



# City of Gainesville

Department of Sustainable  
Development

## City Plan Board Staff Report

### Petition Information

**Public Hearing Date:** March 27<sup>th</sup>, 2025

**Project Name and Number:** LD23-000160 Community Meetings with Notice Text Change

**Application Type:** Text Change to the Land Development Code (Legislative)

**Recommendation:** Staff recommends approval with conditions

**City Project Contact:** Nathaniel Chan, AICP

### Application Information

**Applicant:** Margaret (Peggy) Carr

**Company/Organization:** Gainesville Neighborhood Voices, Inc.

**Related Petition(s):** N/A

**Legislative History:** Ordinance 200650 (2021) amended neighborhood workshops, public participation, public notice, and board review of major development plans; Ordinance 2022-704 (2023) added a requirement for proof of mailing and notarized affidavit for neighborhood workshops and removed a certified mail requirement for public notice for public hearings (regular mail is acceptable).

### Petition Description

This privately-initiated text change application proposes to amend four sections of the Land Development Code pertaining to public notice and participation: Section 30-2.1. – Definitions; Section 30-3.7. – Public participation; and Section 30-3.8. – Public notice.

This petition is related to Goal 5: “Best in Class” Neighbor Services of the City of Gainesville Strategic Plan.

## **Summary of requested changes**

This privately-initiated text change to the Land Development Code is intended to apply to “citywide changes”, defined in the proposal as legislative and quasi-judicial planning items affecting more than 5% of the City’s land area. The request can be divided into changes to three parts of the Land Development Code:

1. Added Definitions (Section 30-2.1)
2. Added Public Notice (Section 30-3.8)
3. Added Public Participation (Section 30-3.7)

Part 1 “Added Definitions” would add definitions for legislative decision and quasi-judicial decision to Section 30-2.1 of the Land Development Code. Part 2 “Added Public Notice” would add various new forms of notice to the Land Development Code including, text messages, email, newsletter, social media, website, and newspaper ads. Part 3 “Added Public Participation” would require four community meetings before aforementioned “citywide changes” are routed to the City Plan Board, with associated regulations for the meetings.

## **Background**

### **Overview of Current Code Requirements for Public Participation and Notice**

Section 30-3.7 of the Land Development Code regulates public participation for almost all planning projects that require board approval, including future land use changes (LUC), rezonings (ZON), variances (VAR), special use permits (SUP), right-of-way/street vacations (SVA), certificates of appropriateness (COA), subdivisions (SUB), and development plan review of intermediate and major projects. Public participation begins at the neighborhood workshop stage prior to submittal of any formal application to the City. There, the applicant and/or owner can speak directly to the public regarding the proposed changes to their private property and can receive direct suggestions and

feedback. The applicant is also required to produce a public participation report, summarizing the feedback provided at the neighborhood workshop stage. The public participation report along with the other neighborhood workshop materials are submitted with the application for city staff's review and consideration. After submitting a formal application, public participation typically continues by meeting directly with staff and at public hearings, if the petition requires them (advisory board meetings and City Commission meetings).

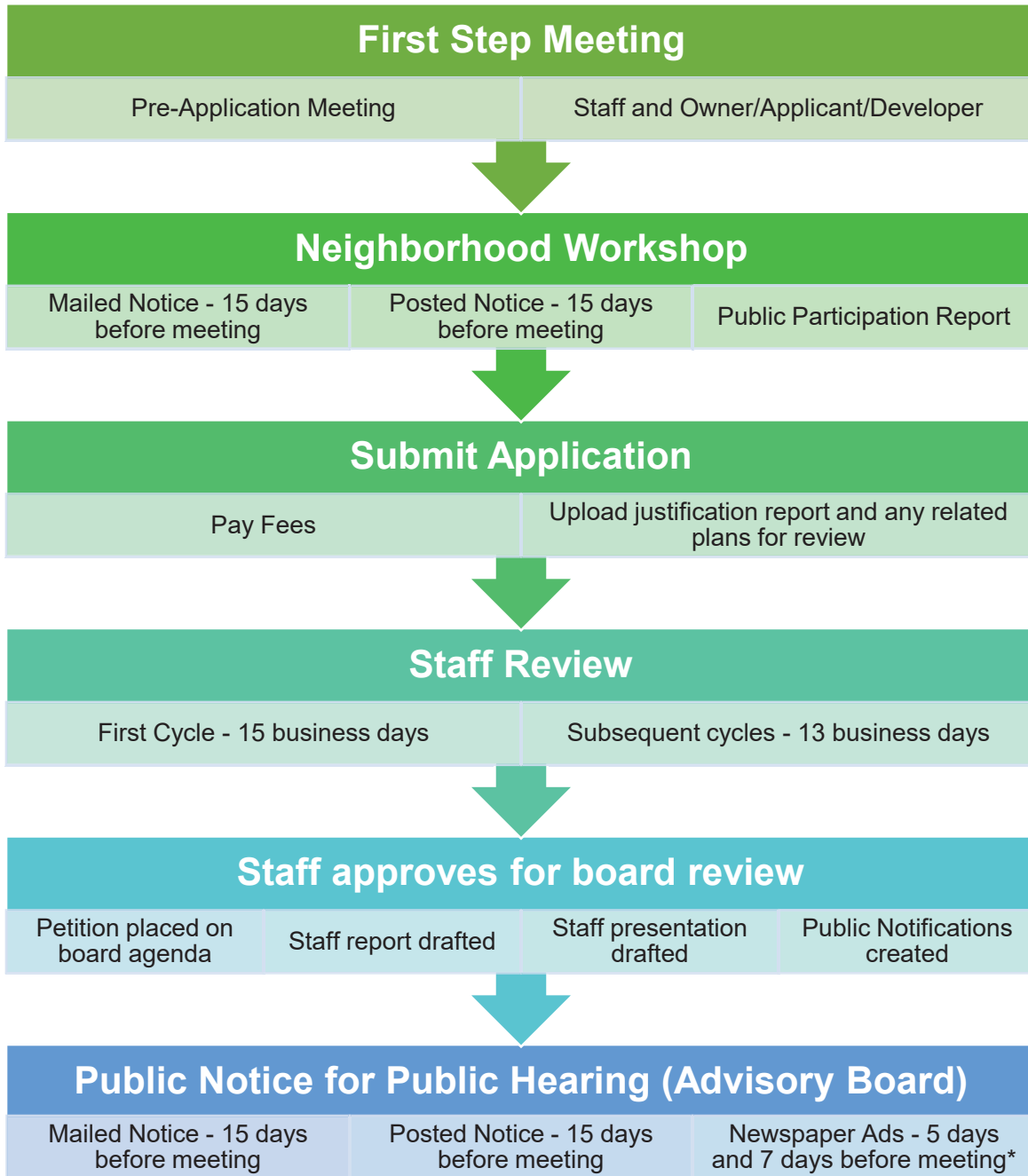
Section 30-3.7 (B) of the Land Development Code provides a few exemptions to the neighborhood workshop requirement. These exemptions are as follows:

1. Text changes to the Comprehensive Plan or Land Development Code.
2. City-initiated amendments to the future land use map of the Comprehensive Plan that change the future land use from Alachua County to City of Gainesville categories (annexation-related future land use map change)
3. City initiated amendments to the zoning map that change the zoning from Alachua County to City of Gainesville districts (annexation-related rezoning)
4. Development plan applications for nonresidential projects of 10,000 square feet or less of floor area when not abutting or adjacent to property zoned for single-family residential use (minor/rapid development plan reviews)
5. Development plan applications for residential projects of ten units or less (minor/rapid development plan reviews)
6. Environmental remediation or safety improvements required by local, state, and federal agencies

While text changes to the Land Development Code, text changes to the Comprehensive Plan, and City-initiated future land use changes and zoning changes are exempt from neighborhood workshop requirements, they are still required to undergo the public hearing review and notification process (advisory board and City Commission review).

