

**ORDINANCE NO. 030755**  
**0-04-27**

**An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as “North Florida Regional Medical Center” located in the vicinity of 6500 Newberry Road; amending the Planned Unit Development previously approved by Alachua County and by adopting a PD Layout Plan map to allow for the placement of a telecommunication tower; adopting additional conditions and restrictions; providing for penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, the City Plan Board authorized the publication of notice of a Public Hearing, and the petitioner has petitioned the City to amend the planned development commonly known as “ North Florida Regional Medical Center”; and

**WHEREAS**, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on January 15, 2004; and

**WHEREAS**, notice was given and publication made of a Public Hearing which was then held by the City Commission on February 9, 2004; 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; and

4           **WHEREAS**, the City Commission finds that the amendment of the Planned Development  
5 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

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

9           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
10 **CITY OF GAINESVILLE, FLORIDA:**

11           **Section 1.** A PD Layout Plan Map consisting of 1 page, attached as Exhibit “A” and made  
12 a part hereof as if set forth in full, is adopted and identified as follows: Sheet 1 – “North Florida  
13 Regional Medical Center PD Layout Plan” dated April 2004.

14           **Section 2.** The following additional conditions, restrictions and regulations shall apply to  
15 the development and use of all the land approved by Alachua County Zoning Resolution No. Z-92-  
16 29 adopted on July 28, 1992:

17           Condition 1: Placement of the new telecommunication tower shall be subject to Section 30-  
18 98 of the Land Development Code, except for the distance requirement which is controlled by the  
19 P.D. Layout Plan Map (Exhibit “A”).

20           Condition 2. The existing tower located on the top of the North Florida Regional  
21 Medical Center building on the main campus shall be permanently removed within 60 days of the

1 issuance of the certificate of completion of the new telecommunication tower issued by the City's  
2 Building Department, or the passage of 6 months, whichever date occurs sooner.

3 Condition 3. The telecommunication tower shall be placed in a specific location and  
4 manner that will not require removal of existing trees, except as determined by the City Arborist,  
5 and shall be placed in a location that will be the least visible to adjacent residential neighbors to  
6 the north.

7 Condition 4. All accessory structures related to the functioning of the new  
8 telecommunication tower shall be within a building or placed within an area which completely  
9 encloses the structures. The enclosure shall maintain architectural compatibility with nearby  
10 structures on the site, or there may be alternative screening and enclosures, subject to  
11 development plan approval.

12 Condition 5. All structures related to or constructed as part of the new  
13 telecommunication tower shall meet the following conditions: 1) maintain an average of 50 feet  
14 and a minimum of 35 feet from the outward limits of the surface water or wetland area on the  
15 site; and 2) buffer areas that make up the average of 50 feet that is compensating for wetland  
16 buffer encroachment shall be subject to the same conditions as any wetland buffer area as  
17 provided in the City's Land Development Code.

18 Condition 6. As part of the development plan review application, the wetland and/or  
19 surface water boundaries shall be designated and plotted out in the field and certified by a  
20 professional environmental engineer.

21 Condition 7. The buffer area designated by the professional environmental engineer shall  
22 be planted with appropriate vegetation, and screened and maintained to provide necessary

1 protection from encroachment during and after construction and during the existence of the new  
2 telecommunication tower, subject to development plan approval.

3 Condition 8. All landscaping approved as part of previously approved plans shall be  
4 implemented and maintained together with development of the new telecommunication tower.

5 Condition 9. The trail proposed as part of earlier approved development plans shall be  
6 maintained or adjusted to suitable alternative locations to accommodate the placement of the new  
7 telecommunication tower, subject to development plan approval.

8 Condition 10. The owner/developer shall provide proof of an FAA determination of no  
9 hazard of the new telecommunication tower, as part of the development plan review application

10 Condition 11. The owner/developer shall demonstrate that relocation of the existing  
11 tower from the hospital roof to the proposed location area on the property as shown in Exhibit  
12 “A” will not cause helicopter flight paths to be modified in a manner that increases the frequency  
13 of flights over the single family areas to the east of the PD property.

14 **Section 3.** Except as expressly amended or in conflict with this ordinance, the remaining  
15 provisions of Ordinance No. 950702 and Alachua County Resolution No. Z-92-29 shall remain in  
16 full force and effect.

17 **Section 4.** Any person who violates any of the provisions of this ordinance shall be deemed  
18 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided  
19 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
20 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
21 offense.

