

**ORDINANCE NO. 2024-09
CPA 23-14**

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE CITY OF NEWBERRY COMPREHENSIVE PLAN, TO UPDATE SPECIFIC ELEMENTS IN THEIR ENTIRETY, PURSUANT TO SECTION 163.3177, FLORIDA STATUTES, 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 CODIFICATION; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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, Section 163.3177, Florida Statutes, as amended, requires revisions and modifications to the text of the City of Newberry Comprehensive Plan, hereinafter referred to as the Comprehensive Plan, in accordance with the procedures and requirements set forth;

WHEREAS, an application, CPA 23-14, for an amendment of the Comprehensive Plan to repeal and rewrite, as described below, to 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;

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 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 City's Comprehensive Plan and at said public hearing, the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application, as described below, for an amendment to the City's Comprehensive Plan, and recommended to the City Commission approval of said application, as described below, for amendment to 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 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 Local Planning Agency;

WHEREAS, the City Commission, found said application for an amendment, as described below, to the City's Comprehensive Plan to be internally compatible throughout all elements of the City's Comprehensive Plan; and

WHEREAS, the City Commission, found, subsequent to the expedited submittal to the Florida Department of Commerce pursuant to the Expedited State Review Process provided in Section 163.3184 (2) and (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 City's Comprehensive Plan to be 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 the transmittal and approval of an application for amendment to the City's Comprehensive Plan, would promote 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. Comprehensive Plan Amended. Pursuant to an application, CPA 23-14, a request by the City of Newberry to amend the Comprehensive Plan to repeal and rewrite specific Elements of the Comprehensive Plan to clearly reflect the community's vision for the City's and community's future. The elements included in the rewrite are as follows:

1. Future Land Use Element (FLU);
2. Transportation Element (TRAN);
3. Housing Element (HOUS);
4. Conservation Element (CON);
5. Park and Recreation Element (ROS);
6. Economic Development Element (ED); and
7. Intergovernmental Coordination Element (IGC).

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 shall be the date a final order is issued by Florida Commerce or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses 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 Florida 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.

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 FIRST SECOND READING, & 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