Public notification/notice occurs in many forms through various avenues. For neighborhood workshops, the applicant is required to mail notice to properties within 400ft of the subject property and include information on the proposal, time, and date of the workshop. The 400ft distance is determined through the GIS “buffer” tool that measures and selects properties within 400ft of the subject property and creates a list of addresses of properties that touch the 400ft buffer line. For public hearings (advisory boards like the City Plan Board, and Development Review Board, as well as the City Commission), the same tool is used to send mailed notice “postcards” to owners and occupants within 400ft. Additionally, staff sends postcards to all listed neighborhood associations that the City has on file for all petitions that require advisory board or City Commission review/approval, unless exempt from mailed notice requirements. Signs are posted on the subject property for both neighborhood workshops and public hearings. Additionally, depending on the type of item, newspaper ads may be required to notify the public of public hearings. See Figure 1 on the following page for an overview of the process for advisory board review.

Figure 1. Process for Advisory Board Review



\*if required by state statute

The City is committed to a robust and timely engagement and participation process. A great deal of time and effort is dedicated to ensuring that all planning petitions are

noticed correctly at their various injunctions (neighborhood workshops, City Plan Board, City Commission, Development Review Board, and the Historic Preservation Board). Mailed notice/postcards, posted notice/signs on the property, newspaper ads, and neighborhood workshops contribute to the City's commitment to notifying neighbors of pertinent items. While not a requirement of the Land Development Code, additional community workshops and engagement sessions are typically held for projects that have a large scope and a potentially large impact. Some recent examples include the additional workshops and meetings held for the exclusionary and inclusionary zoning efforts (2022), listening sessions and online review for the Comprehensive Plan update ImagineGNV (2021-present), the workshops for small lot reform (2024), and more.

## **Recent Changes to Public Participation and Notice**

The largest recent change to Public Participation occurred in 2022 with Ordinance 200722, which was a text amendment to the Land Development Code changing the requirements for neighborhood workshops and levels of development review. These city-initiated changes were intended to strengthen community engagement through the neighborhood workshop process and require major development plans to be further noticed and reviewed by the Development Review Board. The following list summarizes the most recent changes to the public notification and participation section of the Land Development Code:

- Required sign postings for neighborhood workshops
- Removed newspaper ad requirement for neighborhood workshops
- Required public participation report and narrative for neighborhood workshops
- Allowed neighborhood workshops to be held virtually
- Required major development plans to be reviewed by the Development Review Board
- Required neighborhood workshop for right-of-way vacations
- Required posted notice for right-of-way vacations

### **Review of Florida Statute Requirements for Notification**

Based on staff review of Florida Statute, there are various requirements for public notice of ordinance hearings. Public notice as regulated by Florida Statute typically takes the form of newspaper ad requirements. Depending on the type of ordinance being heard (future land use amendment, rezoning, text changes, etc), different requirements apply for the number of newspaper advertisements, the content of the ads, when the ads must run, number of hearings needed, and when the ordinance can be heard (F.S. 163.3184, F.S. 163.3187, F.S. 166.041, F.S. 286.86). For example, a small-scale (less than or equal to 50 acres) future land use amendment not initiated by the City requires 1 weekday public hearing and 1 newspaper ad at least 5 days prior to the adoption hearing, and must include the ordinance title, date, time, and place of the meeting, and other required verbiage. Other ordinance types may require more newspaper ads, more hearings, or both. Prior to scheduling first reading of an ordinance at the City Commission, the City prepares and sends public notice in compliance with the applicable Florida Statute requirements.

Florida Statute does not regulate mailed notice to affected parties and property owners or posted notice on the subject property. Both mailed and posted forms of notice are considered courtesy notice as it is not regulated by Florida Statute, but rather each municipality's Land Development Regulations. Prior to placement of a planning item on an advisory board or City Commission agenda, staff prepares the required mailed and posted notice as regulated by Section 30-3.7 of the Land Development Code.

### **Staff Analysis**

This petition was reviewed by staff across the City organization who are responsible for or have knowledge of the public notice and public participation process at different levels. The Office of the City Attorney, its consistency with the Comprehensive Plan and the Land Development Code. Additionally, staff reviewed the proposed text change in terms of recent public notification and engagement efforts, staff capacity, and costs to the City of Gainesville.

## **Added Definitions (Section 30-2.1 of the Land Development Code)**

The applicant proposes the following definitions to Section 30-2.1 of the Land Development Code. The added definitions were reviewed by the Office of the City Attorney and the Planning Division.

- *Legislative decision* means a decision that formulates a city policy that may apply to a quasi-judicial decision. Every decision to adopt or amend a part of the comprehensive plan is a legislative decision.
- *Quasi-judicial decision* means a decision that applies existing city policy to facts about specific real property.

### Office of the City Attorney Review:

Both definitions will need to be rewritten if codified into the Land Development Code. Legislative decisions are defined by the Florida Supreme Court, roughly meaning enacting laws and regulations that formulate policy. Legislative decisions are not always related to a quasi-judicial decision and do not need to have anything to do with a quasi-judicial decision. While land use changes are considered legislative in Florida, this is not the case in other states. Quasi-judicial decisions are those that are determined to require a public hearing. There are many cases where decisions are made that apply existing city policy to real properties, such as site plan approvals, administrative approvals, and other decisions not requiring a public hearing.

### Planning Division:

Based on guidance from the Office of the City Attorney, the proposed definitions will need to be rewritten for accuracy. The added definitions will likely not make an impact on the public's understanding of planning petitions, as they will be located in the Land Development Code of the City's Code of Ordinances (which is not an easily-navigable document). Still, if rewritten in a form that is approvable by the Office of the City Attorney, planning staff can recommend approval of the added definitions.

## **Added Public Notice (Section 30-3.8 of the Land Development Code)**

The applicant proposes new notice requirements applying to “citywide changes” (planning petitions that affect more than 5% of the City’s land area). The applicant previously requested mailed notice to all residential addresses in the city, but following guidance from the City Plan Board and planning staff, the request was modified to propose other means for notice. The applicant states that these forms of notice would occur after an application is submitted for a citywide change, and before their proposed “community meetings” (public participation changes discussed in the next section).

