forest management in accordance with provisions of the applicable open space management plan consistent with 6.2.12(e)(3) may be considered.
- (d) Permanent protection. All future development in designated open space areas is prohibited.
 - (1) All open space shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land to set forth conditions and restrictions on use.
 - (2) All open space area and lots shall be restricted from further subdivision through an instrument in a form acceptable to the county and duly recorded in the public record which assures the preservation and continued maintenance of the open space.
 - (3) The boundaries of designated open space areas shall be clearly delineated on plans, including record plats, and marked in the field to distinguish these areas from developed areas.

- (e) Ownership, maintenance, and management plan.
 - (1) Ownership methods. Ownership and maintenance of open space shall be by one or a combination of the following:
 - a. Original landowner <u>with provision for transition of ultimate ownership and</u> <u>control to one of the entities below</u>
 - b. Homeowners association
 - c. Established land trust
 - d. Non-profit conservation or agricultural organization
 - e. Alachua County, with county approval
 - f. Other public agency (e.g. Water Management District)
 - (2) Maintenance. Unless otherwise agreed by the County, the cost and responsibility of maintaining common facilities, including but not limited to open space, private roads, shared water systems, and stormwater systems, shall be borne by the owner(s) of the open space. If the open space is not properly maintained, the County may assume responsibility of maintenance and charge the property owner or homeowners association a fee which covers maintenance and administrative costs.
 - (3) Management plan. An open space management plan shall be required to accompany the development plan, subject to county review and approval. The management plan shall establish management objectives consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety, and outline procedures, and define the roles and responsibilities for managing the open space. The management plan shall identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulations. Management shall include wildfire mitigation and any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The land development regulations for open space ownership, maintenance, and management in clustered rural subdivisions shall be updated consistent with applicable Goals, Objectives, and Policies in the Comprehensive Plan. Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307 shall be specified in the land development regulations. As part of the update of these regulations, recommended practices for any agricultural activities within the open space, from sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS) (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with policies in the Comprehensive Plan including natural resource protection.

Policy 6.2.13 Developed Area

The developed area of the clustered rural residential subdivision shall be located outside the open space area. The land development regulations shall prescribe in detail design standards for the configuration of lots and homes, the provision of water and wastewater, roads, stormwater, and buildings and structures. At a minimum, all developed areas must be designed to comply with the following principles, to the extent feasible considering the location and protection of natural resources:

- (a) Flexible home siting and lot sizes. Diversity and originality in home siting, lot size and design are encouraged to achieve the best possible relationship between the development and the features on the land through the following strategies:
 - (1) Ownership lines should follow existing features, such as tree lines or contours.
 - (2) Lots smaller than one acre may be allowed provided that well and septic System configuration, location, and operation and maintenance comply with public health and environmental quality standards, subject to the following:
 - a. The number of lots less than one acre shall be determined and located consistent with Conservation and Open Space Element Policies 3.6.11 and 4.5.5(f).
 - b. Common septic systems may be utilized to serve lots less than one acre, consistent with Conservation and Open Space Element Policy 4.5.5(f), subject to performance criteria in the land development regulations specifying criteria such as system configuration, location, and management.
- (b) Development impacts within developed area. Development impacts and disturbance caused by buildings or construction to topography and existing site features within the developed area shall be minimized through the following strategies:
 - (1) Locating residences and structures adjacent to tree lines and wooded field edges and avoiding placement in open fields, consistent with Firewise principles.
 - (2) Preserving the maximum amount of natural vegetation by careful siting of development.
 - (3) Limiting the size of building envelopes and locating them in areas most suitable for development.
 - (4) Locating roads to minimize cut and fill (follow existing features, e.g. tree lines, access roads, contours).
 - (5) Providing buffers and setbacks from wetlands and surface waters.
 - (6) Use of common driveways.
 - (7) Encouraging community wells and septic systems within the most suitable soils.
 - (8) Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales. The use of plants

- and natural land forms shall be required to slow, hold, and treat runoff from development.
- (c) Development impacts to open space and adjacent offsite areas. The total amount of impacts and disturbance to the site, including the open space area, and to adjacent areas offsite shall be minimized through strategies such as:
 - (1) Providing buffers and setbacks to protect resources and natural vegetation from development impacts consistent with Conservation and Open Space Element Section 3.6.
 - (2) Providing buffers and setbacks to protect the ability to engage in agricultural activities in neighboring areas. The width and type of buffer shall be based on the scale of the agricultural activity and other site specific factors such as topography, and shall include a minimum buffer width of two hundred feet when the developed area is adjacent to intensive agricultural uses.
 - (3) Locating developed areas and providing buffers and setbacks to eliminate or minimize the presence of development from adjacent properties.
- (d) Development impacts to adjacent public roads shall be minimized through the following strategies:
 - (1) Providing internal paved local roads, or private easements that serve no more than six nine lots consistent with Future Land Use Element Policy 6.2.6, which meet County standards and minimize access to adjacent public roads.
 - (2) Minimizing the number of driveways accessing adjacent public roads and the number of lots with direct frontage on adjacent public roads.
 - (3) Locating developed areas and providing buffers and setbacks to minimize the presence of development from adjacent public roads.

Policy 6.2.14 Applicability

- (d) New rural residential subdivisions of parcels legally created prior to October 2, 1991, consisting of 25 or more lots shall be clustered according to the policies and requirements under this section. New rural residential developments of 10 or more lots shall be developed as clustered rural residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations.
- (e) New rural residential subdivisions meeting all requirements for cluster development may be allowed through the development review process, provided they are consistent with Comprehensive Plan policies and land development regulations.
- (f) Exceptions to the density and intensity standards in the Rural/Agriculture area may be granted for use of a parcel as a homestead by family members that meet the family relationship criteria under Future Land Use Element Policy 7.1.20 as provided in the Land Development Regulations.
- (g) Alternatives to the requirements for Rural/Agricultural areas may be established by special area plans adopted jointly by Alachua County and a municipality pursuant to Interlocal agreements under Section 1.5 of the Alachua County Charter and Policy 1.1.1 of the Intergovernmental Coordination Element of the

County Comprehensive Plan. Such special area plans shall establish policies for land use and other relevant issues such as provision of infrastructure and services within areas delineated in such joint special area plans. In order for these alternative policies to apply, the joint special area plan with a municipality must be adopted as part of the Comprehensive Plans of the both the County and the applicable municipality.

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FUTURE LAND USE ELEMENT DEFINITIONS

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Community Gardens

<u>Collaborative non-intensive agriculture on common open space primarily for consumption and use of</u> residents.

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Natural Forest Management

Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

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Regenerative Agriculture

A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

CONSERVATION AND OPEN SPACE ELEMENT

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Policy 3.5.2 LDRs shall provide performance standards for development in and adjacent to conservation and preservation areas to protect and enhance the natural, physical, biological, ecological, aesthetic, and recreational functions of these areas. Performance standards for the rural area shall include innovative approaches such as flexible lot sizes, clustered subdivisions, setbacks, buffers, and density transfers as provided in the policies under Objective 6.2 of the Future Land Use Element.

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- **Policy 3.6.5** Development on land that includes conservation areas shall be sited and designed according to the following standards and consistent with policies under Objective 5.2:
 - (a) The preservation of conservation areas shall be required on all development sites to the greatest extent possible, consistent with standards which are outlined subsequently in this Element.
 - (b) Density or intensity shall be transferred from conservation areas to nonconservation portions of the property, to adjoining property under common ownership or management and within a unified development, or to other development receivership areas, at a rate consistent with that of the underlying

- zoning district, but not to exceed the maximum density allowed by the land use designation.
- (c) When there are no non-conservation areas to which density or intensity may be transferred, the development shall be clustered in the portion of the site that will result in least environmental impact.
- (d) When connection to central sewer is not required, septic wastes shall be disposed of according to the Comprehensive Plan, land development regulations, and health department standards, and without adversely affecting ecosystem health. When septic systems must be installed within surface water and wetland buffers they must be located and designed to minimize impacts to regulated resources as determined in the Land Development Regulations and Water Quality Code.
- (e) Existing landscape connections to other conservation areas shall be maintained so that fragmentation is avoided.
- (f) Development in rural areas shall be consistent with policies under Objective 6.2. of the Future Land Use Element.

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- **Policy 4.7.12** The development regulations shall incorporate the policies in this element for wetlands protection and provide standards for development within or near wetlands. These regulations shall address, at a minimum, the following:
 - (a) location and extent of wetlands on site plans;
 - (b) provisions for wetlands delineation consistent with the uniform statewide methodology outlined in Chapter 62-340, Florida Administrative Code;
 - (c) measures to assure normal flows and quality of water during and after development;
 - (d) requirements for review and approval of any use, development, or capital improvement resulting in the conversion of existing wetlands to a non-wetland ecosystem through filling, drainage or other measures;
 - (e) clustering of development away from wetland areas;

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OBJECTIVE 4.10 - STRATEGIC ECOSYSTEMS

Protect, conserve, enhance, and manage the ecological integrity of strategic ecosystems in Alachua County.

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Policy 4.10.3 If an applicant seeks development prior to the County's creation of a special area plan for a particular strategic ecosystem, the applicant has two avenues for pursuing development. A special area study may be conducted at the applicant's expense. Alternatively, if the applicant demonstrates that the ecological integrity of the strategic ecosystem will be sufficiently protected, the applicant may proceed according to the clustering provisions in policies under Objective 6.2 of the Future Land Use Element.

- **Policy 4.10.4** Management strategies for strategic ecosystems shall be developed with landowners in conjunction with special area plans or cluster developments and may include, but are not limited to:
 - (a) Prescribed burning.
 - (b) Control of invasive species.
 - (c) Silvicultural activities according to BMPs, with particular emphasis on maintenance and improvement of water quality, biological health, and the function of natural systems.
 - (d) Reduction in the intensity of site preparation activities, including bedding and herbicide application.
 - (e) Provision for listed species habitat needs, including restricting, at appropriate times, intrusions into sensitive feeding and breeding areas.
 - (f) Cooperative efforts and agreements to help promote or conduct certain management activities, such as cleanups, maintenance, public education, observation, monitoring, and reporting.
 - (g) Land acquisition.

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DEFINITIONS

Clustering: The grouping together of structures and infrastructure on a portion of a development site.

Housing Element

GOAL 1

TO PROMOTE SAFE, SANITARY, AND AFFORDABLE HOUSING FOR ALL CURRENT AND FUTURE ALACHUA COUNTY RESIDENTS.

OBJECTIVE 1.1

Alachua County shall provide for the development of affordable housing, dispersed throughout the County, through policies which focus on the following areas:

- -Land use and facilities
- -Methods to promote the dispersion of affordable housing, and
- -Manufactured housing.

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Policy 1.2.4 Alachua County shall periodically review and evaluate its zoning and other regulations to ensure that requirements are reasonable and do not unduly limit opportunities for lower income groups to secure housing in desirable locations, consistent with the health, safety, and welfare of the public.

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ECONOMIC ELEMENT

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OBJECTIVE 1.9

Encourage the use of community gardens, green roofs and edible landscapes by Alachua County residents.

- **Policy 1.9.1** Identify potential sites for community gardens on appropriate county-owned lands considering areas such as parks, libraries, recreation and senior centers, public easements, rights-of-way and surplus lands.
- **Policy 1.9.2** In cooperation with the Alachua County Library District, explore the feasibility of a county-sponsored community garden program at District library sites.
- Policy 1.9.3 Explore opportunities to incorporate community gardens, low maintenance perennial edible landscaping and green roofs at county-owned facilities and rights-of-way. Evaluation shall include an audit of all available public spaces on County properties where such uses may be appropriately located.
- **Policy 1.9.4** The land development regulations shall encourage the use of perennial edible plants in landscaped areas.
- **Policy 1.9.5** The land development regulations shall address the use of open space areas for community gardens and allow portions of green roofs to count toward the open space

ENERGY ELEMENT

Policy 3.1.1 Promote energy efficient land use patterns through the policies of the Future Land Use Element, Transportation Mobility Element and this Element, including measures such as:

- (a) Mix of uses;
- (b) Transit supportive density;
- (c) Compact growth patterns;
- (d) Road connectivity and multimodal efficiency;
- (e) Pedestrian and transit oriented design techniques; and
- (f) Clustering techniques in the rural area.

Alachua County Rural Concerns Advisory Committee Letter to County Commission

Regarding Draft Changes to Rural and Agricultural Comprehensive Plan Policies Authorized for Public Hearing

(CPA 04-20)

July 2, 2020

Honorable Robert Hutchinson, Chair Alachua County Board of County Commissioners 12 SE 1st Street, 2nd Fl. Gainesville, Florida 32601

Re: Draft Changes to Rural and Agricultural Comprehensive Plan Policies Authorized for Public Hearing

Dear Chair Hutchinson:

The Rural Concerns Advisory Committee ("RCAC") has been following the discussion of the local foods issue, including its relationship to elements of the Alachua County Comprehensive Plan, for a couple of years going back to the early stages of the Evaluation and Appraisal process on the County's Comprehensive Plan in 2018. The Committee received several presentations from staff on this and provided input on the policies in related elements, including the Rural and Agricultural policies section of the Future Land Use Element focusing on agriculture in the open space required in Clustered Rural Residential Subdivisions. Staff has kept the Committee apprised of the several workshops of the County Commission and various drafts, and at its January 2020 meeting, the RCAC requested that staff bring these policies back for its review after the Board's authorization to advertise public hearings on amendments to the policies.

At its meeting on June 16, 2020, the RCAC staff presented the draft amendments that the County Commission had authorized for public hearings at its meeting on May 5th. Committee members had extensive questions and discussion on changes from prior drafts, especially the draft changes relating to Clustered Rural Residential Subdivisions, particularly the proposed changes to the policies on Permitted and Prohibited Uses in the open space in Clustered Rural Residential Subdivisions (Future Land Use Element Policy 6.2.12(c)). The Committee approved the following motion:

Regarding the proposed changes to the Rural and Agricultural Policies, Committee members have questions on definitions of Community Gardens and Agricultural Uses, and the definitions need to be expanded and made more specific; the Committee also requested an opportunity to review and provide input on the Land Development Regulations to implement these policies.

We thank you for considering the views and input of the Rural Concerns Advisory Committee on this matter.

Respectfully,

Ward Scott, Chair

Rural Concerns Advisory Committee

XC: Alachua County Board of County Commissioners
Michele L. Lieberman, County Manager
Sylvia Torres, County Attorney
James Harriott, Deputy County Manager
Mari K. Daniels, Director, Growth Management
Ken Zeichner, Principal Planner, Growth Management



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 7.

Agenda Item Name:

CPA-03-20: A request for a large-scale land use amendment from Preservation to Rural Agriculture

Presenter:

Gerald L. Brewington (374-5249)

Description:

A request for a large-scale Comprehensive Plan land use amendment by the Alachua County Board of County Commissioners, agent, for various property owners (see parcel numbers) to change the land use designation on these parcels from Preservation to Rural Agriculture (density of one dwelling unit per five acres). These properties are located at the northwest corner of the intersection of County Roads 325 and 346 and constitute approximately 200.48 acres on parcels 18258-000-000, 18258-001-000, 18261-001-000, 18261-002-000, 18261-002-003, 18261-002-004, 18262-000-000, 18261-002-001 and 18280-001-000.

Recommended Action:

Staff recommends that the BoCC approve the requested land use amendments and adopt Ordinance 20-xx

Prior Board Motions:

Transmittal of this item to the Department of Economic Opportunity (DEO) in July 2020 for their review and comment.

Fiscal Consideration:

None

Background:

These parcels consist of approximately 200 acres of land at the northwest corner of County Roads 325 and 346. The Preservation Land use designation on these parcels is the result of a mapping error that occurred in the early 2000's. The land use change, if approved, will enable owners of these parcels to pull building permits consistent with the Agricultural zoning district on these parcels as well as pursue all uses permitted under the Rural/Agriculture land use classification.

ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

ORDINANCE 20-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY. FLORIDA, AMENDING THE ALACHUA COUNTY COMPREHENSIVE PLAN 2019-2040, TO CHANGE THE DESIGNATION OF THE FUTURE LAND USE MAP FROM PRESERVATION RURAL/AGRICULTURE (MAXIMUM DENSITY OF 1 DWELLING UNIT PER FIVE ACRES) ON TAX PARCEL NUMBERS 18258-000-000, 18258-001-000, 18261-001-000, 18261-002-000. 18261-002-003, 18261-002-004, 18262-000-000, 18261-002-001 and 18280-001-000 AT THE NORTHWEST CORNER OF THE INTERSECTION OF COUNTY ROADS 325 AND 346 AND CONSTITUTE APPROXIMATELY 200.48 ACRES; PROVIDING A REPEALING CLAUSE, SEVERABILITY. LIBERAL CONSTRUCTION. MODIFICATION AND EFFECTIVE DATE.

WHEREAS, The Community Planning Act (Section 163.3161, et. seq., Florida Statutes) requires that each local government prepare and adopt a comprehensive plan; and

WHEREAS, Section 163.3184(11)(a), Florida Statutes, requires that any amendment to the Comprehensive Plan or any element or portion thereof be made by ordinance; and,

WHEREAS, Board of County Commissioners of Alachua County, Florida, has received an application (CPA-03-20) for an amendment to the Future Land Use Map 2040 to change approximately 200.48 acres from Preservation land use to Rural/Agriculture land use (one dwelling unit per five acres); and,

WHEREAS, a duly advertised public hearing was conducted on June 17, 2020 after 5:00 p.m. by the Alachua County Planning Commission, acting as the Local Planning Agency (LPA) and the LPA provided its recommendation to the Board of

County Commissioners; and,

WHEREAS, the Board of County Commissioners considered the recommendations of the LPA at a duly advertised public hearing held on July 14, 2020 and approved this plan amendment for transmittal, as provided in Section 163.3184(3)(b)1., Florida Statutes, to the State Land Planning Agency, other reviewing agencies as defined in Section 163.3184(1)(c), Florida Statutes, and other local governments for review and comment; and,

WHEREAS, pursuant to Section 163.3184(3)(b)2., Florida Statutes, the reviewing agencies and local governments must transmit their comments to the County such that they are received no later than 30 days from the date on which the reviewing agency or local government received the amendment; and,

WHEREAS, the State Land Planning Agency received the proposed amendment, and provided a letter to the County dated July 27, 2020 indicating that the County would receive the State Land Planning Agency's comment letter by August 27, 2020; and,

WHEREAS, the reviewing agencies identified in Section 163.3184(1)(c), F.S. reviewed the proposed comprehensive plan amendment pursuant to Sections 163.3184(3)(b)2, 3, and 4, F.S., and letters were received by the County from the State Land Planning Agency, the Florida Department of Transportation, the Florida Department of Environmental Protection, the Florida Department of Agriculture and Consumer Services, the Florida Fish and Wildlife Conservation Commission, the North Central Florida Regional Planning Council and the Florida Department of Economic Opportunity, and the Board of County Commissioners has considered those letters; and,

WHEREAS, pursuant to Section 163.3184(3)(b)(c), the County is required to hold a public hearing on whether to adopt the comprehensive plan amendment within 180 days after receipt of agency comments; and,

WHEREAS, the Board of County Commissioners finds CPA-03-20 to be in compliance with Chapter 163, Part II of the Florida Statutes; and,

WHEREAS, at the September 8, 2020 public hearing, the Board of County Commissioners provided for and received public participation and adopted the amendment, as embodied in Section 1 below; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY:

SECTION 1. Map Amendments. That the Future Land Use Map 2040 of the Alachua County Comprehensive Plan 2019-2040, is hereby amended to change the future land use designation on Tax Parcel Numbers18258-000-000, 18258-001-000, 18261-001-000, 18261-002-000, 18261-002-003, 18261-002-004, 18262-000-000, 18261-002-001 and 18280-001-000 from Preservation to Rural/Agriculture as shown on Attachment A (map), attached and incorporated herein as a part thereof.

SECTION 2. Ordinance to be Liberally Construed. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua County, Florida.

SECTION 3. Repealing Clause. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

SECTION 4. Severability. It is the declared intent of the Board of County Commissioners that, if any section, sentence, clause, phrase or provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

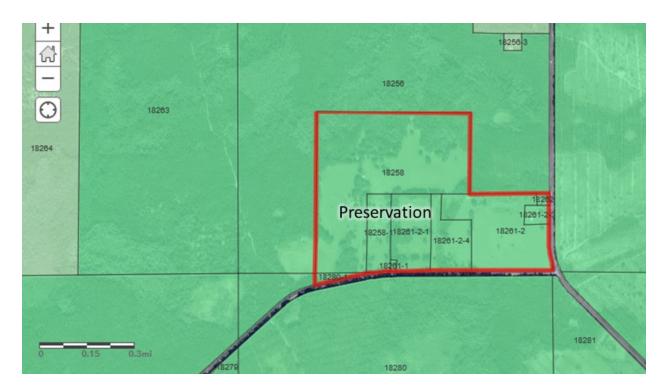
SECTION 5. Effective Date. This plan amendment shall become effective 31 days after the state land planning agency notifies the County that the plan amendment package is complete pursuant to Section 163.3184(3)(c)4, Florida Statutes. If the amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then it will become effective upon the state land planning agency or the Administration Commission entering a final order determining the adopted amendment to be in compliance.

SECTION 6. **Modification.** It is the intent of the Board of County Commissioners that the provisions of this ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk to the Board.

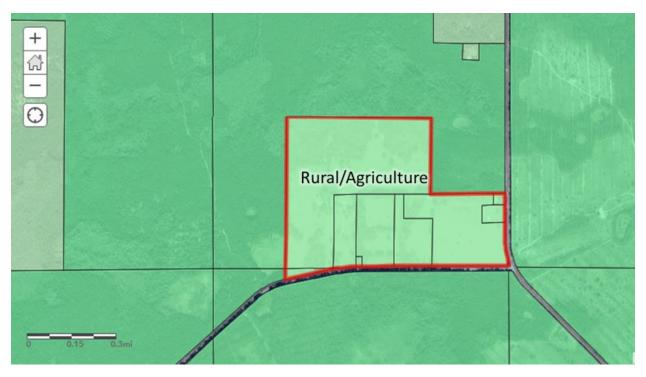
Duly adopted in regular session, this 8th day of September, A.D., 2020.

	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
	By: Robert Hutchinson, Chair Board of County Commissioners
ATTEST:	
Jesse K. Irby II, Clerk	
(SEAL)	
DEPARTMENT APPROVAL AS TO CORRECTNESS:	APPROVED AS TO FORM:
Director of Growth Management or designee	Alachua County Attorney

ATTACHMENT A



Existing Land Use Designation



Proposed Land Use Designation



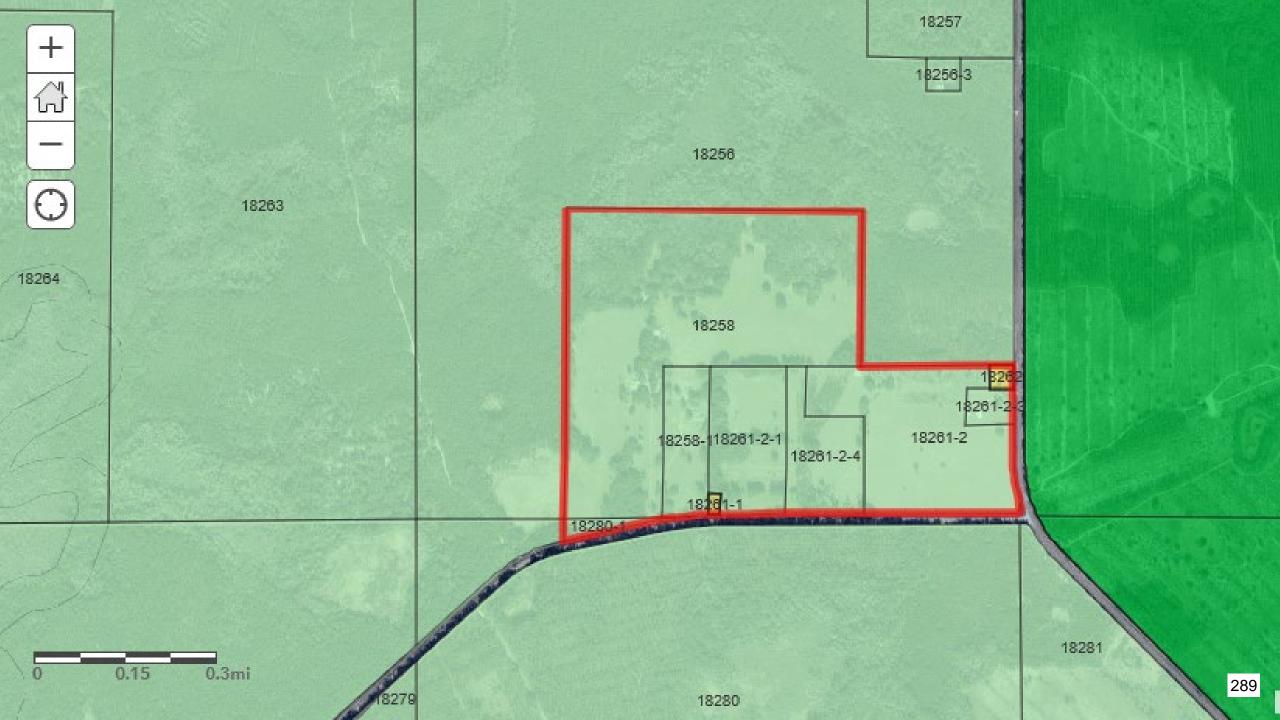
CPA-03-20

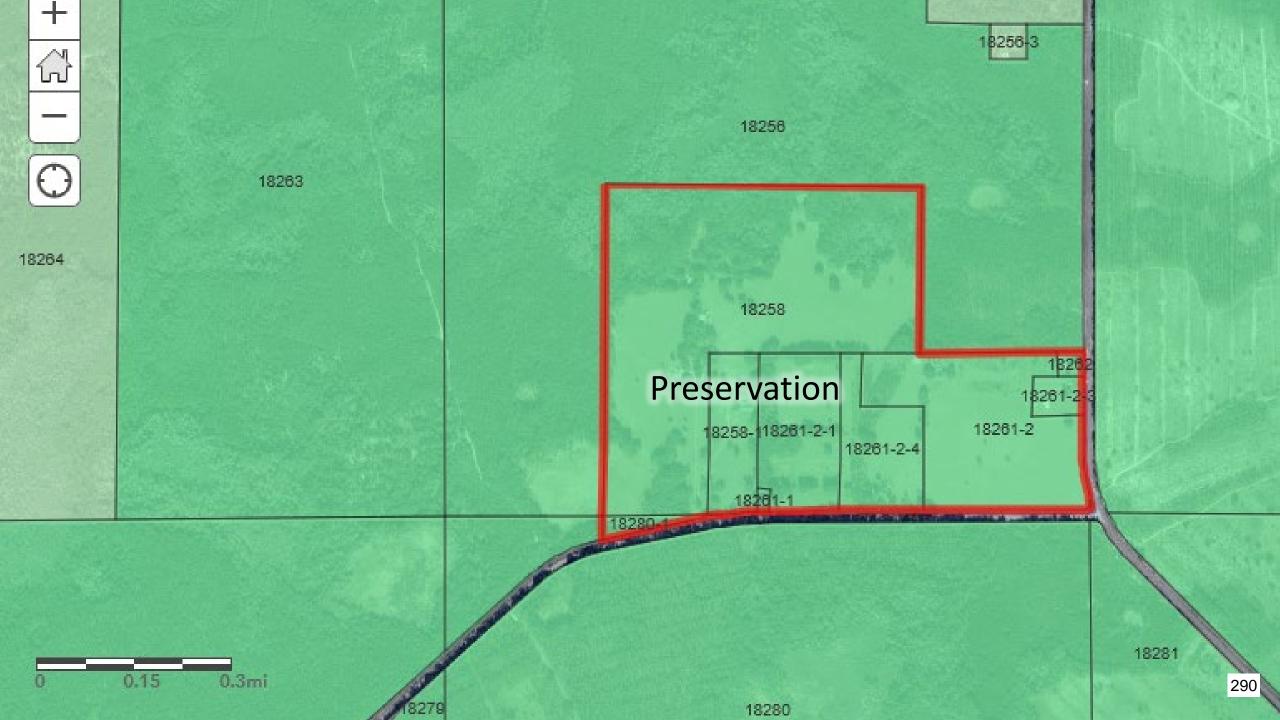
County Initiated Large Scale Land Use Amendment from Preservation to Rural Agriculture

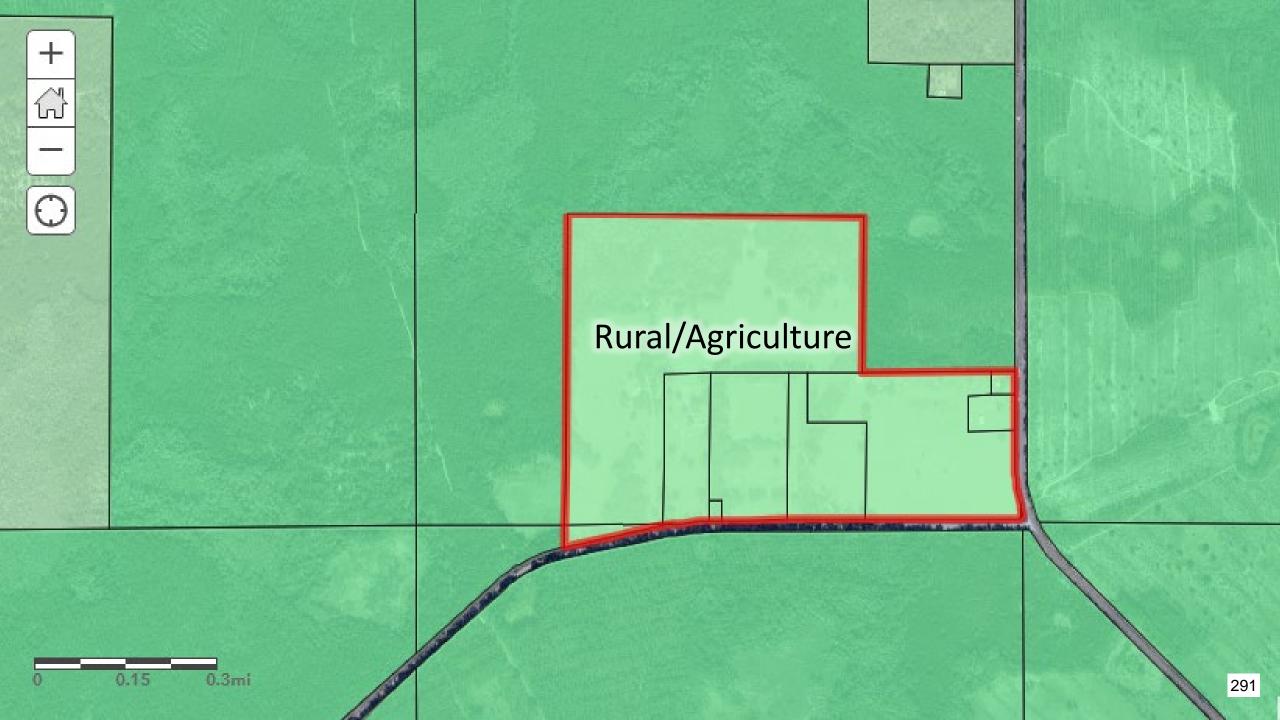
Gerald Brewington, Senior Planner









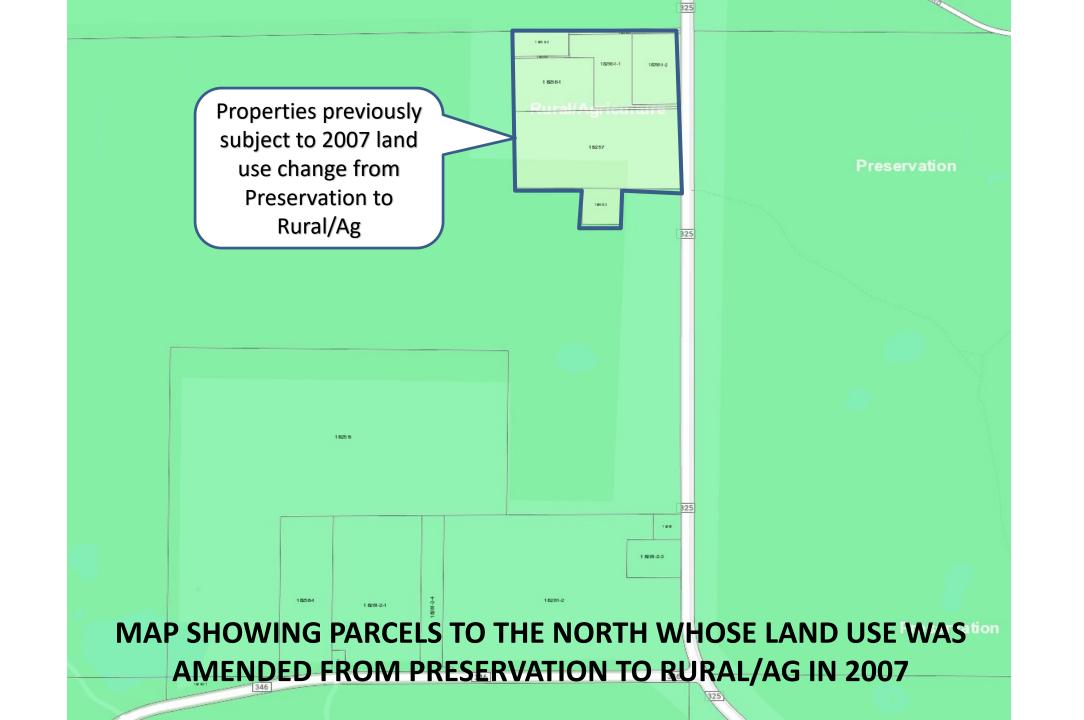


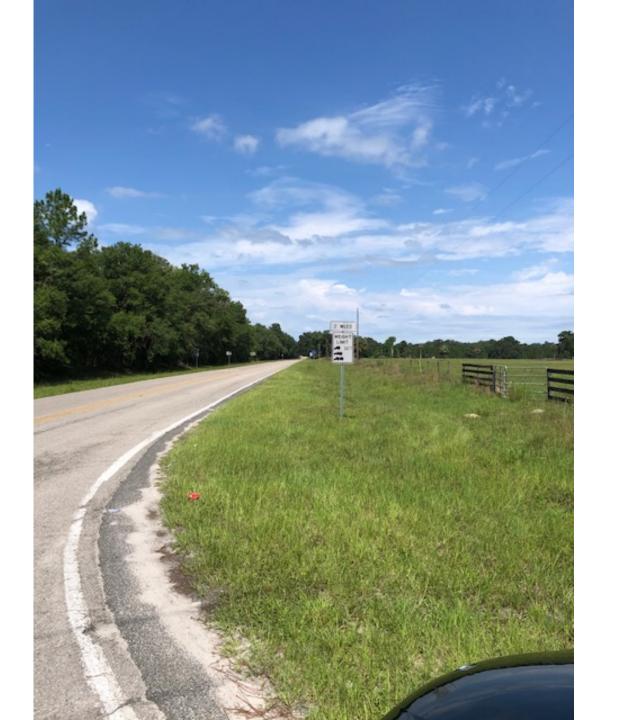
Background

- The Preservation land use designation is employed by the County to delineate those parcels under government jurisdiction/ownership that have been set aside as containing significant resources or otherwise needing to be protected from development.
- In 2006, the County identified numerous parcels with a Preservation land use designation that were not under government jurisdiction but rather privately owned by individuals, many of which contained homesteads.
- The County, at the Board's direction, initiated a series of amendments in 2007 to change the land use on these parcels from Preservation to Rural/Agriculture.

