

Legislative #

140380A

ORDINANCE NO. 140380

1
2
3 **An ordinance amending the Zoning Map Atlas of the City of Gainesville,**
4 **Florida, by rezoning approximately 2,327.59 acres of property that is generally**
5 **located west of State Road 121 and north and east of the GRU Deerhaven**
6 **Generating Station, as more specifically described in this ordinance, from**
7 **Alachua County Agriculture District (A) to City of Gainesville Public**
8 **Services and Operations District (PS); providing directions to the City**
9 **Manager; providing a severability clause; providing a repealing clause; and**
10 **providing an effective date.**

11
12 **WHEREAS,** notice was given as required by law that the Zoning Map Atlas of the City
13 of Gainesville, Florida, be amended by rezoning certain property from Alachua County
14 Agriculture District (A) to City of Gainesville Public Services and Operations District (PS); and

15 **WHEREAS,** the City Plan Board, which acts as the local planning agency pursuant to
16 Section 163.3174, Florida Statutes, held a public hearing on September 25, 2014, and voted to
17 recommend that the City Commission adopt this ordinance; and

18 **WHEREAS,** an advertisement no less than two columns wide by ten (10) inches long
19 was placed in a newspaper of general circulation and provided the public with at least seven (7)
20 days' advance notice of this ordinance's first public hearing to be held by the City Commission
21 in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

22 **WHEREAS,** a second advertisement no less than two columns wide by ten (10) inches
23 long was placed in the aforesaid newspaper and provided the public with at least five (5) days'
24 advance notice of this ordinance's second public hearing to be held by the City Commission; and

25 **WHEREAS,** the public hearings were held pursuant to the notice described above at
26 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
27 heard; and

28 **WHEREAS,** the City Commission finds that the rezoning of the property described
29 herein will be consistent with the City of Gainesville Comprehensive Plan when City of

1 Gainesville Ordinance No. 140379 becomes effective as provided therein.

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
3 **CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
5 following property from Alachua County Agriculture District (A) to City of Gainesville Public
6 Services and Operations District (PS):

7 See legal description attached as Exhibit "A" and made a part hereof as if set
8 forth in full. The location of the property is shown on Exhibit "B" for visual
9 reference. In the event of conflict or inconsistency, Exhibit "A" shall prevail
10 over Exhibit "B".

11
12 **Section 2.** The uses permitted by right on the property described in Section 1 of this
13 ordinance are as follows:

- 14 1) Electric power generating plants and ancillary systems and buildings as required for
15 steam and combustion turbines, solar photovoltaic arrays, fuel cells, energy storage
16 systems and other technologies as required to produce and manage electric power for
17 retail consumption using fossil and renewable energy sources. Ancillary systems include
18 water treatment and stormwater management, cooling systems, air emission controls,
19 electric substations and transmission facilities, security management, water management
20 and storage facilities, warehousing and maintenance facilities.
- 21 2) Green industries that: 1) assist in reducing society's reliance on fossil fuels, 2) would
22 benefit from the availability of waste heat or by-products of power generation, or 3) may
23 have by-products that are beneficial to the production of electricity. Examples include
24 but are not limited to: a facility that would use steam and electricity to produce ethanol
25 from cellulosic materials with waste by-products able to be dewatered and used as a fuel;
26 a facility that would sequester and compress carbon dioxide for a variety of industrial and
27 food-use applications; or a facility that would make ice from steam.
- 28 3) Fuel and chemical transportation, loading, storage and handling systems as required for
29 power generation or the management of power generation by-products, including rail and
30 truck conveyance, unloading and loading facilities, conveyor belts, pipelines and metering
31 stations.
- 32 4) Long-term storage and disposal of power generation by-products.
- 33 5) Communication towers and facilities, including monopole towers, in accordance with the
34 provisions of the wireless communication facilities and antenna regulations of the Land
35 Development Code.

- 1 6) Silviculture operations.
- 2 7) Wildlife management.
- 3 8) Training areas for municipal police and fire agencies.
- 4 9) Outdoor storage, as defined and regulated by the Land Development Code.

