**ORDINANCE NO. 2025-04**

CPA 25-02

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE CITY OF NEWBERRY COMPREHENSIVE PLAN, TO UPDATE THE WASTEWATER, SOLID WASTE, STORMWATER AND POTABLE WATER ELEMENT AND CAPITAL IMPROVEMENT ELEMENT 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 25-02, 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 transmittal public hearing on April 7, 2025, 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 unanimously 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 (2) public hearings (transmittal on 04/14/2025 and adoption on TBA), with public notice having been provided, under the provisions of the 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 unanimous 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 the elements being adopted of the City’s Comprehensive Plan; and

**WHEREAS,** the City Commission has determined and found the transmittal and adoption 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 Transmitted. Pursuant to an application, CPA 25-02, a request by the City of Newberry to amend the Comprehensive Plan to rewrite the Wastewater, Solid Waste, Stormwater, and Potable Water Element and the Capital Improvement Element 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. Wastewater, Solid Waste, Stormwater, and Potable Water Element (WSSP);
2. Capital Improvement Element (CI)

**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. 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 adopted 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 Administrative Commission enters into a final order determining this adopted amendment to be in compliance. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

**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 \_14th\_\_day of April , 2025.

DONE, THE PUBLIC NOTICE, on the website of Alachua County at alachuacounty.us pursuant to Florida Statute 50.0311(3), by the City Clerk of the City of Newberry, Florida on the \_\_\_20\_\_ day of \_March\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025 for first reading and on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2025 for the second and final reading.

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 , 2025.

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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

Attachments (#): Exhibit A – Wastewater, Solid Waste, Stormwater, and Potable Water Element (WSSP)

Exhibit B – Capital Improvement Element (CI)

**EXHIBIT A**

**TITLE**

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**EXHIBIT B**

**TITLE**

**Exhibit inserted, total page count includes Exhibits**