

**ORDINANCE NO. 090113**  
**0-09-29**

**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by specifying the permitted uses on certain City property known as the “Deerhaven Generating Station” with the existing zoning category of “PS: Public Services and Operations District”, as more specifically described in this Ordinance, located in the vicinity of 10001 N.W. 13th Street; providing development standards; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by specifying the uses permitted by right at the Deerhaven Generating Station with the existing zoning category of “PS: Public Services and Operations District”; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on May 28, 2009; and

**WHEREAS**, the City Commission finds that specifying the uses on the property described herein is consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

**WHEREAS**, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation and of the public hearing to be held in the City Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was published; and

**WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the adoption stage at least five (5) days after the day the second advertisement was published; and

1           **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices  
2 described above at which hearings the parties in interest and all others had an opportunity to be and  
3 were, in fact, heard.

4           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
5 **CITY OF GAINESVILLE, FLORIDA:**

6           **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by specifying the  
7 uses permitted by right on the following described property with the existing zoning category of  
8 “PS: , Public Services and Operations District”:

9           See Legal Description attached hereto as Exhibit "A", and made a part hereof  
10 as if set forth in full.

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

13           1) Electric power generating plants and ancillary systems and buildings as required for steam  
14 and combustion turbines, solar photovoltaic arrays, fuel cells, energy storage systems and  
15 other technologies as required to produce and manage electric power for retail  
16 consumption using fossil and renewable energy sources. Ancillary systems include water  
17 treatment and stormwater management, cooling systems, air emission controls, electric  
18 substations and transmission facilities, security management, water management and  
19 storage facilities, warehousing and maintenance facilities (MG 49 – Electric, Gas, and  
20 Sanitary Services).

21           2) Green industries that assist in reducing society’s reliance on fossil fuels, that would benefit  
22

1 from the availability of waste heat or by-products of power generation, or which may have  
2 by-products that are beneficial to the production of electricity. Examples could include  
3 but are not limited to: a facility using steam and electricity to produce ethanol from  
4 cellulosic materials, whose waste by-products are able to be dewatered and used as a fuel;  
5 a facility that would sequester and compress carbon dioxide for a variety of industrial and  
6 food-use applications; or a facility to make ice from steam.

7 3) Fuel and chemical transportation, loading, storage and handling systems as required for  
8 power generation or the management of power generation by-products, including rail  
9 (MG-40– Railroad Transportation) and truck conveyance, unloading and loading facilities,  
10 conveyor belts, pipelines and metering stations.

11 4) Long-term storage and disposal of power generation by-products.

12 5) Communications towers and facilities in accord with the provisions of Section 30-98  
13 (Wireless communication facilities and antenna regulations) of the Land Development  
14 Code. Monopole towers shall be permitted in this PS zoning district, and monopole  
15 towers must meet the provisions of Sub-section 30-98(g).

16 6) Timber planting and harvesting.

17 7) Wildlife management.

18 8) Training areas for municipal police and fire agencies.

19 9) Outdoor storage, as defined as Article II and in accordance with Article VI of the Land  
20 Development Code.

21 10) Any accessory uses customarily and clearly incidental to any permitted principal use.

1           **Section 3.** The following Development Standards shall apply and control the  
2 the uses and development of the subject property:

3   Development Standards:

4       1.       The areas depicted on the attached Conceptual Site Map, attached as  
5               Exhibit “B” and made a part hereof as if set forth in full, represent the  
6               general location of existing and future facilities, and the Conceptual Site  
7               Map is not intended to prohibit the relocation, change of use, or other  
8               development activity on any portion of the property.

9       2.       The subject property shall maintain a minimum 50 foot building setback  
10              along the northern, western and southern property lines. No building  
11              setback is required along the eastern property line as the adjacent lands  
12              are owned by the City of Gainesville and managed by the City of  
13              Gainesville. Should it be necessary due to environmental resource  
14              protection considerations or safety considerations to construct a  
15              switchyard facility on the western side of the property along US 441, the  
16              appropriate reviewing board, city manager, or designee may approve  
17              encroachment of the switchyard facility within the minimum 50-foot  
18              setback along the western property line provided that a landscape buffer  
19              is provided that is no less than 15 feet wide and that at a minimum meets  
20              the requirements for Buffer Type E in Sec. 30-253 of the Land  
21              Development Code is approved by the appropriate reviewing board, city

1 manager or designee.

2 3. All future development activity shall occur in compliance with the  
3 applicable development standards and dimensional requirements as  
4 indicated in Sec. 30-75 and all other applicable sections of the Land  
5 Development Code.

6 4. All future development activity shall be directed away from all existing  
7 wetland areas to the greatest extent possible. Any development in and  
8 around wetland areas shall comply with the criteria provided in the Land  
9 Development Code Subdivision III (Surface Waters and Wetlands  
10 District).

11 5. The existing access road leading to the proposed biomass plant area may  
12 remain, and improvements to the access road may be made subject to  
13 meeting all applicable city and state regulations.

14 6. Development plan review shall be required for future site improvements  
15 according to the criteria outlined in the City of Gainesville Land  
16 Development Code.

17 (NOTE: References are to the City’s Land Development Code, and as they may  
18 be amended from time to time.)

19 **Section 4** The City Manager is authorized and directed to make the necessary changes in  
20 the Zoning Map to comply with this Ordinance.

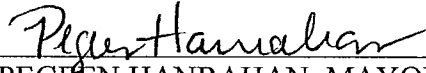
21 **Section 5** If any word, phrase, clause, paragraph, section or provision of this ordinance or

1 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
2 finding shall not affect the other provisions or applications of the ordinance which can be given  
3 effect without the invalid or unconstitutional provisions or application, and to this end the  
4 provisions of this ordinance are declared severable.

5 **Section 5** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
6 such conflict hereby repealed.

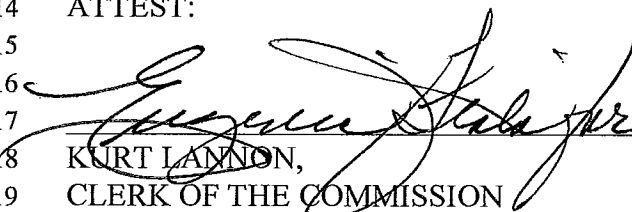
7 **Section 6** This ordinance shall become effective immediately upon passage on second  
8 reading.

9 **PASSED AND ADOPTED** this 6th day of August, 2009.

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13 PEGEEN HANRAHAN, MAYOR

14 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

15  
16   
17 \_\_\_\_\_  
18 KURT LANNON,  
19 CLERK OF THE COMMISSION

By:   
\_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY  
AUG - 6 2009

20  
21 This ordinance passed on first reading this 16th day of July, 2009.

22  
23 This ordinance passed on second reading this 6th day of August, 2009.