5
6 **Section 3.** The following development standards shall apply to the property described in

7 Section 1 of this ordinance:

- 8 1) There shall be a minimum 50-foot building setback from all property lines abutting any
9 property that is not owned by the City of Gainesville. No setback is required along
10 property lines where adjacent properties are owned by the City of Gainesville.
- 11 2) All development shall be reviewed according to the criteria set forth in the City of
12 Gainesville Land Development Code, which shall include development plan review with
13 applicable development standards and dimensional requirements.
- 14 3) To the greatest extent possible, development shall not occur within environmentally
15 sensitive areas. In addition, all development shall comply with the natural and
16 archaeological resource protection standards and wetlands and surface water protection
17 standards outlined in the Land Development Code.
- 18 4) Existing internal roads may continue to be used and improved for non-public use.
- 19 5) There shall be a 100-foot landscape buffer along the common property line with the Plum
20 Creek Planned Use Development (PUD).
- 21 6) Upon submission of the first application for a non-exempt development activity on the
22 GRU Deerhaven planning parcel, GRU may submit a proposal for alternate compliance to
23 meet the provisions of the natural and archeological resources section of the Land
24 Development Code. The alternate compliance proposal shall meet all the requirements as
25 specified in the Land Development Code and may include a phased approach as it
26 pertains to the implementation of Conservation Management Areas (CMA's).

27
28 **Section 4.** The City Commission finds that a preliminary development plan is not
29 required in connection with this rezoning.

30 **Section 5.** The City Manager or designee is authorized and directed to make the
31 necessary changes to the Zoning Map Atlas to comply with this ordinance.

32 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance
33 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
34 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 7.** All ordinances or parts of ordinances in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 8.** This ordinance shall become effective immediately upon adoption; however,
6 the rezoning shall not become effective until the amendment to the City of Gainesville
7 Comprehensive Plan adopted by Ordinance No. 140379 becomes effective as provided therein.

8 **PASSED AND ADOPTED** this _____ day of _____, 2015.

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EDWARD B. BRADY
MAYOR

Attest:

Approved as to form and legality:

By: _____
KURT LANNON
CLERK OF THE COMMISSION

By: _____
NICOLLE M. SHALLEY
CITY ATTORNEY

25 This ordinance passed on first reading this _____ day of _____, 2015.

26
27 This ordinance passed on second reading this _____ day of _____, 2015.



LEGAL DESCRIPTIONS

PARCEL A

A tract of land situated in Sections 23, 24, 25, 26, 35 and 36, Township 8 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at a 4"x4" concrete monument and cap stamped GFY LB021 at the Northwest corner of the aforementioned Section 25, Township 8 South, Range 19 East for the POINT OF BEGINNING and run N. 89°01'41" E., along the North line of said Section 25, a distance of 571.40 feet to a ½" steel rod and cap stamped GFY LB021 at the intersection of the South line of Parcel D as described in deed recorded in Official Records Book 2482, page 153 of the Public Records of Alachua County, Florida with said North line of said Section 25; thence run S. 88°56'13" E., along said South line of Parcel D, a distance of 161.39 feet to a 5/8" steel rod and cap stamped LB 6995 at the Southeast corner of said Parcel D; thence run N. 01°45'37" W., a distance of 5.73 feet to a 1/2" steel rod and cap stamped LS 1824 at the Southwest corner of the land as described in Official Records Book 2489, page 1238 of said Public Records; thence run N. 89°01'41" E., along said North line of Section 25, a distance of 601.15 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the Southwest corner of the S. E. 1/4 of the S. W. 1/4 of the aforementioned Section 24; thence run N.01°01'01"W., along the West line of said S. E. 1/4 of the S. W. 1/4, a distance of 1037.49 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.87°00'38"E., a distance of 397.37 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Westerly right of way line of State Road No. 121 (120' right of way), said right of way line being a curve concave Northeasterly, said curve having a radius of 11519.16 feet; thence run Southeasterly, along said right of way line, with said curve, through an arc angle of 04°47'26", an arc distance of 963.15 feet (chord bearing and distance of S.33°18'54"E., 962.87 feet respectively) to a 5/8" steel rod and cap stamped FlaDOT at the end of said curve; thence run S.35°42'37"E., continuing along said right of way line, a distance of 3449.99 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the intersection with the Easterly right of way line of the Florida Gas Transmission Easement (50 foot right of way) as described in Official Records Book 48, page 205 of the Public Records of Alachua County, Florida; thence run S.35°54'37"W., along said Easterly right of way line, a distance of 78.17 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.03°23'37"W., continuing along said Easterly right of way line, a distance of 5109.87 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.89°11'51"W., a distance of 6155.66 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the West line of the E. 1/2 of the aforementioned Section 35; thence run N.06°43'55"W., along said West line, a distance of 2476.71 feet to a 4"x4" concrete monument and cap stamped McGriff Co. #509 at the Southwest corner of the E. 1/2 of the aforementioned Section 26; thence run N.01°29'21"W., along the West line of said E. 1/2 of Section 26, a distance of 5294.42 feet to a 4"x4" concrete