Below is a list of the proposed forms of notice followed by an analysis of each proposed notice from the Office of the City Attorney, the Office of Communications and Marketing, and the Planning Division.

- Text Messages (opt-in/opt-out)
- Email (opt-in/opt/out)
- Newsletter
- Social Media
- Website
- Newspaper Ads (Legal Notices)

### **Text Messages**

#### Office of the City Attorney:

We recommend staying consistent with state law, which does not have a provision for text message notice. Florida Statute historically required newspaper ads as the form of notice provided but has since shifted and changed to include other modern forms of notice. We would not support codifying more required notice beyond state law provisions.

#### Office of Communications and Marketing

We do not have a database of resident cell phone numbers. The only means we have at this time to send a citywide alert would be through emergency alert systems (Everbridge or Facebook Local Alerts), which are not used for this purpose.

Planning Division

The Planning Division does not have a database of resident phone numbers and does not have the means to send text messages to a list of phone numbers. Obtaining and maintaining a list of resident phone numbers may prove to be difficult and time-consuming for staff. Staff does not support codifying the use of text messages for public notice.

**Email (opt-in/opt-out)**

Office of the City Attorney:

We recommend staying consistent with state law. Under F.S. 50.0311, “A governmental agency that uses a publicly accessible website to publish legally required advertisements and public notices shall provide notice at least once per year in a newspaper of general circulation or another publication that is mailed or delivered to all residents and property owners throughout the government’s jurisdiction, indicating that property owners and residents may receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail upon registering their name and address or e-mail address with the governmental agency. The governmental agency shall maintain a registry of names, addresses, and e-mail addresses of property owners and residents who have requested in writing that they receive legally required advertisements and public notices from the governmental agency by first-class mail or e-mail.” We would not support codifying more required notice beyond state law provisions.

Office of Communications and Marketing

We use Constant Contact to send news to residents (or non-residents) who have elected to subscribe. We do not have a means to email residents who have not subscribed and I don’t know the feasibility of working with GRU or Alachua County to collect email addresses for this purpose. Constant Contact blocks us from sending emails to people who have elected to unsubscribe from city messaging, so there are limits to what we can do. In addition, this would add increased cost as the amount we

pay for Constant Contact is based on subscriber number and those new subscriber costs are not built into the FY 2025 budget.

We think the best effort here would be a multi-channel educational campaign urging people to sign up for special emails only related to major zoning changes. We could put the campaign on Facebook, the city website, and send out via GNV News. We could also write a news release to try and get our subscription appeal into the news cycle. We think the obstacle we'd face is that, unless the story gets a lot of play from traditional news media, the vast majority of people who see the messaging will be those who already follow our channels and subscribe to our newsletters. This is not to say it's not something to try—only that the results will not be an email that reaches every household.

### Planning Division

The Planning Division does not have a robust database of resident emails to the effect that the applicant is requesting. The collection of resident emails may be best achieved through the multi-channel educational campaign that the Office of Communications and Marketing is suggesting. Obtaining and maintaining a list of resident emails may prove to be difficult and time-consuming for staff, however, staff is supportive of email as a notification option for large planning initiatives if a list of emails is available. While staff supports the process change, staff does not support the codification of email notice in the Land Development Code.

### **Newsletter**

The applicant proposes reorganizing the City's existing newsletter (GNV News) so that large citywide changes (planning petitions that affect more than 5% of the city's land area) are noticed at the top, including all related meetings and hearings scheduled for the following week.

Office of the City Attorney:

We recommend staying consistent with state law, which does not have a provision for notice via an email newsletter. We would not support codifying more required notice beyond state law provisions.

Office of Communications and Marketing

The newsletter content is arranged in order of date and importance. Given that, in some cases zoning items may be highlighted.

Planning Division

The Planning Division does not produce the City's newsletter; rather, the organization of items on the City's newsletter is handled by the Office of Communications and Marketing. Planning staff does not support the codification of the City's newsletter in the Land Development Code but can support a process change should the Office of Communications and Marketing deem the effort possible and reasonable.

**Social Media**

The applicant proposes posting notice of large citywide changes (planning petitions that affect more than 5% of the city's land area) on social media including Facebook, Instagram, X, Bluesky, and NextDoor.

Office of the City Attorney:

We recommend staying consistent with state law, which does not have a provision for notice via social media. We would not support codifying more required notice beyond state law provisions.

Office of Communications and Marketing

The intent of social media is to be social online – create conversations and engage with others. We don't share issues related to alterations to the Land Development Code because most of the public isn't interested or engaged in that content, nor do we have the bandwidth to moderate conversations like they would need to be moderated.

We can look into the Savvy Citizen app, but at a yearly service cost of \$15,400 for a city our size, it is not in the FY 2025 budget.

Planning Division

The Planning Division does not manage the City's social media; rather, the posting on the City's social media is handled by the Office of Communications and Marketing. Considering the response from the Office of Communications and Marketing, Planning staff does not support the codification of the City's social media in the Land Development Code and cannot support a process change at this time.

**Website**

The applicant proposes a separate website page on the City's website that shows all scheduled meetings and hearings related to citywide changes (planning petitions that affect more than 5% of the city's land area).

Office of the City Attorney:

We recommend staying consistent with state law, which allows local governments the option to post legal notices on a publicly accessible website owned by the county instead of in a print newspaper under specified conditions. We would not support codifying more required notice beyond state law provisions.

Office of Communications and Marketing

The Office of Communications and Marketing manages the City's website with most departments responsible for maintaining and updating their assigned pages. The type of page you're suggesting would likely be added to the Department of Sustainable Development section of the existing website and updated as needed. This would require repeated cycles of content creation, monitoring and maintenance by Department of Sustainable Development staff. Staff time and resources are limited and largely absorbed by tasks related to existing City Commission policy directives.

Planning Division

The Planning Division has an existing webpage on the City’s website that has regularly-updated information on planning and zoning in Gainesville. Staff supports a process change to create an additional webpage dedicated to large planning initiatives. However, staff does not support the codification of posting on the City’s website into the Land Development Code.

**Newspaper Ads (Legal Notices)**

The applicant proposes utilizing F.S. 50.0311, which allows defined governmental agencies to “use the publicly accessible website of the county in which it lies to publish legally required advertisements and public notices if the cost of publishing advertisements and public notices on such website is less than the cost of publishing advertisements and public notices in a newspaper”. Alachua County is currently posting their legal notices on the county website.

Office of the City Attorney:

We recommend staying consistent with state law, which requires legal notices in the form of newspaper ads for certain planning petitions. We would not support codifying more required notice beyond state law provisions.

Office of Communications and Marketing

The Office of Communications and Marketing does not have a direct responsibility of using newspaper ads for the purposes of legal noticing.

Planning Division

Staff supports the use of newspaper ads and legal notices for planning petitions. In 2024, the General Policy Committee reviewed “2024-820 Online Publication of Statutorily Required Advertisements and Public Notice”, which would have allowed the City to implement online notifications of required advertisements and public notices using Alachua County’s website. Staff supports the use of the County’s website for newspaper ads and legal notices and can support codification into the Land

Development Code if deemed appropriate by the Office of the City Attorney and the City Commission.