Background

- Due to mapping limitations at that time, certain parcels were misidentified as having easements from the water management district and thus not included in the master list to undergo a land use change.
- Staff are in discussion with property owners who wish to pull permits to build a residence on their parcels.
- A group of nine parcels (approximately 200 acres) at the intersection of County Roads 325 and 346 has been identified as needing to undergo a similar land use amendment so that owners of these parcels can pull permits, etc.















Analysis

• Staff finds the proposal consistent with the Rural/Agriculture policies of the Plan. In addition, the Preservation policies found in the Plan clearly specify that the nature and ownership of lands with a Preservation land use are those owned by a government entity or private not-for-profit corporation dedicated to the preservation of natural resources. None of the parcels proposed for this land use amendment meet this criterion.

Recommendation

• Staff recommends that the Commission approve the requested land use change and adopt Ordinance 20-XX.



Alachua County - Growth Management Staff Report

Application CPA-03-20

Staff Contact: Gerald L. Brewington

Staff Phone Number: 352-374-5249 ext. 2220

Planning Commission Hearing Date: June 17, 2020

Board of County Commissioners Hearing Date: September 8, 2020

Project Timeline

• Staff Report Distributed: June 12, 2020

• Planning Commission: June 17, 2020

• BoCC Transmittal Hearing: July 14, 2020

• BoCC Adoption Hearing: September 8, 2020

Requested Action

A request for a large-scale Comprehensive Plan land use amendment by the Alachua County Board of County Commissioners, agent, for various property owners (see parcel numbers) to change the land use designation on these parcels from Preservation to Rural Agriculture (density of one dwelling unit per five acres). These properties are located at the northwest corner of the intersection of County Roads 325 and 346 and constitute approximately 200.48 acres on parcels 18258-000-000, 18258-001-000, 18261-002-001 and 18280-001-000.

Property Owner: Various

Applicant/Agent: Alachua County Board of County Commissioners

Property Description

Address: Northwest corner of the intersection of County Roads 325 and 346

Parcel Numbers: 18258-000-000, 18258-001-000, 18261-001-000, 18261-002-000, 18261-002-003, 18261-002-004, 18262-000-000, 18261-002-001 and 18280-001-000

Section/Township/Range: 15/11/21

Land Use: Preservation Zoning: A (Agriculture)

Acreage: 200.48

Previous Requests

None

Zoning Violation History

None

Staff Recommendation

Staff recommends that the Commission transmit the proposed land use amendments to the Department of Economic Opportunity (DEO) in Tallahassee and other reviewing agencies for their review and comment.

Planning Commission Recommendation

The Planning Commission recommended Staff that the BoCC transmit the proposed land use amendments to the Department of Economic Opportunity (DEO) in Tallahassee and other reviewing agencies for their review and comment.

BoCC Recommendation

The BoCC transmitted the proposed land use amendments to the Department of Economic Opportunity (DEO) in Tallahassee and other reviewing agencies for their review and comment.

Background and Analysis

The Preservation land use designation is employed by the County to delineate those parcels under government jurisdiction/ownership or lands owned and managed by non-profit conservation organizations that have been set aside as containing significant resources or otherwise needing to be protected from development. In 2006, the County identified numerous parcels with a Preservation land use designation that were not under government jurisdiction but rather privately owned by individuals, many of which contained homesteads. The County, at the Board's direction, initiated a series of amendments in 2007 to change the land use on these parcels from Preservation to Rural/Agriculture.

Due to mapping limitations at that time, certain parcels were misidentified as having easements from the water management district and thus not included in the master list to undergo a land use change. Staff are in discussion with property owners who wish to pull permits to build a residence on their parcels. A group of nine parcels (approximately 200 acres) at the intersection of County Roads 325 and 346 has been identified as needing to undergo a similar land use amendment so that owners of these parcels can pull permits, etc.



Figure 1 - Map Showing Aerial View of Parcels Proposed for Large Scale Land Use Change

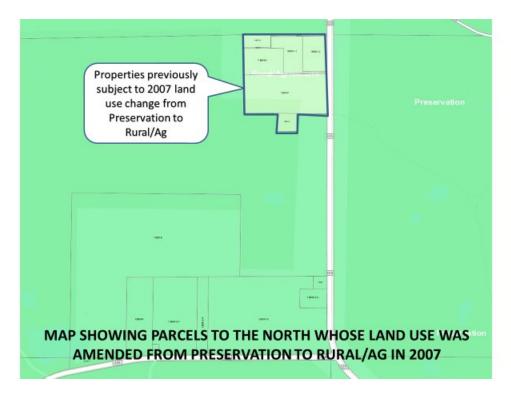


Figure 2 – Map Showing properties to the North of the Project Site Whose Land Use was Changed from Preservation to Rural Agriculture in 2007 by the County

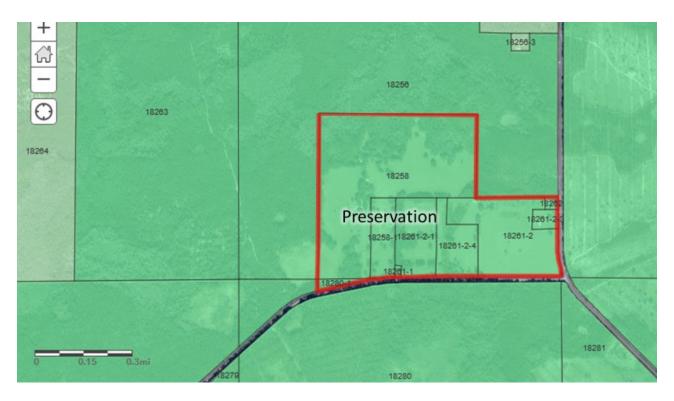


Figure 3 - Map Showing Existing Land Use Designation of Preservation

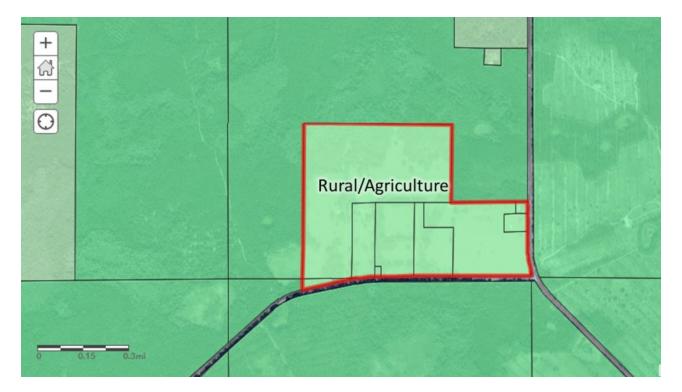


Figure 4 - Map Showing Proposed Land Use Designation of Rural/Agriculture

Comprehensive Plan Consistency

The following is a staff analysis of the consistency of this application with the Alachua County Comprehensive Plan.

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. 'Concurrent' shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a specified timeframe. Per **Policy 1.2.4 and Policy 1.2.5 of the Capital Improvements Element** of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

The majority of the properties qualify for single family residential development or uses permitted under the Agriculture zoning district which will result in a de minimus impact on County Roads.

Water and Sewer

Policy 1.2.4 (d) of the Capital Improvements Element describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	Peak Residential	Pressure	Storage Capacity
	& Non Residential		
Potable Water	200	40 p.s.i.	½ peak day volume
	gallons/day/du		
Sanitary Sewer	106	N/A	N/A
	gallons/day/du		

There will be no impacts to water and sewer levels of service resulting from this request. All properties are served by well and septic service.

Drainage

Policy 1.2.4 (c) of the Capital Improvements Element states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation or flood resistant construction. Any future development will be required to meet this standard.

Emergency Services

Policy 1.2.5 (a) of the Capital Improvements Element states that the LOS standard for fire services in the rural area is as follows:

• In the rural area, initial unit response LOS guideline is within 12 minutes for 80% of all emergency responses within a 12 month period. Fire suppression/protection service level for all properties in the Rural Area shall be at the ISO (Insurance Service Office) Class Protection of <10. Development will provide adequate water supply for fire suppression and protection, and fire service compliant fire connections, required through land development regulations.

All development will be required to meet these standards.

Solid Waste

The level of service (LOS) standard for solid waste disposal, used as the basis for determining availability of disposal capacity to accommodate the demand generated by existing and new development in Alachua County, is at a minimum, at 0.8 inbound tons per person per year at the Leveda Brown Environmental Park in 2018 and thereafter.

Schools

The uniform, district-wide LOS standards shall be 100% of Program Capacity [see definition] for elementary, middle and high schools. This LOS standard shall apply to all concurrency service areas (CSA) as adopted in the Interlocal Agreement. These LOS standards shall be applied to School Concurrency

Service Areas (SCSAs) as specified in the Public School Facilities Element. Public school facilities will be evaluated at the time of development plan review.

Recreation

Recreation LOS Standards: The County shall adopt and maintain, at a minimum, the following level of service standards for recreation of: (1) 0.5 acres of improved activity-based recreation sites per 1000 persons in the unincorporated area of Alachua County; (2) 5.0 acres of improved resource-based recreation sites per 1000 persons in the unincorporated area of Alachua County. Adopted LOS standards will not be exceeded by this request.

Future Land Use

Policy 6.1.2 of the Future Land Use Element (FLUE) states that *Protection of important agricultural areas, based on factors such as the existing agricultural uses, soils, land use patterns, and economics of the county's agricultural community, shall be encouraged.*

The properties in question are privately owned. These parcels have an 'A' (Agriculture) zoning district and, as has been confirmed by our Environmental Protection Department (EPD), do not contain significant cultural or environmental resources. The intent of the proposed land use amendment is to designate these properties with a land use appropriate to allow the owners to continued use of their parcels either for agricultural or residential uses, consistent with the Alachua County Comprehensive Plan (Plan) and Unified Land Development Code (ULDC).

Objective 3.2 of the Conservation and Open Space Element states that *A preservation land use category shall be established to recognize and protect natural resources within publicly owned lands in Alachua County.*

The properties in question are not publicly owned lands. The Preservation land use designation is the result of a mapping error that occurred in the early 2000's. At that time, it was mistakenly believed that the water management district held an easement over these parcels. This has subsequently been found to been incorrect and no such easement exists. The requested land use amendment, if approved, will establish a designation consistent with the private use of the parcels for agricultural and residential purposes.

Policy 3.2.1 of the Conservation and Open Space Element (COSE) states that *Preservation areas shall consist of publicly owned lands, including lands owned and managed by non-profit conservation organizations, which are intended for use as natural reserves or managed conservation lands for the preservation of natural resources in perpetuity.*

The parcels that are the subject of this land use amendment request are privately owned properties that do not contain cultural or natural resources (as confirmed by the Alachua County EPD). As such, they are not subject to the Preservation land use designation per Policy 3.2.1 of the COSE. The proposed amendment to Rural Agriculture land use will thus permit these parcels to revert to a land use designation that will enable property owners to undertake a variety of permitted uses (including construction of residences consistent with the ULDC) consistent with the Rural/Agriculture land use designation and Agriculture zoning district.

Effect of the Proposed Amendments on Affordable Housing

The proposed land use amendment will have no impact on the initial cost of housing, the long term cost of home ownership nor will there be any fiscal impacts to Alachua County or its taxpayers.

Staff Recommendation

Staff recommends that the land use amendments be adopted with the bases as noted.

Bases

1. Policy 6.1.2 of the Future Land Use Element (FLUE) states that Protection of important agricultural areas, based on factors such as the existing agricultural uses, soils, land use patterns, and economics of the county's agricultural community, shall be encouraged.

The properties in question are privately owned. These parcels have an 'A' (Agriculture) zoning district and, as has been confirmed by our Environmental Protection Department (EPD), do not contain significant cultural or environmental resources. The intent of the proposed land use amendment is to designate these properties with a land use appropriate to allow the owners to continued use of their parcels either for agricultural or residential uses, consistent with the Alachua County Comprehensive Plan (Plan) and Unified Land Development Code (ULDC).

2. Objective 3.2 of the Conservation and Open Space Element states that *A preservation land use category shall be established to recognize and protect natural resources within publicly owned lands in Alachua County.*

The properties in question are not publicly owned lands. The Preservation land use designation is the result of a mapping error that occurred in the early 2000's. At that time, it was mistakenly believed that the water management district held an easement over these parcels. This has subsequently been found to been incorrect and no such easement exists. The requested land use amendment, if approved, will establish a designation consistent with the private use of the parcels for agricultural and residential purposes.

3. Policy 3.2.1 of the Conservation and Open Space Element (COSE) states that Preservation areas shall consist of publicly owned lands, including lands owned and managed by non-profit conservation organizations, which are intended for use as natural reserves or managed conservation lands for the preservation of natural resources in perpetuity.

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Staff and Agency Comments

Department of Public Works: No comments

Transportation Planning: No comments

Environmental Protection: No comments



Alachua County, FL

12 SE 1st Street Gainesville, Florida

Agenda Item Summary

Agenda Date: 9/8/2020 Agenda Item No.: 8.

Agenda Item Name:

Tara Greens 2 Preliminary Development Plan

Presenter:

Leslie McLendon/374-5249

Description:

Request approval of the Preliminary Development Plan for Tara Greens 2 - an 80 unit single-family attached subdivision.

Recommended Action:

Approve the proposed Preliminary Development Plan, Resolution DR-20-33, and issuance of a Preliminary CLSC based on a finding of consistency with the Alachua County Comprehensive Plan, and the Alachua County Unified Land Development Code.

Prior Board Motions:

N/A

Fiscal Consideration:

N/A

Background:

The proposed Preliminary Development Plan is for an 80-unit single-family attached residential subdivision with associated infrastructure.

The purpose of the Preliminary Development Plan stage is for the reviewing body and the applicant to determine the specific characteristics of the site that will influence its design. ULDC 402.43 (a) *Development plan review steps* states that the Preliminary Development Plan shall detail regulated natural resources that exist on site, approximate access points, and location of utilities that serve the site. Minimum open space areas and tree protection defined with the Preliminary Development Plan shall be utilized in the Final Development Plan.

The proposed Preliminary Development Plan exceeds the threshold established in Unified Land Development Code (ULDC) Section 402.44 for review by the Development Review Committee. According to Table 402.44.1 *Development Thresholds* single family residential subdivisions that exceed 25 dwelling units require approval by the Board of County Commissioners (BoCC)



Project Number: 2020051106

Preliminary Development Plan for Tara Greens 2

SUBJECT: Tara Greens 2

DESCRIPTION: 80-unit single-family attached subdivision

AGENT/APPLICANT: JBrown Professional Group, Inc.

PROPERTY OWNER: HA Fisher

PROPERTY DESCRIPTION:

Location North of NW 8th Lane and East of NW 143rd St.

Parcel Numbers 04291-005-000

Section/Township/Range 34/9/18

Land Use Medium Density Residential

Zoning R-2 Acreage 10.00

CHRONOLOGY:

Application Submittal 05/11/2020 Insufficiency Report Sent 06/02/2020 Application Resubmitted 06/29/2020 Sufficiency Determination 07/15/2020 Preliminary Development Plan Hearing 09/08/2020

STAFF RECOMMENDATION: Recommend **approval** of the Preliminary Development Plan and Resolution DR-20-33 and issuance of a Preliminary Certificate of Service Compliance (CLSC) for **Tara Greens 2.**

BoCC ACTION: TBD

DESCRIPTION OF PROPOSED PLAN:

The proposed Preliminary Development Plan is for an 80-unit single-family attached residential subdivision with associated infrastructure.

The purpose of the Preliminary Development Plan stage is for the reviewing body and the applicant to determine the specific characteristics of the site that will influence its design. ULDC 402.43 (a) *Development plan review steps* states that the Preliminary Development Plan shall detail regulated natural resources that exist on site, approximate access points, and location of utilities that serve the site. Minimum open space areas and tree protection defined with the Preliminary Development Plan shall be utilized in the Final Development Plan.

The proposed Preliminary Development Plan exceeds the threshold established in Unified Land Development Code (ULDC) Section 402.44 for review by the Development Review Committee. According to Table 402.44.1 *Development Thresholds* single family residential subdivisions that exceed 25 dwelling units require approval by the Board of County Commissioners (BoCC).

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

The project proposes 80 lots on 10.0 acres, which is a gross density of 8 dwelling units/acre (du/ac). Policy 1.3.2.1 (b) of the Future Land Use Element defines the Medium Density Residential Future Land Use category as between 4 and 8 du/ac.

Policy 1.3.8.1 allows for small lot single family residential detached and attached dwellings, and multi-family residential dwellings in the Medium Density Residential Future Land Use. The proposed Preliminary Development Plan proposes single family attached uses.

The proposed Preliminary Development Plan is consistent with the Future Land Use Element.

<u>UNIFIED LAND DEVELOPMENT CODE:</u>

ZONING DISTRICT AND USE REGULATIONS

The proposed development carries the R-2 zoning district and the proposed use of single-family attached residential is consistent with Chapter 404 *Use Table*.

GENERAL DEVELOPMENT STANDARDS

Comprehensive Plan Future Land Use Policy 7.1.33 requires all development within the Urban Cluster to be designed in accordance with Traditional Neighborhood Design standards under Future Land Use Element policies and sub-policies in 1.6.6, Site and Building Design, 1.6.7 Transportation Network, and 1.6.8 Parking. The applicable requirements are providing a maximum block perimeter of 2,000 linear feet consistent with ULDC 407.69 Standards for development areas outside the transit supportive area and street cross sections consistent with ULDC Table 407.68.4 Roadway Design Standards for Transit Supportive Area and Village Center.

The Preliminary Development Plan demonstrates that the block perimeter is 621 linear feet for Block 1 and 1,753 linear feet for Block 2, and 1,942 linear feet for Block 3.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

There are no conservation areas associated with this property.

LANDSCAPING AND BUFFERING

There are no project boundary buffers required for the proposed development.

OPEN SPACE

ULDC Section 407.52 - *Minimum open space requirement* requires at least 10 percent of the area of any development to be designated as Open Space and delineated on development plans and plats. ULDC Section 407.54 - *Open Space Areas* requires the following:

- (a) When land development involves a parcel that contains Conservation Management Areas, the Open Space requirement shall first be fulfilled with these areas, which shall be protected in accordance with Chapter 406, Article XVII.
- (b) After the requirements of (a), above, have been met, the Open Space shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent Open Space, except as specified in section 407.55. Open Space designated per this section shall have an average width of no less than 50 feet and shall be located within the development in a location that best meets the following goals:
 - Augments Conservation Management Areas or Open Space on adjoining parcels
 - 2. Promotes connectivity to greenways, trails, public parks, and existing or potential Open Space on adjoining parcels.

There are no conservation areas on the subject property nor on adjacent properties. There is designated non-conservation Open Space adjacent to the south within Tara

Greens (Phase 1). There is an existing treed area running north south through this subject property and adjacent to the north and south. The Preliminary Development Plan proposes 10 percent (1.0 acre) along the eastern boundary to provide connectivity to the designated Open Space to the south. The area is 75 feet wide, exceeding the minimum average width of 50 feet.

According to ULDC Sec. 407.56 - *Open Space Uses*, Open Space shall either be left in a natural condition or provide accessible spaces such as community gardens, community fields, greens or pocket parks. Additionally, the following code applies:

- (a) Open Space shall be primarily pervious except for limited impervious surfaces associated with bicycle/pedestrian paths and unconditioned structures that augment the Open Space such as gazebos and picnic pavilions. Impervious surfaces associated with hardscaped Civic Space are an allowable Open Space use within a TND or TOD approved per Article VII of this Chapter.
- (b) Open Space shall not include stormwater retention or detention areas constructed per Article IX of this Chapter. The integration of Low Impact Design (LID) best management practices to manage stormwater runoff shall not eliminate an otherwise qualifying Open Space within a TND or TOD approved per Article VII of this Chapter.
- (c) Open Space shall not include spoil piles or berms.

The proposed Open Space will contain existing trees and will be further reviewed with the Final Development Plan for compliance with access requirements.

TREE PRESERVATION

ULDC 406.12 (a)(3) *Development applications* requires a minimum of five percent of existing tree canopy to be retained for Traditional Neighborhood Developments. The proposed Preliminary Development Plan demonstrates preservation of 1.23 acres of the existing 4.89 acres, which is 25.31 percent, of existing trees on the subject property. Continuation of this tree preservation area can be continued to the north should those parcels come in for development in the future.

STREET NETWORK STANDARDS

According to ULDC 140 (a) *Street Network Standards* for developments containing 25 or more residential units, there shall be a minimum of two functional access points located on different sides of the subdivision except where infeasible due to original tract dimensions, topography, or existing development patterns. For a development containing only one access, an emergency service access shall be provided and maintained in addition to the primary access [ULDC 407.140 (a)(6)].

The proposed project provides one main access point that will connect to the existing street within Tara Greens Phase 1, which provides connection to NW 136th Street in Arbor Greens as well as access to the west to Strawberry Fields. There are no other

options for a full functional access at this time. An emergency access will be provided to an existing easement within Tara Green Phase 1. The street network system will also stub to the north, continuing the north/south connection from Phase 1 and allow future development to connect as well.

The Preliminary Development Plan also proposes a pedestrian network consistent with ULDC 407.142 (a) *Pedestrian network standards*. The network is in a connected block pattern with intersections of pedestrian facilities at least every 600 feet. The internal street network will have 6-foot-wide sidewalks on both sides of the streets. There will also be 8-foot-wide multi-use paths that connect mid-block to the properties to the north as well as the south, where there is an existing pedestrian facility.

WATER AND WASTEWATER SERVICES

The development is within the Urban Cluster and is therefore required to connect to central water and sewer services by Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan. This will be reviewed with the Final Development Plan

STORMWATER MANAGEMENT

Location for two stormwater management systems as well as a pre-treatment basin is shown on the Preliminary Development Plan. The stormwater management systems will be reviewed for consistency with ULDC Chapter 407 Article 9 *Stormwater Management* with the Final Development Plan.

TRANSPORTATION

The County has adopted a Multi-modal Transportation Mitigation program. The project will be required to enter into an MMTM agreement with the Board of County Commissioners prior to Final Development Plan. For transportation concurrency, a Preliminary Certificate of level of Service Compliance (PCLSC) is not required for development in the urban cluster as concurrency will be satisfied with a MMTM agreement per ULDC 407.118(c)1.

PUBLIC SCHOOL FACILITIES

The Alachua County School Board staff has reviewed the proposed development for student impacts for compliance with the school concurrency management program in accordance with the Inter Local Agreement and determined that adequate school facilities are available in the affected School Concurrency Service Areas (SCSA). This capacity determination dated June 15, 2020 is based on findings that this project will require 11 elementary school student stations in the Southwest Alachua SCSA, 5 middle school student stations in the Ft. Clarke SCSA, and 6 high school student stations in the Buchholz SCSA.

The applicant will receive a Preliminary Certificate of Level of Service Compliance (CLSC) with the approval of the Preliminary Development Plan.

ADEQUACY OF SCHOOLS

The School Board in accordance with their Policy 5120-Assignment Within District will determine specific school assignment for students living in the development area. Student Assignment Rules states "The Superintendent may assign or reassign students on a case by case basis to schools or programs located in or out of their assigned zone, for the health, safety, or welfare of the students, other students or staff." No assurances are given that the assignments will be made to the most closely located, or currently zoned, facilities. The provision of services to students in the development area may require redrawing of attendance zone lines, reassignment and busing to facilities elsewhere in the District, the use of temporary facilities, and/or the relocation of specific educational programs.

DEVELOPMENT PLAN EXPIRATION:

An approved Preliminary Development Plan or phase of a development plan shall expire unless a complete application for final development plan approval has been accepted by the department within 12 months of the date of preliminary approval.

STAFF RECOMMENDATION

Staff has found the proposed Preliminary Development Plan to be consistent with the Comprehensive Plan and requirements of the Unified Land Development Code.

Staff recommends **approval** of the Preliminary Development Plan, and Resolution DR-20-33, and issuance of a Preliminary CLSC for **Tara Greens 2**.

Comments to be addressed with the Final Development Plan:

- 1. The final Open Space Management Plan should be updated to comply with 407.57, ULDC regarding access to open space.
- 2. Please ensure stormwater basins are designed in accordance with 407.43.2 ("Stormwater management facilities shall be designed to resemble natural areas in form and function..."), 407.92(a) ("...stormwater management systems shall be designed to blend into public open spaces and shall resemble natural areas to the greatest extent possible") and 407.92(b)2 ("Retention/detention basins shall be of irregular shape and shall have no parallel sides, unless approved by the county engineer, in which case additional landscaping and barriers may be required").
- 3. High quality heritage trees in good condition should be mitigated on an inch for inch basis and all other lower quality heritage trees on a one for one basis with a 2" tree.
- 4. Please use ITE 10th Edition Trip Generation Manual for the trip generation.

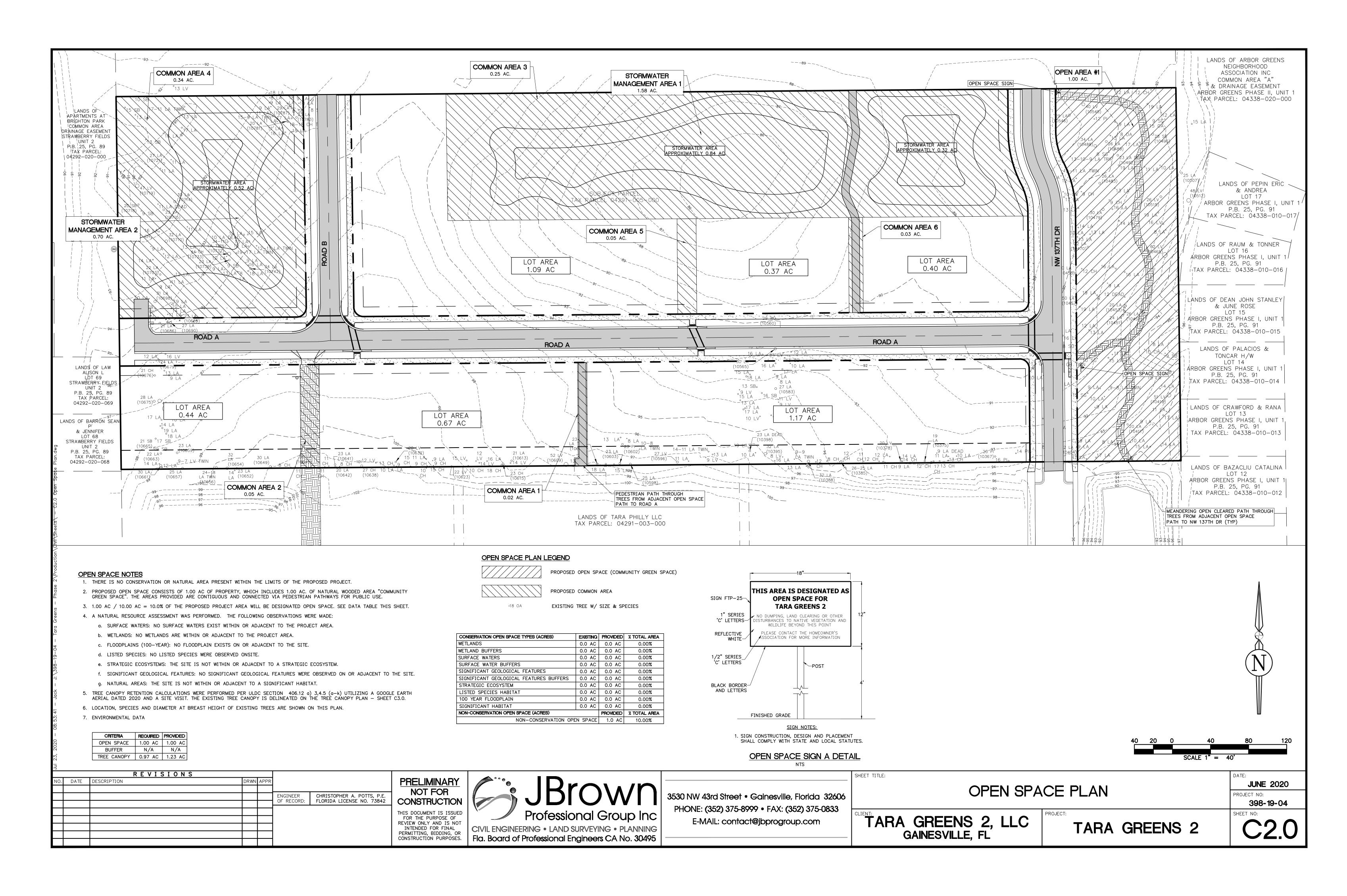
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Released August 19, 2020

- 5. As this parcel is at much lower elevations than surrounding properties it is of particular concern that at your Final level DRC submittal you provide topo survey and drainage area information to comply with ULDC 407.97(b)1-4 which states: "The following information, plans and supporting data must be included with the applicant's final development plan: (b) A map of the project that shows the following information:
 - (1) Project boundary; (2) A topographic survey of the area subject to development impact certified to the appropriate entity that meets the technical standards of Florida Administrative Code 5J-17.052 and is signed and sealed by a Florida Professional Surveyor mapper (PSM). The survey shall depict the existing topography of the project at one-foot contour intervals and existing spot elevations with the existing drainage patterns clearly established; (3) Additional off-site topographical information may be needed to adequately identify drainage patterns; (4) The drainage boundary of the area of any lands outside the project limits contributing runoff to the project for both predevelopment and post-development.
- 6. At your final submittal show all areas of the subdivision that will be substantially filled (2 ft depth and greater) to achieve functional roadway and drainage infrastructure and structural finished floor elevations. Ensure that a note is included on the paving, grading and drainage plans as well as the plat stating (that for all substantially filled lot numbers) "Shall require bearing capacity testing in accordance with Florida Building Code Sec. 1804.2.2 regarding questionable soils.
- 7. Ensure that FFE's for all structures adjacent to SMF's comply with ULDC 407.91(e)11 which states: "All structures adjacent to stormwater management facilities shall be designed with a minimum finished floor elevation of one foot above the design high water elevation of the basin and shown as such on all related development plans and plats." Provide FFE labels on the PGD plans and the plat for these structures.
- 8. Ensure that roadway and SMF design high water elevations comply with ULDC 407.91(e)21 which states: "All roadways proposed to be connected to a stormwater management basin must be designed so that the edge of pavement is at or above the basin's design high water elevation for the 100-year critical storm event up to the 100-year 24-hour storm event."
- 9. Be aware of the requirement of ULDC 406.57(d) Minimum elevation. All residential structures on existing lots of record must have the lowest floor elevated a minimum of one foot above the base flood elevation for that site. This standard may be applied to the DHW elevation of your stormwater management

facility. Please provide the FFE's of all existing structures on lots in Strawberry Fields that are adjacent to your proposed SMF.