monument and cap stamped McGriff Co. at the Northwest corner of said E. 1/2 of Section 26; thence continue N.01°29'21"W., a distance of 35.60 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Southerly maintained right of way line of County Road N. W. 128th Lane (50' wide maintained right of way), said right of way line being a curve concave Northwesterly, said curve having a radius of 1145.92 feet; thence run Northeasterly, along said right of way line, with said curve, through an arc angle of 23°52'03", an arc distance of 477.35 feet (chord bearing and distance of N.70°42'38"E., 473.91 feet respectively) to a 4"x4" concrete monument and cap stamped GFY LB021 at the end of said curve; thence run N.58°46'37"E., continuing along said right of way line, a distance of 2158.05 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the beginning of a curve concave Southeasterly, said curve having a radius of 1145.92 feet; thence run Northeasterly, along said right of way line, with said curve, through an arc angle of 11°44'45", an arc distance of 234.92 feet (chord bearing and distance of N.64°39'00"E., 234.51 feet respectively) to a 1/2" steel rod and cap stamped GFY LB021 at the end of said curve; thence run N.70°31'22"E., continuing along said right of way line, a distance of 156.66 feet to a 4"x4" concrete monument and cap stamped PRM 2115 on the East line of the aforementioned Section 23; thence run S.01°02'09"E., along said East line, a distance of 1398.79 feet to the POINT OF BEGINNING.

PARCEL B-1

A tract of land situated in Sections 21, 22, 23 and 24, Township 8 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument and cap stamped McGriff Co. at the Southeast corner of the W. 1/2 of the aforementioned Section 23, Township 8 South, Range 19 East for a point of reference and run N.01°29'21"W., a distance of 85.87 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Northerly maintained right of way line of County Road N. W. 128th Lane (50 foot maintained right of way) and the POINT OF BEGINNING; thence run Westerly, along said right of way line, with a curve concave Northerly and having a radius of 1095.92 feet, through an arc angle of 05°41'40", an arc distance of 108.92 feet (chord bearing and distance of S.85°13'22"W., 108.88 feet respectively) to a 4"x4" concrete monument and cap stamped GFY LB021 at the end of said curve; thence run S.88°04'12"W., along said Northerly right of way line, a distance of 2569.62 feet to a 1/2" steel rod and cap stamped GFY LB021 on the West line of said Section 23; thence continue S.88°04'12"W., along said right of way line, into the aforementioned Section 22, a distance of 2832.53 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence continue S.88°04'12"W., along said right of way line, a distance of 968.36 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence continue S.88°04'12"W., along said right of way line, a distance of 1559.14 feet to a 4"x4" concrete monument with no identification, said concrete monument being the Southwest corner of said Section 22; thence run N.01°49'14"W., along the West line of said Section 22, a distance of 2010.26 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the Southeast corner of the N. 1/4 of the S. E. 1/4 of the aforementioned Section 21; thence run S.89°51'02"W., along the South line of said N. 1/4 of the S. E. 1/4 of Section 21, a distance of 861.59 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Easterly right of way line of County Road N. W. 59th Drive (80 foot right of way); thence run Northerly, along said Easterly right of way line, with a curve concave Westerly and having a radius of 677.29 feet, through an arc angle of 24°49'35", an arc distance of 293.47 feet (chord bearing and distance of