**Added Public Participation (Section 30-3.7 of the Land Development Code)**

The applicant proposes a requirement for planning petitions affecting greater than 5% of the City's land area to complete additional public participation (four community meetings) outside of the public hearing process (board review and City Commission review). This change would apply to all planning petitions that affect more than 5% of the City's land area, like most text changes and some future land use change and rezoning petitions. The proposed text change requires that of the four required community meetings, one meeting should be held in each of the four City Commission Districts, with the suggestion that each City Commissioner representing the district attend the meeting. Community meetings must start between 6pm and 8pm on weekdays or between 9am and 5pm on weekends. Additional requirements include a public participation report summarizing the feedback received at each community meeting, collection of contact information from attendees, and the notice should be sent at least 15 calendar days before the first community meeting and must include the date, time, and location of all scheduled community meetings, a narrative description of the potential impacts, and a website link that will include subsequent information.

The applicant proposes holding no more than two sequences of community meetings per year (4 meetings in each sequence, 8 meetings total per year), where applicable petitions are grouped into one sequence of community meetings. The two exemptions to the proposed "community meeting with notice" requirement are annexation-related future land use change and rezoning petitions and legislative changes required by state statute. The applicant also proposes that all applicable planning petitions affecting more than 5% of the City's land area require a newspaper advertisement for each public hearing held.

As planning professionals, it is essential to plan for the public interest and conduct transparent public engagement, ideally towards building consensus. Many of the

existing requirements regarding public participation and notice speak to this notion, as there are several instances for which the public and all stakeholders can learn about upcoming and ongoing petitions, attend meetings, and provide feedback. The main, statutorily-recognized space for engagement to occur is public hearings, where productive conversation can be facilitated between neighbors, elected officials, staff, and other groups. The additional four community meetings raises numerous concerns including costs, staff time, venue uncertainties, and an overall deceleration of the planning process.

This aspect of the applicant's proposal of four community meetings (one in each Commission district) prior to board review is unchanged from when it was heard by the City Plan Board in June 2024. As such, staff's analysis of this aspect of the applicant's proposal is unchanged (see Appendix B for previous staff report and analysis). Staff finds that the existing requirements for participation are robust and foster a transparent and engaging planning process. The recent neighborhood workshop changes adopted in 2022 increased public participation in planning petitions. Neighborhood workshops, mailed notice, posted notice, newspaper ads, public hearings, and individual community and neighborhood meetings all contribute to the vast number of ways that the city engages with its neighbors. Planning staff does not recommend approval of additional community meetings since the proposed text change would create a duplicative meeting process that would increase costs, increase staff time, and would result in a deceleration of the planning process.

### **Consistency with the Land Development Code and Comprehensive Plan**

The subject text change presents inconsistencies with the existing Land Development Code, mainly with the proposed definitions of legislative and quasi-judicial items.

Should the subject proposal be passed, staff will work with the applicant and the Office of the City Attorney to ensure that these inconsistencies are resolved so that the Land Development Code contains consistent language across all sections.

The proposed text change is related to Objective 5.4 of the [Future Land Use Element](#) of the [Comprehensive Plan](#), which states that “The City shall partner with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements”.

## Recommendation

Based on staff analysis of the proposed text change, staff recommends approval of Petition LD23-000160 TCH with conditions:

1. Revise the provided definitions for legislative decision and quasi-judicial decision per the Office of the City Attorney’s preferred definitions
2. Revise the newspaper ad requirement per the Office of the City Attorney’s preferred language for codification into the Land Development Code
3. Remove website notice, email notice, text message notice, social media notice, and newspaper notice from codification into the Land Development Code
4. Remove community meetings from codification into the Land Development Code
5. Separate from this approval, the Planning Division can initiate process changes for improving the City’s website, email notification, newsletter notification, and more neighborhood partnerships to hear direct concerns from neighbors

### Draft Motion for Consideration

I move to approve Petition LD23-000160 TCH with conditions.

## Appendices

**Appendix A.** – Application Documents

**Appendix B.** – June 2024 City Plan Board Staff Report

**APPENDIX A**

**Application Documents**



**2024-315A**  
 Planning Division

PO Box 490, Station 11

Gainesville, FL 32627

Ph: 352-334-5023

Email: [planning@gainesvillefl.gov](mailto:planning@gainesvillefl.gov)

## Text Amendment Application

Applicant/Agent	
Name: Margaret Carr	Company: Gainesville Neighborhood Voices, Inc.
Mailing Address: P.O. Box 5246	
City, State, Zip: Gainesville, FL 32627	
Phone: 352-318-5423	E-mail: <a href="mailto:peggyhcarr@gmail.com">peggyhcarr@gmail.com</a>
<p><b>Note:</b> It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with staff prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.</p>	

Text Amendment		
Check applicable request below:		
<input checked="" type="checkbox"/> <b>Land Development Code</b>	<input type="checkbox"/> <b>Comprehensive Plan Text</b>	<input type="checkbox"/> <b>Other</b>
Section/Appendix No: Sec. 30-3.7 and 30-3.8	Element & Goal, Objective or Policy No:	Specify:

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary)
Please see attached document.

**No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.**

**Certification:**

The undersigned has read the above application and is familiar with the information submitted herewith.

**Applicant Signature:** Margaret Carr **Date:** 11/16/2023

2024-315A

# Proposal to Enhance Public Participation in City Land Use Decision-making

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GAINESVILLE NEIGHBORHOOD VOICES PRESENTATION

CITY PLAN BOARD – MARCH 27, 2025

Focus:  
LDC  
Changes  
Affecting  
5% and  
more of the  
City's Land  
Area

2024-315A

**City-wide changes currently require  
LESS public notice and public  
participation than proposed changes to  
individual properties.**

# Proposal

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- Part 1 - Added LDC Definitions
- Part 2 – Enhanced Communication
- Part 3 – Enhanced Public Participation

## Added Definitions

2024-315A

***Legislative decision*** means a decision that formulates a city policy that may apply to a quasi-judicial decision. Every decision to adopt or amend a part of the comprehensive plan is a legislative decision.