- 10. Identify the location of any proposed construction trailers and/or temporary stockpiles on the final plan.
- 11. Provide documentation that GRU and/or Clay Electric has reviewed and approved the utility layout of all utilities with the Final application.
- 12. For residential subdivisions; any proposed entry feature, wall or signage must be shown on the Final Development Plan.





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Code Enforcement Board and Magistrate Pros and Cons

Both processes governed by F.S. 162 and may be used interchangeably.

Code Enforcement Board

Pros

- Potential public perception that the members of the Code Enforcement Board are impartial because they are volunteers and are residents of the County.
- Code Board is required to include members from specific professions, including real estate, an attorney, an architect, a general contractor, a sub-contractor, and an engineer, in order to provide expertise.
- Decisions are made as a group, which presumptively overcomes any group bias that may exist.

Cons

- Member expertise in hearing different types of code violations is limited to the individual profession and prior experience of each member.
- Code Enforcement Board requires a quorum for decisions to be made.
 Therefore, emergency meetings may be harder to schedule.
- Individual members may have previous ties with the violator, and can thus be seen as partial in their decision-making.
- Decisions can be affected by groupthink, where decisions are made to not disrupt the balance of the group.

Special Magistrate

Pros Pros

- Special Magistrates are attorneys and must adhere to strict professional requirements, including following a code of ethics.
- Special Magistrate decisions are individual decisions, and do not require a quorum. Therefore, emergency meetings are easier to schedule.
- Special Magistrates are able to hear cases at a faster pace.

Cons

- Magistrate expertise in hearing different types of code violations is limited to the profession and prior experience of the magistrate.
- Special Magistrates are paid by the County, and may have the potential public perception of being more inclined to side with staff.

Alachua County Board of County Commissioners

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Ordinance 2020-

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AN **ORDINANCE** OF THE **BOARD** OF **COUNTY OF ALACHUA** COMMISSIONERS COUNTY, **FLORIDA**: REPEALING AND REPLACING ARTICLE I OF CHAPTER 24 OF THE ALACHUA COUNTY CODE; ESTABLISHING DEFINITIONS RELATED TO CODES ENFORCEMENT; CREATING PUBLIC OFFICES OF CODES ENFORCEMENT SPECIAL MAGISTRATES; **PROVIDING OUALIFICATIONS MINIMUM REQUIREMENTS FOR APPOINTMENT OF SPECIAL** MAGISTRATES: ESTABLISHING LENGTH OF TERMS FOR SPECIAL MAGISTRATES AND CONDITIONS FOR REMOVAL FROM OFFICE; ESTABLISHING **ADMINISTRATIVE CLERICAL SUPPORT FOR** SPECIAL **MAGISTRATES:** ESTABLISHING THE ROLE OF THE ALACHUA COUNTY **ATTORNEY'S OFFICE** IN CODES **ENFORCEMENT PROCEEDINGS: ESTABLISHING ENFORCEMENT PROCEDURES JURISDICTION** AND **FOR SPECIAL** MAGISTRATES: PROVIDING STANDARDS FOR CONDUCT OF HEARINGS BEFORE SPECIAL MAGISTRATES; ESTABLISHING **POWERS SPECIAL MAGISTRATES**; **ESTABLISHING** OF STANDARDS FOR NOTICES OF VIOLATIONS AND HEARINGS: PROVIDING PROCESS FOR APPEALING DECISIONS OF A SPECIAL MAGISTRATE: TERMINATING THE EXISITING ALACHUA COUNTY CODES ENFORCEMENT BOARD ON A FUTURE DATE: AMENDING SECTIONS 71.02.07, 72.15, 72.41, 74.17, 74.21, 74.22, 74.34, 75.501, 78.13, 79.08, 80.7, 101.14, 101.15, 110.06, 115.05, 263.19, 332.02, 335.07, 353.40, 355.14, 358.09, 362.03, 406.103, 407.127, 409.04 OF THE ALACHUA COUNTY CODE OF ORDINANCES TO REPLACE REFERENCES TO THE CODES ENFORCEMENT BOARD WITH REFERENCES TO CODES ENFORCEMENT SPECIAL MAGISTRATES OR APPLICABLE LAW AND CORRECT INTERNAL REFERENCES; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; ALLOWING FOR MODIFICATION OF THE LANGUAGE OF THE ORDINANCE DUE TO CONSIDERATIONS ARISING AT A PUBLIC HEARING: PROVIDING AN IMMEDIATE EFFECTIVE DATE.

44	WHEREAS, at least 10 days' notice has been given by publication in a newspaper
45	of general circulation notifying the public of this proposed ordinance and of a public
46	hearing to be held before the Alachua County Board of County Commissioners; and
47	WHEREAS, section 162.03, Florida Statutes, provides that charter counties may
48	adopt a code enforcement system utilizing a codes enforcement board or special
49	magistrates; and
50	WHEREAS, Alachua County currently utilizes the Codes Enforcement Board to
51	hear alleged violations of the County's code; and
52	WHEREAS, pursuant to section 162.03(1), Florida Statutes, the Alachua County
53	Codes Enforcement Board shall cease to exist on October 1, 2020; and
54	WHEREAS, the positions of Special Magistrates are established for the purpose
55	of providing a code enforcement process for Alachua County; and
56	WHEREAS, Special Magistrates are hereby vested with all powers now granted
57	under chapter 162, Florida Statutes, as amended, and the Alachua County Code, as
58	amended from time to time; and
59	WHEREAS, the intent of this Ordinance is to promote, protect and improve the
60	health, safety and welfare of the citizens of Alachua County by establishing Special
61	Magistrates with the authority to impose administrative fines and other noncriminal
62	penalties and to provide an equitable, expeditious, and effective method of enforcing the
63	County's codes and ordinances;
64	WHEREAS, all references to the Codes Enforcement Board in the Alachua
65	County Code of Ordinances are hereby replaced with references to the Codes
66	Enforcement Special Magistrates or applicable law.

67	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
68	ALACHUA COUNTY, FLORIDA:
69	SECTION 1. The Board of County Commissioners finds and declares that all
70	statements in the preamble of the ordinance are true and correct.
71	SECTION 2. Chapter 24 is renamed "Codes Enforcement."
72	SECTION 3. Chapter 24, Article I, is hereby repealed and replaced in its entirety
73	with Chapter 24, Article I, Codes Enforcement Special Magistrates, as follows:
74	CHAPTER 24. CODES ENFORCEMENT
75	Article I Special Magistrates
76	Sec. 24.01. Definitions.
77	The terms of this Chapter shall be defined pursuant to section 162.04, Fla. Stat.,
78	as amended from time to time.
79 80	Sec. 24.02. Special Magistrates.
81 82 83 84 85 86 87	 (a) Creation. There is hereby created the Codes Enforcement Special Magistrates to hear alleged violations of the Alachua County Code of Ordinances. (b) Appointment. The Board of County Commissioners may appoint one or more Special Magistrates to hear alleged violations of the Alachua County Code of Ordinances.
88 89 90	(c) <u>Candidate qualifications</u> . To be considered by the Board of County <u>Commissioners for appointment or reappointment, a candidate for Special Magistrate shall have the following minimum qualifications:</u>
91 92 93 94 95	 (1) Membership, in good standing, with the Florida Bar at the time of appointment or reappointment and for the previous 5 years. (2) Residence or place of business within Alachua County, Florida. (3) Reputation in the community for integrity, responsibility and professional ability.
96 97	(d) <u>Term. Special Magistrates shall serve for a term of three years from the date</u> of appointment by the Board of County Commissioners. The Board of County

98	Commissioners may reappoint Special Magistrates. There shall be no limit on
99	the number of terms a person may serve as a Special Magistrate.
100	· · · · · · · · · · · · · · · · · · ·
101	(e) Compensation. Special Magistrates shall not be County employees, but shall
102	be compensated as established by contract.
103	
104	(f) Removal. At any time during a term, the Board of County Commissioners
105	shall have the authority to remove a Special Magistrate, with or without cause,
106	upon 10 calendar days' written notice.
107	
108	(g) Public officer. Special Magistrates are public officers and are, therefore,
109	subject to the Code of Ethics for Public Officers and Employees found in
110	chapter 112, Fla. Stat., as amended from time to time, including financial
111	disclosure requirements.
112	(h) Clerical and administrative support. The Department of Growth Management,
113	Office of Codes Enforcement shall act as the Clerk for the Special Magistrates
114	and shall provide clerical and administrative support to the Codes
115	Enforcement Special Magistrates as may be reasonably required for the
116	Special Magistrates to properly perform their duties in accordance with
117	chapter 162, Fla. Stat., as amended from time to time.
110	
118	Sec. 24.03. County Legal Counsel before the Special Magistrates. A member of the
119	County Attorney's staff shall represent the County by providing counsel to codes
120	inspectors presenting cases before the Special Magistrates and may present codes
121	enforcement cases to the Special Magistrates, question witnesses, present evidence, make
122	legal argument, and any other function necessary to support codes inspectors in the
123	orderly and efficient presentation of their cases, as needed.
124	Sec. 24.04. Jurisdiction of Special Magistrates. Special Magistrates shall have
125	jurisdiction and authority to hear and decide any alleged violation of the Alachua County
126	Code of Ordinances. The jurisdiction of Special Magistrates shall be in addition to, and
127	not in lieu of, any other procedures or remedies available to the County to enforce the
128	Alachua County Code of Ordinances.
129	
130	Sec. 24.05. Enforcement Procedure. Enforcement of the Alachua County Code of
131	Ordinances and initiation of enforcement procedures shall be in accordance with section
132	162.06, Fla. Stat., as amended from time to time.
133	Sec. 24.06. Conduct of Hearing.
134	(a) Hearings schedule. Upon request of the codes inspector, the County Manager
135	or designee may call for hearings on an as-needed basis. When possible and
136	necessary, multiple codes enforcement cases shall be scheduled for each
137	hearing called before a Special Magistrate. The hearings shall be scheduled
138	around the availability of the parties but no later than 90 calendar days after

139 the date that the hearing is called. Once the hearing is scheduled, the County 140 shall properly notice any alleged violators of the hearing date, time, and 141 location. 142 143 (b) Sunshine Law. Hearings before a Special Magistrate, under this article, are 144 subject to the Sunshine Law and must comply with section 286.011, Fla. Stat., 145 as amended from time to time. In addition to the requirements of the Sunshine 146 Law, the Clerk for the Special Magistrates shall prepare the minutes of hearings before Special Magistrates and the record on appeal. 147 148 149 (c) Burden of proof. The County shall have the burden of proof to show by a preponderance of the evidence that an alleged violation exists. 150 151 152 (d) Evidence. All testimony shall be under oath. A Special Magistrate, the 153 County and the alleged violator may inquire of any witness. Formal rules of 154 evidence do not apply, but fundamental due process shall be observed and 155 shall govern such proceedings. 156 157 (e) Absence of alleged violator. If the notice provisions of this article have been 158 met, a hearing may take place in the absence of an alleged violator. 159 (f) Fines, costs, and liens. Special Magistrates may impose fines, cost of repairs, 160 161 costs of prosecution and liens consistent with section 162.09, Fla. Stat., as 162 amended from time to time. Liens shall have the duration and force as provided for in chapter 162, Fla. Stat., as amended from time to time. Special 163 164 Magistrates may reduce a fine imposed pursuant to this Chapter and may 165 release a lien entered pursuant to this Chapter. 166 167 (g) Orders. Every order entered by a Special Magistrate shall be in writing, and 168 shall include findings of fact based on evidence in the record and conclusions 169 of law. Every order entered by a Special Magistrate shall be filed with the 170 Clerk for the Special Magistrates. Special Magistrates shall, in every 171 proceeding, reach a decision without unreasonable or unnecessary delay. 172 Special Magistrates may make an adjudication on the alleged violation at the hearing at which the last of the evidence was received, or after the hearing. In 173 174 all instances, a Special Magistrate shall issue an order within 15 calendar days from the conclusion of the final hearing at which the last of the evidence was 175 176 received. The Clerk for the Special Magistrates shall mail the order to the 177 respondent within 15 calendar days from the date that the Clerk receives the signed order from a Special Magistrate. A certified copy of such order may be 178 179 recorded in the public records of Alachua County and shall constitute notice to 180 any subsequent purchasers, successors in interest, or assigns. 181 (h) Recusal. At any point before, during or after a proceeding. Special 182 183 Magistrates may recuse themselves to assure a fair proceeding free from 184 potential bias or prejudice. Special Magistrates shall not hear any case in

185	which they have a conflict of interest.
186	
187	(i) Ex parte communication. Special Magistrates should avoid ex parte
188	communication concerning alleged violations which may come before them.
189	If a Special Magistrate receives ex parte communication, the Special
190	Magistrate shall reveal the source and nature of the ex parte communication
191	on an alleged violation before hearing that alleged violation and consider any
192	motion for recusal by a party, including the County.
193	Sec. 24.07. Powers. The Special Magistrates shall have all of the powers granted to
194 195	Special Magistrates under chapter 162, Fla. Stat., as amended from time to time.
196	Sec. 24.08. Notices. Notices required by this Article shall be provided to the alleged
197 198	violator in accordance with chapter 162, Fla. Stat., as amended from time to time.
199	Sec. 24.09. Appeals. An aggrieved party may appeal in accordance with chapter 162,
200	Fla. Stat., as amended from time to time.
201	See 24.10 Transition The Alachus County Codes Enforcement Doord shall continue to
202	Sec. 24.10. Transition. The Alachua County Codes Enforcement Board shall continue to
203204	function as an Alachua County code enforcement mechanism until October 1, 2020. Until
204	that date, the Codes Enforcement Board shall operate pursuant to, and with the powers
	granted by, chapter 162, Fla. Stat., as amended from time to time. Prior to October 1,
206	2020, the County Manager, in consultation with staff, shall assign individual codes
207	enforcement cases to either the Codes Enforcement Board or, when available, a Codes
208209	Enforcement Special Magistrate. On October 1, 2020, the Codes Enforcement Board
210	shall cease to exist and shall have no authority to take official actions.
211	SECTION 4. Chapter 71, Article II, Section 71.02.07, of Alachua County Code is
212	amended as follows:
213	Sec. 71.02.07 Enforcement.
214	
215	This article will be enforced by the offices of code enforcement, waste collection,
216	animal services, and the sheriff's office, pursuant to Chapter 24 of the Alachua County
217	Code of Ordinances, as amended from time to time, and the County Code Enforcement
218	System, pursuant to Chapter 24 of the Alachua County Code and Chapter 162, Florida
219	Statutes, by proceedings before the code enforcement board as amended from time to
220	<u>time</u> , or by any other means available to the county, including injunctive relief.
221	Violations are punishable by fine (not to exceed \$500.00 per offense), imprisonment (not
222	to exceed 60 days per offense) or both.
223	SECTION 5. Chapter 72, Section 72.15(a), of Alachua County Code is amended as
224	follows:

225	Sec. 72.15 Hearing procedure.
226	
227	(a) On or before the following dates, an owner may file a written request for
228	hearing with Animal Services. The County Manager shall designate an
229	individual or the a Codes Enforcement Board Special Magistrate to act as a
230	Hearing Officer to hold a hearing on or before:
231	
232	(1) The seventh calendar day after the date of service of written notification of
233	an initial determination of a sufficient cause finding under Section 72.14 of
234	this Code; or
235	(2) The tenth calendar day after the date of service of written notification that
236	an aggressive dog was confiscated under Section 72.16 of this Code; or
237	(3) The tenth calendar day after the date of service of written notification that a
238	dog declared dangerous prior to February 1, 2006 was confiscated
239	under Section 72.17 of this Code; or
240	(4) The tenth business day after the date of service of written notification that a
241	dog involved in a violent dog attack was confiscated under Section 72.20
242	
243	SECTION 6. Chapter 72, Section 72.41(c), of Alachua County Code is amended as
244	follows:
245	
246	Sec. 72.41 Waiver of fees.
247	2000 / 2012 V V M2 V C 2 C 2 C C C C C C C C C C C C C C
247	(a) In the event that the a Codes Enforcement Board Special Magistrate is
249	designated as a Hearing Officer and if an owner consents to a hearing extension
250	under Subsection72.15(b) so as to avoid the necessity of scheduling a special
251	hearing of the eCodes eEnforcement boardSpecial Magistrate, the director shall
252	waive all boarding fees and charges that accrue from the twenty-first day after
253	the date of receipt of the owner's written request through the date of the
254	hearing.
255	
256	SECTION 7. Chapter 74, Article II, Section 74.17, of Alachua County Code is
230	SECTION 7. Chapter 74, Particle 11, Section 74.17, of Phachaa County Code is
257	amended as follows:
258	Sec. 74.17 Enforcement.
259	

260 261	It shall be the duty of all law enforcement officers as defined in section 74.15 to enforce the provisions of this article. Violations of this article may be referred to the an Alachua
262263	County Codes Enforcement—Board Special Magistrate pursuant to chapter 24 of the Alachua County Code, as amended from time to time.
264	SECTION 8. Chapter 74, Article III, Section 74.21, of Alachua County Code is
265	amended as follows:
266	Sec. 74.21 Enforcement.
267 268 269 270 271 272 273 274	It shall be the duty of the Alachua County Office of Codes Enforcement to enforce the provisions of this article. Violations of this article may be referred to the Alachua County Codes Enforcement-Board Special Magistrates for enforcement pursuant to eChapter 24 of the Alachua County Code of Ordinances, as amended from time to time, or any other available mechanism available by law. In addition, the office of codes enforcement may enforce this article through the use of citation powers in accordance with Ordinance No. 93-14 (chapter 24, article II of this Code), as amended, and as provided for in F.S. ch 162, pt. II (F.S. § 162.21 et seq.).
275	SECTION 9. Chapter 74, Article III, Section 74.22, of Alachua County Code is
276	amended as follows:
277	Sec. 74.22 Penalty.
278 279 280 281 282 283	Persons cited for violations of this article shall, upon conviction, be subject to the corrective action required by the an Alachua County Codes Enforcement Board Special Magistrate, or shall be subject to fines as provided for in chapter 24 of the Alachua County Code as amended from time to time. In addition, persons issued citations for violations are subject to fines as provided for in Ordinance No. 93-14 (chapter 24, article II of this Code), as amended by the board of county commissioners.
284	SECTION 10. Chapter 74, Article V, Section 74.34, of Alachua County Code is
285	amended as follows:
286 287	Sec. 74.34 Penalty.
288 289 290 291 292	Persons cited for violations of this article shall, upon conviction, be subject to the corrective action required by-the an Alachua County Codes Enforcement-Board Special Magistrate, or shall be subject to fines as provided for in chapter 24 of the Alachua County Code, as amended from time to time.
293	SECTION 11. Chapter 75, Article V, Section 75.501, of Alachua County Code is

294	amended as follows:
295	Sec. 75.501 Penalties and fines.
296	Persons cited for a violation of this chapter shall, upon conviction, be punished as
297	provided in section 10.08 of the Alachua County Code. A violation of this chapter may
298	be enforced pursuant to chapter 24 of the Alachua County Code as may be amended from
299	time to time. Violations include, for example, and not by way of limitation, persons
300	failing to source separate recyclable material as provided in this chapter. Penalties and
301	fines imposed by the a eCode eEnforcement board Special Magistrate shall accrue to the
302	division of waste management.
303	SECTION 12. Chapter 78, Section 78.13, of Alachua County Code is
304	amended as follows:
305	Sec. 78.13 Enforcement.
303	Sec. 70.13 Emorement.
306	The provisions of this chapter may be enforced using the any code enforcement board
307	mechanism allowed by process of Chapter 162, Part I, Florida Statutes, or the civil
308	citation process of Chapter 162, Part II, Florida Statutes, and Chapter 24, Alachua County
309	Code. In addressing residential violations county staff shall provide an educational
310	approach that emphasizes environmental awareness in order to achieve compliance prior
311	to initiating enforcement action with the use of the provisions of Chapter 24.
312	SECTION 13. Chapter 79, Section 79.08, of Alachua County Code is
313	amended as follows:
314	Sec. 79.08 Enforcement.
215	
315	The provisions of this chapter may be enforced using the any code enforcement board
316	mechanism allowed by process of Chapter 162, Part I, Florida Statutes, or the civil
317	citation process of Chapter 162, Part II, Florida Statutes, and Chapter 24, Alachua County
318	Code. In addressing residential violations county staff shall provide an educational
319	approach that emphasizes environmental awareness in order to achieve compliance prior
320	to initiating enforcement action with the use of the provisions of Chapter 24.
321	SECTION 14. Chapter 80, Section 80.7, of Alachua County Code is
322	amended as follows:
323	Sec. 80.7 Enforcement.
324	The provisions of this chapter may be enforced using the any code enforcement board
325	mechanism allowed by process of F.S. ch. Chapter 162, pt. Part I, Florida Statutes, or the

326 327 328 329 330	civil citation process of Chapter 162, Part II, Florida Statutes, F.S. ch. 162, pt. II-and Chapter 24, Alachua County Code. In addressing residential violations county staff shall provide an educational approach that emphasizes environmental awareness in order to achieve compliance prior to initiating enforcement action with the use of the provisions of Chapter 24.
331	SECTION 15. Chapter 101, Section 101.14(a), of Alachua County Code is
332	amended as follows:
333	Sec. 101.14 Revocation of certificate or identification card.
334 335 336	(a) The county manager, or his or her designee, following notice and a hearing, shall have the authority to suspend or revoke a certificate of competency or an identification card issued pursuant to this chapter where:
337 338	(1)The certificate or card holder has violated or failed to comply with the provisions of this chapter.
339 340 341	(2) The certificate or card holder has been convicted of violating state or federal laws or regulations governing the trade or activity engaged in by the certificate or card holder.
342 343 344 345 346	(3) The An Alachua County Codes Enforcement Board Special Magistrate has determined that the certificate or card holder has violated or failed to comply with the provisions of this chapter or the provisions of the Alachua County Code related to solid waste and solid waste disposal in sections 75.100 through 75.502 and sections 36.01 through 36.12 of the Alachua County Code.
347	SECTION 16. Chapter 101, Section 101.15, of Alachua County Code is
348	amended as follows:
349	Sec. 101.15 Enforcement.
350 351 352 353 354	Violations of this chapter may be referred to the an Alachua County Codes Enforcement Board Special Magistrate for enforcement in accordance with sections 24.01 through 24.11 of the Chapter 24, Alachua County Code, as amended from time to time, which relates to the codes enforcement board, and in accordance with the provisions of F.S. § 489.127 and Laws of Fla., ch. 88-156.
355	SECTION 17. Chapter 110, Section 110.06, of Alachua County Code is
356	amended as follows:
357	Sec. 110.06 Penalties.

358 359 360 361 362 363 364	Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this chapter shall upon conviction be guilty of a second degree misdemeanor offense punishable as provided for under F.S. §§ 775.082 and 775.083. Violations of this chapter may also be processed in accordance with F.S. ch. Chapter 162, Florida Statutes, as amended from time to time, and any other remedy available by law.including but not limited to appearance before the Alachua Codes Enforcement Board.
365	SECTION 18. Chapter 115, Section 115.05, of Alachua County Code is
366	amended as follows:
367	Sec. 115.05 Enforcement by codes enforcement board.
368 369 370	This chapter may be enforced through the Alachua County Codes Enforcement Board in accordance with Chapter 162, Florida Statutes, as amended from time to time, and Chapter 24, Alachua County Code, as amended from time to time.
371	SECTION 19. Chapter 263, Section 263.19(a), of Alachua County Code is
372	amended as follows:
373	Sec. 263.19 Violations and enforcement.
374 375 376 377 378 379 380 381	(a) Upon Alachua County receiving local air pollution control program approval from FDEP, the provisions of this chapter may be enforced using the authority and procedures authorized by Chapter 162, Florida Statutes, as amended from time to time, pertaining to county or municipal code enforcement. Violations of this code may be referred to the an Alachua County Codes Enforcement Board Special Magistrate for enforcement in accordance with Chapter 162, Florida Statutes, as amended, and Chapter 24 of the Alachua County Code of Ordinances, as amended from time to time, pertaining to the codes enforcement board.
382	SECTION 20. Chapter 332, Article I, Section 332.02, of Alachua County Code is
383	amended as follows:
384	Sec. 332.02 Penalty.
385 386 387	Any person violating the provisions of this article and the codes adopted hereunder shall be punished as provided by general law. Violations of this article may be referred to the an Alachua County eCodes eEnforcement board Special Magistrate.
388	SECTION 21. Chapter 335, Section 335.07, of Alachua County Code is
389	amended as follows:

390	Sec. 335.07 Enforcement.
391 392 393	The County may enforce the provisions of this chapter using the authority and procedures authorized by F.S. ch. Chapter 162, Florida Statutes, as amended from time to time, and Chapter 24, Alachua County Code, as amended from time to time. These include both the
394	civil citation procedure and the codes enforcement board procedure.
395	SECTION 22. Chapter 353, Article II, Section 353.40, of Alachua County Code is
396	amended as follows:
397	Sec. 353.40 Violations; enforcement; remedies.
398 399 400 401 402 403	Violations of this chapter of the code may be referred by the department to the county's codes enforcement board or other any enforcement mechanism in accordance with F.S. ch. Chapter 162, Florida Statutes, as amended from time to time, and chapter 24 of the Alachua County Unified Land Development Code, as amended from time to time, relating to the cCounty codes enforcement board and citation ordinance. Remedies may include the following:
404	(a) Judicial remedies.
405 406 407	(1) The county may institute a civil action in a court of competent jurisdiction to establish liability and to recover damages to property including animal, plant, and aquatic life, caused by any violation.
408 409 410 411 412	(2) The county may institute a civil action in a court of competent jurisdiction to impose and to recover a civil penalty for each violation in an amount of not more than ten-thousand-dollars (\$10,000.00) for each offense. However, the court may receive evidence in mitigation. Each day during any portion of which such violation occurs constitutes a separate offense.
413 414 415 416	(3) It shall not be a defense to, or ground for dismissal of, these judicial remedies for damages and civil penalties that the county has failed to exhaust its administrative remedies, or has failed to hold an administrative hearing prior to the institution of a civil action.
417 418 419 420 421 422 423	(b) <i>Injunctive relief</i> . It is hereby found and declared that a violation of the provisions of this code constitutes an irreparable injury to the citizens of the county. The county may institute a civil action in a court of competent jurisdiction to seek injunctive relief to enforce compliance with this code or order; to enjoin any violation of this code; and to seek injunctive relief to prevent injury to the soils, air, and water, including animal, plant, and aquatic life, in the county and to protect human health, safety, and welfare caused or threatened by any violation.
424	(c) Administrative appeals.

425	(1) Decisions to approve, deny, suspend, or revoke a license or plan pursuant to
426	this code may be appealed to a hearing officer. Such an appeal shall provide an
427	administrative mechanism to address alleged error in the application of a specific
428	provision of this code. An appeal may be filed by the applicant, license holder or
429	a substantially affected person. The adverse interest may be shared in common
430	with the other members of the community at large.
431	(2) No person may apply to a court for relief from a decision of the department
432	unless he or she has first exhausted the remedies provided herein.
433	(3) A person requesting an appeal shall file this request in writing along with the
434	appropriate fee for such petition to the department within 15 days of the final
435	decision made by the department.
436	(4) The written request for appeal shall include a sworn statement of the particular
437	facts and the basis for the appeal, the specific code provision alleged to be applied
438	in error, the different result which would occur if the appropriate provisions were
439	correctly applied, and the particular relief sought.
440	(5) The department shall schedule the appeal before the hearing officer, and shall
441	provide to the hearing officer a staff report on the actions taken by the
442	department.
443	(6) The hearing officer shall consider the record, testimony by the applicant,
444	members of the department, any substantially affected persons, and any other
445	appropriate witness, and the error alleged. Based on this information the hearing
446	officer shall either sustain or reverse the decision appealed by giving a written
447	explanation for his or her decision.
448	SECTION 23. Chapter 355, Section 355.14, of Alachua County Code is
449	amended as follows:
450	Sec. 355.14 Violations; enforcement; remedies.
451	Violations of this chapter may be referred by the department to the county's codes
452	enforcement board or other any enforcement mechanism in accordance with F.S. ch.
453	Chapter 162, Florida Statutes, as amended from time to time, and chapter 24 of the
454	Alachua County Unified Land Development Code, as amended from time to time.
455	Remedies may include the following:
456	(1) Judicial remedies.
457	a. The county may institute a civil action in a court of competent jurisdiction to
458	establish liability and to recover damages for any injury to the water, or property
459	of the county, including animal, plant, and aquatic life, caused by any violation.

460 b. The county may institute a civil action in a court of competent jurisdiction to 461 impose and to recover a civil penalty for each violation in an amount of not more than \$10,000.00 for each offense. However, the court may receive evidence in 462 463 mitigation. Each day during any portion of which such violation occurs 464 constitutes a separate offense. c. It shall not be a defense to, or ground for dismissal of, these judicial remedies 465 466 for damages and civil penalties that the county has failed to exhaust its administrative remedies, or has failed to hold an administrative hearing prior to 467 468 the institution of a civil action. 469 (2) *Injunctive relief.* It is hereby found and declared that a violation of the provisions of this chapter constitutes an irreparable injury to the citizens of Alachua County. The 470 county may institute a civil action in a court of competent jurisdiction to seek 471 472 injunctive relief to enforce compliance with this chapter or order; to enjoin any 473 violation of this chapter, and to seek injunctive relief to prevent injury to the water 474 and property of the county, including animal, plant, and aquatic life, and to protect 475 human health, safety, and welfare caused or threatened by any violation. 476 (3) *Administrative appeals.* 477 (1) Decisions to approve, deny, suspend, or revoke a license or plan pursuant to 478 this chapter may be appealed to a hearing officer. Such an appeal will provide an 479 administrative mechanism to address alleged error in the application of a specific 480 provision of this chapter. An appeal may be filed by the applicant, license holder 481 or a substantially affected person. The adverse interest may be shared in common 482 with the other members of the community at large. 483 (2) No person may apply to a court for relief from a decision of the department 484 unless they have first exhausted the remedies provided in this chapter. 485 (3) A person requesting an appeal shall file this request in writing along with the 486 appropriate fee for such petition to the department within 15 days of the final 487 decision made by the department. 488 (4) The written request for appeal shall include a sworn statement of the particular 489 facts and the basis for the appeal, the specific provision alleged to be applied in 490 error, the different result which would occur if the appropriate provisions were 491 correctly applied, and the particular relief sought. 492 (5) The department shall schedule the appeal before the hearing officer, and shall 493 provide to the hearing officer a staff report on the actions taken by the 494 department. 495 (6) The hearing officer shall consider the record, testimony by the applicant, 496 members of the department, any substantially affected persons, any other

497	appropriate witness, and the error alleged. Based on this information, the hearing
498 499	officer shall either sustain or reverse the decision appealed and give a written explanation for his or her decision.
500	•
500	SECTION 24. Chapter 358, Section 358.09, of Alachua County Code is
501	amended as follows:
502	Sec. 358.09 Enforcement.
503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518	Alachua County shall notify the FDER of any violations of this chapter. If, within 30 days of notice by the county of the violation, the FDER fails to initiate enforcement action to bring the violator into compliance, Alachua County may enforce this chapter using the authority and procedures authorized by F.S. ehs. Chapters 125 and 162, Florida Statutes, as amended from time to time, unless the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible, in which case the county may enforce this chapter immediately. Violations of this chapter may be referred to-the an Alachua County Codes Enforcement-Board Special Magistrate for enforcement in accordance with F.S. eh. Chapter 162, Florida Statutes, as amended from time to time, and chapter 24 of the Alachua County Code of Ordinances, as amended from time to time, which relate to-the codes enforcement-board. In the event Alachua County has initiated enforcement proceedings and the FDER notifies Alachua County that it intends to pursue its own agency enforcement action against the violator which, if successful, will correct the violation(s) of this chapter as well, then Alachua County shall suspend its enforcement action pending the outcome of the FDER enforcement action.
519	SECTION 25. Chapter 362, Article I, Section 362.03, of Alachua County Code is
520	amended as follows:
521	Sec. 362.03 Penalty.
522 523 524 525 526 527 528	Apart from any civil penalty that might be imposed by the eCounty eodes enforcement board as allowed by law, any person who shall violate or fail to comply with any provision contained in the NFPA codes as adopted in this article, or who shall violate or fail to comply with any order made pursuant to the codes adopted herein, or who shall build in violation of any detailed statement of specifications or plans submitted pursuant to such codes, or any certificate or permit issued pursuant to such codes, shall be subject to a fine of not more than \$500.00 or imprisoned for not more than 30 days, or both. SECTION 26. Chapter 406, Article XVII, Section 406.103(b), of Alachua County
530	Code is amended as follows:
531	Sec. 406.103 Permanent protection.
	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~

532	Conservation management areas shall be permanently protected as follows:
533 534	(b) <i>Plat notations</i> . The boundaries of designated conservation management areas, including any required buffers, and the building area limitation as required by section
535	406.03(b) for lots located within the conservation management areas shall be clearly
536	delineated on development plans, plats, and deed restrictions, and a legal description
537	of the boundaries shall be included. A plat shall identify express prohibitions
538	preceded by the following statement:
539	"The activities/acts/uses identified below are prohibited in designated 'conservation
540	management area(s)' unless part of an approved management plan without express
541	written permission from the Alachua County Environmental Protection Department.
542	Violation of any one of these provisions without such written permission shall be
543	considered a discrete violation of a Development Order issued by the Alachua County
544	Board of County Commissioners. Development Order terms are enforceable by the
545	Alachua County Codes Enforcement Board by any means available at law, including
546	in accordance with Chapter 162, Florida Statutes, as amended from time to time, and
547	Chapter 24, Alachua County Code of Ordinances, as amended from time to time.
548	Violations may result in monetary penalties of up to \$15,000 and/or order to restore
549	conservation area(s) to preexisting conditions at the expense of the owner(s). Failure
550	to comply with an order of a Codes Enforcement Board orders Special Magistrate
551	may result in liens against the property.
552	Prohibited activities/acts/uses in 'conservation management area(s)':
553	i. Construction or placing of buildings, roads, signs, billboards or other
554	advertising, utilities, or other structures on or above the ground.
555	ii. Dumping or placing of soil or other substance or material as landfill or
556	dumping or placing of trash, waste, or unsightly or offensive materials.
557	iii. Removal or destruction of native trees, shrubs, or other vegetation.
558	iv. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other
559	material substance in such manner as to affect the surface.
560	v. Surface use except for purposes that permit the land or water area to remain
561	predominantly in its natural condition.
562	vi. Activities detrimental to drainage, flood control, water conservation, erosion
563	control, soil conservation, or fish and wildlife habitat preservation.
564	vii. Acts or uses detrimental to such retention of land or water areas.
565	viii. Acts or uses detrimental to the preservation of the structural integrity or
566	physical appearance of sites or properties of historical, architectural,
567	archaeological, or cultural significance."
568	SECTION 27. Chapter 407, Article XII, Section 407.127, of Alachua County Code
569	is amended as follows:
570	Sec. 407.127 Enforcement.