N.15°11'21"E., 291.18 feet respectively) to a 4"x4" concrete monument and cap stamped GFY LB021 at the end of said curve; thence run N.02°46'33"E., along said right of way line, a distance of 396.52 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the North line of said S. E. 1/4 of Section 21; thence run S.89°36'37"E., along said North line, a distance of 744.82 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the 1/4 section corner of the West line of the aforementioned Section 22; thence run N.86°57'27"E., along the North line of the S. 1/2 of said Section 22, a distance of 5364.16 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the 1/4 section corner of the West line of the aforementioned Section 23; thence run S.88°44'09"E., along the North line of the S. 1/2 of said Section 23, a distance of 5395.83 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the 1/4 section corner of the West line of the aforementioned Section 24; thence run N.88°17'15"E., along the North line of the S. 1/2 of said Section 24, a distance of 846.24 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Westerly right of way line of State Road No. 121 (120 foot right of way); thence run S.30°02'35"E., along said Westerly right of way line, a distance of 835.90 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the intersection with the aforementioned Northerly maintained right of way line of County Road N. W. 128th Lane; thence run S.70°31'22"W., along said Northerly right of way line, into said Section 23, a distance of 1492.77 feet to a 1/2" steel rod and cap stamped GFY LB021 at the beginning of a curve concave Southeasterly and having a radius of 1195.92 feet; thence run Southwesterly, along said right of way line, with said curve, through an arc angle of 11°44'45", an arc distance of 245.17 feet (chord bearing and distance of S.64°39'00"W., 244.74 feet respectively) to a 4"x4" concrete monument and cap stamped GFY LB021 at the end of said curve; thence run S.58°46'37"W., along said right of way line, a distance of 2158.05 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the beginning of a curve concave Northerly, said curve having a radius of 1095.92 feet; thence run Southwesterly, along said right of way line, with said curve, through an arc angle of 23°35'55", an arc distance of 451.38 feet (chord bearing and distance of S.70°34'34"W., 448.20 feet respectively) to the POINT OF BEGINNING.

TOGETHER WITH:

A strip of land situated in Sections 22 and 23, Township 8 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

BEGIN at a 4"x4" concrete monument and cap stamped McGriff Co. at the Southeast corner of the W. 1/2 of the aforementioned Section 23, Township 8 South, Range 19 East and run N.01°29'21"W., a distance of 35.60 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the Southerly maintained right of way line of County Road N. W. 128th Lane (50 foot maintained right of way); thence run Westerly, along said right of way line, with a curve concave Northerly and having a radius of 1145.92 feet, through an arc angle of 05°25'33", an arc distance of 108.52 feet (chord bearing and distance of S.85°21'26"W., 108.48 feet respectively) to a 4"x4" concrete monument and cap stamped GFY LB021 at the end of said curve; thence run S.88°04'12"W., along said Northerly right of way line, a distance of 3135.59 feet into the aforementioned Section 22, to a 4"x4" concrete monument and cap stamped GFY LB021 at the intersection of said right of way line with the South line of said Section 22; thence run N.88°40'03"E., along said South line of Section 22, a distance of 565.83 feet to a 4"x4" concrete monument and cap stamped N.T.&P. Co. at the Southwest corner of said Section 23; thence run

N.88°35'44"E., along the South line of said Section 23, a distance of 2677.98 feet to the POINT OF BEGINNING.