***Quasi-judicial decision*** means a decision that applies existing city policy to facts about specific real property.

## Part 2 - Enhanced Communication

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- Initial Notice that directs residents to a Website. To be sent only once, after application is complete, but possibly using multiple methods.
- Website
- Legal Notices

# Options for Initial Notice – Text messages

- Opt in (or out) text messages

# Options for Initial Notice – Email messages

2024-315A

- Opt in (or out) email messages

Options for  
Initial Notice –

City's weekly  
emailed  
Newsletter

2024-315A

- Reorganize so major LDC changes are noticed at the top, including all related meetings and hearings scheduled for following week

# Options for Initial Notice – Social Media

2024-315A

- Postings on Facebook, Instagram, X, Bluesky, Next Door

# Website – Office of Sustainable Development

- Easy to navigate
- Constantly updated
- Notice all scheduled meetings and hearings

## Legal Notices –

2024-315A

- Take advantage of new legislation & County’s website capability
- Publicize in one periodical only

## Part 3 - Enhanced Public Participation

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- 4 Community Meetings/Cycle
- 2 Cycles Per Year as needed

# Community Meetings

2024-315A

*Applicant(s) responsible for 4 community meetings, one in each commission district,*

- Recommend Commissioners representing each district attend
- Two community meeting cycles/year (proposed changes can be grouped)

# Community Meetings

2024-315A

## *Possible Application/Meeting Cycle*

- Month 1 – 2  
Application period for Cycle One closes at end of month 2
- Month 3  
Staff sends out initial Cycle One notices and organizes Cycle One community meeting schedule
- Month 4 - 5  
Cycle One Community Meetings held  
Meeting reports are prepared  
Staff prepares agenda item(s) for City Plan Board Meeting  
Legal Notices posted
- Month 6  
City Plan Board Meeting for Cycle One applications
- Months 7-12  
Schedule repeats

# Community Meetings

2024-315A

## *Possible venues :*

- District 1 - Eastside Community Center or T. B. McPherson Community Center
- District 2 - Alachua County Senior Recreation Center, Hogtown Creek Headwaters Park
- District 3 - Church or Oak Hammock
- District 4 - Ray Massey Community Center or Thelma Boltin Center

# Community Meetings

2024-315A

*Applicant responsible for  
providing a report about the  
community meetings including list  
of attendees*

# Summation

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## ■ Consistent with the City's Strategic Plan

- Equitable Community - Enhance the access to city services, information, programs, facilities and activities for all Neighbors
- Best in Class Neighbor Services - Maintain and enhance proactive city communications policies, strategies and tools to inform the community and our neighbors

## ■ Will improve Community – Commission relations

## ■ Will assist staff & CPB with scheduling

# Points for Addition to LDC and/or Discussion

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- Definitions
- Initial notice
- Website
- Legal notices
- Community meetings

## For LDC:

*Legislative decision means a decision that formulates a city policy that may apply to a quasi-judicial decision. Every decision to adopt or amend a part of the comprehensive plan is a legislative decision.*

*Quasi-judicial decision means a decision that applies existing city policy to facts about specific real property.*

## Definitions

# Initial Notice of Major Changes

2024-315A

**For LDC:** *The City shall employ contemporary communication techniques to reach as many residents as possible with an initial notice of a change in land use that will affect 5% or greater of the City's land area.*

## **For Discussion:**

*Options include: text, email, city newsletter, social media*

# Website

2024-315A

*For LDC: The city department responsible for planning and land use shall be responsible for maintaining an easily accessible website that is*

- *easy to navigate,*
- *constantly updated, and*
- *includes notice of all scheduled meetings and hearings, particularly those that affect 5% or greater of the city's land area*

# Legal Notices

2024-315A

## For Discussion:

- *Use County's Website*
- *Use only one written or online periodical*

## Community Meetings

2024-315A

*For LDC: The applicant(s) of a change in land use that will affect 5% or greater of the City's land area will be responsible for four community meetings, one each in the four commission districts, in order to share with attendees, the details of the proposed application. It is recommended that the City Commissioner representing each district attend the meeting held in their district.*

# Community Meetings continued

*For LDC: There will be two application and meeting cycles per year for proposals that will affect 5% and greater of the City's land area. More than one application can be discussed at each community meeting.*

*Applicant(s) are responsible for providing a report about each community meeting including a list of attendees.*

*For Discussion: Suggested sequence of activities in each application cycle.*

**APPENDIX B**

**June 2024 City Plan Board Staff Report**



# City of Gainesville

Department of Sustainable  
Development

## City Plan Board Staff Report

### Petition Information

**Public Hearing Date:** June 27<sup>th</sup>, 2024

**Project Name and Number:** LD23-000160 Community Meetings with Notice Text Change

**Application Type:** Text Change to the Land Development Code (Legislative)

**Recommendation:** Staff recommends denial of Petition LD23-000160 TCH

**City Project Contact:** Nathaniel Chan, AICP

### Application Information

**Applicant:** Margaret (Peggy) Carr

**Company/Organization:** Gainesville Neighborhood Voices, Inc.

**Related Petition(s):** N/A

**Legislative History:** N/A

### Petition Description

This privately-initiated text change application proposes to amend four sections of the Land Development Code pertaining to public notice and participation: Section 30-2.1. – Definitions; Section 30-3.7. – Public participation; Section 30-3.8. – Public notice; and Section 30-3.12. – Review procedures.

This petition is related to Goal 5: “Best in Class” Neighbor Services of the City of Gainesville Strategic Plan.

**Summary of requested changes (Four Community Meetings with Mailed Notice)**

The requested text change to the Land Development Code would require citywide legislative and quasi-judicial items (those affecting more than 5% of the City's land area) to hold 4 "community meetings" (one meeting in each City Commission district) before the items are routed to the City Plan Board, with associated regulations. This change would apply to all planning petitions that affect more than 5% of the City's land area, like most text changes and some future land use change and rezoning petitions. As expressed in meetings between staff and the applicant, the purpose and intent of the changes is to:

1. Ensure early and effective citizen participation in determining the impacts each quasi-judicial/legislative decision might have on individuals and/or neighborhoods;
2. Ensure that every person has an adequate opportunity to learn about each quasi-judicial decision that may affect them;
3. Allow applicants, city employees, appointed officials, and elected officials to work with the public to resolve concerns at an early stage of the decision-making process; and
4. Create an adequate record of citizen participation to inform applicants, city employees, appointed officials, and elected officials throughout the decision-making process.

The proposed text change requires that of the four required community meetings, one meeting should be held in each of the four City Commission Districts, with the suggestion that each City Commissioner representing the district attend the meeting. Community meetings must start between 6pm and 8pm on weekdays or between 9am and 5pm on weekends. Additional requirements include a public participation report summarizing the feedback received at each community meeting, collection of contact information from attendees, and **mailed notice of the meeting to all residents within the City**. The mailed notice should be mailed at least 15 calendar days before the first community meeting and must include the date, time, and location of all scheduled community meetings, a narrative description of the potential impacts, and a website link that will include subsequent information.

The applicant proposes that no more than two sequences of community meetings are held per year (4 meetings in each sequence, 8 meetings total per year), where applicable petitions are grouped into one sequence of community meetings. Additionally, the applicant proposes that if there are multiple petitions within a sequence of community meetings, then associated costs for mailed notice at this stage are shared and split between petitions and their applicants. The two exemptions to the proposed “community meeting with notice” requirement are annexation-related future land use change and rezoning petitions and legislative changes required by state statute. The applicant also proposes that all applicable planning petitions affecting more than 5% of the City’s land area require a newspaper advertisement for each public hearing held.

### **Staff Analysis and Recommendation**

This petition was reviewed by staff for its consistency with the Comprehensive Plan and the Land Development Code. Additionally, staff reviewed the proposed text change in terms of recent public notification and engagement efforts, staff capacity, and costs to the City of Gainesville. Since this change would affect many of the Planning Division’s petitions, a fiscal analysis was also conducted to assess how the change would impact recent petitions.