571 572 573 574 575 576 577	A violation of this chapter shall be a misdemeanor punishable according to law; however, in addition to or in lieu of any criminal prosecution, Alachua County shall have the power to sue in civil court to enforce the provisions of this chapter. Violations of this Chapter may also be referred to the an Alachua County Codes Enforcement Board Special Magistrate for enforcement in accordance with F.S. ch. Chapter 162, Florida Statutes, as amended, and Chapter 24 of the Alachua County Code of Ordinances, as amended from time to time, which relate to the codes enforcement board.
578	SECTION 28. Chapter 409, Article II, Section 409.04(a), of Alachua County Code
579	is amended as follows:
580	Sec. 409.04 Remedies and enforcement powers.
581	The county may use any of the following remedies and enforcement powers:
582 583 584 585 586	(a) Referral to <u>a eCodes eEnforcement board Special Magistrate</u> . Violations of this ULDC may be referred to the <u>an Alachua County Codes Enforcement Board Special Magistrate</u> for enforcement in accordance with <u>F.S. ch. Chapter 162</u> , <u>Florida Statutes</u> , as amended from time to time, and chapter 24 of the Alachua County Code of Ordinances, as amended from time to time.
587	SECTION 29. Repealing Clause. All ordinances or portions thereof in conflict
588	herewith are, to the extent of such conflict, hereby repealed.
589	SECTION 30. Severability. If any word, phrase, clause, paragraph, section or
590	provision of this ordinance or the application hereof to any person or circumstance is held
591	invalid or unconstitutional, such finding shall not affect the other provisions or
592	applications of the ordinance which can be given effect without the invalid or
593	unconstitutional provisions or application, and to this end the provisions of this ordinance
594	are declared severable.
595	SECTION 31. <u>Inclusion in the Code</u> . It is the intent of the Board of County
596	Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
597	of this ordinance shall become and be made a part of the Code of Ordinances of Alachua
598	County, Florida; that the sections of this ordinance may be renumbered or re-lettered to

599	accomplish such intent and that the word "ordinance" may be changed to "section",
600	"article", or other appropriate designation.
601	Section 32. Modification. It is the intent of the Board of County Commissioners
602	that the provisions of this ordinance may be modified as a result of considerations that
603	may arise during public hearings. Such modifications shall be incorporated into the final
604	version of the ordinance adopted by the Board and filed by the Clerk to the Board.
605	SECTION 33. Effective Date. This ordinance shall take effect immediately upon
606	final adoption.
607	
608	
609	DULY ADOPTED in regular session, this day of, 2020.
609 610 611	DULY ADOPTED in regular session, this day of, 2020.  BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
609 610 611 612	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
609 610 611 612 613	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA  ATTEST:
609 610 611 612	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
609 610 611 612 613 614	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA  ATTEST:  BY:  Charles S. Chestnut, IV, Chair
609 610 611 612 613 614 615	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA  ATTEST:  BY:
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1	ALACHUA COUNTY
2	BOARD OF COUNTY COMMISSIONERS
	ORDINANCE NO. 2020
4	ORDINANCE NO. 2020
5 6	AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
7	OF ALACHUA COUNTY, FLORIDA, AMENDING CHAPTER 24 OF
8	THE ALACHUA COUNTY CODE OF ORDINANCE, ENTITILED
9	"CODES ENFORCEMENT"; AMENDING SECTION 24.03,
10 11	"CREATED; MEMBERSHIP ORGANIZATION; MEETINGS"; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REPEAL OF
12	LAWS IN CONFLICT; PROVIDING FOR MODIFICATION;
13	PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION
14	IN THE CODE OF LAWS AND ORDINANCES AND CORRECTION
15 16	OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.
10 17	EFFECTIVE DATE.
18	
19	WHEREAS, section 162.05, Florida Statutes, provides that charter counties may adopt
20	rules for Code Enforcement Board member attendance; and
21	WHEREAS, Alachua County wishes to create a method for removal of a member of the
22	Code Enforcement Board for neglect of duty or misconduct in office; and
23	WHEREAS, Alachua County seeks to ensure compliance with Florida Statute; and
24	WHEREAS, it is the intent of this Ordinance to promote, protect, and improve the health,
25	safety, and welfare of the residents of Alachua County by amending Chapter 24 of the Alachua
26	County Code to ensure compliance with Florida Statute, provide rules for Code Enforcement
27	Board member attendance, and provide a method for removal of a member of the Code
28	Enforcement Board for neglect of duty or misconduct in office, in order to provide an equitable,
29	expeditious, and effective method of enforcing the County's codes and ordinances.
30	NOW, THEREFORE, BE IT DULY ORDAINED BY THE BOARD OF COUNTY
31	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, AS FOLLOWS:
32	SECTION 1. The Board of County Commissioners finds and declares that all statements

- 1 in the preamble of the ordinance are true and correct. 2 SECTION 2. Chapter 24 of the Alachua County Code, entitled "Codes Enforcement," is 3 hereby amended as follows: 4 **Chapter 24 – Codes Enforcement** 5 6 Sec. 24.03 – Created; membership organization; meetings. 7 (a) There is hereby created a Codes Enforcement Board of Alachua County, Florida, which shall 8 9 consist of seven members appointed by the Board of County Commissioners of Alachua County. The board of county commissioners may appoint up to two alternate members for the codes 10 enforcement board to serve in the absence of codes board members. All members shall be 11 12 residents of Alachua County and shall serve without compensation. 13 14 (b) The membership of the codes enforcement board shall be made on the basis of experience or 15 interest in the subject matter jurisdiction of the codes enforcement board and shall, wherever possible, include an architect, a business person, an engineer, a general contractor, a 16 subcontractor, a realtor, and a citizen. 17 18 (c) The initial appointments of the codes enforcement board shall be as follows: 19 (1)Two members shall be appointed for a term of one year. 20 (2) Three members shall be appointed for a term of two years. 21 (3)Two members shall be appointed for a term of three years. 22 Thereafter, any appointment shall be made for a term of three years. A member may be 23 24 reappointed upon approval of the board of county commissioners. When a member's term expires, the member may continue to serve until the board of county commissioners takes action 25 by either reappointing the member or appointing the member's replacement. Appointments to fill 26 any vacancy on the codes enforcement board shall be for the remainder of the unexpired term of 27 office. 28 29 30 (d) The attendance policy for the codes enforcement board shall be in accordance with the 31 attendance policy for boards and committees as set forth in the Alachua County Commission's Rules and Procedures. If any member fails to attend two of three successive meetings without 32 cause and without prior approval of the chair, the enforcement board shall declare the member's 33 office vacant, and the Board of County Commissioners shall promptly fill such vacancy. 34 35
  - necessary to take action. The members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the board of county

(f) At the first meeting of the codes enforcement board, the members thereof shall elect a

chairman, who shall be a voting member, and a vice-chairman from among the board members.

The presence of four or more members shall constitute a quorum of the codes enforcement board

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(e) [ Reserved. ]

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1 2	commissioners, or as are otherwise provided by law.
3	(g) Regular meetings of the board shall occur no less frequently than once every two months, but the board may meet as often as necessary. Special meetings of the board may be convened by the
5 6	chairman upon giving notice thereof to each of the members of the board, and special hearings may also be called by written notice signed by at least three members of the board. The notice of
7 8	a special meeting shall be given at least 24 hours prior thereto.
9	(h) Minutes shall be maintained of all meetings and hearings held by the codes enforcement
10	board, and all meetings, hearings, and proceedings shall be open to the public.
11	
12	(i) The department of growth management, office of codes enforcement shall provide clerical
13	and administrative support to the codes enforcement board as may be reasonably required by the
14	board for the proper performance of its duties.
15	
16	(j) A member of the authority may be removed for neglect of duty or misconduct in office by majority vote of the Board of County Commissioners. A member may be removed for cause only
17 18	after he or she has been given a copy of the charges at least ten days prior to the hearing thereon
19	and has had an opportunity to be heard in person or by counsel. If a member is removed, a record
20	of the proceedings, together with the charges and findings thereon, shall be filed in the office of
21	the Clerk of the Circuit Court.
22	
23	SECTION 4. Repealing Clause. All ordinances or portions thereof in conflict herewith
24	are, to the extent of such conflict, hereby repealed.
25	SECTION 5. Modification. It is the intent of the Board of County Commissioners that
26	the provisions of this ordinance may be modified as a result of considerations that may arise
27	during public hearings. Such modifications shall be incorporated into the final version of the
28	ordinance adopted by the Board and filed by the Clerk to the Board.
29	SECTION 6. Severability. If any word, phrase, clause, paragraph, section or provision of
30	this ordinance or the application hereof to any person or circumstance is held invalid or
31	unconstitutional, such finding shall not affect the other provisions or applications of the
32	ordinance which can be given effect without the invalid or unconstitutional provisions or
33	application, and to this end the provisions of this ordinance are declared severable.
34	SECTION 7. <u>Inclusion in the Code, Scrivener's Error</u> . It is the intention of the Board of

1 County Commissioners of Alachua County, Florida, and it is hereby provided that the provisions 2 of this ordinance shall become and be made a part of the Code of Ordinances of Alachua County, 3 Florida; that the section of this ordinance may be renumbered or re-lettered to accomplish such 4 intent and that the word "ordinance" may be changed to "section", "article", or other appropriate 5 designation. The correction of typographical errors that do not affect the intent of the ordinance may be authorized by the County Manager or designee, without public hearing, by filing a 6 7 corrected or re-codified copy of the same with the Clerk of the Circuit Court. 8 SECTION 8. Effective Date. A certified copy of this ordinance shall be filed with the Department of State by the Clerk of the Board within ten (10) days after enactment by the 9 Board and shall take effect upon filing with the Department of State. 10 11 **DULY ADOPTED** in regular session, this ____ day of ______, 2020. 12 13 **BOARD OF COUNTY COMMISSIONERS OF** 14 15 ALACHUA COUNTY, FLORIDA 16 ATTEST: 17 By: 18 Robert Hutchinson, Chair 19 **Board of County Commissioners** 20 Jesse K. Irby, II 21 Clerk of Court 22 APPROVED AS TO FORM 23 24 25 County Attorney 26 (SEAL) 27 28



## Special Magistrate, Code Enforcement Board Discussion

Alachua County Board of County Commissioners August 25, 2020



## **Background Information**

- In April 2018, the Board of County Commissioners passed an ordinance creating the Code Enforcement Special Magistrate.
- On February 25, 2020, Commissioner Byerly moved to agenda for the first available policy discussion the matter of a magistrate vs. a Code Enforcement Board. The motion carried 5-0



## **Codes Enforcement Options**

- 1. Replace the Code Enforcement Board, and only utilize the Special Magistrate
- 2. Maintain the current process, but create provisions on member attendance and removal for neglect or misconduct.



### 1. Maintain Current Process

- Currently, the Special Magistrate receives
   Tobacco 21 and environmental-related
   violations.
- Codes Enforcement Board receives all other violations.



# Recommended Ordinance Amendment if Code Enforcement Board remains

Amend current Code Enforcement Board ordinance to include provisions on

- 1. Attendance; and
- 2. Removal for neglect or misconduct



### a. Attendance

(d) The attendance policy for the codes enforcement board shall be in accordance with the attendance policy for boards and committees as set forth in the Alachua County Commission's Rules and Procedures. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the Board of County Commissioners shall promptly fill such vacancy.

Source: Section 162.05(e), Florida Statutes



## b. Removal for Neglect of Duty or Misconduct in Office

(j) A member of the authority may be removed for neglect of duty or misconduct in office by majority vote of the Board of County Commissioners. A member may be removed for cause only after he or she has been given a copy of the charges at least ten days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. If a member is removed, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Clerk of the Circuit Court.

Source: Alachua County Code Section 32.05(b), Housing Finance Authority



# 2. Only utilize Special Magistrates, no longer use Code Enforcement Board

- If the Codes Enforcement Board is replaced, then the Special Magistrate would have jurisdiction to hear any alleged violation of the Alachua County Code.
- Use of a Special Magistrate would not preclude either party from appealing a Special Magistrate's order to the circuit court.
- There would not be any change in the County's burden to prove a violation occurred.
- The Codes Enforcement Board shall continue to exist until October 1, 2020, to allow for a transition from the Code Enforcement Board to the Special Magistrate. On October 1, 2020, the Codes Enforcement Board would cease to exist.



# Recommended Ordinance Amendment if Code Enforcement Board is repealed

Delete current Code Enforcement Board code, and amend the Special Magistrate code so that all alleged county code violations are heard by the Special Magistrate.



### Costs

- Costs per case for notice and recording are the same whether a case is heard by a Special Magistrate or Code Enforcement Board.
- Currently, the Code Enforcement Board utilizes an outside attorney who is paid pursuant to contract, which would be comparable to the costs associated with a contract for a Special Magistrate.
- A deputy would be used for both Code Enforcement Board and Special Magistrate, resulting in no additional cost.
- Code Enforcement staff will provide administrative and clerical support to Special Magistrates, just as they do for the Code Enforcement Board, resulting in no additional cost under either proposed ordinance.



## Staff Recommendation

Recommend authorization to advertise one of the proposed ordinances either replacing the Codes Enforcement Board with the Special Magistrate, or amend the current Code Enforcement Board code to include provisions for attendance and removal for neglect or misconduct.

Tuesday, April 24, 2018 – 5:00 P.M. Jack Durrance Auditorium Room County Administration Building 12 Southeast First Street Gainesville, Florida

The Alachua County Board of County Commissioners met for the Regular Meeting.

**PRESENT:** Chair Lee Pinkoson, Vice-Chair Charles "Chuck" Chestnut, Commissioners Ken Cornell, Mike Byerly and Robert "Hutch" Hutchinson

**ALSO PRESENT:** County Manager Michele Lieberman, County Attorney Sylvia Torres, Deputy County Manager James Harriot, Assistant County Manager Tommy Crosby and Deputy Clerk Stephanie Sisney

#### ABSENT:

The meeting was televised on Cox Cable Channel 12.

#### Approval of Public Hearing Agenda

The meeting was called to order at 5:01 P.M.

1. Approve the agenda

Fiscal Consideration: N/A

**Recommended Action:** A Motion to Approve the Agenda: (a) approve any amendments to the Public Hearing Agenda; and (b) adopt the Public Hearing Agenda.

**Commissioner Cornell moved** to adopt the agenda as presented. The motion carried 5-0.

#### **Proclamations and Presentations**

2. <u>2018 "Saving My Alachua" Environmental Art Contest Winners Recognition</u>

Fiscal Consideration: N/A

**Recommended Action:** Recognize winners of the 2018 "Saving My Alachua" Environmental Art Contest and Calendar.

Environmental Protection Director Chris Bird presented the above item to the Board and recognized the winners of the 2018 "Saving My Alachua" Environmental Art Contest and Calendar.

#### Tuesday, April 24, 2018 - 5:00 P.M.

#### **Public Hearing**

3. <u>Public hearing to consider the adoption of an ordinance to establish a Special Magistrate for enforcement cases as an alternative option to the Code Enforcement Board and citations</u>

**Fiscal Consideration:** Advertising costs, \$195 to be charged to 008.55.5521.537.49.04.

**Recommended Action:** Adopt the Special Magistrate Ordinance.

Environmental Protection Steve Hofstetter presented the above item to the Board.

Commissioner Byerly, Commissioner Hutchinson, Commissioner Byerly, Commissioner Cornell, Chair Pinkoson, Commissioner Byerly, Commissioner Hutchinson, County Manager Michele Lieberman and Commissioner Byerly presented comments.

#### **Commissioner Byerly moved** the following:

- 1. To adopt the Special Magistrate Ordinance.
- 2. The County Manager provides the Board of County Commissioners a written annual report of any cases that go before the Special Magistrate.

Commissioner Hutchinson and County Manager Lieberman presented comments.

#### The motion carried 5-0.

4. <u>Local Option Fuel Tax Ordinance</u>

Fiscal Consideration: N/A

**Recommended Action:** Adopt the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County.

Assistant County Manager Jim Harriot presented the above item to the Board.

Commissioner Byerly, Chair Pinkoson and Commissioner Byerly presented comments.

#### Tuesday, April 24, 2018 – 5:00 P.M.

Commissioner Byerly moved to adopt the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County and stipulate that the five cent additional local option fuel tax uses at least 15% for dedicated or stand-alone bicycle/pedestrian projects determined by the County's prioritized project list and the other 85% goes to other uses.

#### **Public Comments:**

Christine Young presented comments to the Board.

Commissioner Byerly presented comments.

The motion carried 5-0.

5. <u>Public Hearing to amend the FY18 budget for midyear adjustments</u>

**Fiscal Consideration:** Amended Budget: General Fund \$169,231,780; Total Budget \$471,907,008

**Recommended Action:** Adopt resolution and Approve amended budget.

OMB Manager Diane Smith presented the above item to the Board.

Chair Pinkoson, Commissioner Hutchinson, Chair Pinkoson, Commissioner Hutchinson and Chair Pinkoson provided comments.

**Commissioner Hutchinson moved** to adopt the resolution and approve amended budget. The motion carried 5-0

#### Public Comments (The earlier of 5:30PM or at the conclusion of the agenda)

#### 6. Public comments

Fiscal Consideration: N/A

**Recommended Action:** Hear Public Comments.

Ray Washington, Adele Fransen, Charles Kelum, County Manager Lieberman, Peggy Johnson, Ken Hopejoy and Freddy Johnson presented comments to the Board.

Commissioner Byerly, County Manager Lieberman, Commissioner Hutchinson, County Attorney Sylvia Torres and Chair Pinkoson presented comments.

#### <u>Tuesday, April 24, 2018 – 5:00 P.M.</u>

#### **Closing Comments**

7. <u>Closing comments from the public</u>

Fiscal Consideration: N/A

**Recommended Action:** Hear closing comments from the public.

Mary Helen Wheeler presented comments to the Board.

8. <u>Closing comments from Commissioners</u>

Fiscal Consideration: N/A

**Recommended Action:** Hear closing comments from Commissioners.

Commissioner Byerly sent an email requesting information about the parcel where the State Attorney's Office is and discussed the highest and best use for the parcel that was part of the purchase of the State Attorney Office building.

County Manager Lieberman and Jim Harriot, Commissioner Byerly and County Manager Lieberman presented comments.

**Commissioner Byerly moved** to direct Staff to agenda for discussion at a Regular Meeting of the highest and best use for the parcel that was part of the purchase of the State Attorney Office building. Staff should provide backup and policy choices.

Commissioner Hutchinson requested Staff to generate a GIS map to color code County owned parcels.

#### The motion carried 5-0.

There being no further business before the Board, the meeting was adjourned at 6:13 P.M.

Tuesday, May 12, 2015 – 9:00 A.M. & 5:00 P.M.
County Administration Building
Jack Durrance Auditorium
12 Southeast First Street
Gainesville, Florida

The Alachua County Board of County Commissioners met in regular session.

**PRESENT:** Chair Charles S. "Chuck" Chestnut, IV, presiding, Vice Chair Robert

"Hutch" Hutchinson, Commissioners Mike Byerly, Ken Cornell, and

Lee Pinkoson

ALSO PRESENT: County Manager Dr. Lee Niblock, Assistant County Manager Jim

Harriot, County Attorney Michele Lieberman, Clerk J.K. Irby, Assistant Clerk/Finance Director Todd Hutchison, and Deputy Clerk

Bob Decker

The meeting was televised live on Cox Cable Channel 12.

#### Invocation

Pastor Terry Hull of the High Springs Church of God gave the Invocation.

#### Pledge of Allegiance

Chair Chestnut led the Pledge of Allegiance.

Chair Chestnut opened the meeting at 9:01 A.M.

#### 1. Approve the Agenda

Amount: N/A

**Recommended Action:** A Motion to Approve the Agenda: (a) approve any amendments to the Regular and Consent Agenda; (b) adopt the Regular Agenda; and (c) approve all items on the Consent Agenda.

County Manager Lee Niblock requested the following changes to the agenda:

- 1. to add <u>OEC Business Interiors: Approval of the Finance Report, Approval to Issue Purchase Orders #151353 and #151354</u> to the Consent Agenda,
- 2. to move item 37, <u>Timber Sale Agreement between Alachua County and Gator Timber and Land, LLC for the Turkey Creek Timber Harvest Contract Number 15-525</u> from the Consent Agenda to the Regular Agenda.

Commissioner Pinkoson requested that the added Consent Agenda item be moved to the Regular Agenda.

Commissioner Cornell requested that item 33, <u>Quarterly Hiring Activity Report for 2nd Quarter FY 2015</u>, be moved from the Consent Agenda to the Regular Agenda in order to hear a brief presentation.

Commissioner Cornell moved adoption of the agenda as modified. The motion carried 5-0.

#### **Announcements**

2. Announcements, Mark Sexton, Communications Coordinator

Amount: N/A

**Recommended Action:** Hear Announcements by Mark Sexton Communications

Coordinator

Communications and Legislative Affairs Director Mark Sexton presented the following announcements:

- 1. Jonesville Park will have improvements in the near future, including a traffic signal and playground.
- 2. Mr. Sexton presented a Take 5 broadcast regarding Tools for Schools.

#### **Time Certain Items**

#### **Community Outreach**

#### **Recognitions and Proclamations**

4. Length of Service Milestone Recipients

Amount: N/A

**Recommended Action:** Recognize County Employees that have reached a Length of Service or Career Milestone in April, 2015.

Human Resources Director Karen Gerding presented the above item.

5. <u>2015 Management Academy Graduates, Employee Recognition and Presentation</u> of Certificates

Amount: N/A

**Recommended Action:** Recognize Management Academy 2015 graduates

Human Resources Director Karen Gerding and Training Manager Susannah Causier presented the above item.

6. Proclamation declaring May 2015 as "National Bicycle Month" in Alachua County, FL

Amount: N/A

Recommended Action: Proclaim May 2015 as "National Bicycle Month" in Alachua County, FL

Commissioner Byerly read and presented the Proclamation to Marilyn Hedley who accepted it with gratitude.

Chair Chestnut recognized Marilyn Hedley who presented comments to the Board.

7. Proclamation declaring May 25th, 2015 as "Memorial Day" in Alachua County, FL

Amount: N/A

Recommended Action: Proclaim May 25th, 2015 as "Memorial Day" in Alachua County, FL

Commissioner Pinkoson read and presented the Proclamation to Veterans Services Director Kim Smith who accepted it with gratitude.

Chair Chestnut recognized Veterans Services Director Kim Smith who presented comments to the Board.

#### Public Comments (9:30AM)

3. AM Public Comments

Amount: N/A

**Recommended Action:** Hear Public Comments

Chair Chestnut recognized Tamara Robbins who presented comments to the Board.

8. Proclamation declaring May 17 - 23, 2015 as "Public Works Week" in Alachua County, FL

Amount: N/A

**Recommended Action:** Proclaim May 17 - 23, 2015 as "Public Works Week" in

Alachua County, FL

Chair Chestnut read and presented the Proclamation to Public Works Director David Cerlanek who accepted it with gratitude.

Chair Chestnut recognized Public Works Director David Cerlanek who presented comments to the Board.

9. <u>Proclamation declaring May 12th, 2015 as "Tools for Schools Heroes Day" in</u> Alachua County, FL

Amount: N/A

**Recommended Action:** Proclaim May 12th, 2015 as "Tools for Schools Heroes Day" in Alachua County, FL

Commissioner Cornell read and presented the Proclamation to Solid Waste Director Sally Palmi who accepted it with gratitude.

Chair Chestnut recognized Solid Waste Director Sally Palmi who presented comments to the Board.

#### **Presentations** (15 Minute Time Limit)

10. <u>Government Finance Officers Association Distinguished Budget Presentation</u> <u>Award for 2014 to the Office of Management and Budget</u>

Amount: N/A

**Recommended Action:** Accept the Government Finance Officers Association Distinguished Budget Presentation Award to Alachua County.

GFOA North Central Florida Chapter President Todd Hutchison presented the above item.

Chair Chestnut recognized Office of Management and Budget Director Tommy Crosby who presented comments to the Board.

#### **Governmental Units**

#### **Constitutional Officers/Other Governmental Units**

11. Marijuana Arrest Data

Amount: N/A

A

Sadie Darnell.

Alachua County Sheriff Sadie Darnell presented the above item.

Chair Chestnut recognized Alachua County Sheriff's Office Lieutenant Kaley Behl who presented comments to the Board.

**Recommended Action:** Hear presentation on Marijuana Arrest Data by Sheriff

#### **Community Planning Group**

12. <u>City of Alachua rezoning approval of approximately 154.5 acres near the</u> intersection of I-75 and US 441

Amount: N/A

**Recommended Action:** Provide staff direction.

County Manager Lee Niblock and Environmental Protection Director Chris Bird presented the above item.

Chair Chestnut recognized County Attorney Michele Lieberman who presented comments to the Board.

#### **Commissioner Byerly moved:**

- 1. Direct the County Attorney to file a writ of certiorari to challenge the actions of the City board and file a complaint for declaratory and injunctive relief
- 2. Direct County staff to do a comparison of existing best stormwater requirements in the County
- 3. Request in writing that the City of Alachua engage the County at the staff level to seek consensus on enhanced stormwater infrastructure for the subject site based upon new information that the County has provided.
- 4. Direct County staff to perform an analysis of options for the County to consider incorporating into its own Code to enhance stormwater quality.
- 5. Direct County Attorney's office to bring back any documentation required to initiate the dispute resolution process at the next Regular Meeting.
- 6. Set aside \$15,000.00 for court costs and transcripts.

Chair Chestnut recognized Environmental Protection Director Chris Bird who presented comments to the Board.

#### **Commissioner Byerly moved the amended motion:**

- 1. Direct the County Attorney to file a writ of certiorari to challenge the actions of the City board and file a complaint for declaratory and injunctive relief
- 2. Direct County staff to do a comparison of existing best stormwater requirements in the County
- 3. Direct County staff to form a technical working group to facilitate the development and adoption of advanced pollution prevention and stormwater treatment standards to better protect the water quality of the Floridan Aquifer and the Santa Fe River springs due to stormwater runoff from intensive land uses occurring or planned Countywide. Participation would be encouraged by representatives of all interested municipal governments, Alachua County, Suwanee River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, University of Florida, Florida Springs Institute and other stakeholders as appropriate.

- 4. Direct County Attorney's office to bring back any documentation required to initiate the dispute resolution process at the next Regular Meeting.
- 5. Set aside \$15,000.00 for court costs and transcripts.

#### **Commissioner Byerly moved the amended motion:**

- 1. Direct the County Attorney to file a writ of certiorari to challenge the actions of the City of Alachua Commission and file a complaint for declaratory and injunctive relief. Direct the County Attorney's office to bring back any documentation required to initiate the dispute resolution process at the next regular meeting. Authorize a budget for the County Attorney in an amount of up to \$15,000.00 for court costs and transcripts required during the dispute resolution process.
- 2. Direct County staff to do a comparison of existing best stormwater requirements within the County.
- 3. Direct County staff to form a technical working group to facilitate the development and adoption of advanced pollution prevention and stormwater treatment standards to better protect the water quality of the Floridan Aquifer and the Santa Fe River springs due to stormwater runoff from intensive land uses occurring or planned Countywide. Participation would be encouraged by representatives of all interested municipal governments, Alachua County, Suwanee River Water Management District, Florida Department of Environmental Protection, Florida Department of Transportation, University of Florida, Florida Springs Institute and other stakeholders as appropriate.

Chair Chestnut recognized Charles Roberson, Lynn Coulias, Tamara Robbins, Alachua City Attorney Marian Rush, City of Alachua Assistant City Manager Adam Boukari, Karen Arrington, Alachua City Manager Traci Cain, Phil Holly, Rudy Rothseiden, Jeanette Hensdale, and Carol Thomas, who presented comments to the Board.

Chair Chestnut called the question on part 1 of the motion,

1. Direct the County Attorney to file a writ of certiorari to challenge the actions of the City of Alachua Commission and file a complaint for declaratory and injunctive relief. Direct the County Attorney's office to bring back any documentation required to initiate the dispute resolution process at the next regular meeting. Authorize a budget for the County Attorney in an amount of up to \$15,000.00 for court costs and transcripts required during the dispute resolution process.

**The motion carried 4-1** with Commissioner Pinkoson voting nay.

Chair Chestnut called the question on parts 2 and 3 of the motion,

2. Direct County staff to do a comparison of existing best stormwater requirements within the County.

Direct County staff to form a technical working group to facilitate the development and adoption of advanced pollution prevention and stormwater treatment standards to better protect the water quality of the Floridan Aquifer and the Santa Fe River springs due to stormwater runoff from intensive land uses occurring or planned Countywide. Participation would be encouraged by representatives of all interested municipal governments, Alachua County, Suwanee River Water Management District, Florida of Environmental Protection, Florida Department of Transportation, University of Florida, Florida Springs Institute and other stakeholders as appropriate.

#### The motion carried 5-0.

37. Timber Sale Agreement between Alachua County and Gator Timber and Land, LLC for the Turkey Creek Timber Harvest Contract Number 15-525

**Amount:** \$59,262.00

**Recommended Action:** The Board should execute the Timber Sale Agreement between Alachua County and Gator Timber and Land, LLC for the Turkey Creek Timber Harvest and authorize the Chair's signature.

Commissioner Byerly left the room at 1:27 P.M.

Conservation Land Manager Ramesh Buch presented the above item.

Chair Chestnut recognized County Forester Stephen Montgomery who presented comments to the Board.

Commissioner Cornell moved to execute the Timber Sale Agreement between Alachua County and Gator Timber and Land, LLC for the Turkey Creek Timber Harvest and authorize the Chair's signature. The motion carried 4-0 with Commissioner Byerly out of the room.

#### **Community Services Group**

13. Empowerment Center Oversight Advisory Board recommendation regarding residency requirement to access homeless services

Amount: N/A

**Recommended Action:** The Oversight Advisory Board decided that it does not have a position on the matter at this point in time.

County Manager Niblock presented the above item.

**Commissioner Pinkoson moved** to request that Ms. Baker give a presentation to the Board on homelessness as soon as possible.

#### <u>Tuesday</u>, <u>May 12</u>, <u>2015 – 9:00 A.M. & 5:00 P.M.</u>

Chair Chestnut recognized County Manager Niblock who presented comments to the Board.

**The motion carried 4-0** with Commissioner Byerly out of the room.

14. CHOICES Trust Fund Balance, Use Options

**Amount:** \$8,200,000.00

**Recommended Action:** Approve the Department of Community Support Services recommendation to use CHOICES Funds from the Surtax to financially support existing County funded and community agency healthcare programs.