PARCEL B-2

A tract of land situated in Sections 35 and 36, Township 8 South, Range 19 East, and in Fractional Sections 1 and 2, Outside the Arredondo Grant, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument and cap stamped McGriff Co. RLS 509 at the Northwest corner of the E. 1/2 of the aforementioned Section 35, Township 8 South, Range 19 East for a point of reference and run S.06°43'55"E., along the West line of said E. 1/2 of Section 35, a distance of 2476.71 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the Southwest corner of the lands described in deed recorded in Official Records Book 2400, page 1034 of the Public Records of Alachua County, Florida, and the POINT OF BEGINNING; thence continue S.06°43'55"E., along said West line of the E. 1/2, a distance of 2873.98 feet to a 4"x4" concrete monument and cap stamped McGriff Co. at the Southwest corner of said E. 1/2 of Section 35; thence run N.89°32'46"E., along the North line of the aforementioned Fractional Section 2, a distance of 197.05 feet to a 4"x4" concrete monument and cap stamped N.T.&P. Co. at the Northeasterly corner of the Griffis Lumber, Inc. lands as described in Official Records Book 1942, page 445 of said Public Records; thence run S.22°44'25"E., a distance of 231.87 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.22°55'18"E., a distance of 218.40 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.20°17'27"E., a distance of 253.45 feet to a 4"x4" concrete monument and cap stamped GFY LB021; thence run S.64°28'27"E., a distance of 152.77 feet to a 4"x4" concrete monument and cap stamped GFY LB021 on the monumented north line of the CHARLES G. WOODBRIDGE UNRECORDED PLAT BY ROBERT E. HARDEE, SURVEYOR, DATED MARCH 1, 1927, being the North line of the Arredondo Grant as monumented; thence run N.89°23'03"E., along said North line, a distance of 1032.26 feet to an old 4"x4" concrete monument with no identification at the corner of Lots 4 and 5 of said unrecorded plat; thence run S.89°57'35"E., along said North line, a distance of 943.29 feet to an old 4"x4" concrete monument with no identification at the corner of Lots 5 and 6 of said unrecorded plat; thence run N.89°02'04"E., along said North line, a distance of 532.77 feet to a 4"x4" concrete monument and cap stamped N.T.&P. Co. at the Northeast corner of Fractional Section 2, Inside the Arredondo Grant, Township 9 South, Range 19 East; thence run N.89°01'39"E., along said North line of the Arredondo Grant, a distance of 2499.64 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the intersection with the Easterly right of way line of The Florida Gas Transmission Easement (50 foot right of way) as described in Official Records Book 48, page 205 of said Public Records; thence run N.03°23'37"E., along said Easterly right of way line, a distance of 3601.84 feet to a 4"x4" concrete monument and cap stamped GFY LB021 at the Southeast corner of the aforementioned lands described in Official Records Book 2400, page 1034 of said Public Records; thence run S.89°11'51"W., along the South line of said lands, a distance of 6155.66 feet to the POINT OF BEGINNING.

All of the above described lands contain a net area of 2327.59 acres more or less.