### **Review of Florida Statute Requirements for Notification**

Based on staff review of Florida Statute, there are various requirements for public notice of ordinance hearings. Public notice as regulated by Florida Statute typically takes the form of newspaper ad requirements. Depending on the type of ordinance being heard (future land use amendment, rezoning, text changes, etc), different requirements apply for the number of newspaper advertisements, the content of the ads, when the ads must run, number of hearings needed, and when the ordinance can be heard (F.S. 163.3184, F.S. 163.3187, F.S. 166.041, F.S. 286.86). For example, a small-scale (less than or equal to 50 acres) future land use amendment not initiated by the City requires 1 weekday public hearing and 1 newspaper ad at least 5 days prior to

the adoption hearing, and must include the ordinance title, date, time, and place of the meeting, and other required verbiage. Other ordinance types may require more newspaper ads, more hearings, or both. Prior to scheduling first reading of an ordinance at the City Commission, the City prepares and sends public notice in compliance with the applicable Florida Statute requirements.

Florida Statute does not regulate mailed notice to affected parties and property owners or posted notice on the subject property. Both mailed and posted forms of notice are considered courtesy notice as it is not regulated by Florida Statute, but rather each municipality's Land Development Regulations. Prior to placement of a planning item on an advisory board or City Commission agenda, staff prepares the required mailed and posted notice as regulated by Section 30-3.7 of the Land Development Code.

### **Overview of Current Code Requirements for Public Participation and Notice**

Section 30-3.7 of the Land Development Code regulates public participation for almost all planning projects that require board approval, including future land use changes (LUC), rezonings (ZON), variances (VAR), special use permits (SUP), right-of-way/street vacations (SVA), certificates of appropriateness (COA), subdivisions (SUB), and development plan review of intermediate and major projects. Public participation begins at the neighborhood workshop stage prior to submittal of any formal application to the City. There, the applicant and/or owner can speak directly to the public regarding the proposed changes to their private property, and can receive direct suggestions and feedback. The applicant is also required to produce a public participation report, summarizing the feedback provided at the neighborhood workshop stage. The public participation report along with the other neighborhood workshop materials are submitted with the application for city staff's review and consideration. After submitting a formal application, public participation typically continues by meeting directly with staff and at public hearings, if the petition requires them (advisory board meetings and City Commission meetings).

Section 30-3.7 (B) of the Land Development Code provides a few exemptions to the neighborhood workshop requirement. These exemptions are as follows:

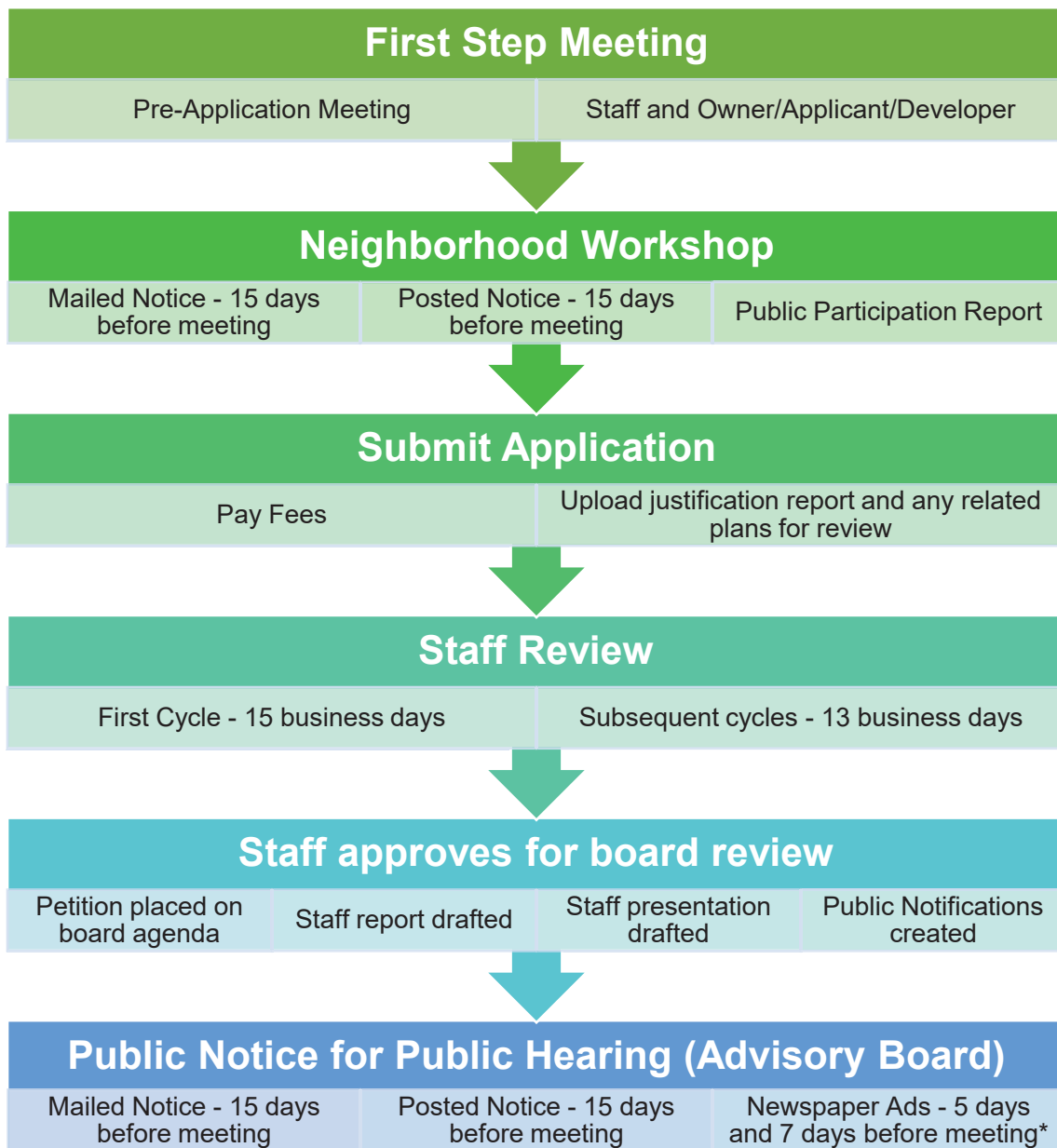
1. Text changes to the Comprehensive Plan or Land Development Code.
2. City-initiated amendments to the future land use map of the Comprehensive Plan that change the future land use from Alachua County to City of Gainesville categories (annexation-related future land use map change)
3. City initiated amendments to the zoning map that change the zoning from Alachua County to City of Gainesville districts (annexation-related rezoning)
4. Development plan applications for nonresidential projects of 10,000 square feet or less of floor area when not abutting or adjacent to property zoned for single-family residential use (minor/rapid development plan reviews)
5. Development plan applications for residential projects of ten units or less (minor/rapid development plan reviews)
6. Environmental remediation or safety improvements required by local, state, and federal agencies

While text changes to the Land Development Code, text changes to the Comprehensive Plan, and City-initiated future land use changes and zoning changes are exempt from neighborhood workshop requirements, they are still required to undergo the public hearing review and notification process (advisory board and City Commission review).