County Manager Niblock presented the above item.

**Commissioner Pinkoson moved** to hear the presentation and discuss the matter during the budget process.

Chair Chestnut recognized Community Support Services Director Susan Myers and Brendan Shortley who presented comments to the Board.

**Commissioner Pinkoson moved the substitute motion** to hear the presentation, discuss the matter during the budget process, and staff is to take all steps necessary to have an RFP ready for when the Board makes a decision.

Chair Chestnut recognized ACORN Clinic Executive Director Candice King who presented comments to the Board.

**The motion carried 4-0** with Commissioner Byerly out of the room.

**Commissioner Hutchinson moved** to authorize a Chair letter to the Governor, the Legislative Leadership, and the Alachua County Legislative Delegation, specifically in support of expanding Medicaid and funding the LIP program and providing information on the economic and health-related impacts of not doing so on the Alachua County community.

Chair Chestnut recognized Communications and Legislative Affairs Director Mark Sexton and ACORN Clinic Executive Director Candice King who presented comments to the Board.

**The motion carried 4-0** with Commissioner Byerly out of the room.

33. Quarterly Hiring Activity Report for 2nd Quarter FY 2015

Amount: N/A

**Recommended Action:** Accept the Quarterly Hiring Activity Report for the 2nd quarter of FY 2015.

Equal Opportunity Manager Jacqueline Chung presented the above item.

**Commissioner Cornell moved** approval of the report.

Chair Chestnut recognized County Manager Lee Niblock who presented comments to the Board.

**The motion carried 4-0** with Commissioner Byerly out of the room.

Added Item: OEC Business Interiors: Approval of the Finance Report, Approval to Issue Purchase Orders #151353 and #151354

**Amount:** \$278,859.24

**Recommended Action:** Approve and execute the Finance Report and Purchase Order #151353 and #151354 to OEC Business Interiors for the furniture of the Property Appraiser's Office and the Supervisor of Elections Office at 515 North Main Street Building.

Facilities Director Charlie Jackson presented the above item.

**Commissioner Pinkoson moved** to approve and execute the Finance Report and Purchase Order #151353 and #151354 to OEC Business Interiors for the furniture of the Property Appraiser's Office and the Supervisor of Election's Office at 515 North Main Street Building. The motion carried 4-0 with Commissioner Byerly out of the room.

#### **Closing Comments**

#### **Public Comments - 15 Minutes**

15. Closing Comments from the Public

Amount: N/A

**Recommended Action:** Hear Closing Comments from the Public

There were no citizens present who wished to provide comments to the Board of County Commissioners.

#### **County Attorney Comments**

16. County Attorney Comments

Amount: N/A

**Recommended Action:** Hear County Attorney Comments.

County Attorney Lieberman had no items to present.

#### **County Manager Comments**

17. County Manager's Comments

Amount: N/A

**Recommended Action:** Hear Manager's Comments

County Manager Niblock presented the following items:

- 1. A tour of Orange Lake weir is scheduled for June 12, 2015 at 9:30 A.M.
- 2. County Manager Niblock requested the Board determine whether the June 30, 2015 Fire/Rescue presentation would be held at 1:30 or 5:00 P.M.

By consensus the Board directed the County Manager to schedule the meeting for 1:30 P.M.

County Attorney Lieberman reminded the Board that any meeting of the Board must be available to the public and thus the tour of Orange Lake could not include a boat tour.

#### **Commission Comments**

18. **Commission Comments** 

Amount: N/A

**Recommended Action:** Commission Comments

Commissioner Hutchinson requested information on the Qualified Energy Conservation Bond formula allocation.

Commissioner Hutchinson requested a meeting to discuss the future of the west lawn of the County Administration Building.

County Manager Niblock stated there would be an event in the latter part of October.

Commissioner Cornell requested information on the Looking Forward report.

County Manager Niblock stated he was reviewing the report.

#### **MEETING RECESSED 3:05 P.M.**

#### MEETING RECONVENED 5:00 P.M. – ALL COMMISSIONERS PRESENT

### **Evening Community Outreach and Public Hearing Proclamations, Recognitions and Presentations**

19. <u>Proclamation declaring May 16 - 22, 2015 as "National Safe Boating Week" in Alachua County, FL</u>

Amount: N/A

**Recommended Action:** Proclaim May 16 - 22, 2015 as "National Safe Boating Week" in Alachua County, FL

Chair Chestnut read and presented the Proclamation to United States Coast Guard Auxiliary Division 15 District 7 Commander Diane Berman who accepted it with gratitude.

Chair Chestnut recognized United States Coast Guard Auxiliary Division 15 District 7 Commander Diane Berman who presented comments to the Board.

Commissioner Byerly left the room at 5:05 P.M.

#### **Public Hearings**

#### Quasi-Judicial/Zoning Items

County Attorney Michele Lieberman stated that while the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence, as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony.

Mrs. Lieberman further stated that all persons wishing to participate and speak on an issue at the public hearing would be sworn in prior to speaking during this proceeding. All persons will have the right, through the Chair, to ask questions, seek clarification of comments made and to respond to the comments or presentations of staff or other speakers; or to refute or respond to any ex-parte communication. All persons who present written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceedings and official minutes.

Deputy Clerk Bob Decker requested that the Commissioners state any ex parte communications they had received on the Quasi-Judicial items.

Commissioner Hutchinson stated that he visited the Goodwin site and had a conversation with the Goodwins.

#### **New Business**

22. ZOX-02-15: Goodwin wood processing facility special exception

Amount: N/A

**Recommended Action:** Staff recommends approval of Resolution Z-15-9, approving ZOX-02-15, a special exception for a wood processing facility.

Senior Planner Jerry Brewington presented the above item.

**Commissioner Pinkoson moved** approval of Resolution Z-15-9, approving ZOX-02-15, a special exception for a wood processing facility with the bases and conditions therein.

Commissioner Byerly entered the room at 5:15 P.M.

Commissioner Byerly stated he received no ex parte communications.

Chair Chestnut opened the Public Hearing at 5:16 P.M.

There were no citizens present who wished to speak on behalf of or in opposition to the motion.

Chair Chestnut closed the Public Hearing at 5:16 P.M.

#### The motion carried 5-0.

23. Request to rescind ZOS-21-85, a special use permit to allow a sawmill

Amount: N/A

**Recommended Action:** Staff recommends approval of Resolution Z-15-10, rescinding ZOS-21-85, a special use permit for a sawmill.

Commissioner Pinkoson moved approval of Resolution Z-15-10, rescinding ZOS-21-85, a special use permit for a sawmill.

Chair Chestnut opened the Public Hearing at 5:16 P.M.

There were no citizens present who wished to speak on behalf of or in opposition to the motion.

Chair Chestnut closed the Public Hearing at 5:16 P.M.

The motion carried 5-0.

#### Legislative items

#### 21. <u>Codes Enforcement Special Magistrates</u>

Amount: N/A

**Recommended Action:** Adopt one of the ordinances presented, which either create Codes Enforcement Special Magistrates as an alternative to the current Codes Enforcement Board without replacing the Codes Enforcement Board or eliminate the Codes Enforcement Board and replace it with Codes Enforcement Special Magistrates.

County Attorney Michele Lieberman and Assistant County Attorney Corbin Hansen presented the above item.

**Commissioner Pinkoson moved** to adopt the Ordinance to create Codes Enforcement Special Magistrates as an alternative to the current Codes Enforcement Board without replacing the Codes Enforcement Board.

Chair Chestnut recognized County Attorney Michele Lieberman who presented comments to the Board.

Chair Chestnut stated it was 5:30 P.M. and opened the floor for public comments.

#### Public Comments - then resume Public Hearing (5:30PM)

#### 20. PM Public Comments

Amount: N/A

**Recommended Action:** Hear PM Public Comments

There were no citizens present who wished to present comments to the Board.

#### 21. <u>Codes Enforcement Special Magistrates (continued)</u>

Amount: N/A

**Recommended Action:** Adopt one of the ordinances presented, which either create Codes Enforcement Special Magistrates as an alternative to the current Codes Enforcement Board without replacing the Codes Enforcement Board or eliminate the Codes Enforcement Board and replace it with Codes Enforcement Special Magistrates.

Chair Chestnut recognized County Attorney Michele Lieberman and Assistant County Attorney Corbin Hansen who presented comments to the Board.

Commissioner Byerly moved the substitute motion to adopt an Ordinance to eliminate the Codes Enforcement Board and replace it with Codes Enforcement Special Magistrates.

Chair Chestnut opened the Public Hearing at 5:41 P.M.

Chair Chestnut recognized Terry Martin-Back, Jerry Painter, Codes Enforcement Board Chair Mitchell Martin, John Farrell, Codes Enforcement Board Attorney Terry Zinn, Assistant Growth Management Director Rick Wolf, Natural Resources Program Division Supervisor Steve Hofstetter, and Assistant County Attorney Corbin Hansen, who presented comments to the Board.

Chair Chestnut closed the Public Hearing at 6:32 P.M.

Commissioner Pinkoson moved the substitute motion to leave status quo with the Codes Enforcement Board.

Chair Chestnut recognized Assistant Growth Management Director Rick Wolf and John Farrell who presented comments to the Board.

**The motion carried 4-1** with Commissioner Byerly voting nay.

#### **Closing Comments**

#### **Public Comments - 15 minutes**

24. PM Closing Comments from the Public

Amount: N/A

**Recommended Action:** Hear Closing Comments from the Public

Commissioner Byerly stated that he had a conversion on the Orange Lake Weir with the County Attorney and that she had recommended a motion.

Commissioner Byerly moved to direct the County Manager and the County Attorney to research and report to the Board on the following:

- 1. Ownership of the Orange Lake Weir,
- 2. Responsibility for deciding on the future of the Orange Lake Weir
- 3. Suggestions for proceeding with the issue.

Chair Chestnut recognized County Attorney Michele Lieberman who presented comments to the Board.

#### The motion carried 5-0.

**Commissioner Byerly moved** to direct staff to return to the Board with options for increasing utilization of the County's sidewalk mitigation program including what it would take to make it a requirement.

Chair Chestnut recognized Assistant County Manager James Harriott who presented comments to the Board.

#### The motion carried 5-0.

#### Adjourn

There being no further business the meeting was adjourned at 6:46 P.M.

#### **CONSENT/Community Outreach**

#### **CONSENT/Governmental Units**

#### **Constitutional Officers/Other Governmental Units**

#### 25. Removal of Uncollectible Accounts From the Financial Statements

**Amount:** \$1,122,920.43

**Recommended Action:** Adopt the resolution and authorize removal of uncollectible accounts from the financial statements.

#### 26. Federal Election Activities Grant: Certification of Matching Funds for 2014 -15

Amount: N/A

**Recommended Action:** Certify that the required 15 percent match is available in the FY2015 Supervisor of Elections' Budget.

#### 27. Disposal of Surplus Property

**Amount:** \$95,994.00

**Recommended Action:** Request adoption of the resolution on Disposal of Alachua County Surplus Property with Attachment A "Alachua County Surplus Property Disposal Report".

#### 28. Request for ratification of the Warrant List

Amount: N/A

**Recommended Action:** Ratify the Warrant List.

#### 29. Board of County Commissioners Minutes, Request Approval

Amount: N/A

**Recommended Action:** Approve the attached Board of County Commission minutes.

#### **County Manager**

30. <u>Senior Management Designation for Human Resources Director</u>

**Amount:** \$4,000.00

**Recommended Action:** Authorize the designation of Human Resources Director as Senior Management Service Class in the Florida Retirement System.

31. Resolution Amending Phalanx Defense Systems, LLC QTI Wage Requirements

Amount: N/A

**Recommended Action:** Approve amended Resolution and authorize the Chair's signature

32. Report of contracts and grants signed by County Manager and staff for March, 2015

Amount: N/A

**Recommended Action:** Accept the report and include a copy of the documents in the minutes of the Board of County Commissioners.

#### **Support Services Group**

34. <u>FY15 Capital Improvement Program (CIP) Amendment and Update</u>

**Amount:** \$126,639.00

**Recommended Action:** Request Approval of this Update, amend the FY2015 Capital Improvement Program (CIP) and execute the Budget Amendment

35. <u>Annual Self Funded Health Insurance Renewal</u>

Amount: N/A

**Recommended Action:** Approve the Self Insurance Review Committees (SIRC) recommendations to offer a self-funded health insurance plan for the FY 15/16 with an 8 percent rate increase and authorize the use of health insurance BlueOptions -C 05770 (Modified 1) fund retained earnings to financially stabilize the plan for FY 15/16.

36. Mohawk Carpet Distributing, Purchase Order 151321

**Amount:** \$123,360.59

**Recommended Action:** Approve the Finance Report and Purchase Order 151321 issued to Mohawk Carpet Distributing in the amount of \$123,360.59 and authorize the chairperson's signature.

#### **Community Planning Group**

38. <u>SAD, Authorization to advertise 2nd Public Hearing and mail notices to property owners</u>

Amount: N/A

**Recommended Action:** Authorize (1) the advertisement of the second public hearing and (2) mailing of the notice to property owners for the proposed Special Assessment to use the alternative surface treatment for NW 210 Avenue, NW 205 Street, NW 218 Avenue and NW 202 Street, east of NW County Road 236.

#### **Community Services Group**

39. Renewal of the Certificate of Public Convenience and Necessity for City of Gainesville Fire Rescue and Alachua County Fire Rescue

Amount: \$0

**Recommended Action:** Approve the renewal of the Certificate of Public Convenience and Necessity for City of Gainesville Fire Rescue and Alachua County Fire Rescue

40. <u>Alachua County Housing Finance Authority HAP, Amendment</u>

Amount: N/A

**Recommended Action:** Approve proposed amendment to the Alachua County Housing Finance Authority Housing Assistance Plan and authorize Chair to sign Resolution 15-__.

41. <u>Foster Grandparent Program (FGP) Grant Fund</u>

**Amount:** \$374,620.00 grant \$108,563 County cash match

**Recommended Action:** Accept the FGP Notice of Grant Award, and approve an Inter Fund Loan in the amount of \$50,000.



#### Alachua County, FL

12 SE 1st Street Gainesville, Florida

#### **Agenda Item Summary**

Agenda Date: 9/8/2020 Agenda Item No.: 6.

#### Agenda Item Name:

CPA 04-20: Large-Scale Comprehensive Plan Text Amendment to Rural and Agricultural Policies in Section 6.0 of the Future Land Use Element

#### Presenter:

Ken McMurry (352) 374-5249

#### **Description:**

Public Hearing on Transmittal of a County-initiated Large-Scale Comprehensive Plan Amendment to Rural and Agricultural policies including requirements and standards related to clustered rural residential subdivisions and increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads.

#### **Recommended Action:**

Staff recommends that the Board of County Commissioners transmit CPA 04-20 to the State Land Planning Agency and other reviewing agencies for review and comment.

#### **Prior Board Motions:**

December 4, 2018:

- 1. Direct staff to develop language regarding the open space associated with Rural Cluster Subdivisions to specify that area is conservation land and silviculture is not an allowable usage but food production on a limited basis could be an option, staff to provide some language for the Board to review.
- 2. The trigger for requiring Rural Cluster Subdivisions should be 10 units and not 25.

February 14, 2019: Accept the modifications as proposed by staff with the following changes:

- 1. That the last sentence of Policy 6.2.12(c)(1) be stricken and any changes necessary to make the elimination of the sentence possible.
- 2. 6.2.12(e)(3) A forest management plan for the open space of the rural cluster subdivision will only be required on existing silviculture operations and only to the point where they can be made an acceptable fire risk.
- 3. Request for language that would allow some discretion/flexibility as to the requirement for paved internal access on rural developments.

May 5, 2020: Accept the changes and modifications proposed by staff with amendments to 6.2.12.(c.) (1) Permitted uses, and to 6.2.12(e) Ownership, maintenance, and management plan, and authorize staff to advertise for public hearings.

#### **Fiscal Consideration:**

Agenda Date: 9/8/2020 Agenda Item No.: 6.

N.A.

#### Background:

In May 2018, the Board of County Commissioners identified local foods as one of many issues to include in the Evaluation and Appraisal of the Comprehensive Plan that is periodically required by Florida Statutes, Sec. 163.3191, to update the Comprehensive Plan. As part of the Evaluation and Appraisal process, the local foods issue was discussed in workshops and with Advisory Committees, including the Local Planning Agency as well as the Rural Concerns Advisory Committee, and was translated into strategies and draft policy amendments that were presented to the Board on December 4, 2018. At the December 4th meeting, the Board also directed staff to develop additional language to lower the threshold for requiring clustering and clarify uses permitted in the open space. Staff brought these changes back in February 14, 2019, and at that meeting the Board accepted these draft modifications and directed staff to bring back additional policy changes to uses permitted in the open space, to management plans, and to allow flexibility for internal road paving requirements in rural residential subdivisions. At its March 28, 2019 meeting, staff brought these back and the County Commission reviewed these draft policies again; some Board members expressed concerns with some aspects of the draft language on open space and agriculture in clustered rural residential subdivisions, and the Board deferred discussion of these issues to a future meeting after the public hearings on the amendments based on the Evaluation and Appraisal of the Comprehensive Plan. Staff brought back discussion of the draft changes to the Board at the May 5, 2020 meeting, and at that meeting the Board authorized advertisement for public hearings on the draft provided by staff along with two additional modifications, to types of agricultural uses in the open space and to timing of the transition of ownership and maintenance of open space from an original owner to a homeowners association.

At its August 19, 2020 Public Hearing on this item, the Local Planning Agency recommended that the Board of County Commissioners transmit CPA 04-20 to the State Land Planning Agency and other reviewing agencies for review and comment. Once CPA 04-20 is transmitted to the State Land Planning Agency for expedited review and received by the reviewing agencies, any agency comments must be received by the County within 30 days. The County must then hold its second public hearing to adopt the CPA 04-20 amendments within 180 days of receipt of agency comments.

Attachments include Exhibit 1 (included in Staff Report) containing text of the amendments by CPA 04-20; Attachment A. Selected Maps Adopted in the Comprehensive Plan or from Supporting Data and Analysis for Reference; Attachment B. Excerpted Policies for Reference from Future Land Use Element (Includes Proposed Amendments) and Conservation and Open Space, Housing, Economic, and Energy Elements; and a letter from the Alachua County Rural Concerns Advisory Committee to the County Commission Regarding Draft Changes in CPA 04-20 (also previously provided to the County Commission on July 2, 2020).



## **CPA 04-20**

Large Scale Comprehensive Plan Text Amendment to Rural and Agricultural Policies in Section 6.0 of the Future Land Use Element

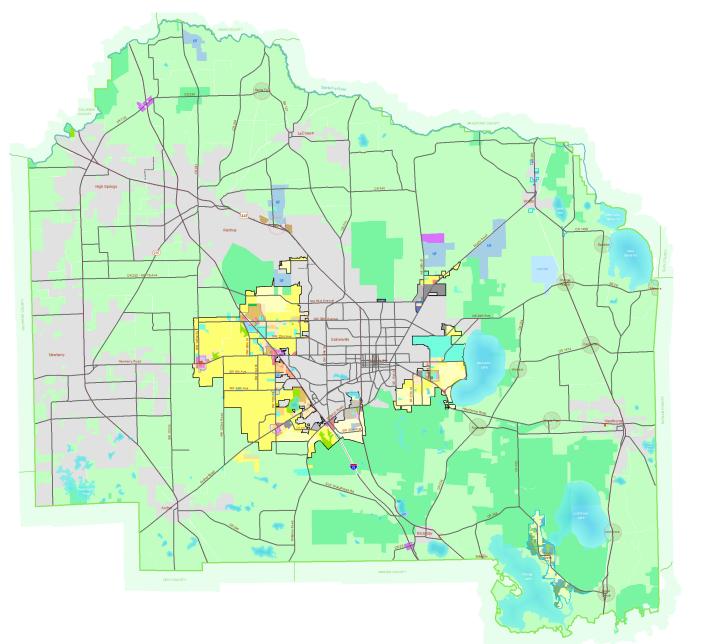
Alachua County Board of County Commissioners
Transmittal Public Hearing: September 8, 20 380

### **Summary of CPA 04-20**

Amendments to Policies relating to rural residential subdivisions, in 3 categories:

- 1) Lowering the threshold for requiring clustering, clarifying uses in the open space, and clarifying management plans and their implementation;
- 2) Increasing incentive for inclusion of agricultural uses in the open space to further the local foods initiative;
- 3) More flexibility regarding internal road paving requirements for rural residential subdivisions by increasing maximum number of lots allowed to have internal unpaved private easement roads.

### Adopted Future Land Use Map 2040 – Alachua County, Florida





### **Adopted Rural and Agricultural Objectives and Policies**

Use in areas identified as Rural/Agricultural on Future Land Use Map:

- Agricultural activities and related uses
- Rural residential at max density of 1 dwelling unit/5 acres (with certain exceptions)
- Other rural uses

Encourage continuation of productive agricultural uses through integrated strategies.

Protect Rural and Agricultural areas consistent with:

- Retention of agriculture, open space, rural character
- Preservation of environmentally sensitive areas
- Efficient use of public facilities and services

### Consistency with Community Planning Act (F.S. Ch. 163, II)

The Alachua County Comprehensive Plan as amended by CPA 04-20 is consistent with the Community Planning Act and is internally consistent with and implements the overall framework in the adopted Comprehensive Plan:

- Innovative planning strategies while protecting environmentally sensitive areas
- Coordinates future land uses with topography, soil conditions, and the availability of facilities and services, and ensures protection of natural and historic resources
- Consistent with and furthers policies in several other Elements, including:
  - Conservation and Open Space Energy
  - Economic Housing

### **Clustered Rural Residential Subdivisions**

Strategy for ensuring compatibility between residential and agricultural uses while protecting key natural resources such as strategic ecosystems.

The Principles and Strategies of the Comprehensive Plan in the Future Land Use

Element include "Minimize the conversion of land from rural to urban uses . . . while preserving environmentally sensitive areas, according to the following: . . . Utilize mechanisms such as . . . conservation subdivisions." (General Strategy 1)

Benefits include protection of natural resources, preservation of agricultural areas, opportunities for local food production, reduced costs for infrastructure and maintenance.

from Conservation Design For Subdivisions, R. Arendt

# 1) Lowering the Threshold for Requiring Clustering, Clarifying Uses in Open Space, Management Plans

Amendments to Policies by CPA 04-20 shown in blue italics underline strikethrough

- Lower threshold in Policy 6.2.14(a) for requiring clustering, from 25 lots to 10 lots, and rewrite Policy as follows:
  - "New rural residential developments of 10 or more lots shall be developed as clustered rural residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations."
- Add to Goals for clustering in Policy 6.2.9: "Provide opportunities for agriculture areas such as community gardens or farms."

### Minimum 50% open space in accordance with design principles (Policy 6.2.12(b)(1)b.)

- Protect natural, historic, paleontological resources and agricultural areas
- Conservation areas receive top priority
- "Agricultural areas . . . shall be included evaluated for inclusion as part of the designated open space area . . . Agricultural uses consistent with Permitted and Prohibited Uses and in accordance with requirements for management plans are encouraged to be included as part of the designated open space area" (as detailed in Policies 6.2.12(c) 6.2.12(e)(3))
- Single contiguous area, logical boundaries, eliminate and minimize fragmentation
- Linked open space networks
- Permanent protection required in perpetuity, runs with land

### **Uses in Open Space** (Policy 6.2.12(c))

(1) "Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture <u>for food production</u> including community gardens, <u>non-intensive</u> silviculture <u>consistent with (3) below</u> . . ."

Eliminate: provision for continuation of existing homestead in open space

(3) "Intensive silviculture uses of planted monoculture "plantation" forests with intensive management regimes that include practices adverse to the natural resource values and functions of a natural forest system shall not be allowed . . . "

"Only natural forest management in accordance with open space management plan consistent with 6.2.12(e)(3) may be considered."

# Ownership and maintenance of open space by one or a combination of: (Policy 6.2.12(e)(1)a.-f.)

- "Original landowner <u>with provision for transition of ultimate</u> <u>ownership to one of the entities below</u>"
- Homeowners association
- Established Land Trust
- "Non-profit conservation <u>or agricultural</u> organization"
- County or public agency

### **Open Space Management Plans** (Policy 6.2.12(e)(3))

- Required for all open space
- Add to Policy on objectives, procedures, and responsibilities for management, wildfire mitigation:
- "Consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety"
- "Identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulation"
- "Any silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management"

(continued)

### **Open Space Management Plans** (Policy 6.2.12(e)(3))

(continued)

"Land Development Regulations shall be updated for:

- "Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with F.S. 720.307"
- "Recommended practices for any agricultural activities in the open space from sources such as UF-IFAS (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with Comprehensive Plan policies including natural resource protection."

### **Definitions**

<u>Community Gardens:</u> Collaborative non-intensive agriculture on common open space primarily for consumption and use of residents.

Natural Forest Management: Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

Regenerative Agriculture: A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

# 2) Increasing Incentive for Rural Residential Subdivisions to be Clustered to further Local Food Initiative

### **Density and Intensity** (Policy 6.2.10)

"The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres . . ., except . . . incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element . . .

(d) As an incentive to cluster . . ., if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number <u>of</u> units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area <u>or agriculture area such as community gardens</u> set aside as open space; plus 1 additional unit per every 20 acres <u>of other</u> non-conservation area set aside as open space."

# 3) More Flexibility Regarding Internal Road Paving Requirements for Rural Residential Subdivisions

"No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below . . ." (Policy 6.2.6)

"Subdivisions of no more than six <u>nine</u> lots may be created from any parent parcel . . . , with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, <u>public safety, emergency vehicle access</u>, and maintenance. A parent parcel, . . . shall not be divided into more than six <u>nine</u> lots without having paved roads throughout the subdivision." (Policy 6.2.6.1)

## CPA 04-20 Next Steps

- Today: BoCC Public Hearing on Transmittal of Amendments
- State Expedited Review Process Agencies have 30 days from receipt of transmitted amendment to comment
- BoCC Public Hearing on Adoption of Amendments Within 180 days after receipt of any agency comments

## LPA Recommendation (8-19-2020)

That the Board of County Commissioners **transmit CPA 04-20** to the State Land Planning Agency and other reviewing agencies for review and comment.

### **Staff Recommendation**

Staff recommends that the Board of County Commissioners **transmit CPA 04-20** to the State Land Planning Agency and other reviewing agencies for review and comment.



# Alachua County

# **Growth Management Staff Report**

**Application: CPA-04-20** 

**Staff Contact:** Ken McMurry, Planner 352-374-5249

Local Planning Agency Hearing Date: August 19, 2020

Board of County Commissioners Transmittal Hearing Date: September 8, 2020

Board of County Commissioners Adoption Hearing Date: TBD

Summary of Amendment: CPA 04-20: A Large-Scale Comprehensive Plan Amendment to Rural and

Agricultural policies including requirements and standards related to clustered rural residential subdivisions and increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved

private easement roads.

Applicant/Agent: Alachua County Board of County Commissioners

Staff Recommendation: Staff recommends that the Board of County Commissioners transmit CPA

04-20 to the State Land Planning Agency and other reviewing agencies for

review and comment.

**LPA Recommendation:** That the Board of County Commissioners **transmit CPA 04-20** to the State

Land Planning Agency and other reviewing agencies for their review and

comment.

BoCC Recommendation: TBD

#### **SUMMARY OF AMENDMENT CPA 04-20**

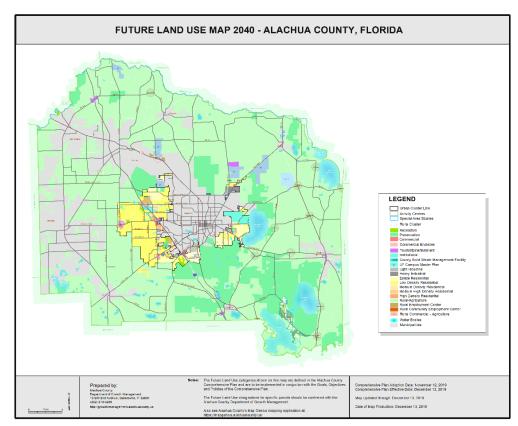
CPA 04-20 is a County-initiated text amendment to the Alachua County Comprehensive Plan: 2019-2040 to amend policies in Section 6.0 Rural and Agricultural Policies of the Future Land Use Element, specifically those relating to Rural Residential Subdivisions, including requirements and standards related to clustered rural residential subdivisions and increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads.

The changes in CPA 04-20 are in three categories:

- Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations;
- 2. Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative;
- 3. Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads.

#### **INTRODUCTION**

The Goals, Principles, and Strategies of the Future Land Use Element of the Alachua County Comprehensive Plan include provisions to "focus urban development in a clearly defined area and strengthen the separation of rural and urban uses" (Future Land Use Element Principle 2). The Future Land Use Map designates the Urban Cluster that separates the unincorporated urban area from the rural area in accordance with this principle (see Future Land Use Map 2040, below, and in Attachment A. Map 1).



Of the 440,000 acres of unincorporated rural area outside the Urban Cluster, approximately 328,000 acres are designated as Rural/Agriculture, shown as light green on the Future Land Use Map. About three-quarters of the area designated Rural/Agriculture is presently undeveloped, including lands used for agriculture and timberland, and approximately 50,000 acres is developed as residential (see Attachment A. Map 2. Generalized Existing Land Use Map). About half of the area designated Rural/Agriculture contains areas identified as strategic ecosystems (see Attachment A. Map 3), and wetlands are also widely distributed throughout the area (see Attachment A. Map 4).

Section 6.0 of the adopted Future Land Use Element includes objectives and policies relating to the rural area outside the Urban Cluster and Objective 6.2 specifies the uses allowed in areas designated as Rural/Agriculture on the Future Land Use Map (see Attachment B: Future Land Use Element Obj. 6.2). These uses include agricultural activities, including forestry, cattle grazing, cultivation of crops, dairies, and uses serving agricultural activities such as products, supplies, and farmers' markets. Rural residential uses are allowed at a maximum density of 1 unit per 5 acres, and the preferred form for new rural residential subdivisions is that they be clustered (Policy 6.2.9).

#### **Cluster Development Design**

Clustered design of developments is a strategy for ensuring compatibility between residential and agricultural uses while protecting key natural resources such as strategic ecosystems. The Principles and Strategies of the Comprehensive Plan in the Future Land Use Element include "Minimize the conversion of land from rural to urban uses . . . while preserving environmentally sensitive areas, according to the following: . . . Utilize mechanisms such as . . . conservation subdivisions" (Future Land Use Element General Strategy 1). The Plan sets a limit on the number of new subdivision lots to no more than 150 per year in the Rural/Agriculture area except for those that are part of clustered subdivisions, and also requires that new subdivisions with more than 100 lots have a special area study and special area study plan (see Attachment B., Future Land Use Element Policy 6.2.7. and 6.2.8). By using clustered design for rural residential subdivisions, with substantial areas of the development set aside as open space while concentrating development on the least sensitive portion of the property, permanent protection of large contiguous areas with natural resources can be done; the policies for design of such subdivisions give priority to the identification and inclusion of natural resources for permanent protection as part of the open space as a means of implementing the policies for protection of natural resources adopted in the Conservation and Open Space Element, excerpted in Attachment B.



Clustered Subdivision, from Conservation Design for Subdivisions, R. Arendt

The stated goals of clustering in the Comprehensive Plan are "to protect natural and historic resources; support continued agricultural activities by preserving viable soils and effective land masses; minimize land use conflicts; provide recreational and habitat corridors through linked open space networks; achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure; and reduce natural hazard risks to life and property" (see Attachment B., Future Land Use Element Policy 6.2.9). The literature on clustering identifies this form of development as a means of accomplishing these goals and objectives:

"Residential cluster development is a form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses" ("Smart Codes: Model Land-Development Regulations", American Planning Association, 2009).

Randall Arendt, who has consulted and written extensively on clustered subdivisions, including *Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*, and *Growing Greener: Putting Conservation into Local Plans and Ordinances*, has noted environmental benefits that include preserving natural drainage systems, wildlife habitat, and linked open space networks; cultural benefits of preserving rural character and scenic quality; and economic benefits including preservation of agricultural areas, opportunities for local food production, and reduced costs for infrastructure, maintenance, and service vehicles. According to Arendt, "Developers can reduce the costs of building roads, local governments save on periodic road resurfacing, and home buyers often pay less because of these cost savings" ("Open Space Zoning", R. Arendt, *Planning Commissioners Journal*, 1992).

