

ORDINANCE NO. 2024-29
LDR 24-22

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE REZONING OF APPROXIMATELY 1.28 CONTIGUOUS ACRES, MORE OR LESS, PURSUANT TO A PETITION BY THE PROPERTY OWNER OF SAID ACREAGE; AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REZONING FROM INDUSTRIAL ZONING DISTRICT TO COMMERCIAL, INTENSIVE (CI) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; TAX PARCEL NUMBERS 01898-000-000; 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, requires the City Commission to prepare and adopt regulations concerning the use of land and water to implement the City of Newberry Comprehensive Plan, hereinafter referred to as the Comprehensive Plan;

WHEREAS, an application, **LDR 24-22**, for a Site-Specific Amendment to the Official Zoning Atlas (“rezoning”), as described below, has been filed with the City by the property owners;

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 Local Planning Agency of the City of Newberry, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, as amended, 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, 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 and the Concurrency Management Assessment concerning said application for an amendment, as described below, and recommended to the City Commission approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Commission held the required public hearings, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Commission reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found said application for the amendment to be consistent with the City’s Comprehensive Plan and City’s Land Development Regulations (“LDRs”); and,

WHEREAS, the City Commission has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City of Newberry.

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

Section 1. Official Zoning Map Amended. Pursuant to an application LDR 24-22 by Joy Glanzer, on behalf of Coleman Gerald & Melanie, owners, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Industrial (I) to Commercial, Intensive (CI) on 1.28 acres, more or less, **the Zoning District classification is hereby changed from INDUSTRIAL TO COMMERCIAL, INTENSIVE (CI)** 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 hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Ordinance shall be adopted upon the date provided below, as passed.

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

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 this _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.

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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