

**ORDINANCE NO. 2024-28**

CPA 24-09

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING ORDINANCE NO. 4-91, AS AMENDED, RELATING TO AN AMENDMENT TO THE FUTURE LAND USE PLAN MAP OF THE CITY OF NEWBERRY COMPREHENSIVE PLAN, UNDER THE EXPEDITED AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3184 (2) AND (3), FLORIDA STATUTES, AND IN CONFORMANCE WITH SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; PROVIDING FOR A CHANGE IN FUTURE LAND USE CLASSIFICATION FROM INDUSTRIAL TO COMMERCIAL ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; ALACHUA COUNTY TAX PARCEL 01898-000-000; ON A SITE CONSISTING OF APPROXIMATELY 1.28 ACRES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.021, Florida Statutes, as amended, empowers the City Commission of the City of Newberry, Florida, hereinafter referred to as the City Commission, to prepare, adopt and enforce land development regulations;

**WHEREAS**, Sections 163.3161 through 163.3215, Florida Statutes, as amended, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Commission to prepare, adopt and implement a Comprehensive Plan;

**WHEREAS**, an application, CPA 24-09, for an amendment, as described below, to the Future Land Use Plan Map of the City of Newberry Comprehensive Plan, hereinafter referred to as the City's Comprehensive Plan has been filed with the City;

**WHEREAS**, the Planning and Zoning Board of the City of Newberry, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the City of Newberry Local Planning Agency, hereinafter referred to as the Local Planning Agency;

**WHEREAS**, pursuant to Section 163.3174, Florida Statutes, and Ordinance No. 9-92, as amended, entitled City of Newberry Land Development Regulations, hereinafter referred to as the City's Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan and recommended to the City Commission approval of said application for amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan;

**WHEREAS**, the City Commission held two public hearings, with public notice having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 to 163.3215, Florida Statutes, on said application for amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency;

**WHEREAS**, the City Commission, found said application for an amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission, found, subsequent to the expedited submittal to the Florida Department of Economic Opportunity pursuant to the Expedited State Review Process provided in Section 163.3184 (3), Florida Statutes, no objections, recommendations or comments were submitted by said Department and that said application for an amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan was found by the State Land Planning Agency to be compatible with the other affected elements of the City's Comprehensive Plan; and

**WHEREAS**, the City Commission, has determined and found that approval of an application for amendment to the Future Land Use Plan Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, AS FOLLOWS:**

**Section 1. Future Land Use Map Amended.** Pursuant to an application, CPA 24-09, a request by the City of Newberry to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the future land use classification of certain lands within the City, the **future land use classification is hereby changed from INDUSTRIAL to COMMERCIAL** on property more particularly described as follows:

**Legal Description: Parcel ID 01908-000-000**

A tract of land lying in the Southwest Quarter (SW 1/4) of the Southwest Quarter (SW1/4) of Section 34, Township 9 South Range 17 East, Alachua County, Florida, being more particularly described as follows;

Commence at the Northwest corner of said Southwest Quarter (SW 1/4) of Southwest Quarter (SW1/4) of Section 34 and thence run South 2 degrees, 12 minutes, 41 seconds East along the West Line of said Section, a distance of 630.00 feet; thence run North 88 degrees, 26 minutes, 28 seconds, East, a distance of 78.27 feet to the East right of way line (R/W) of State Road No. 45 and the POINT OF BEGINNING; thence continuing North 88 degrees, 26 minutes, 28 seconds East, a distance of 181.73 feet; thence South 2 degrees, 12 minutes, 41 seconds East, a distance of 326.17 feet to a fence line on the North line of lands described in Deed Book 207, Page 372 of the Public records of Alachua County, Florida; thence South 81 degrees, 11 minutes, 40 seconds West along said fence line, a distance of 182.93 feet to the East R/W line of State Road No. 45; thence North 2 degrees, 12 minutes, 41 seconds West along said R/W line, a distance of 349.24 feet to the POINT OF BEGINNING.

Totaling: 1.28 acres

**Section 2. Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 3. Scrivener's Error.** The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Manager or designee without public hearing, by filing a corrected or re-codified copy of the same with the City.

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

**Section 5. Effective Date.** This ordinance shall become effective upon adoption. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance in accordance with Section 163.3184, Florida Statutes. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Commerce, Division of Community Planning and Development, 107 East Madison Street, MSC-160, Tallahassee, FL 32399-4120.

**Section 6. Authority.** This Ordinance is adopted pursuant to the authority granted by Section 166.021 and Sections 163.3161 through 163.3215, Florida Statutes.

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**DONE THE FIRST READING**, by the City Commission of the City of Newberry, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**DONE, THE PUBLIC NOTICE**, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE**, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

BY THE MAYOR OF THE CITY OF  
NEWBERRY, FLORIDA

\_\_\_\_\_  
Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE  
CITY COMMISSION OF THE CITY OF  
NEWBERRY, FLORIDA:

\_\_\_\_\_  
Judy S. Rice, City Clerk

APPROVED AS TO FORM AND  
LEGALITY:

\_\_\_\_\_  
City Attorney's Office