#### **BACKGROUND**

In May 2018, the Board of County Commissioners identified local foods as one of many issues to include in the Evaluation and Appraisal of the Comprehensive Plan, as periodically required by Florida Statutes, Sec. 163.3191. As part of the Evaluation and Appraisal process, the local foods issue was discussed in workshops and with Advisory Committees, including the Rural Concerns Advisory Committee, and was translated into strategies and draft policy amendments that were presented to the Board in December 2018. In addition to those amendments, the Board directed staff to also incorporate additional changes to lower the threshold for requiring clustering and clarify uses permitted in the open space. Staff brought these changes back in February 2019, and the Board accepted these and directed staff to bring back additional policy changes to uses permitted in the open space, to management plans, and to allow flexibility for internal road paving requirements in rural residential subdivisions. At its March 2019 meeting, when the County Commission reviewed these draft policies again, Board members had continued concerns with some aspects of open space and agriculture in clustered rural residential subdivisions, and decided to defer discussion of these issues to a future meeting after the adoption of amendments based on the Evaluation and Appraisal. On May 5, 2020, staff brought back discussion of the draft changes to the Board, which authorized advertisement for public hearings on the draft provided by staff along with two additional modifications, to types of agricultural uses in the open space and to timing of the transition of ownership and maintenance of open space from an original owner to a homeowners association.

#### **CONSISTENCY WITH COMMUNITY PLANNING ACT FLORIDA STATUTES CHAPTER 163**

Florida Statutes Ch. 163, Part II, the Community Planning Act, governs local government comprehensive plans in Florida, which much be consistent with the statutory requirements both with respect to elements of plans and internal consistency of plans. The Alachua County Comprehensive Plan as adopted and as amended by CPA 04-20, which amends specific details relating to implementation aspects of plan policies as detailed in the

Analysis of Changes to Comprehensive Plan by CPA 04-20 below, is consistent with the Community Planning Act as reviewed and summarized below.

Policies in the Comprehensive Plan related to clustered rural residential subdivisions are consistent with and carry out several requirements of the Community Planning Act, particularly those related to future land use elements, coordinating future land uses with topography, soil conditions, and the availability of facilities and services, and ensuring the protection of natural and historic resources (F.S. 163.3177(6)); and consistency among elements of a comprehensive plan (163.3177(2)).

The Comprehensive Plan provision for clustered rural residential subdivisions in the Future Land Use Element, and in coordination with the Conservation and Open Space Element, is a key strategy for implementing the protection of natural resources, such as strategic ecosystems, as an alternative to a Special Area Study. The Energy Element also provides for promoting energy efficient land use patterns through measures such as clustering in the rural area.

The Conservation and Open Space Element of the Comprehensive Plan provides for the land development regulations to provide performance standards for development in and adjacent to conservation and preservation areas including innovative approaches such as clustered rural residential subdivisions. Economic Element Objectives include encouraging the use of community gardens, and call for the land development regulations to address the use of open space areas for community gardens (Economic Element Objective 1.9). The Energy Element also provides for promoting energy efficient land use patterns through measures such as clustering in the rural area (Energy Element Policy 3.1.1). The Housing Element Goal is "to promote safe, sanitary, and affordable housing for all current and future Alachua County residents" and Objective 1.1 provides for the "development of affordable housing . . . through policies that focus on land use and facilities, and for the review of regulations to ensure they do not unduly limit opportunities for lower income groups to secure housing" (see Attachment B., which includes excerpted policies from these Elements for reference).

The policies are also consistent with the Community Planning Act emphasis on innovative planning strategies while protecting environmentally sensitive areas (F.S. 163.3168). The Rural and Agricultural policies of the Comprehensive Plan further the statutory encouragement of innovative design through providing for clustered rural residential subdivisions. The adopted clustering policies also provide a policy basis for "innovative land development regulations" encouraged in F.S. 163.3202(3).

#### **ANALYSIS OF CHANGES TO COMPREHENSIVE PLAN BY CPA 04-20**

The following analysis is a comparison and discussion of adopted Comprehensive Plan policies and the CPA 04-20 amendments as shown Exhibit 1 in the three categories:

- Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations;
- 2) Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative; and
- 3) Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads.

1) Lowering the threshold for requiring clustered rural residential subdivisions, clarifying the permitted and prohibited uses in the open space, and clarifying management plans and their implementation through the land development regulations

#### **Adopted Policies**

Section 6.0 Rural and Agricultural Policies in the adopted Comprehensive Plan provides that areas identified as Rural/Agriculture on the Future Land Use Map include residential uses, and that clustering is the preferred design for new rural residential subdivisions in order to protect the characteristics and features of rural areas (FLUE Policy 6.2.9). Clustering is required at a threshold of 25 lots (FLUE Policy 6.2.14.(a)).

Clustered rural residential subdivision design requires that a minimum of 50% of the property be identified and permanently protected as open space, with conservation areas given first priority for inclusion followed by agricultural areas (FLUE Policy 6.2.12.(a) and (b)). Within the open space, the policies specify that permitted uses are conservation areas, non-intensive agriculture including community gardens, silviculture, community uses such as common open space, and resource-based recreation, and common stormwater facilities, energy, water supply and septic system drainfields (FLUE Policy 6.2.12.(c)).

Requirements for ownership methods, maintenance, and management plans for the open space are also specified in the policies (FLUE Policy 6.2.12.(e)). Ownership and maintenance of the open space is by one or a combination of several possible entities, including the original landowner. Management plans for the open space are required to establish objectives, outline procedures, and define roles and responsibilities for managing the open space.

#### Amendments by CPA 04-20 (as in Exhibit 1)

The policy amendments in CPA 04-20 include lowering the threshold for requiring new rural residential developments to cluster from 25 lots to 10 lots, excerpted below (in underline/strikethrough format) from Exhibit 1:

#### Policy 6.2.14 Applicability

(a) New rural residential subdivisions of parcels legally created prior to October 2, 1991, consisting of 25 or more lots shall be clustered according to the policies and requirements under this section. New rural residential developments of 10 or more lots shall be developed as clustered rural residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations.

The CPA 04-20 policy amendments to the design principles for selecting and designing open space clarifies that agricultural areas shall be evaluated for inclusion in the open space. The amendments to permitted uses in the open space include the following changes, and as shown in the policy following the discussion.

- Clarification that agricultural uses are for food production and silviculture is limited to non-intensive silviculture as detailed in additional policies
- Provision of more detail on permitted uses and corresponding implementation requirements in management plans for the open space
- Elimination of the provision for an existing homestead to continue in the open space
- Intensive silviculture (monoculture plantations with intensive management regimes as detailed in the new policies) is not allowed; only natural forest management as detailed in the new policies may be considered

The CPA 04-20 policy amendments to the ownership, maintenance, and management plan policies require transition of the ultimate ownership and control of the open space from the original landowner to one of the other specified entities. Criteria for the timing of transfer of ownership and maintenance from original landowner to a homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307, is required to be specified in the land development regulations.

The CPA 04-20 policy amendments to the section on management plans emphasize that the management plan objectives must be consistent with the Conservation and Open Space Element objectives and policies, to identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the lands development regulations. Any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The amendments to the section on management plans also specify that the land development regulations will be updated consistent with goals, objectives, and policies of the Comprehensive Plan. This includes recommended practices for any agriculture activities within the open space to be considered to the extent consistent with natural resource protection policies in the Comprehensive Plan.

The policy changes summarized above are excerpted below (in underline/strikethrough format) from Exhibit 1:

#### **Policy 6.2.12** Open Space Area in Clustered Subdivisions

• • •

- (b) Design Principles . . .
  - (1) Protect natural, historic, and paleontological resources and agricultural areas of the site identified through a site specific inventory.

• • •

b. Agricultural areas with viable soils and effective land masses shall be included evaluated for inclusion as part of the designated open space area after resource protection criteria are met. Agricultural uses consistent with 6.2.12(c) Permitted and Prohibited Uses and in accordance with requirements for management plans in 6.2.12(e)(3) are encouraged to be included as part of the designated open space area.

. . .

- (c) Permitted and Prohibited Uuses.
  - (1) Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture for food production including community gardens, non-intensive silviculture consistent with (3) below, and common open space, resource-based recreation uses which maintain the undeveloped area in a natural state, permeable stormwater facilities consistent with Stormwater Element Policy 5.1.11, community energy systems, and common water supply systems and common septic system drainfields. A residential unit used as a homestead just prior to the creation of the clustered subdivision can continue to be used as a homestead within the open space area and not counted toward the total number of units allowed in the rural clustered subdivision.

. . .

(3) Intensive silviculture uses of planted monoculture "plantation" forests, with intensive management regimes that include practices that are adverse to the natural resource values and functions of a natural forest system, shall not be allowed in any clustered rural residential subdivision. Only natural forest management in accordance with provisions of

the applicable open space management plan consistent with 6.2.12(e)(3) may be considered.

. . .

- (e) Ownership, maintenance, and management plan.
  - (1) Ownership methods. Ownership and maintenance of open space shall be by one or a combination of the following:
    - a. Original landowner <u>with provision for transition of ultimate ownership and control</u> to one of the entities below
    - b. Homeowners association
    - c. Established land trust
    - d. Non-profit conservation or agricultural organization
    - e. Alachua County, with county approval
    - f. Other public agency (e.g. Water Management District)

• • •

(3) Management plan. An open space management plan shall be required to accompany the development plan, subject to county review and approval. The management plan shall establish management objectives consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety, and outline procedures, and define the roles and responsibilities for managing the open space. The management plan shall identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulations. Management shall include wildfire mitigation and any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The land development regulations for open space ownership, maintenance, and management in clustered rural subdivisions shall be updated consistent with applicable Goals, Objectives, and Policies in the Comprehensive Plan. Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307 shall be specified in the land development regulations. As part of the update of these regulations, recommended practices for any agricultural activities within the open space, from sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS) (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with policies in the Comprehensive Plan including natural resource protection.

The CPA 04-20 amendments also include new definitions for the terms Natural Forest Management; the adopted Plan does not include definitions of Community Gardens or Regenerative Agriculture so staff developed

definitions based on discussion of these terms and concepts at Board workshops. They are also included in Exhibit 1 as excerpted below.

#### **FUTURE LAND USE ELEMENT DEFINITIONS**

. . .

<u>Community Gardens:</u> Collaborative non-intensive agriculture on common open space primarily for consumption and use of residents.

. . .

Natural Forest Management: Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

. . .

Regenerative Agriculture: A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

# 2) Increasing the incentive for inclusion of agricultural uses in the open space of clustered rural residential subdivisions to further the local foods initiative

#### **Adopted Policies**

In addition to the requirements for clustering, the Plan also provides incentives for clustering in the form of additional units allowed above the maximum of a gross residential density of 1 unit for 5 acres in the Rural/Agriculture area (FLUE Objective 6.2): two additional units are allowed for design of a development in the form of a clustered residential subdivision, and 1 additional unit is also allowed for each 10 acres of conservation area and each 20 acres of non-conservation area that are included in the open space (FLUE Policy 6.2.10.(d)).

#### Amendments by CPA 04-20 (as in Exhibit 1)

To further the local foods initiative, the amendments modify the policies relating to incentives for clustering by providing for 1 additional unit per 10 acres of agriculture areas such as community gardens set aside as open space area, as excerpted below (in underline/strikethrough format) from Exhibit 1:

#### **Policy 6.2.10** Density and Intensity

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except . . . as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element. These standards include the following requirements:

- (a) Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with Conservation and Open Space Element Policies 4.7.4. and 4.6.6.
- (b) Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in Conservation and Open Space Element Objective 3.6.
- (c) Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to Conservation and Open Space Element Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.

(d) As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number of units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area or agriculture area such as community gardens set aside as open space; plus 1 additional unit per every 20 acres of other non-conservation area set aside as open space.

# 3) Providing more flexibility regarding internal road requirements by increasing the maximum number of lots in rural residential subdivisions allowed to have internal unpaved private easement roads

#### **Adopted Policies**

The adopted Comprehensive Plan requires all new rural residential subdivisions in the area designated as Rural/Agriculture to have internal paved roads that meet county standards, with an exception for subdivisions of no more than 6 lots. Such a subdivision can provide access to a private easement road internal to the subdivision that meets county standards for minimum width, stabilization, and maintenance (FLUE Policy 6.2.6 -6.2.6.1). This exception provides an option for rural residential subdivisions with a limited number of lots to reduce infrastructure and development costs by providing an internal easement road that meets the above county standards but that does not require the additional cost of paving.

#### Amendments by CPA 04-20 (as in Exhibit 1)

The CPA 04-20 amendments provide for flexibility for internal road requirements in more rural residential subdivisions, by increasing the maximum number of lots allowed to have unpaved private easement roads from six lots to nine lots; the amendment also specifies "public safety" and "emergency vehicle access" are added to the County road standards that must be met. This has the potential to reduce costs of road design and construction in rural residential subdivisions between 7 and 9 lots in addition to those that are 6 or less. This is consistent with the Housing Element Goal "to promote safe, sanitary, and affordable housing for all current and future Alachua County residents" and Objective 1.1 which provides for the "development of affordable housing . . . . through policies that focus on land use and facilities, and for the review of regulations to ensure they do not unduly limit opportunities for lower income groups to secure housing" (see Attachment B. Excerpted Policies for Reference).

- **Policy 6.2.6** No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below. Residential subdivisions of more than six nine lots in the Rural/Agricultural area shall be designed to provide:
  - (a) Paved, interconnected, internal, and local roads that are dedicated to a responsible maintenance entity.
  - (b) Limited driveways, including the use of common access driveways, on rural collector and arterial roads.
  - (c) Paved public road access.
- Policy 6.2.6.1 Subdivisions of no more than six nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum

width, stabilization requirements, <u>public safety</u>, <u>emergency vehicle access</u>, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than <u>six nine</u> lots without having paved roads throughout the subdivision.

#### EFFECT OF THE PROPOSED AMENDMENTS ON AFFORDABLE HOUSING

By lowering the threshold for required clustering of new rural residential subdivisions from 25 lots to 10 lots, this amendment has the potential to result in more rural residential subdivisions designed in this form. Such clustered rural residential subdivisions can have reduced street lengths and costs for construction, maintenance, and utility installations, as detailed in the Cluster Development Design section above. To the extent that such reductions in costs are translated to lower unit prices to buyers, this has the potential to result in more units at more affordable prices.

Increasing the maximum number of lots in rural residential subdivisions allowed to have unpaved private easement roads from six lots to nine lots has the potential to reduce costs of road design and construction. To the extent that such reductions in costs are translated to lower unit prices to buyers, this has the potential to result in more units at more affordable prices.

#### **STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners transmit CPA 04-20 to the State Land Planning Agency and other reviewing agencies for review and comment.

#### **BASES**

- 1. The Alachua County Comprehensive Plan, as amended by CPA 04-20, is consistent with the Community Planning Act (Florida Statutes Ch. 163) as detailed in the analysis above.
- 2. The Alachua County Comprehensive Plan, as amended by CPA 04-20, is internally consistent with and implements the overall framework in the adopted Comprehensive Plan as detailed in the analysis above.

## **Exhibit 1:**

## **CPA 04-20 Amendments to Future Land Use Element**

#### **6.0 RURAL AND AGRICULTURAL POLICIES**

. . .

Parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with those policies, such that the natural functions of the resource area are not significantly altered. This shall be accomplished either through clustering of new developments in accordance with Policy 6.2.9 through 6.2.14 below, or for developments of less than 25 10 lots that might not be clustered in accordance with these policies, through a development plan that assures the permanent protection of natural resources consistent with the requirements of the Conservation and Open Space Element; the land development regulations shall detail the requirements for management and permanent protection of the ecological value of natural resources in those developments that are not clustered through legally enforceable mechanisms that provide protection of those resources equivalent to the protection under Policies 6.2.12(c) through 6.2.12(e).

. . .

#### **RURAL RESIDENTIAL SUBDIVISIONS**

- **Policy 6.2.6** No subdivision may be created without paved public road access and all subdivisions created must have internal paved roads that meet county standards, except as provided under Policy 6.2.6.1 below. Residential subdivisions of more than six nine lots in the Rural/Agricultural area shall be designed to provide:
  - (a) Paved, interconnected, internal, and local roads that are dedicated to a responsible maintenance entity.
  - (b) Limited driveways, including the use of common access driveways, on rural collector and arterial roads.
  - (c) Paved public road access.
- Policy 6.2.6.1 Subdivisions of no more than six nine lots may be created from any parent parcel existing as of October 2, 1991, with access to a private easement road internal to the subdivision if such internal subdivision road provides a direct connection to a public road with sufficient right of way to meet county standards. Such internal subdivision roads must meet county standards for minimum width, stabilization requirements, public safety, emergency vehicle access, and maintenance. A parent parcel, existing as of October 2, 1991, shall not be divided into more than six nine lots without having paved roads throughout the subdivision.
- **Policy 6.2.7** The Development Review Committee shall not authorize more than 150 lots smaller than eight acres in the Rural/Agricultural area in any calendar year except for lots that are clustered according to the provisions of 6.2.9 6.2.14.
- **Policy 6.2.8** New rural residential subdivisions of parcels legally created prior to October 2, 1991, which contain more than 100 lots, including cumulative phases or continued subdivision of land in common ownership or partnership as of October 2, 1991, shall be allowed only after adoption of a comprehensive plan amendment based on a completed special area study. This study, developed through the Community

Planning Program, shall address factors such as transportation impacts, community services, fire protection, impacts on surrounding land uses, and environmental issues. This requirement for a comprehensive plan amendment is not applicable to a rural residential subdivision that exceeds 100 lots as a result of incentive density bonuses for clustering.

#### **Policy 6.2.9** Clustering

The preferred design for new rural residential subdivisions is that they be clustered in order to protect the characteristics and features of rural areas through the following goals:

- (a) Protect natural and historic resources.
- (b) Support continued agricultural activities by preserving viable soils and effective land masses.
- (c) <u>Provide opportunities for agriculture areas such as community gardens.</u>
- (c)(d) Minimize land use conflicts.
- (d)(e) Provide recreational and habitat corridors through linked open space networks.
- (e)(f) Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.
- (f)(g) Reduce natural hazard risks to life and property.

#### Policy 6.2.10 Density and Intensity

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category, except as a result of the provisions for accessory dwelling units found in Policy 6.2.10.1, family homestead exceptions found in Policy 6.2.14(c), temporary permits issued by the Growth Management Department or as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the Conservation and Open Space Element. These standards include the following requirements:

- (a) Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with Conservation and Open Space Element Policies 4.7.4. and 4.6.6.
- (b) Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in Conservation and Open Space Element Objective 3.6.
- (c) Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to Conservation and Open Space Element Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.
- (d) As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number of units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area or agriculture area such as community gardens set aside as open space; plus 1 additional unit per every 20 acres of other non-conservation area set aside as open space.
- **6.2.10.1** To provide for a greater range of choices of housing types, affordable housing, and the promotion of infill into existing neighborhoods while maintaining rural character, one accessory dwelling unit shall be allowed on residential lots in the Rural/Agriculture area without being included in gross residential density calculations as follows.
  - (b) Performance criteria shall be detailed in the land development regulations and include elements such as size, site design, access, and parking requirements. In no instance shall an accessory

- dwelling unit be permitted on a lot with less than one acre of buildable area outside the boundaries of any conservation areas.
- (c) Prior to the issuance of a building permit for the construction of an accessory dwelling unit in an existing residential area, the applicant shall provide proof of homestead exemption status establishing ownership and principal residence of the lot.
- (d) Permanent occupancy by the owner of either the primary or accessory dwelling unit shall be required for all accessory dwelling units.
- (e) The accessory dwelling unit shall meet all applicable requirements of the Florida Department of Health for the well and septic system.

#### Policy 6.2.11 Design Sequence

The design of rural residential clustered subdivisions shall be sequenced according to the following fourstep process:

- (a) Identify open space area, including natural resources consistent with Conservation and Open Space Element Section 3, agricultural areas, and potential open space network connections consistent with Conservation and Open Space Element Section 6.3.
- (b) Identify developed area and locate home sites.
- (c) Align streets and trails.
- (d) Delineate lot lines.

#### Policy 6.2.12 Open Space Area in Clustered Subdivisions

A portion of a clustered rural residential subdivision shall be designated and maintained as undeveloped open space area.

- (a) Percentage of site. Clustered Rural residential subdivisions shall designate a minimum of 50% of the site as open space area.
- (b) Design Principles. Open space shall be selected and designed according to the following principles, consistent with Conservation and Open Space Element policies for the identification and protection of natural resources:
  - (1) Protect natural, historic, and paleontological resources and agricultural areas of the site identified through a site specific inventory.
    - a. Conservation areas shall receive top priority for inclusion as part of the designated open space area, and may only be impacted in accordance with Conservation and Open Space Element policies specific to the resource.
    - b. Agricultural areas with viable soils and effective land masses shall be included evaluated for inclusion as part of the designated open space area after resource protection criteria are met. Agricultural uses consistent with 6.2.12(c) Permitted and Prohibited Uses and in accordance with requirements for management plans in 6.2.12(e)(3) are encouraged to be included as part of the designated open space area.
    - c. Historic and paleontological resources shall be included as part of the designated open space area when appropriate in accordance with the Historic Preservation Element.
  - (2) Design the open space area as a single contiguous area with logical, straightforward boundaries to eliminate or minimize fragmentation.

- (3) Form linked open space networks with existing or potential open space areas on adjacent properties, other developments, or greenways, consistent with Conservation and Open Space Element Section 6.3.
- (c) Permitted and Prohibited Uuses.
  - (1) Permitted uses in the open space area are natural resource conservation areas, non-intensive agriculture <u>for food production</u> including community gardens, <u>non-intensive</u> silviculture <u>consistent with (3) below</u>, <del>and</del> common open space, resource-based recreation uses which maintain the undeveloped area in a natural state, permeable stormwater facilities consistent with Stormwater Element Policy 5.1.11, community energy systems, and common water supply systems and common septic system drainfields. A residential unit used as a homestead just prior to the creation of the clustered subdivision can continue to be used as a homestead within the open space area and not counted toward the total number of units allowed in the rural clustered subdivision.
  - (2) More intensive agriculture uses such as concentrated animal density generally associated with milking barns, feed lots, chicken houses, or holding pens shall not be allowed in any clustered rural residential subdivision.
  - (3) Intensive silviculture uses of planted monoculture "plantation" forests, with intensive management regimes that include practices that are adverse to the natural resource values and functions of a natural forest system, shall not be allowed in any clustered rural residential subdivision. Only natural forest management in accordance with provisions of the applicable open space management plan consistent with 6.2.12(e)(3) may be considered.
- (d) Permanent protection. All future development in designated open space areas is prohibited.
  - (1) All open space shall be maintained and remain undeveloped in perpetuity using a legal instrument that runs with the land to set forth conditions and restrictions on use.
  - (2) All open space area and lots shall be restricted from further subdivision through an instrument in a form acceptable to the county and duly recorded in the public record which assures the preservation and continued maintenance of the open space.
  - (3) The boundaries of designated open space areas shall be clearly delineated on plans, including record plats, and marked in the field to distinguish these areas from developed areas.
- (e) Ownership, maintenance, and management plan.
  - (1) Ownership methods. Ownership and maintenance of open space shall be by one or a combination of the following:
    - a. Original landowner <u>with provision for transition of ultimate ownership and control to one</u> of the entities below
    - b. Homeowners association
    - c. Established land trust
    - d. Non-profit conservation or agricultural organization
    - e. Alachua County, with county approval
    - f. Other public agency (e.g. Water Management District)
  - (2) Maintenance. Unless otherwise agreed by the County, the cost and responsibility of maintaining common facilities, including but not limited to open space, private roads, shared water systems, and stormwater systems, shall be borne by the owner(s) of the open space. If

the open space is not properly maintained, the County may assume responsibility of maintenance and charge the property owner or homeowners association a fee which covers maintenance and administrative costs.

(3) Management plan. An open space management plan shall be required to accompany the development plan, subject to county review and approval. The management plan shall establish management objectives consistent with Conservation and Open Space Element objectives and policies for preservation, enhancement, and restoration of natural resource values, protection of public health and safety, and outline procedures, and define the roles and responsibilities for managing the open space. The management plan shall identify how any agriculture and silviculture operations shall avoid impacts to conservation resources according to standards in the land development regulations. Management shall include wildfire mitigation and any existing silviculture operations are required to be managed to a point where they can be made an acceptable fire risk and must transition to natural forest management.

The land development regulations for open space ownership, maintenance, and management in clustered rural subdivisions shall be updated consistent with applicable Goals, Objectives, and Policies in the Comprehensive Plan. Criteria for the timing of transfer of ownership and maintenance from original landowner to the homeowners association, such as some percentage of the lots sold or built upon, consistent with Florida Statutes 720.307 shall be specified in the land development regulations. As part of the update of these regulations, recommended practices for any agricultural activities within the open space, from sources such as University of Florida Institute of Food and Agricultural Sciences (UF IFAS) (e.g., for things such as animal stocking and crop planting rates), and principles of regenerative agriculture, shall be considered to the extent they are consistent with policies in the Comprehensive Plan including natural resource protection.

#### Policy 6.2.13 Developed Area

The developed area of the clustered rural residential subdivision shall be located outside the open space area. The land development regulations shall prescribe in detail design standards for the configuration of lots and homes, the provision of water and wastewater, roads, stormwater, and buildings and structures. At a minimum, all developed areas must be designed to comply with the following principles, to the extent feasible considering the location and protection of natural resources:

- (a) Flexible home siting and lot sizes. Diversity and originality in home siting, lot size and design are encouraged to achieve the best possible relationship between the development and the features on the land through the following strategies:
  - (1) Ownership lines should follow existing features, such as tree lines or contours.
  - (2) Lots smaller than one acre may be allowed provided that well and septic System configuration, location, and operation and maintenance comply with public health and environmental quality standards, subject to the following:
    - a. The number of lots less than one acre shall be determined and located consistent with Conservation and Open Space Element Policies 3.6.11 and 4.5.5(f).
    - b. Common septic systems may be utilized to serve lots less than one acre, consistent with Conservation and Open Space Element Policy 4.5.5(f), subject to performance criteria in the land development regulations specifying criteria such as system configuration, location, and management.

- (b) Development impacts within developed area. Development impacts and disturbance caused by buildings or construction to topography and existing site features within the developed area shall be minimized through the following strategies:
  - (1) Locating residences and structures adjacent to tree lines and wooded field edges and avoiding placement in open fields, consistent with Firewise principles.
  - (2) Preserving the maximum amount of natural vegetation by careful siting of development.
  - (3) Limiting the size of building envelopes and locating them in areas most suitable for development.
  - (4) Locating roads to minimize cut and fill (follow existing features, e.g. tree lines, access roads, contours).
  - (5) Providing buffers and setbacks from wetlands and surface waters.
  - (6) Use of common driveways.
  - (7) Encouraging community wells and septic systems within the most suitable soils.
  - (8) Designing stormwater to maximize overland flow through natural drainage systems and grassed overland (roadside and lot line) swales. The use of plants and natural land forms shall be required to slow, hold, and treat runoff from development.
- (c) Development impacts to open space and adjacent offsite areas. The total amount of impacts and disturbance to the site, including the open space area, and to adjacent areas offsite shall be minimized through strategies such as:
  - (1) Providing buffers and setbacks to protect resources and natural vegetation from development impacts consistent with Conservation and Open Space Element Section 3.6.
  - (2) Providing buffers and setbacks to protect the ability to engage in agricultural activities in neighboring areas. The width and type of buffer shall be based on the scale of the agricultural activity and other site specific factors such as topography, and shall include a minimum buffer width of two hundred feet when the developed area is adjacent to intensive agricultural uses.
  - (3) Locating developed areas and providing buffers and setbacks to eliminate or minimize the presence of development from adjacent properties.
- (d) Development impacts to adjacent public roads shall be minimized through the following strategies:
  - (1) Providing internal paved local roads, or private easements that serve no more than six nine lots consistent with Future Land Use Element Policy 6.2.6, which meet County standards and minimize access to adjacent public roads.
  - (2) Minimizing the number of driveways accessing adjacent public roads and the number of lots with direct frontage on adjacent public roads.
  - (3) Locating developed areas and providing buffers and setbacks to minimize the presence of development from adjacent public roads.

#### Policy 6.2.14 Applicability

(c) New rural residential subdivisions of parcels legally created prior to October 2, 1991, consisting of 25 or more lots shall be clustered according to the policies and requirements under this section.

New rural residential developments of 10 or more lots shall be developed as clustered rural

- <u>residential subdivisions in accordance with the policies and requirements under this section and</u> implementing land development regulations.
- (d) New rural residential subdivisions meeting all requirements for cluster development may be allowed through the development review process, provided they are consistent with Comprehensive Plan policies and land development regulations.
- (e) Exceptions to the density and intensity standards in the Rural/Agriculture area may be granted for use of a parcel as a homestead by family members that meet the family relationship criteria under Future Land Use Element Policy 7.1.20 as provided in the Land Development Regulations.
- (f) Alternatives to the requirements for Rural/Agricultural areas may be established by special area plans adopted jointly by Alachua County and a municipality pursuant to Interlocal agreements under Section 1.5 of the Alachua County Charter and Policy 1.1.1 of the Intergovernmental Coordination Element of the County Comprehensive Plan. Such special area plans shall establish policies for land use and other relevant issues such as provision of infrastructure and services within areas delineated in such joint special area plans. In order for these alternative policies to apply, the joint special area plan with a municipality must be adopted as part of the Comprehensive Plans of the both the County and the applicable municipality.

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#### **FUTURE LAND USE ELEMENT DEFINITIONS**

. . .

<u>Community Gardens:</u> Collaborative non-intensive agriculture on common open space primarily for consumption and use of residents.

. . .

Natural Forest Management: Forestry operations designed to preserve, enhance and restore the natural resource values of a forest with objectives that include, but are not limited to, improving the health and diversity of forested communities, restoring or maintaining the natural community structure and species composition, and establishing a natural community specific fire interval.

. . .

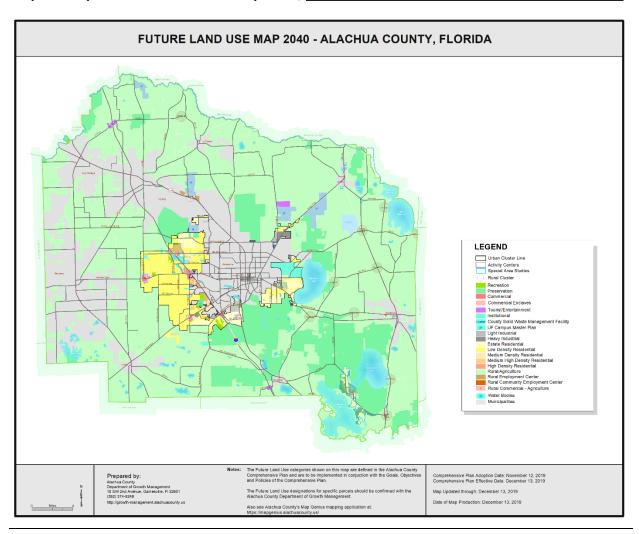
**Regenerative Agriculture:** A system of farming principles and practices that increases biodiversity, enriches soils, improves watersheds, and enhances ecosystem services.

# Attachment A:

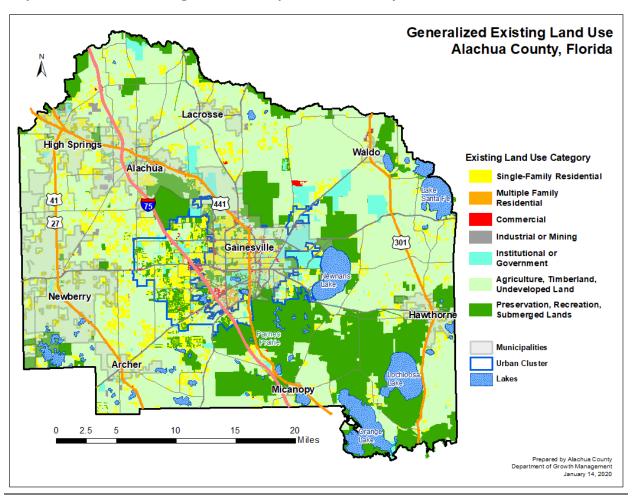
# Selected Maps Adopted in the Comprehensive Plan or

# from Supporting Data and Analysis for Reference in Connection with CPA 04-20

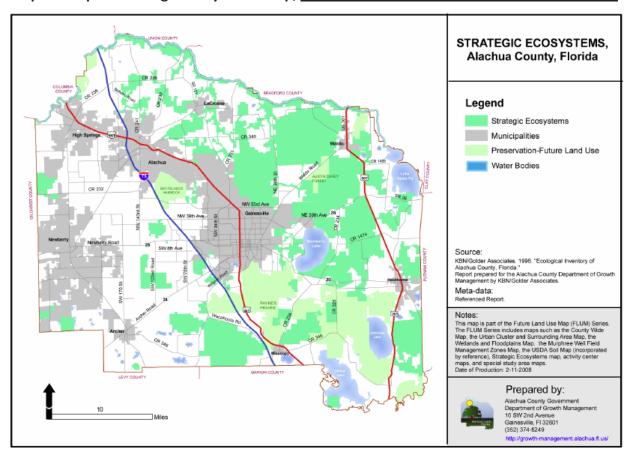
Map 1. Adopted Future Land Use Map 2040, Alachua County Comprehensive Plan 2019-2040



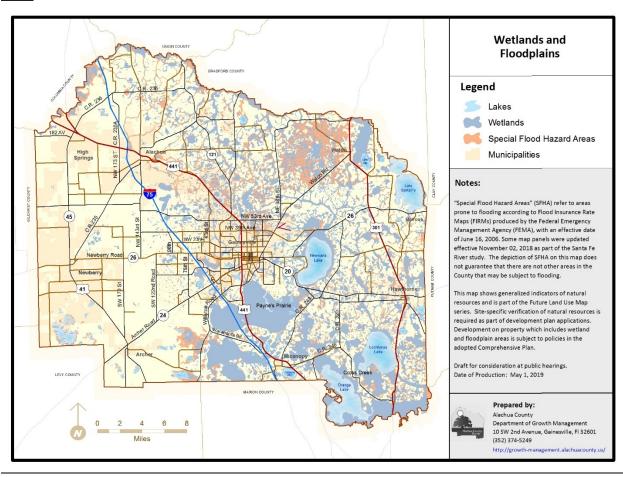
Map 2. Generalized Existing Land Use Map, Alachua County, Florida



Map 3. Adopted Strategic Ecosystems Map, Alachua County Comprehensive Plan 2019-2040



Map 4. Adopted Wetlands and Floodplains Map, <u>Alachua County Comprehensive Plan 2019-2040</u>



# Ramon Alex Tocabens BS Criminal Justice BILINGUAL

Gainesville, Fl.

