

**CITY OF GAINESVILLE
PLANNING AND ZONING COMMISSION**

**2:00 p.m.
Tuesday, October 13, 1993**

Members Present: Marge Clement, Bill Williams, Jan Russell, Robyn Byars, Debra Beavers.

Members Absent: Roy Brewer and Joyce Rigler.

Staff Present: Mike Land and Pat Payne

Visitors Present: List

The first item of business was calling the public hearing to order at 2:02 p.m. by Chairman Bill Williams.

The second item of business on the agenda was consideration and action on the minutes from the regular meeting of September 9, 1993. A motion was made by Marge Clement and seconded by Debra Beavers to approve the minutes as presented. Motion carried by the following votes: Ayes: Clement, Williams, Russell, Beavers and Byars. Nays: None. Absent: Rigler and Brewer. Abstentions: None.

The third item of business on the agenda was consideration and action on the minutes of the Special meeting of October 5, 1993. A motion was made by Marge Clement and seconded by Debra Beavers to approve the minutes as presented. Motion carried by the following votes: Ayes: Clement, Williams, Russell, Beavers and Byars. Nays: None. Absent: Rigler and Brewer. Abstentions: None.

The fourth item of business was consideration and recommendation on an ordinance amending the Zoning Ordinance of the City of Gainesville, providing for a Bed and Breakfast Overlay Zoning District and creating standards and procedures for the regulation thereof.

NOTE: This item was presented for the Board to consider first.

Mr. Williams explained that the City Attorney had been given the draft ordinance to review and make amendments or changes before being presented to the Planning and Zoning Commission. However, since the City Attorney did not support the ordinance as the P & Z had previously recommended for drafting, the ordinance was not available for presentation at this meeting.

Mike Land also explained that each proposal for a bed and breakfast ordinance has been given to the attorney for his review and input; and the attorney was also present at a previous meeting to explain his opinions on the bed and breakfast concept. Mr. Land said the attorney is still not happy with the direction the present draft ordinance is going, and, again he said he will write what he feels is a defensible ordinance. Now, at this point Mr. Land continued,

the attorney has indicated that he is going to write the ordinance. Mr. Land said due to these circumstances, he recommends tabling the item at this time until further resolution of the issue can be made through ordinance or otherwise. He also said that the Board should, at this time, interject anything they feel should be pertinent to a bed and breakfast ordinance and express any ideas they may have that the attorney might incorporate into the proposed ordinance.

Mr. Williams said he is very concerned that the Board does not finally have an ordinance they can recommend or not recommend to the City Council, which is what their job is to do. He said that he felt that the Board had come to a major agreement as to what they felt should be criteria for the regulation of bed and breakfast businesses. Now, the City Attorney has concerns regarding an overlay zone allowing bed and breakfasts, although there is already an existing overlay zone in the City. He said that he doesn't understand why the attorney can't find any objections to the ordinance-it's just that he doesn't like it. Mr. Williams then said that maybe tabling the ordinance for consideration at another date would be the best thing to do at this time.

Mr. Land said that through his discussions with Mr. Drescher, the City Attorney should present his ordinance to the Board. Then the Board can make a recommendation to the Council as to what they want, either making additions or changes to it. From the standpoint of the staff, Mr. Land continued, they have tried to please the City Attorney and also the P & Z Board; and now, the whole thing has just been turned over to the attorney, because nothing has worked up until this point. Mr. Williams, along with the Board, agreed. Mr. Land pointed out that the next meeting will be held on November 2, 1993, which has been agreed by the Board to be the regular meeting date [1st Tuesday of each month].

Mr. Williams asked if there were any comments from members of the audience. Bob Davis spoke saying that he had a petition from a majority of persons within his neighborhood that do not want the overlay zone to allow bed and breakfasts within that area. After some further discussion with Mr. Davis, Mr. Williams said he did not see any problems with allowing bed and breakfasts businesses in the whole city. He pointed out that the architecture of structures had a big part in determining an area that would probably be most desirable for a bed and breakfast business. The Board agreed that allowing bed and breakfasts city wide would be the best and fair thing to do and would instruct the City Attorney to draft the ordinance to reflect this change to be presented to the City Council for introduction on November 2, 1993, after previous review by P & Z that same day.

After that, some Board members reviewed other features regarding bed and breakfast businesses including the number of lodging rooms, meal(s) to be served and/or fixed on the premises, allowed number of stories for structure/establishment, etc. The Board agreed with another issue of the bed and breakfast matter-that they all

preferred these businesses to be allowed by Specific Use Permit; however, due to the opinions of the City Attorney, a different approach will have to be taken.

After no further discussion, the meeting was adjourned at 2:35 p.m.