**City of Gainesville
Zoning Districts**

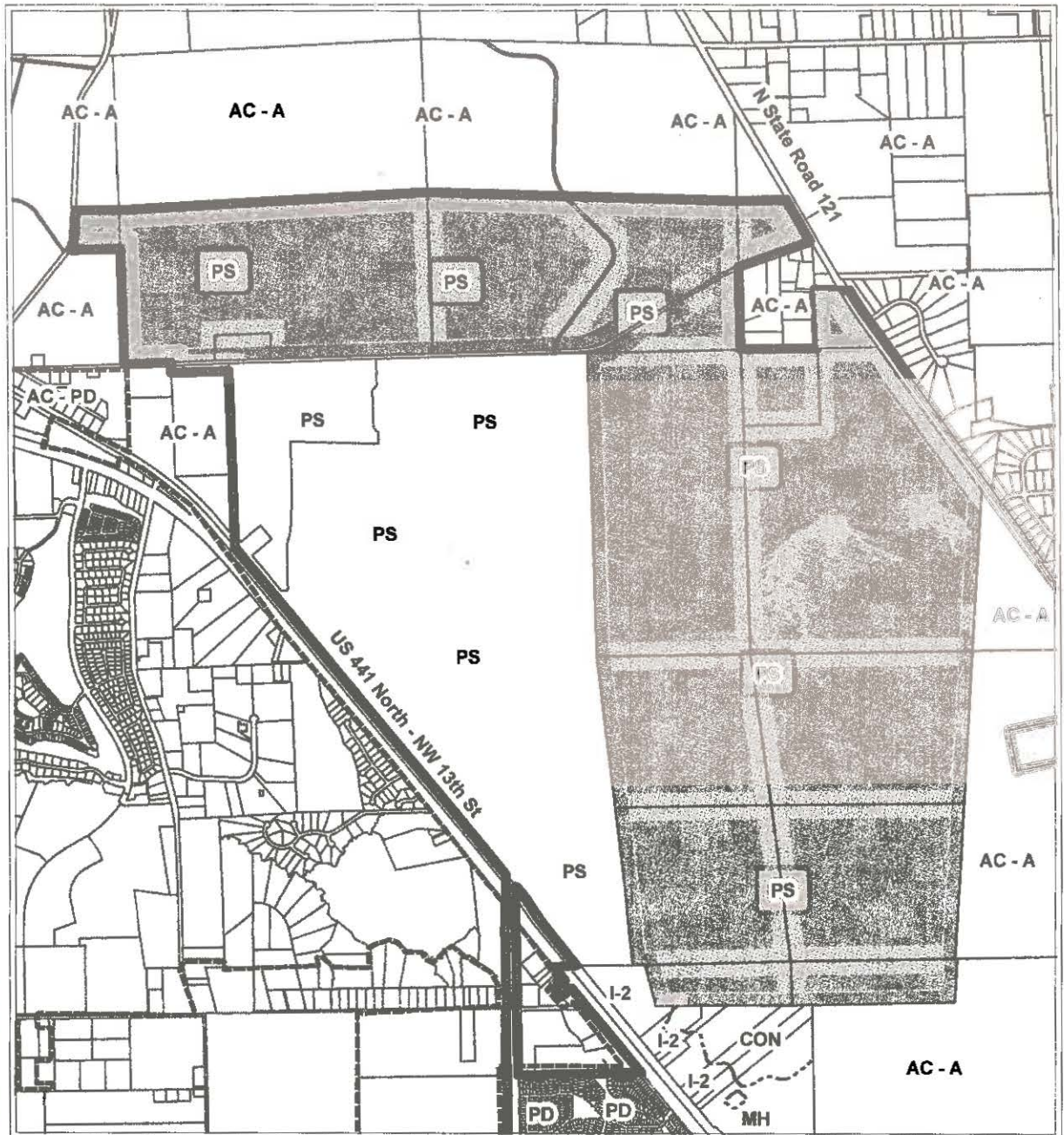
- RSF-1 3.5 units/acre Single-Family Residential
- MH 12 units/acre Mobile Home Residential
- I-2 General Industrial
- CON Conservation
- PS Public and Institutional Services
- PD Planned Development

**Alachua County
Zoning Districts**

- AC - A Agriculture

**City of Alachua
Zoning Districts**

- CA - PD Planned Development




Area under petition consideration



- - - - - Division line between two zoning districts
- — — — — Alachua City Limits
- — — — — Gainesville City Limits

PROPOSED ZONING

	Name	Petition Request	Petition Number
 No Scale	City of Gainesville, applicant	Rezone property from Alachua County Agriculture district (AC - A) to City of Gainesville Public services and operations district (PS)	PB-14-74 ZON