352-451-9531 alextocabens@yahoo.com

#### Summary

Resourceful BILINGUAL Program Care Coordinator with years of experience in the criminal justice system. Sought out, cultivated and maintained community partners to support Meridian's Homeless Recovery clients, Teen Court and Community Services programs in North Carolina. Knowledgeable administering grant funded programs, events, effectiveness, policies, procedures and case management. Adept and skilled at working together with community stakeholders and the public.

#### **Professional Experience**

MERIDIAN BEHAVIOR HEALTHCARE INC. CARE COORDINATOR 3/22/2019 TO 02/05/2020

**Member**: County Continuum of Care Subcommittee and County Affordable Housing Community Resource Panel member chaired by Comm. Hellen Warren.

Clinical management of homeless Alachua county residents to develop and maintain a plan of recovery from homelessness and substance use related issues. Develop rapport and advocate for clients in the community to fulfill needs for services. Provide access to recovery resources. Maintain confidentiality of records per HIPA laws relating to client's treatment. Share gathered resources with clients teach and model self-advocacy. Assist in resume writing, employment search, assist in obtaining birth certificates, government ID's, driver licenses, applying for health and social services. Planning and creating an honest budget, teaching employment interviewing techniques, proper dress codes, applying for HUD assistance vouchers and housing search. Monitor client progress, counsel clients individually to assist in overcoming barriers, dependencies, adjusting to life or making needed changes. (Specializing in affordable housing) (Tenant and Landlord Liaison)

Caswell County NC Teen Court & Community Services Coordinator

01/2017-06/2018

#### January 17, 2017 to 06/30/2018---(State Grant Funded Program Terminated 6/30/2018)

Administrator and supervisor of a major Caswell County Youth Outreach Enrichment Program under the Gunn Memorial Public Library. Teen Court and Community Services Coordinator. Major duties and responsibilities include planning, developing, and implementing program goals/activities; planning/scheduling; administrative and personnel functions; program assessments; and program promotion. Supervise specialized at-risk youth or adjudicated delinquents. Perform direct client counseling, skills and career readiness training, resume writing and job interviewing techniques and dress code expectations. Interpersonal skills group sessions, schedule Teen Court sessions, along with recruiting and training youth and adult volunteers to serve in various roles of Teen Court. Collaborate directly with Juvenile Court Counselors, Court Services, Juvenile Court, District Court, District Attorney's office, Judges, Schools, and other youth diversion agencies. Contact local employers to promote the hiring of at-risk youths. Supervised community service personnel in the county's maintenance department duties. Mowing, grounds keeping and more. Initiated a mentoring program with Dillard Middle School in Caswelll County NC.

NC. Department of Public Safety

Probation/Parole Officer

10/2010-06/2016

#### NC. Department of Public Safety- (Resigned to take care of sick parent in Miami Fl.)

CASE MANAGEMENT Provide supervision to assigned probationers and parolees to ensure court compliance. Assist the courts with revocation hearings. Conduct criminal, and field investigations. Execute court orders and search warrants. Served as court interpreter when needed. Certified law enforcement officer with the state of NC. Conduct investigations to ensure probationers are following court ordered sanctions. Place offenders into appropriate supervision levels through investigative and assessment processes. Evaluate and counsel offenders. Conduct background investigations, employment verification, surveillance of persons and property, and document evidence to present in court during violation hearings. Make decisions regarding offender treatment based on assessment and personal observation. Respond appropriately to offender behavior and non-compliance. Intervene in defendant crisis. Assist district attorneys by providing fact finding investigative reports for use in litigation, mediation and trial. Consult with District Attorney to prepare cases for prosecution/violations. Keep victims informed on any violation hearings of offender. Assist victims navigate the criminal justice system and refer to needed social services. Maintain contact with victims of crime to ensure defendant is not threatening or violating restraining orders. Document investigative findings in memos, reports and affidavits. Advise the courts on violation sanctions and revocations. Conduct interviews with crime victims, investigate complaints and prepare crime version reports to present to the NC

Hurricane Pre-Cast Fence Inc. & All Pro Metals Miami, Fl.

OWNER

2006-2009

2006-2009 (closed due to national recession)

Management, sales, fabrication and installation. Fabricator of miscellaneous metal products and pre-cast concrete fencing for the commercial construction and residential building trades. Supervised a staff of ten fabricators and installers

U.S Customs Miami, Fl.

Inspector Temporary Full Time

1996-

2001

Passenger processing unit at Miami International Airport
Temporary Full Time Position Cancelled after World Trade Center Attacks
Received letters of commendations for exemplary work and narcotics interdiction

American Welding & Architectural Designs Inc. Miami, Fl.

Owner/Partner

1980-

2005

State/County Licensed in Misc. Metals Fabrication (sold the company advantageously in 2005) (4-G/D-1 Certified) (MIG/STICK/SMAW/ FLUX-CORE ARC)

Management, sales, fabrication and installation. Fabricator of miscellaneous metal products for the commercial construction and residential building trades. Certified welder 4-G, experience blue print reading, designing, shop drawings. Collaborated with engineers, architects, general contractors, home owners, and local building officials to resolve problems, codes, structural issues and quality control of finished and installed products. Responsible for sales of \$890,000 in sales for 2005.

#### **EDUCATION**

Miami Dade College 1990-1993

Florida International University 1993-1996

BS Criminal Justice December-1996

#### RESOLUTION 07-34

RESOLUTION OF **BOARD** OF THE COMMISSIONERS OF COUNTY, ALACHUA ESTABLISHING THE **CRIMINAL** JUSTICE, HEALTH, AND SUBSTANCE ABUSE REINVESTMENT GRANT PLANNING COMMITTEE; DESIGNATING COMMITTEE AS **STANDING COMMITTEE** Α PROVIDING FOR THE TERM OF THE COMMITTEE; ESTABLISHING THE MEMBERSHIP AND QUALIFICATIONS **ESTABLISHING** COMMITTEE; RESPONSIBILITIES AND DUTIES OF THE COMMITTEE; ESTABLISHING PROVISIONS FOR OPERATION; PROVIDING AN EFFECTIVE DATE.

WHERAS, the State of Florida has created the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (CJMHSARG) within the Department of Children and Family Services; and

WHEREAS, in order to apply for said grant, the Board of County Commissioners (the "County") must establish a planning committee (the "Advisory Board") to make a formal recommendation to the Board regarding how the CJMHSAG may best be implemented within the community;

WHEREAS, the State has set forth requirements for the composition of the Committee;
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

- Section 1. <u>Planning Committee Established.</u> The County hereby establishes the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee ("Advisory Board").
- Section 2. <u>Designated Standing Committee</u>. This Advisory Board is designated as a Standing Committee.
- Section 3. <u>Membership and Qualifications</u>. The membership of the Advisory Board must include:
  - A) the state attorney, or an assistant state attorney designated by the state attorney;
  - B) a public defender, or an assistant public defender designated by the public defender;
  - C) a circuit court judge designated by the chief judge of the circuit;
  - D) a county court judge designated by the chief judge of the circuit;



- E) the sheriff, if the sheriff is the chief correctional officer, or a person designated by the sheriff;
  - F) the police chief, or a person designated by the local police chiefs association;
- G) the State probation circuit administrator, or a person designated by the State probation circuit administrator;
- H) the local court administrator, or a person designated by the local court administrator;
- I) the Chair of the Board of County Commissioners, or another County Commissioner designated by the Chair;
  - J) the director of the County probation or pretrial intervention program
- K) the director of a local substance abuse treatment program, or a person designated by the director;
- L) the director of a community mental health agency, or a person designated by the director;
- M) a representative of the substance abuse program office and the mental health program office of the Department of Children and Family Services, selected by the substance abuse and mental health program supervisor of the district in which Alachua County is located;
- N) a primary consumer of mental health services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides;
- O) a primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides;
- P) a family member of a primary consumer of community-based treatment services, selected by the substance abuse and mental health program supervisor of the district in which the family member resides;
  - Q) a representative from an area homeless program or a supportive housing program;
- R) the director of the detention facility of the Department of Juvenile Justice, or a person designated by the director;
- S) the chief probation officer of the Department of Juvenile Justice, or an employee designated by the chief probation officer.

Resolution Est CJMHSARG

Section 4. Responsibilities and Duties. The Advisory Board, in coordination with the County Office of Management and Budget and the County Court Services Department, shall make a formal recommendation to the County regarding how the CJMHSARG may best be implemented in the community. The Court Services Department will serve as staff liaison to the Advisory Board. The County may assign any entity to prepare the grant application on behalf of the County.

Section 5. <u>Operations</u>. The Advisory Board shall be guided by the by-laws approved by the Advisory Board and the Alachua County Commission's Rules of Procedure. The by-laws shall include the following provisions and such other provisions as the Advisory Board may deem appropriate:

A. Elections. The Chair of the Board of County Commissioners, or another County Commissioner, if designated, shall serve as the chair of the Advisory Board until a chair is elected from the membership. The Advisory Board shall annually elect one of its members as Chair, and such other officers as the Advisory Board deems necessary to meet its needs. Vacancies in offices shall be filled by election at the next regular meeting following the date the vacancy occurred.

B. Meetings. Meetings of the Advisory Board, or any subcommittee thereof, shall be open to the public and the media and shall be conducted in compliance with the Sunshine Law, Section 286.011, Florida Statutes and Section 199.07, Florida Statutes. The County Manager or his or her designee shall produce minutes of the meetings which shall be submitted to the Advisory Board for approval.

The Chair shall preside and conduct meetings of the Advisory Board according to the most recent edition of Alice Sturgis' Standard Code of Parliamentary Procedure. Special meetings may be called by the Chair or by any three (3) members of the Advisory Board upon forty-eight (48) hours written notice to all members and to the County Manager or his or her designee.

C. Agenda. The Chair shall be responsible for the meeting agenda. The County Manager, or his or her designee, shall serve as staff haison to the Advisory Board and shall aid in preparing and distributing the agenda prior to the meeting. The County Manager, or his or her designee, or any member of the Advisory Board may place an item on the agenda by notifying the Chair prior to the preparation of the agenda.

D. Subcommittees. Subcommittees composed of members of the Advisory Board may be appointed by the Chair, as determined by the Advisory Board or the Chair.

Resolution Est CJMHSARG

- E. Quorum. A majority of the Advisory Board membership positions filled shall constitute a quorum. Recommendations and decisions of the Advisory Board must be made by a majority vote of those present and voting.
- F. Attendance. The County Manager or his or her designee shall attend all meetings of the Advisory Board, but shall not vote on any matter. The attendance policy for the Advisory Board shall be in accordance with the attendance policy for boards and committees set forth in the Alachua County Commission's Rules of Procedure.
- G. Compensation. Members of the Advisory Board shall receive no compensation for the performance of their duties and responsibilities.
- H. Reports. The Advisory Board shall submit all reports and communications directly to the County Commission Chair with a copy to the County Manager or designee. Any Advisory Board reports required by the Alachua County Commission's Rules of Procedure shall be submitted in accordance with said Rules.

Section 5. Effective Date. This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this 22 nd day of May, 2007.

BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA

ATTEST:

J. K. "Buddy" Irby, Clerk

(SEAL)

Paula M. DeLaney, Chair

APPROVED AS TO FORM

Alachua County Attorney

#### RESOLUTION 11-12

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, RE-ESTABLISHING THE CRIMINAL JUSTICE, MENTAL HEALTH, AND SUBSTANCE ABUSE REINVESTMENT GRANT PLANNING COMMITTEE; DESIGNATING THE COMMITTEE AS A SPECIAL COMMITTEE, SETTING A SUNSET DATE AND PROVIDING FOR THE TERMS OF THE COMMITTEE MEMBERS: ESTABLISHING THE MEMBERSHIP AND QUALIFICATIONS COMMITTEE; ESTABLISHING THE RESPONSIBILITIES AND DUTIES OF THE COMMITTEE: ESTABLISHING **PROVISIONS** FOR OPERATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Florida has created the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program (CJMHSARG) within the Department of Children and Family Services; and

WHEREAS, in order to apply for said grant, the Board of County Commissioners (the "County") must establish a planning committee (the "Advisory Board") to make a formal recommendation to the Board regarding how the CJMHSARG may best be implemented within the community; and

WHEREAS, on May 22, 2007 the County established the Criminal Justice, Mental Health, and Substance Abuse Grant Planning Committee. It was amended on May 26, 2009 in order to designate it a Special Committee and to set a sunset date of April 30, 2011; and

WHEREAS, the County wishes to rescind and re-establish the Advisory Board in order to extend the sunset date to correspond to the expiration date of the new grant and to modify the report submission procedure; and

WHEREAS, the State has set forth requirements for the composition of the Committee;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

- **Section 1.** Planning Committee Established. The County hereby establishes the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Planning Committee ("Advisory Board").
- **Section 2. Designated Special Committee.** This Advisory Board is designated as a Special Committee. The sunset date for the Advisory Board is April 30, 2011–2014.

- Section 3. <u>Membership and Qualifications.</u> The membership of the Advisory Board must include the following nineteen (19) members. <u>The following three (3) members are to be appointed by the Alachua County Board of County Commissioners:</u>
  - A) the director of a local substance abuse treatment program, or a person designated by the director;
  - B) the director of a community mental health agency, or a person designated by the director:
  - C) a representative from an area homeless program or a supportive housing program;

#### The following sixteen (16) members are to be designated or selected as stated below:

- D) the state attorney, or an assistant state attorney designated by the state attorney;
- E) a public defender, or an assistant public defender designated by the public defender;
- F) a circuit court judge designated by the chief judge of the circuit;
- G) a county court judge designated by the chief judge of the circuit;
- H) the sheriff, if the sheriff is the chief correctional officer, or a person designated by the sheriff:
- I) the police chief, or a person designated by the local police chiefs association;
- J) the State probation circuit administrator, or a person designated by the State probation circuit administrator;
- K) the local court administrator, or a person designated by the local court administrator;
- L) the Chair of the Board of County Commissioners, or another County Commissioner designated by the Chair;
- M) the director of the County probation or pretrial intervention program;
- N) a representative of the substance abuse program office and the mental health program office of the Department of Children and Family Services, selected by the substance abuse and mental health program supervisor of the district in which Alachua County is located:
- O) a primary consumer of mental health services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides:
- P) a primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides;
- Q) a family member of a primary consumer of community-based treatment services, selected by the substance abuse and mental health program supervisor of the district in which the family member resides;
- R) the director of the detention facility of the Department of Juvenile Justice, or a person designated by the director;
- S) the chief probation officer of the Department of Juvenile Justice, or an employee designated by the chief probation officer.

**Section 4.** Responsibilities and Duties. The Advisory Board, in coordination with the County Office of Management and Budget and the County Court Services Department, shall make a formal recommendation to the County regarding how the CJMHSARG may best be

implemented in the community. The Court Services Department will serve as staff liaison to the Advisory Board. The County may assign any entity to prepare the grant application on behalf of the County.

**Section 5.** Operations. The Advisory Board shall be guided by the by-laws approved by the Advisory Board and the Alachua County Commission's Rules of Procedure. The by-laws shall include the following provisions and such other provisions as the Advisory Board may deem appropriate:

- A) Elections. The Chair of the Board of County Commissioners, or another County Commissioner, if designated as designated by the Chair of the Board of County Commissioners, shall serve as the chair of the Advisory Board until a chair is elected from the membership. The Advisory Board shall annually elect one of its members as Chair, and such other officers as the Advisory Board deems necessary to meet its needs. Vacancies in offices shall be filled by election at the next regular meeting following the date the vacancy occurred.
- B) Meetings. Meetings of the Advisory Board or any subcommittee thereof, shall be open to the public and the media and shall be conducted in compliance with the Sunshine Law, Section 286.011, Florida Statutes and Section 199.07, Florida Statutes. The County Manager or his or her designee shall produce minutes of the meetings which shall be submitted to the Advisory Board for approval.
  - The Chair shall preside and conduct meetings of the Advisory Board according to the most recent edition of Alice Sturgis' Standard Code of Parliamentary Procedure. Special meetings may be called by the Chair or by any three (3) members of the Advisory Board upon forty-eight (48) hours written notice to all members and to the County Manager or his or her designee.
- C) Agenda. The Chair shall be responsible for the meeting agenda. The County Manager, or his or her designee, shall serve as staff liaison to the Advisory Board and shall aid in preparing and distributing the agenda prior to the meeting. The County Manager, or his or her designee, or any member of the Advisory Board may place an item on the agenda by notifying the Chair prior to the preparation of the agenda.
- D) Subcommittees. Subcommittees composed of members of the Advisory Board may be appointed by the Chair, as determined by the Advisory Board or the Chair.
- E) Quorum. A majority of the Advisory Board membership positions filled shall constitute a quorum. Recommendations and decisions of the Advisory Board must be made by a majority vote of those present and voting.
- F) Attendance. The County Manager or his or her designee shall attend all meetings of the Advisory Board, but shall not vote on any matter. The attendance policy for the Advisory Board shall be in accordance with the attendance policy for boards and committees set forth in the Alachua County Commission's Rules of Procedure.
- G) Compensation. Members of the Advisory Board shall receive no compensation for the performance of their duties and responsibilities.

H) Reports. The Advisory Board shall submit all reports and communications directly to the County Commission Chair Advisory Board Program Coordinator, with a copy to the who will forward them on to the County Commission with a copy to the County Manager or designee. Any Advisory Board reports required by the Alachua County Commission's Rules of Procedure shall be submitted in accordance with said Rules.

Section 6. <u>Effective Date.</u> This resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this  $22^{kd}$  day of  $\underline{Feb}_{k}$ , 2011.

BOARD OF COUNTY COMMISSIONERS OF

APPROVED AS TO FORM

Jan In.

ALACHUA CQUNTY, FLORIDA

Bv:

Lee Pinkoson, Chair

ATTEST:

J. K. Irby, Clerk

(SEAL)

1 2	ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
3	BOARD OF COUNTY COMMISSIONERS
4	RESOLUTION 2016-130
5 6	A RESOLUTION OF THE BOARD OF COUNTY
7	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO
8	DESIGNATE THE ALACHUA COUNTY CRIMINAL JUSTICE, MENTAL HEALTH AND SUBSTANCE ABUSE REINVESTMENT
10	GRANT PLANNING COMMITTEE TO ACT AS A CONSORTIUM
11 12	COMMITTEE FOR THE CRIMINAL JUSTICE, MENTAL HEALTH AND SUBSTANCE ABUSE REINVESTMENT GRANT
13	PROGRAM (RFA 06H16GS1) FROM THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES
14 15	DEPARTMENT OF CHILDREN AND FAMILIES
16	WHEREAS, it is necessary to designate the currently constituted Alachua County
17	Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program
18	(CJMHSAG) Planning Committee as a consortium committee under the requirements set forth
19	from the Department of Children and Families Request for Applications 06H16GS1; and
20	WHEREAS, the identified CJMHSAG Reinvestment Grant Program Request for
21	Applications requires the establishment of a consortium committee in the event of more than one
22	County participating in a grant application to the Department of Children and Families; and
23	WHEREAS, the Alachua County Board of County Commissioners has authorized
24	Meridian Behavioral Healthcare, Inc. to act on behalf of Alachua County as the applicant agency
25	for the Department's Request for Applications 06H16GS1 Grant; and
26	WHEREAS, the grant application envisioned by the applicant agency Meridian
27	Behavioral Healthcare, Inc. would benefit from the inclusion of an additional county, which is
28	contiguous to Alachua County, that is Bradford County; and
29	WHEREAS, Bradford County has committed to participate as a partner county in the
30	new application to the Department of Children and Families, including identifying specific
31	resources for matching funds.

## NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

# 2 COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

3	1. The designation of the Crim	ninal Justice, Mental Health and Substance Abuse
4	Reinvestment Grant Plannin	ng Committee as a consortium committee for the Florida
5	Department of Children and	d Families' Request for Applications (RFA 06H16GS1).
6	2. That this resolution shall tal	ke effect immediately upon its adoption.
7		
8	DULY ADOPTED in regu	lar session, this 23 rd day of August, A.D., 2016.
9 10 11		BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
12 13 14	ATTEST:	By: Koley Amelykeum. Robert Hutchinson, Chair
15 16 17 18	Here Donaly D. J. K. Irby, Clerk	APPROVED AS TO FORM
19	(SEAL)	
20 21 22		Alachua County Attorney
23		

Select Year: 2019 **✓** Go

## The 2019 Florida Statutes

Title XXIX Chapter 394
PUBLIC HEALTH MENTAL HEALTH

**View Entire Chapter** 

#### 394.657 County planning councils or committees.—

- established under s. <u>951.26</u>, or designate another criminal or juvenile justice mental health and substance abuse council or committee, as the planning council or committee. The public safety coordinating council or other designated criminal or juvenile justice mental health and substance abuse council or committee, in coordination with the county offices of planning and budget, shall make a formal recommendation to the board of county commissioners regarding how the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program may best be implemented within a community. The board of county commissioners may assign any entity to prepare the application on behalf of the county administration for submission to the Criminal Justice, Mental Health, and Substance Abuse Statewide Grant Review Committee for review. A county may join with one or more counties to form a consortium and use a regional public safety coordinating council or another county-designated regional criminal or juvenile justice mental health and substance abuse planning council or committee for the geographic area represented by the member counties.
- (2)(a) For the purposes of this section, the membership of a designated planning council or committee must include:
  - 1. The state attorney, or an assistant state attorney designated by the state attorney.
  - 2. A public defender, or an assistant public defender designated by the public defender.
  - 3. A circuit judge designated by the chief judge of the circuit.
  - 4. A county court judge designated by the chief judge of the circuit.
  - 5. The chief correctional officer.
  - 6. The sheriff, if the sheriff is the chief correctional officer, or a person designated by the sheriff.
  - 7. The police chief, or a person designated by the local police chiefs association.
- 8. The state probation circuit administrator, or a person designated by the state probation circuit administrator.
  - 9. The local court administrator, or a person designated by the local court administrator.
- 10. The chairperson of the board of county commissioners, or another county commissioner designated by the chairperson, or, if the planning council is a consortium of counties, a county commissioner or designee from each member county.
  - 11. The director of any county probation or pretrial intervention program, if the county has such a program.
  - 12. The director of a local substance abuse treatment program, or a person designated by the director.
  - 13. The director of a community mental health agency, or a person designated by the director.
- 14. A representative of the substance abuse program office and the mental health program office of the Department of Children and Families, selected by the substance abuse and mental health program supervisor of the district in which the county is located.
- 15. A primary consumer of mental health services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides. If multiple counties apply together, a primary consumer may be selected to represent each county.

- 16. A primary consumer of substance abuse services, selected by the substance abuse and mental health program supervisor of the district in which the primary consumer resides. If the planning council is a consortium of counties, a primary consumer may be selected to represent each county.
- 17. A family member of a primary consumer of community-based treatment services, selected by the abuse and mental health program supervisor of the district in which the family member resides.
  - 18. A representative from an area homeless program or a supportive housing program.
- 19. The director of the detention facility of the Department of Juvenile Justice, or a person designated by the director.
- 20. The chief probation officer of the Department of Juvenile Justice, or an employee designated by the chief probation officer.
- (b) The chairperson of the board of county commissioners or another county commissioner, if designated, shall serve as the chairperson of the planning council or committee until a chairperson is elected from the membership.
- (c) All meetings of the planning council or committee, as well as its records, books, documents, and papers, shall be open and available to the public in accordance with ss. 119.07 and 286.011.
- (3)(a) If a public safety coordinating council established under s. <u>951.26</u> acts as the planning council, its membership must include all persons listed in paragraph (2)(a).
- (b) A public safety coordinating council that is acting as the planning council must include an assessment of the availability of mental health programs in addition to the assessments required under s. <u>951.26(2)</u>. History.—s. 2, ch. 2007-200; s. 4, ch. 2010-159; s. 93, ch. 2014-19.

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# Alachua County, FL

12 SE 1st Street Gainesville, Florida

## **Agenda Item Summary**

Agenda Date: 9/8/2020 Agenda Item No.: 4.

Agenda Item Name:

COVID-19 Discussion

Presenter:

N/A

**Description:** 

Click or tap here to enter text.

#### **Recommended Action:**

The discussion will go over the following items:

- Department of Health Update
- Cares Act Update
- Ratification of Emergency Order

#### **Prior Board Motions:**

August 25, 2020:

COVID 19 Discussion 20-0697

Fiscal Consideration: N/A

Recommended Action: Authorize advertisement of amendments to Chapter (Emergencies), Alachua County Code, as recommended by County Attorney. Health Department Director Paul Myers presented the above item.

Alachua County Health Department Director Paul Myers presented an update on Pandemic Metrics in Alachua County.

Mr. Myers stated that the contact tracing efforts have been able to conduct a successful contact interview 83% of the time. He stated that success with the interviews rely on cooperation from the contacted individual. Mr. Myers advised that there have been difficulties in hiring contact tracing for school system but that he has staff that will fill in until the personnel. He further informed that he will make recommendations to the school system based on the best scientific data. It will be the School Systems decision to implement those recommendations or not. The Health Department just as the County have no authority over the school system.

Commissioner Cornell and Chair Hutchinson presented comments.

Commissioner Wheeler logged in at 11:58 A.M.

Agenda Date: 9/8/2020 Agenda Item No.: 4.

Have a discussion on:

#### Α. **CARES Act Funds Update**

CRI representative Diane Shuping presented the above item.

Mrs. Shuping advised that 4,415 applications for individuals have been received which accounts for \$8,600,000 of funding. There have been 256 business applications received which accounts for \$2,300,000 in funding.

Commissioner Byerly, County Manager Lieberman, and Finance Director Todd Hutchinson presented comments.

#### Order Enforcement Update B.

Growth Management Director Missy Daniels presented the above item.

Mrs. Daniels reported that overall mask compliance is 98% based on Code Enforcement Officers inspections. She stated there are some business that repeat complaints have been received about employees not wearing mask.

Chair Hutchinson and Commissioner Byerly presented comments.

#### C. West Lawn Use

County Manager Lieberman and Chief of Staff Gina Peebles presented the above item.

Mrs. Peebles advised the Board that the City of Gainesville is starting a program to provide outdoor seating for restaurants and bars. The City of Gainesville has requested the County participate by making the west lawn of the County Administration Building available. The Parks Department had planned on purchasing picnic tables and benches for the parks but they could be used for this purpose and moved to the parks when finished. The City is looking to kick the program off on September 10 or 11, 2020.

Commissioner Cornell, Commissioner Wheeler, Commissioner Byerly, Commissioner Chestnut, Chair Hutchinson, Commissioner Byerly, and Commissioner Wheeler presented comments.

Chair Hutchison stated that the matter should be discussed with the City at the Joint Meeting tomorrow to get the specifics before the Board makes a decision.

#### D. Emergency Management Ordinance

County Attorney Torres presented the above item.

Agenda Date: 9/8/2020 Agenda Item No.: 4.

Mrs. Torres recommended that the Board authorize the advertisement of a Public Hearing to adopt the updated Emergency Procedures Ordinance that provides updated language to address extend emergencies such as the current pandemic which were not consider when originally drafted. It defines a continued emergency which is an event that last longer than 30 days and codifies the procedures the Board is currently operating under.

Chair Hutchinson and County Attorney Torres presented comments.

#### 9. CARES Act - Sub-recipient Agreements 20-0693

Fiscal Consideration: N//A

Recommended Action: Approve the sub-recipient agreements and authorize the Chair to sign final documents approved by the County Manager and County Attorney's office.

Assistant County Attorney Torres presented the above item.

Commissioner Cornell, Assistant County Attorney Forziano, Gatornationals, County Attorney Torres, County Manager Lieberman, Mark Sexton,

#### **Commissioner Cornell moved** the following:

- 1. Authorize the advertisement of an amendments to Chapter 27 Emergency of the County Code as recommended by the County Attorney.
- 2. Direct that the County Attorney meet with GPD and UPD or their designee to ensure the County Emergency Order can be properly enforced on Campus and within the city limits.
- 3. To approve the sub recipient agreements as adjusted in the Health Department Agreement for all agreements. Authorize the Chair to sign documents approved by the County Manager/County Attorney's Office. The sub recipient agreements should be amended to deny reimbursement cost for any expenses occurred during a time period in which the party was not in compliance with the County's Emergency Order.
- 4. Staff proactively reach out the Gatornationals to coordinate the event in accordance with the County's Emergency Order

County Manager Lieberman and Assistant County Attorney Forziano presented comments.

## Public Comments via Telephone

Telford Cartwright, Tamara Robins, Citizen, and Commissioner Cornell presented comments.

#### The motion carried 5-0.

Agenda Date: 9/8/2020 Agenda Item No.: 4.

*Please see the August 26, 2020 BoCC Joint Meeting minutes in attachments.*

## **Fiscal Consideration:**

N/A

## Background:

Click or tap here to enter text.

Wednesday, August 26, 2020 – 10:00 A.M.
John R. "Jack" Durrance Auditorium
County Administration Building
12 Southeast First Street
Gainesville, Florida

The Alachua County Board of County Commissioners met for the Joint Meeting.

PRESENT: Chair Robert "Hutch" Hutchinson; Vice Chair Mike Byerly, Commissioner

Charles S. Chestnut IV, Commissioner Ken Cornell, and Commissioner

Marihelen Wheeler

**ALSO PRESENT:** County Manager Michele Lieberman, County Attorney Sylvia Torres,

Deputy County Manager James Harriot, Clerk of the Court J.K. "Jess"

Irby, Esq., and Deputy Clerk Steve Donahey

Call To Order

Welcome

Introduction

Mayor Lauren Poe, City of Gainesville Chair, Alachua County Commission

Adoption of the Agenda

**Commissioner Cornell moved** adoption of the agenda as printed. The motion carried 3-0 with Commissioner Wheeler and Commissioner Chestnut not logged in.

**City Commissioner Hayes-Santos moved** adoption of the agenda as printed. The motion carried 5-0 with City Mayor Poe and City Commissioner Ward not logged in.

#### Items For Discussion

1. COVID-19 UF Discussion 20-0658

Fiscal Consideration: N/A

**Recommended Action:** Have a discussion on the following COVID 19 items:

A. University of Florida Update

Dr. Charles Lane and Dr. Michael Lauzardo presented the above item.

#### Wednesday, August 26, 2020 – 10:00 A.M.

City Commissioner Simmons, City Commissioner Saco, City Manager Feldman, City Commissioner Ward, Assistant City Attorney Lee Libby, Chair Hutchinson, County Attorney Torres, Commissioner Cornell, City Commissioner Hayes-Santos, City Commissioner Johnson, Health Department Director Paul Myers, County Manager Lieberman, City Commissioner Simmons, Commissioner Cornell, City Commission Arreola, and City Commissioner Johnson presented comments.

B. Alachua County School Board Update

Superintendent Karen Clarke presented the above item.

Commissioner Cornell, City Commissioner Ward , City Commissioner Simmons and City Commissioner Arreola presented comments.

C. Alachua County Health Department Update

Health Department Director Paul Myers presented the above item.

D. CARES Act Funds Update

CRI Representative April Shuping presented the above item.

E. Emergency Management Update

Emergency Management Director Hal Grieb presented the above item.

Chair Hutchinson and Commissioner Cornell presented comments.

**Commissioner Cornell moved** to empower the Chair and staff to adjust the Emergency Order to limit indoor activities to 10 or less and outdoor activities to 50 or less where social distancing cannot be practiced. Authorize a Chair letter and request a the City produce a similar letter to encourage and support the university adding a student code of conduct violation for violating the social gathering conditions of the Emergency Order. 2nd Byerly

City Commissioner Hayes-Santos, City Commissioner Arreola, Chair Hutchinson, Commissioner Cornell

## Public Comments via Telephone

Debbie Martinez and Nathan Skop presented comments.