Public notification/notice of public participation events occurs in many forms through various avenues. For neighborhood workshops, the applicant is required to mail notice to properties within 400ft of the subject property and include information on the proposal, time, and date of the workshop. The 400ft distance is determined through the GIS “buffer” tool that measures and selects properties within 400ft of the subject property and creates a list of addresses of properties that touch the 400ft buffer line. For public hearings (advisory boards like the City Plan Board, and Development Review Board, as well as the City Commission), the same tool is used to send mailed notice “postcards” to owners and occupants within 400ft. Additionally, staff sends

postcards to all listed neighborhood associations that the City has on file for all petitions that require advisory board or City Commission review/approval, unless exempt from mailed notice requirements. Signs are posted on the subject property for both neighborhood workshops and public hearings. Additionally, depending on the type of item, newspaper ads may be required to notify the public of public hearings. See Figure 1 below for an overview of the process for advisory board review.

**Figure 1. Process for Advisory Board Review**



\*if required by state statute

The City is committed to a robust and timely engagement and participation process. A great deal of time and effort is dedicated to ensuring that all planning petitions are noticed correctly at their various injunctions (neighborhood workshops, City Plan Board, City Commission, Development Review Board, and the Historic Preservation Board). Mailed notice/postcards, posted notice/signs on the property, newspaper ads, and neighborhood workshops contribute to the City's commitment to notifying neighbors of pertinent items. While not a requirement of the Land Development Code, additional community workshops and engagement sessions are typically held for projects that have a large scope and a potentially large impact. Some recent examples include the additional workshops and meetings held for the exclusionary and inclusionary zoning efforts (2022), listening sessions and online review for the Comprehensive Plan update ImagineGNV (2021-present), the workshops for small lot reform (2024), and more.

### **Recent public notification and engagement changes (History)**

The most recent change to Public Participation occurred in 2021 with Ordinance 200650, which was a text amendment to the Land Development Code changing the requirements for neighborhood workshops and levels of development review. These city-initiated changes were intended to strengthen community engagement through the neighborhood workshop process and require major development plans to be further noticed and reviewed by the Development Review Board. The following list summarizes the most recent changes to the public notification and participation section of the Land Development Code:

- Required sign postings for neighborhood workshops
- Removed newspaper ad requirement for neighborhood workshops
- Required public participation report and narrative for neighborhood workshops
- Allowed neighborhood workshops to be held virtually
- Required major development plans to be reviewed by the Development Review Board
- Required neighborhood workshop for right-of-way vacations
- Required posted notice for right-of-way vacations

**Staff Analysis of Requested Changes**

As planning professionals, it is essential to plan for the public interest and conduct transparent public engagement, ideally towards building consensus. Many of the existing requirements regarding public participation and notice speak to this notion, as there are several instances for which the public and all stakeholders can learn about upcoming and ongoing petitions, attend meetings, and provide feedback. The proposal to mandate four community meetings for legislative and quasi-judicial items raises numerous concerns including costs, staff time, venue uncertainties, inconsistencies with the Land Development Code, and an overall deceleration of the planning process.

**Costs and Limited Budget**

Of utmost concern of the requested changes is the costs and limited budget for notifying all city residents of four community meetings for each sequence. As of March 2024, there are approximately 66,988 residential addresses citywide. This number is expected to grow with Gainesville’s growing population, the City’s desire to increase housing stock, and as new residential developments are completed. The Planning Division’s budget for mailed notice (for public hearings) in FY2024 is currently \$16,000 for printing (printing maps, business cards, and regular printing), and \$6,400 for postage (postcards and other mailed items). Table 1 below summarizes the current costs per postcard (printing + postage) through the City’s existing agreement with Renaissance Printing.

**Table 1. Current Cost per Postcard (Renaissance Printing)**

Printing cost per postcard	Postage	Flat Rate for mailing	Total cost per postcard
.53 cents	.45 cents	\$15 (prepare all postcards for shipping)*	.98 cents + \$15 flat rate for mailing batch
*flat rate for shipping could change for large orders			

Based on the .53 cents for printing and .45 cents for postage of each mailed notice postcard, the total cost per postcard equates to .98 cents plus a \$15 flat rate for

mailing. Renaissance printing (vendor for mailed notices) informed city staff that the flat rate for shipping could increase based on the volume of the order. The proposed text change would require four community meetings with mailed notice to all residential addresses for legislative items and quasi-judicial items that affect more than 5% of the City’s land area (approximately 1,823 acres). The applicant proposes holding no more than two sequences of community meetings per year (4 meetings in each sequence, 8 meetings total per year), where applicable petitions are grouped into one sequence of community meetings. The applicant proposes that multiple petitions share a single postcard for the purposes of mailed notice. Table 2 estimates the total cost of mailed notification to all residential addresses citywide in a given year if two sequences of community meetings are held (8 meetings total).

**Table 2. Total cost for mailed notification with the proposal (addition of four Community Meetings)**

<b>Sequence of Community Meetings</b>	<b>Cost per postcard</b>	<b>Citywide Residential Addresses</b>	<b>Total mailed notice cost (not including \$15 flat rate)</b>
<b>Sequence 1: Four Community Meetings</b>	.98 cents	66,988	\$65,648.24
<b>Sequence 2: Four Community Meetings</b>	.98 cents	66,988	\$65,648.24
<b>TOTAL COST:</b>			<b>\$131,296.48*</b>

\*does not include flat rate cost for shipping, which could increase with large orders

Based on 66,988 residential addresses citywide and .98 cents per postcard, the total cost of mailed notice for one sequence of four community meetings is approximately \$65,648.24. This estimate does not include the \$15 flat rate for shipping which could increase with a larger order, or any subsequent notices that are already required for public hearings. In total, two sequences of four community meetings (totaling 8 community meetings) would cost \$131,296.48 in mailed notice. The applicant proposes that the costs for community meetings be split between all planning petitions within a sequence. Additional work is needed to coordinate how payments can be split between

applicants in the same sequence of community meetings after an application is received. If the city were the applicant on a planning petition (legislative or quasi-judicial) that affected more than 5% of the city’s land area, the city would incur the shared mailed notice costs. The proposal to increase mailed notice by \$131,296.48 far exceeds Sustainable Development’s budget for mailed notice.

An additional analysis was completed to determine the number of applicable petitions from January 2023 to June 2024 if community meetings and mailed notices were required. The following petitions in Table 3 were petitions that met the criteria for needing a sequence of four community meetings and notice as described in the proposal, in that they are either legislative or quasi-judicial petitions that affected more than 5% of the City’s land area (approximately 1,823 acres).