**City of Gainesville
Zoning Districts**

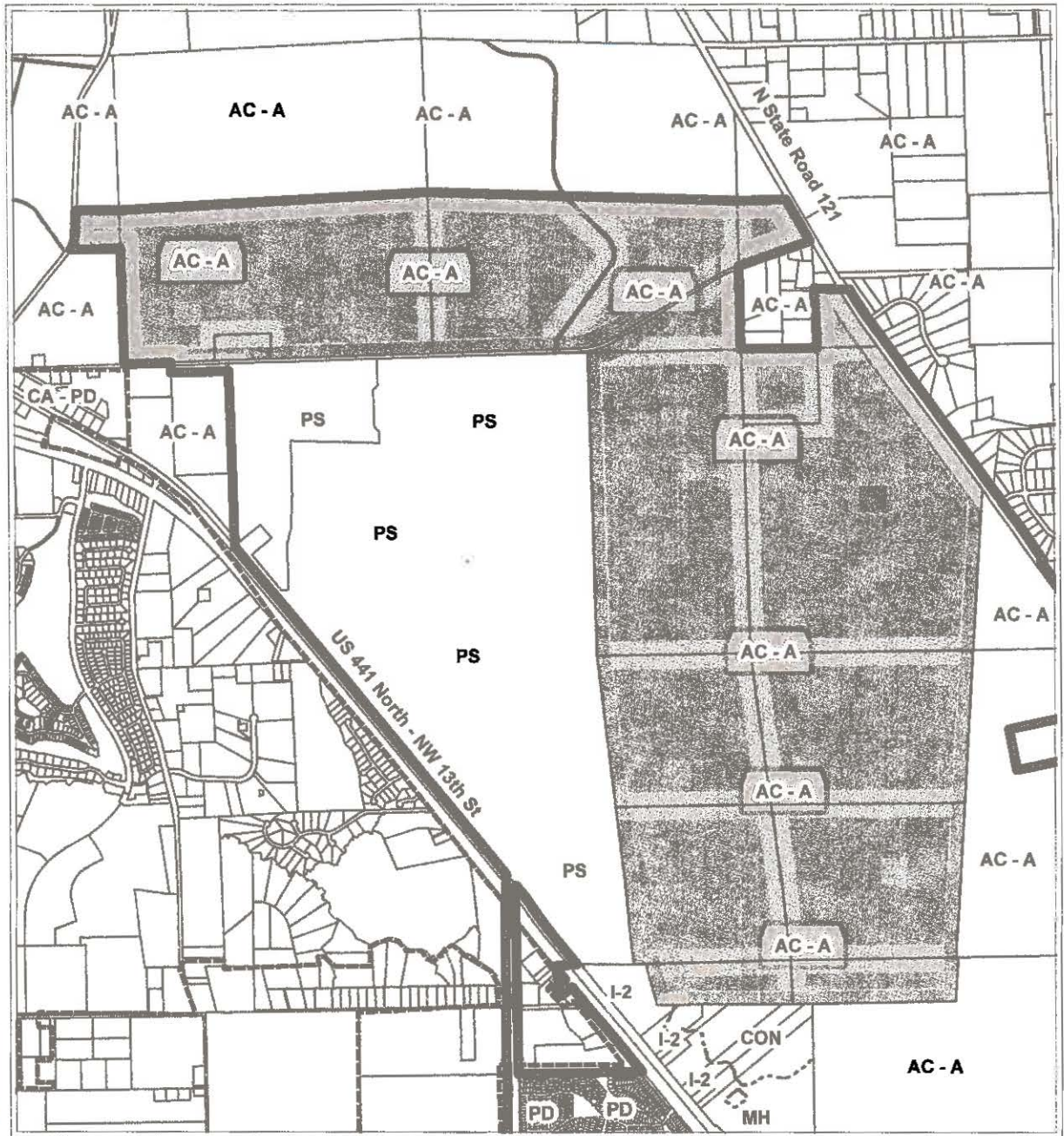
- RSF-1 3.5 units/acre Single-Family Residential
- MH 12 units/acre Mobile Home Residential
- I-2 General Industrial
- CON Conservation
- PS Public and Institutional Services
- PD Planned Development

**Alachua County
Zoning Districts**

- AC - A Agriculture

**City of Alachua
Zoning Districts**

- CA - PD Planned Development



EXISTING ZONING



No Scale

Name	Petition Request	Petition Number
City of Gainesville, applicant	Rezone property from Alachua County Agriculture district (AC - A) to City of Gainesville Public services and operations district (PS)	PB-14-74 ZON