The motion carried 4-0 with Commissioner Wheeler not logged in.

## Wednesday, August 26, 2020 – 10:00 A.M.

## Picnic Area on Commission Building Property

The Board discussed the concept of an outdoor dining area on the west lawn of the County Administration Building. No action was taken.

Commissioner Byerly, Chair Hutchinson, Commissioner Cornell, and City Commissioner Arreola presented comments.

**Public Comment** 

Commission General Comments and Information Discussion

County Commission Comment City

**Commission Comment** 

There being no further business before the Board the meeting was adjourned at 1:53 P.M.

# EMERGENCY ORDER NO. 2020-XX FULL PHASE TWO STEP BY STEP RECOVERY ORDER ALACHUA COUNTY, FLORIDA

WHEREAS, COVID-19, a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death, constitutes a clear and present threat to the lives, health, welfare, and safety of the people of Alachua County; and

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency because of COVID-19; and, on March 9, 2020, Governor DeSantis issued Executive Order 20-52¹, declaring a State of Emergency because of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and, on March 13, 2020, President Trump declared a national emergency concerning COVID-19; and

WHEREAS, Emergency Order 2020-01 declared a local state of emergency in Alachua County based on the COVID-19 virus on March 16, 2020; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six feet between persons in smaller gatherings; and

WHEREAS, limitations on gatherings and the use of social distancing to prevent transmission of COVID-19 are especially important for people who are over sixty five years old and people with chronic health conditions because those populations are at a higher risk of severe illness and death from COVID-19.² However, everyone, regardless of age or health condition, is threatened by COVID-19; and

WHEREAS, this Emergency Order is necessary to ensure that our healthcare delivery system can serve those who are ill; and

WHEREAS, the continuing operation of essential businesses is necessary to provide essential goods and services to the public; and

WHEREAS, on April 1, 2020, Governor DeSantis issued Executive Order 20-91³ putting in place a state-wide stay at home order and listing what are to be considered essential services and activities; and

WHEREAS, Executive Order 20-91 adopts both the Essential Critical Infrastructure Workers guidelines issued by the Department of Homeland Security and the list of essential services and activities set forth in Miami-Dade County Emergency Order 07-20⁴; and

¹ https://www.flgov.com/wp-content/uploads/orders/2020/EO 20-52.pdf

² https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html

³ https://www.flgov.com/wp-content/uploads/orders/2020/EO_20-91-compressed.pdf

⁴ https://www.miamidade.gov/information/library/coronavirus-emergency-order-07-20-businesses.pdf

WHEREAS, the CDC, the Florida Department of Health and the University of Florida recommends the use of face coverings, including those which are homemade, to slow the spread of the disease since many individuals with no symptoms can spread the virus; and

WHEREAS, the increased reopening of the State and the County will lead to more contact between individuals and lead to more potential for the increased community spread of the disease. Facial coverings are of assistance in preventing individuals who may be shedding the virus, from spreading it to other individuals; and

WHEREAS, researchers at the University of Florida believe it is too early to ease restrictions without enhanced testing in place and that such testing is not currently in place and that COVID-19 will be present in the population for a long time⁵; and

WHEREAS, COVID-19 is spread through airborne transmission from individuals sneezing, speaking and coughing and infectious droplet nuclei can spread for a great distance, although how far is not fully understood at present; and

WHEREAS, a meta-analysis funded by the World Health Organization⁶ supports the use of social distancing and facial coverings to avoid transmission of COVID-19; and

WHEREAS, the World Health Organization on June 5th 2020 changed their position on the use of facial coverings to support their use⁷, and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order 20-1128 (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery) designed to ease some restrictions established by Executive Order 20-91 in the first phase of a plan to fully reopen the State, effective May 4, 2020; and

WHEREAS, on May 15, 2020, Governor DeSantis issued Executive Order 20-123⁹ (Full Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery), opening gyms and fitness centers, subject to standards, and further loosening occupancy restrictions on restaurants and food establishments, instore retail sales establishments, and museums and libraries, effective May 18, 2020; and

WHEREAS, with very specific exceptions the Governor's orders, do not preempt the authority of local governments to add additional restrictions to businesses opened by the Governor; and

WHEREAS, on June 5th Governor DeSantis issued Executive Order 20-139 (Phase 2: Safe. Smart.

https://mediasite.video.ufl.edu/Mediasite/Play/b8849c7ddb114f2db5fcc0be6a4ec0b41d

⁶ https://www.thelancet.com/action/showPdf?pii=S0140-6736%2820%2931142-9

⁷ https://apps.who.int/iris/rest/bitstreams/1279750/retrieve

⁸ https://www.flgov.com/wp-content/uploads/orders/2020/EO 20-112.pdf

⁹ https://www.flgov.com/wp-content/uploads/orders/2020/EO 20-123.pdf

Step by Step. Plan for Florida's Recovery¹⁰), which opens up a number of additional businesses and increases capacity of other businesses and provided for gatherings of no more than 50; and

WHEREAS, Florida Department of Health issued a Public Health Advisory (June 20, 2020)¹¹ reinforcing its recommendation that individuals wear masks in public, encouraging elderly and vulnerable populations to limit interactions outside of the home, and urging all individuals to refrain from participating in gatherings of more than 50 people; and

WHEREAS, on July 21st, 2020 the Florida Department of Health issued a Public Health Advisory which advised the public to wear face coverings over the nose and mouth where social distancing is not possible, indoors or outdoors and recommended certain exceptions, further the recommendation was to refrain from participation in social or recreational gatherings of more than 10 people; and

WHEREAS, the CDC therefore recommends that, as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly "in public settings where other social distancing measures are difficult to maintain;" and

WHEREAS, according to data provided by the Alachua County Health Department, Alachua County experienced a marked increase in the monthly and daily total cases since May which only recently have been trending downwards; and

WHEREAS, the Board of County Commissioners have met various times during which it considered the Florida Department of Health Public Health Advisory (July 21, 2020), the Centers for Disease Control guidance, the updated data from the Alachua County Department of Health, and other data and analysis, and received public comment, and

WHEREAS, given the apparent inconsistency between the Governor's order regarding business occupancy and public gatherings and that of the Department of Health as set forth in its advisory of July 21, 2020, the Board of County Commissioners wants to balance the desire of the public to meet outside the home and recognize that where the gatherings take place can limit the appropriate number of individuals in attendance without additional risk of spread of the virus, and

WHEREAS, the Board of County Commissioners considered the public comment along with information received from the public health officials, and debated issues raised at this point in time by COVID-19; and

WHEREAS, the Board of County Commissioners believes based upon the foregoing that it is important to continue to be cautious in the process of opening up businesses, reopening as local

¹⁰ https://www.flgov.com/wp-content/uploads/orders/2020/EO 20-139.pdf

¹¹ https://floridahealthcovid19.gov/wp-content/uploads/2020/06/20200622-SOF-DOH-Public-Health-Advisory.pdf

¹² https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html

conditions allow to be done with prudence along with balancing how public gatherings may take place; and

WHEREAS, the increased incidence of positive testing for COVID-19 support the need for increased public awareness of the importance of wearing facial coverings in certain locations; and

WHEREAS, Alachua County had been meeting the gating criteria for Phase II. However recently, due to a resurgence in cases it no longer meets certain gating criteria for Phase II. It is in the County's interest to take appropriate action to reduce community spread as the gating criteria is one of the indicators for fully opening the economy; and

WHEREAS, recent numbers from the Health Department suggest a slowing of infection in the community, the County is now facing the opening up of schools and the return of University and College students to Alachua County from various locations inside and outside of the State of Florida with varying degrees of infection; and

WHEREAS, a recent increase in the number of house parties across the nation have been cited as having an effect on increased infection rates¹³; and

WHEREAS, the Board of County Commissioners believes that, requiring businesses and employers to take responsibility, and be liable, for their employees compliance with the facial coverings requirement, while those employees are engaged in employment-related activities, will result in greater compliance with the facial coverings requirement and is consistent with a business or employer's responsibility to provide a healthy, safe environment for employees and the public; and

WHEREAS, the Chair of the County Commission is the Official Authority as prescribed in the County's Code Sec. 27.07; and

WHEREAS, acting on his own authority as the Official Authority and based upon the actions taken at June 23rd Board of County Commissioners meeting in public session after considering Emergency Order 20-139; and

WHEREAS, pursuant to Sec. 252.38(1), Florida Statutes the County has jurisdictional authority over the entire county.

#### THEREFORE, IT IS ORDERED THAT:

- 1. Except as herein noted Executive Order 20-139 shall govern the residents and businesses in Alachua County.
- 2. Operations of services and activities.
  - a. All services and activities permitted to be operated by Governor DeSantis' Executive

¹³ https://wjla.com/news/local/prince-georges-house-parties-family-gatherings-coronavirus

Orders (in existence as of this Emergency Order and executed subsequent to this Emergency Order) may operate in Alachua County pursuant to the standards contained herein and referenced by this Emergency Order. All services and activities shall operate in accordance with OSHA and CDC guidelines applicable to their business or activity.

b. All services and activities (business or private), in which persons are required to wear facial covering, shall post the appropriate signage in color in both English and Spanish, available here. Alachua County Mask Sign or by calling 311 (for preprinted sign). Signs shall be at least 11in x 17in. Signage shall be posted in conspicuous locations that are clearly visible to the patrons and employees throughout each physical location reminding patrons and employees to observe social distancing requirements and to use facial coverings, as required by this Emergency Order. Signage shall be posted, at a minimum, at all points of access (including employee points of access) and throughout the service and activity areas. Whenever possible, signage shall be posted between 4ft and 5ft as measured from the floor to the bottom of the sign. .

#### 3. Use of facial coverings.

- a. Persons working in or visiting grocery stores, restaurants, in-store retail establishments, pharmacies, indoor construction sites, public transit vehicles, vehicles for hire, along with locations where social distancing measures are not possible shall appropriately wear facial coverings as defined by the CDC, in a manner, which covers the mouth and orifices of the nose.
- b. Facial covering includes any covering, which snugly covers the nose and mouth, whether store bought or homemade, and secured with ties or ear loops. The Centers for Disease Control provide examples of homemade facial coverings.¹⁴ Persons should not utilize N95 rated masks, as those are critical supplies for health care workers, police, fire, emergency management, or other persons engaged in life/safety activities. Persons who wear facial coverings should review the CDC and Florida Department of Health guidelines regarding safely applying, removing, and cleaning face coverings.
- c. A facial covering shall not be required for children under six, an individual with one or more medical conditions or disabilities that prevent wearing a face covering; an individual obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service or where it is necessary for purposes of communication; an individual working in a profession where the use of a face covering will not be compatible with the duties of the profession; or an individual engaged in outdoor work or recreation with appropriate social distancing. It is the intent of this provision that those individuals who cannot tolerate a facial covering for a medical, sensory or any other condition which makes it difficult for them to utilize a facial covering and function in public are not required to wear one. It is recognized that this requirement is broader than what might be considered to be a covered condition under the Americans with Disabilities Act.
- d. This Emergency Order does not change or alter any social distancing requirements imposed by this or in any other emergency order.

¹⁴ https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html Page 5 of 8

- e. This Emergency Order does not change any requirements for wearing facial coverings imposed by regulatory bodies or orders from the Governor.
- f. Facial coverings do not have to be worn while actively eating or drinking.
- g. Businesses and employers are required to ensure that their employees are using appropriate facial coverings and other methods to protect the employees and public, unless the employee meets an exception in Sec. 3(c) of this Emergency Order. The business or employer may be cited, along with the employee, for an employee's violation of this Section, if the employee is actually engaged in employment-related activities at the time of the violation.

#### 4. GATHERINGS REQUIRING REGISTRATION

- a. Except as contained herein, an owner or lessee of a residential or non-residential gathering space shall register the gathering with Alachua County prior to hosting a gathering of more than 10 persons who do not reside in that space. The registration form will contain sufficient information to identify the person hosting the gathering, where it will be held, plans for social distancing and contact information should the host have to be contacted to obtain the list for contact tracing listed in paragraph (g).
- b. A residential gathering space includes individual apartments or congregate living facilities, such as fraternity or sorority house and similar living arrangements.
- A non-residential gathering space includes apartment clubhouses, country clubs or any other enclosed or common areas which are not businesses or nonprofit organizations.
- d. The registration Registrants shall demonstrate that there will be sufficient square footage available in the gathering space for the number of individuals in attendance to social distance. In no case shall a gathering be allowed for more than 50 persons.
- e. Applicants for a gathering permit—Registrants must represent that they are an owner or lessee of the gathering space and have authority to act over the gathering space. and consent to inspection.
- f. Registrants shall ensure that signs are posted at each entrance to the gathering space, which are clearly visible to attendees, reminding attendees to observe social distancing requirements and to use facial coverings, as required by this Emergency Order.
- g. Registrants shall maintain a list of attendees with contact information for at least 30 calendar days following the gathering and shall provide that list with contact information to Alachua County or the Alachua County Health Department for purposes of contact tracing if an infection is linked to that gathering. Contact information includes name, phone number, home address and email address.
- 5. Business Occupancy Those businesses and nonprofit organizations not otherwise named in the Governor's EO-139, as amended, and which are not covered by Section 4 shall insure that they limit their occupancy to whatever number of individuals is necessary to allow for appropriate social distancing.

#### 6. Severability.

Any provision(s) within this Emergency Order that conflict(s) with any State or Federal law or constitutional provision, including the State's preemption of the regulation of firearms and ammunition codified in section 790.33, Fla. Stat., or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Emergency Order, with the remainder of this Emergency Order remaining intact and in full force and effect. To the extent application of some or all the provisions of this Emergency Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Emergency Order.

#### 7. Effective Date; Duration.

This Emergency Order supersedes any inconsistent emergency order. This Order shall be effective upon filing with the Clerk of the Court and will stay in effect during the pendency of the state of emergency or until adoption of subsequent order or repeal.

- 8. This Emergency Order is in addition to the Executive Orders issued by Governor DeSantis.
- 9. This Emergency Order applies to incorporated and unincorporated areas within Alachua County, but has no application outside of Alachua County. Municipalities have the authority to enforce this Emergency Order within their jurisdiction. Municipalities are authorized to impose regulations which are more stringent than those set forth herein.
- 10. The County or municipalities within its boundaries will direct any establishment to cease and desist operations that are in violation of this Emergency Order and may treat violations as a violation of County or Municipal ordinance as appropriate. The County has jurisdiction countywide to enforce the terms of this Emergency Order.
- 11. This Emergency Order does not apply to operations of local governments within the county, to the State University System, State College System, the State of Florida, or Federal agencies who are encouraged to adopt their own rules and procedures regarding the matters set forth herein.
- 12. Except as provided herein, any violation of these emergency measure(s) shall be a violation of Sec. 252.50, Fla. Stat., and may be punishable as provided therein and shall be enforced by law enforcement as provided by law. Notwithstanding the provisions herein, the County may alternatively enforce these emergency measure(s) by issuing a citation imposing a fine not to exceed \$500 per violation, pursuant to Chapt. 162, Fla. Stat. All other remedies available at law or equity, including injunction, remain available to the County.
- 13. A violation of section 3, 4 or 5 of this Order is a noncriminal infraction. A violation of section 3, 4 or 5 of this Order does not authorize the search or arrest of any individual. Prior to issuing a

14.

citation for violation of section 3, the individual will be asked to comply with this Order or be able to explain how section 3(c) of this Order applies to them. Failure to comply with the requirements of sections 3, 4 or 5 of this Order presents a serious threat to the public health, safety, and welfare, pursuant to Chapt. 162, Fla. Stat., and a citation may be issued immediately for such violation. The County shall enforce the first violation of section 3, 4 or 5 of this Emergency Order through a fine of \$125.00 to the violator. The second violation of section 3, 4 or 5 of this Emergency Order shall be subject to a fine of \$250.00 to the violator. All subsequent violations of section 3, 4 or 5 of this Order shall constitute a Class V violation under Art. II, Chapt. 24 of the Alachua County Code of Ordinances, requiring a mandatory court appearance and subject to a fine not to exceed \$500.00. All other remedies available at law or equity, including injunction, remain available to the County, even after issuance of a citation. The municipalities may enforce this Order as provided by Florida law and municipal code.

is Order shall take effect on Monday, Septemb	per 14, 2020 at 12:01 a.m.
Dated this day of, 2020 at _	pm.
	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA
	By: Robert Hutchinson, Chair
APPROVED AS TO FORM:	
County Attorney's Office	

This Order supersedes and replaces any conflicting provisions of prior orders.



# Alachua County, FL

12 SE 1st Street Gainesville, Florida

# **Agenda Item Summary**

Agenda Date: 9/8/2020 Agenda Item No.: 5.

#### Agenda Item Name:

Code Enforcement Board and Special Magistrate Discussion

#### Presenter:

Missy Daniels, Growth Management

#### **Description:**

Presentation and policy discussion on the Code Enforcement Board and the Code Enforcement Special Magistrate.

#### **Recommended Action:**

Authorize advertisement of one of the following ordinances:

1. eliminating the Code Enforcement Board and using only the Code Enforcement Special Magistrate for code enforcement:

OR

2. amending existing Chapter 24, Article I, regarding Code Enforcement Board member attendance and including a method of removal of members for neglect or misconduct.

#### **Prior Board Motions:**

On February 25, 2020, Commissioner Byerly moved to agenda for the first available policy discussion the matter of a Code Enforcement Special Magistrate vs. a Code Enforcement Board. The motion carried 5-0.

In April 2018, the Board of County Commissioners passed an ordinance creating the Code Enforcement Special Magistrate.

In May 2015, the Board of County Commissioners moved to leave the status quo with the Code Enforcement Board, and not create a Code Enforcement Special Magistrate.

#### **Fiscal Consideration:**

N/A

#### **Background:**

During the February 25, 2020 regular meeting, Commissioner Byerly presented comments regarding a code enforcement board vs a special magistrate, stating the community has grown large enough to professionalize the process. Previously, in April 2018, the Board of County Commissioners passed an ordinance creating the Codes Enforcement Special Magistrate, to hear Codes Enforcement cases in conjunction with the Code Enforcement Board.

Agenda Date: 9/8/2020 Agenda Item No.: 5.

1	Alachua County
2	Board of County Commissioners
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4	
5	<b>Ordinance 2018</b>
6	
7	AN ORDINANCE OF THE BOARD OF COUNTY
8	COMMISSIONERS OF ALACHUA COUNTY, FLORIDA;
9	AMENDING CHAPTER 24 OF THE ALACHUA COUNTY CODE OF
10	ORDINANCES RELATING TO CODE ENFORCEMENT
11	DEFINITIONS AND THE MAILING OF ORDERS FROM THE
12	CODES ENFORCEMENT BOARD; ADDING ARTICLE III OF
13	CHAPTER 24 OF THE ALACHUA COUNTY CODE; CREATING
14	PUBLIC OFFICES OF CODES ENFORCEMENT SPECIAL
15	MAGISTRATES IN ADDITION TO, AND AS AN ALTERNATIVE
16	TO, THE EXISTING CODES ENFORCEMENT BOARD;
17	PROVIDING MINIMUM QUALIFICATIONS AND
18	REQUIREMENTS FOR APPOINTMENT OF SPECIAL
19	MAGISTRATES; ESTABLISHING ADMINISTRATIVE AND
20	CLERICAL SUPPORT FOR SPECIAL MAGISTRATES;
21	ESTABLISHING ENFORCEMENT PROCEDURES AND
22	JURISDICTION FOR SPECIAL MAGISTRATES; PROVIDING
23	STANDARDS FOR CONDUCT OF HEARINGS; ESTABLISHING
24	POWERS OF SPECIAL MAGISTRATES; ESTABLISHING
25	STANDARDS FOR NOTICES OF VIOLATIONS AND HEARINGS;
26	PROVIDING PROCESS FOR APPEALING DECISIONS OF A
27	SPECIAL MAGISTRATE; PROVIDING FOR SEVERABILITY;
28	PROVIDING FOR INCLUSION IN THE CODE; ALLOWING FOR
29	MODIFICATION OF THE LANGUAGE OF THE ORDINANCE DUE
30	TO CONSIDERATIONS ARISING AT A PUBLIC HEARING;
31	PROVIDING AN IMMEDIATE EFFECTIVE DATE.
32	
33	
34	WHEREAS, section 162.03, Florida Statutes, provides that charter counties may
35	adopt a code enforcement system utilizing both a codes enforcement board and special
36	magistrate; and
37	WHEREAS, Alachua County currently utilizes the Codes Enforcement Board to
38	hear alleged violations of the County's code; and

39	WHEREAS, the positions of Special Magistrates are established for the purpose
40	of providing a supplemental code enforcement process for Alachua County that does not
41	eliminate the Codes Enforcement Board; and
42	WHEREAS, the definitions applicable to codes enforcement violations, whether
43	before a special magistrate or codes enforcement board, shall be the same; and
44	
45	WHEREAS, Special Magistrates are hereby vested with all powers now granted
46	under chapter 162, Florida Statutes, and the Alachua County Code as amended from time
47	to time; and
48	WHEREAS, the intent of this Ordinance is to promote, protect and improve the
49	health, safety and welfare of the citizens of Alachua County by establishing Special
50	Magistrates with the authority to impose administrative fines and other noncriminal
51	penalties and to provide an equitable, expeditious, and effective method of enforcing the
52	County's codes and ordinances.
53	
54	BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
55	ALACHUA COUNTY, FLORIDA:
56	SECTION 1. The Board of County Commissioners finds and declares that all
57	statements in the preamble of the ordinance are true and correct.
58	SECTION 2. Chapter 24 is renamed "Codes Enforcement."
59	
60	

61	SECTION 3. Chapter 24, Article I, section 24.01, of Alachua County Code is
62	amended as follows:
63	Article I. – Generally
64	Sec. 24.01. – Definitions.
65	For the purposes of this chapter, the term:
66 67 68 69	(a) Codes inspector shall mean any authorized agent or employee of the county whose duty it is to assure compliance with the codes and ordinances of the county.
70 71 72 73 74 75	(b) Repeat violation shall mean a violation of a provision of a code or ordinance of the county by a person who has previously been found through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding that the violations may have occurred at different locations.
76	The terms of this Chapter shall be defined pursuant to section 162.04, Florida
77 78	Statutes, as amended.
79	SECTION 4. Chapter 24, Article I, section 24.07(i), of Alachua County Code is
80	amended as follows:
81	Article I. – Generally
82	Sec. 24.07. – Conduct of Hearing
83 84 85 86 87 88 89 90 91 92 93 94 95	(i) At the conclusion of the hearing, the codes enforcement board shall issue findings of fact based on evidence in the record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted by F.S. ch. 162, and by this chapter. The order shall be stated orally at the meeting and shall be reduced to writing and mailed to the alleged violator within ten 15 days after the hearing. The finding shall be by motion, approved by a majority of those present and voting; provided, however, that at least four members of the board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute a notice to any subsequent purchasers, successors in interest, or assigns, if the violation concerns real property, and the findings

96	therein shall be binding upon the violator and, if the violation concerns real
97	property, any subsequent purchasers, successors in interest, or assigns. If an
98	order is recorded in the public records pursuant to this subsection and the
99	order is complied with by the date specified in the order, the codes
100	enforcement board shall issue an order acknowledging compliance that shall
101	be recorded in the public records. A hearing is not required to issue such an
102	order acknowledging compliance.
103	
104	SECTION 5. Chapter 24, Article III, of Alachua County Code is created as
105	follows:
106	Article III Special Magistrates
107	Sec. 24.17. Special Magistrates.
108	(a) Creation. There is hereby created the Codes Enforcement Special Magistrate
109	to hear alleged violations of the Alachua County Code of Ordinances.
110	to near aneged violations of the Machad County Code of Ordinances.
111	(b) Appointment. The Board of County Commissioners may appoint one or more
112	qualified individuals to act as a Special Magistrate to hear alleged violations
113	of the Alachua County Code of Ordinances.
114	of the Muchai County Code of Ordinances.
115	(c) Candidate qualifications. To be considered by the Board of County
116	Commissioners for appointment or reappointment, a candidate for Special
117	Magistrate shall have the following minimum qualifications:
118	(1) Membership, in good standing, with the Florida Bar at the time of
119	appointment or reappointment and for the previous 5 years;
120	(2) Residence or place of business within Alachua County, Florida; and
121	(3) Reputation in the community for integrity, responsibility and
122	professional ability.
123	(d) Term. Special Magistrates shall serve for a term of three years from the date
124	of appointment by the Board of County Commissioners. The Board of County
125	Commissioners may reappoint Special Magistrates. There shall be no limit on
126	the number of terms a person may serve as a Special Magistrate.
127	
128	(e) Compensation. Special Magistrates shall not be County employees, but shall
129	be compensated as established by contract.
130	_
131	(f) Removal. At any time during a term, the Board of County Commissioners
132	shall have the authority to remove a Special Magistrate, with or without cause,
133	upon 10 calendar days' written notice.
134	·

135	(g) Public officer. Special Magistrates are public officers and are, therefore,
136	subject to the Code of Ethics for Public Officers and Employees found in
137	chapter 112, Florida Statutes, as amended, including financial disclosure
138	requirements.
	_ <del></del>
139	(h) Clerical and administrative support. The Department of Growth Management,
140	Office of Codes Enforcement shall act as the Clerk for the Special Magistrates
141	and shall provide the same level of clerical and administrative support to the
142	Special Magistrates as provided to the Codes Enforcement Board pursuant to
143	section 24.03 of this Chapter, as amended, and as may be reasonably required
144	for the Special Magistrates to properly perform their duties in accordance with
145	chapter 162, Florida Statutes, as amended.
146	Sec. 24.18. Definitions. The terms of this Chapter shall be defined pursuant to section
147	162.04, Florida Statutes, as amended.
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148	Sec. 24.19. County Legal Counsel before Special Magistrates. A member of the
149	County Attorney's Office shall represent the County by providing counsel to codes
150	inspectors presenting cases before Special Magistrates and may present codes
151	enforcement cases to Special Magistrates, question witnesses, present evidence, make
152	legal argument, and any other function necessary to support codes inspectors in the
153	orderly and efficient presentation of their cases, as needed.
154	Sec. 24.20. Jurisdiction of Special Magistrates. Special Magistrates shall have
155	jurisdiction and authority to hear and decide any alleged violation of the Alachua County
156	Code of Ordinances. The jurisdiction of Special Magistrates shall be in addition to, and
157	not in lieu of, any other procedures or remedies available to the County to enforce the
158	Alachua County Code of Ordinances. After final determination of the existence of a
159	violation, a Special Magistrate shall retain jurisdiction to adjust fines, order reasonable
160	repairs and assess the cost of repairs.
161	<del></del>
162	Sec. 24.21. Enforcement Procedure. Enforcement of the Alachua County Code of
163	Ordinances and initiation of enforcement procedures shall be in accordance with section
164	162.06, Florida Statutes, as amended, and section 24.06 of this Chapter, as amended. The
165	County Manager, or designee, shall review, in consultation with staff, potential cases and,
166	at his or her sole discretion, determine whether alleged violations will be heard by a
167	Special Magistrate or Codes Enforcement Board.
168	Sec. 24.22. Conduct of Hearing.
169	(a) Hearings schedule. The County Manager, or designee, may call for hearings
170	on an as-needed basis. When possible and necessary, multiple codes
171	enforcement cases shall be scheduled for each hearing called before a Special
172	Magistrate. The hearings shall be scheduled around the availability of the
173	parties but no later than 90 calendar days after the date that the hearing is
174	called. Once the hearing is scheduled, the County shall properly notice any

175 alleged violators of the hearing date, time, and location. 176 177 (b) Sunshine Law. Hearings before a Special Magistrate, under this article, are 178 subject to the Sunshine Law and must comply with section 286.011, Florida 179 Statutes, as amended. In addition to the requirements of the Sunshine Law, the 180 Clerk for the Special Magistrate shall prepare minutes and the record on 181 appeal. 182 183 (c) Burden of proof. The County shall have the burden of proof to show by a 184 preponderance of the evidence that an alleged violation exists. 185 186 (d) Evidence. All testimony shall be under oath. A Special Magistrate, the 187 County and the alleged violator may inquire of any witness. Formal rules of 188 evidence do not apply, but fundamental due process shall be observed and 189 shall govern such proceedings. 190 191 (e) Absence of alleged violator. If the notice provisions of this article have been 192 met, a hearing may take place in the absence of an alleged violator. 193 194 (f) Fines, costs, and liens. Special Magistrates may impose fines, cost of repairs, 195 costs of prosecution and liens consistent with section 24.09 of this Chapter, as 196 amended. Liens shall have the duration and force as provided for in chapter 197 162, Florida Statutes, as amended. Special Magistrates may reduce a fine 198 imposed pursuant to this Article and may release a lien entered pursuant to 199 this Article. 200 201 (g) Orders. Every order entered by a Special Magistrate shall be in writing, and 202 shall include findings of fact based on evidence in the record and conclusions 203 of law. Every order entered by a Special Magistrate shall be filed with the 204 Clerk for the Special Magistrates. Special Magistrates shall, in every proceeding, reach a decision without unreasonable or unnecessary delay. 205 206 Special Magistrates may make an adjudication on the alleged violation at the 207 hearing at which the last of the evidence was received, or after the hearing. In 208 all instances, a Special Magistrate shall issue an order within 15 calendar days 209 from the conclusion of the final hearing at which the last of the evidence was 210 received. The Clerk for the Special Magistrates shall mail the order to the 211 respondent within 15 calendar days from the date that the Clerk receives the 212 signed order from a Special Magistrate. A certified copy of such order may be 213 recorded in the public records of Alachua County and shall constitute notice to 214 any subsequent purchasers, successors in interest, or assigns. 215 216 (h) Recusal. At any point before, during or after a proceeding, Special 217 Magistrates may recuse themselves to assure a fair proceeding free from 218 potential bias or prejudice. Special Magistrates shall not hear any case in 219 which they have a conflict of interest.

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221	(i) Ex parte communication. Special Magistrates should avoid ex parte
222	communication concerning alleged violations which may come before them.
223	If a Special Magistrate receives ex parte communication, the Special
224	Magistrate shall reveal the source and nature of the ex parte communication
225	on an alleged violation before hearing that alleged violation and consider any
226	motion for recusal by a party, including the County.
220	motion for recusar by a party, merading the county.
227	Sec. 24.23. Powers. The Special Magistrates shall have all of the powers granted to the
228	Codes Enforcement Board under chapter 162, Florida Statutes, as amended, and section
229	24.08 of this Chapter, as amended.
230	
231	Sec. 24.24. Notices. Notices required by this Article shall be provided to the alleged
232	violator in accordance with chapter 162, Florida Statutes, as amended, and section 24.11
233	of this Chapter, as amended.
234	or was campital, as unitation
235	Sec. 24.25. Appeals. An aggrieved party may appeal in accordance with chapter 162,
236	Florida Statutes, as amended.
237	1 fortua statutes, as amenaea.
	CECTION 6 Cassandility If any word abuses alones are managed and in an
238	SECTION 6. <u>Severability</u> . If any word, phrase, clause, paragraph, section or
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239	provision of this ordinance or the application hereof to any person or circumstance is held
• 40	
240	invalid or unconstitutional, such finding shall not affect the other provisions or
241	applications of the ordinance which can be given effect without the invalid or
242	unconstitutional provisions or application, and to this end the provisions of this ordinance
243	are declared severable.
244	SECTION 7. <u>Inclusion in the Code</u> . It is the intent of the Board of County
	DECITOT ( ) MICHIGAN MI WING COMP. IN 18 WING MICHING OF WING DOWNLOY
245	Commissioners of Alachua County, Florida, and it is hereby provided that the provisions
2 <del>4</del> 3	Commissioners of Alachda County, Florida, and it is hereby provided that the provisions
246	of this andinguage shall become and be made a next of the Code of Outlineaness of Alachus
246	of this ordinance shall become and be made a part of the Code of Ordinances of Alachua
2.47	
247	County, Florida; that the section of this ordinance may be renumbered or re-lettered to
248	accomplish such intent and that the word "ordinance" may be changed to "section",
249	"article", or other appropriate designation.
250	Section 8. Modification. It is the intent of the Board of County Commissioners
251	that the provisions of this ordinance may be modified as a result of considerations that
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252	may arise during public hearings. Such modifications shall be incorporated into the final
253	version of the ordinance adopted by the Board and filed by the Clerk to the Board.
254	SECTION 9. Effective Date. This ordinance shall take effect immediately upon
255	final adoption.
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257	
258	DULY ADOPTED in regular session, this day of, 2018.
259 260 261 262 263 264 265	BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA  ATTEST:  BY:  Lee Pinkoson, Chair
266 267 268 269 270 271 272 273 274 275 276 277 278	J.K. "Jess" Irby, Clerk  APPROVED AS TO FORM  County Attorney  (SEAL)