**Table 3: Applicable Petitions that would have required Community Meetings (January 2023 – June 2024)**

Petition Number	Application Type	Summary of Application
LD23-000020	Large-Scale Land Use Amendment	Restoring Exclusionary Zoning
LD23-000021	Zoning Map Change	Restoring Exclusionary Zoning
LD23-000023	Text Change	Comprehensive Plan Amendment to Restore Exclusionary Zoning
LD23-000054	Text Change	Substandard Lots and RSF-4 Side Setback
LD23-000084	Text Change	Lighting Code Update
LD23-000121	Text Change	Occupancy Limit and Definitions
LD23-000122	Text Change	Board Probationary Period
LD23-000160	Text Change	Community Meetings with Notice
LD24-000009	Text Change	EV Charging Stations and Infrastructure

<b>Petition Number</b>	<b>Application Type</b>	<b>Summary of Application</b>
<b>LD24-000010</b>	Text Change	Single-Room Occupancy (SRO)
<b>LD24-000028</b>	Text Change	Comprehensive Plan Amendment – Small Lot Reform
<b>LD24-000032</b>	Text Change	Small Lot Reform
<b>LD24-000043</b>	Text Change	Alcoholic Beverage Establishments
<b>LD24-000051</b>	Text Change	Lighting Exemptions for Nature Parks, Centers, and Conservation Areas
<b>Total Applicable Petitions: 14</b>		

Between January 2023 and June 2024, there were 14 petitions that met the subject text change’s criteria and would have required a sequence of four community meetings. Of the 14 petitions, 8 petitions were initiated in 2023 and 6 petitions were initiated in 2024. 12 of the impacted planning petitions are text changes, either to the Land Development Code or the Comprehensive Plan. The city was the applicant on all of the planning petitions in the assessed period (they were city-initiated changes) except for one which was privately-initiated, LD23-000054. If the subject proposal were passed in 2023, the city would have been responsible for 3 sequences of community meetings: two sequences of community meetings in 2023 and one sequence of community meetings in 2024, with their associated mailed notice costs.

### **Venue Uncertainties**

The proposed text change would require a sequence of four community meetings, with one community meeting in each Commission District. Many typical city-owned venues are within Commission Districts 1 and 4 (MLK Recreation Center: District 4; Albert Ray Massey: District 4; Bo Diddley Plaza: District 1; Depot Park: District 1, etc). While there may be additional venue spaces not listed, accessibility and capacity are two added concerns. Locating a venue that could support a large capacity of neighbors (when mailed notice is sent to 66,988 residential addresses) and meets accessibility

standards may prove to be difficult. Furthermore, a prospective venue may also be limited by their schedule for availability and costs associated with using their space. In summation, there are many uncertainties associated with securing four venues large enough to accommodate a large group of people with associated pricing and availability constraints.

## **Staff time**

Adding four community meetings to the planning process would require a considerable amount of staff time to implement and upkeep. As written, the four community meetings would require both working hours and after-hours staff time, coordination between departments and venue staff, and attendance from various departments. Since the proposed text change requires community meetings to be held after 6pm on weekdays with the option for meetings to be held on weekends, city staff would need to navigate scheduling conflicts with City meetings that occur past 6pm (City Commission and other advisory boards). If held on weekends, staff would need to adjust personal non-working hours. The proposed recommended attendance by the presiding Commissioner in their district will further complicate scheduling. Below is a breakdown of City departments and their anticipated level of involvement in the proposed community meeting process:

### Planning Division:

- Scheduling community meeting by coordinating with the venue, preparing mailed notice postcards, creating a presentation, and assisting private applicants through the new process
- Hosting community meeting by attending the meeting, collecting contact information through a sign-in sheet, presenting the petition, and answering questions from the community
- Synthesizing feedback through the public participation report, uploading documentation of community meeting, and maintaining online/website materials of community meetings
- Preparing additional newspaper advertisements at the public hearing stage

- Coordinating split payments for mailed notice between applicants within the same sequence of community meetings

### Communications Department:

- Since community meetings are proposed to be advertised to all residential addresses, coordination with the communications department in relation to the media/press is necessary
- Synthesizing feedback through the public participation report and uploading documentation of community meeting
- Creating and maintaining online/website materials of community meetings, including descriptions of the petitions and backup information

### City Manager's Office:

- Coordination with executive assistants and availability of Commissioner schedules to attend community meetings

### Facilities

- Depending on venue setup and equipment needs, facilities may need to be involved to help setup and take down equipment

### **Deceleration of the planning process and varying scope of planning petitions**

The addition of four community meetings as a requirement for both legislative and quasi-judicial petitions affecting more than 5% of the City's land area would increase the review time needed to process planning petitions. Currently, planning petitions within this threshold (affecting more than 5% of the City's land area) can occur on an as-submitted basis. Since only 2 sequences of community meetings are proposed per year, planning petitions within this threshold would need to be placed on-hold until the next sequence of community meetings. Additionally, if an applicable petition were submitted while a sequence of community meetings was underway, the petition would need to wait until the next sequence of community meetings before continuing through the planning process. Requiring community meetings and all the steps that are

involved (scheduling, notification, public participation report, and other requirements) will add several months to a process that can already take a year or longer to complete.

As submitted, the proposal does not consider the varying scope of planning petitions. Some text changes to the Land Development Code and the Comprehensive Plan are small changes in scope, like recent text changes to lighting standards (LD23-000084), advisory board probationary period (LD23-000122), and occupancy limit and definitions (LD23-000121), among others in previous years. Requiring community meetings and mailed notification to all residential addresses in the City for these small changes will increase costs for property-owners and privately-initiated petitioners, increase fiscal impacts to the city, and increase costs overall due to longer review times.

### **Consistency with the Land Development Code and Comprehensive Plan**

The subject text change presents various inconsistencies with the existing Land Development Code, including the proposed definitions for neighborhood workshop, public hearing, and others. The addition of “community meeting” as a defined term may further confuse users of the Land Development Code as it is definitively synonymous with “neighborhood workshop” outside of the LDC. Should the subject proposal be passed, staff will work with the applicant and the City Attorney’s Office to ensure that these inconsistencies are resolved so that the Land Development Code contains consistent language across all sections.

The proposed text change is related to Objective 5.4 of the [Future Land Use Element](#) of the [Comprehensive Plan](#), which states that “The City shall partner with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements”.

**Recommendation**

Based on staff analysis of the proposed text change, staff recommends denial of Petition LD23-000160 TCH.

Staff finds that the existing requirements for public notice and participation are robust and foster a transparent and engaging planning process. The recent neighborhood workshop changes adopted in 2022 increased public notice and public participation in planning petitions. Neighborhood workshops, mailed notice, posted notice, newspaper ads, public hearings, and individual community and neighborhood meetings all contribute to the vast number of ways that the city engages with its neighbors. As explained in staff analysis, the proposed text change would increase mailed notice cost beyond what is currently budgeted. With two sequences of community meetings and notice per year, the proposed text change would increase the time needed to review and process planning petitions. In summation, the proposed text change would come with the cost of both time and budget.

Staff understands the ongoing need to review and improve public participation and public notice. Separate from this petition, staff is exploring additional options to increase or improve public participation in the planning process, such as neighborhood workshop information on the city’s website, improved newspaper ad visibility, and other cost-effective strategies.

**Draft Motion for Consideration**

I move to deny Petition LD23-000160 TCH.

**Appendices**

**Appendix A. – Application Documents**