**ORDINANCE NO. 2024-04**

CPA 24-02

**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 OF 29 ACRES OF LAND, UNDER THE SMALL SCALE DEVELOPMENT AMENDMENT PROCEDURES ESTABLISHED UNDER THE SMALL SCALE AMENDMENT PROVISIONS OF SECTION 163.3187, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM ALACHUA COUNTY RURAL/AGRICULTURE (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES) TO CITY OF NEWBERRY AGRICULTURE (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES), ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF CITY OF NEWBERRY, FLORIDA; PARCEL NUMBERS 02579-005-000, 02579-006-000 AND 02579-007-000 CONSISTING OF APPROXIMATELY 29 CONTIGUOUS 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,** Section 166.021, Florida Statutes, empowers the City Commission of the City of Newberry, Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement a Comprehensive Plan;

**WHEREAS,** Sections 163.3161 through 163.3215, Florida Statutes, 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 24-02**, 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 commentsreceived 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**, in conformance with the small scale amendment provisions established within Chapter 163, Part II, Florida Statutes, the City Commission held an adoption public hearing, with public notice having been provided, pursuant to the procedures established in Chapter 163, Part II, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during the public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below;

**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 24-02**, by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use of certain lands previously voluntarily annexed to the City, the future land use classification is hereby changed from **ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE**, on property more particularly described as follows:

**Two parcels totaling ±29.00 acres**

**Alachua County Parcel Numbers:** 02579-005-000, 02579-006-000 and 02579-007-000

Legal Description:

**Three (3) Tax Parcels totaling ±29 acres**

**1. Tax Parcel No.: 02579-005-000; ±20.00 acres**

Legal Description:

A portion of Alachua County Tax Parcel 2579-000-000 described as:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, for the Point of Beginning and thence run S 87°45'06" W, along the South line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance af 617.39 feet to an iron rod on the East right-of-way line of County Road No. C-337 {100.00' right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 40.10 feet to an iron rod; thence departing from said right-of-way line, run N 85°15'49" E, a distance of 697.66 feet to an iron rod; thence run N 00°42'41" W, a distance of 403.57 feet to an iron rod; thence run N 87°37'27" E, o distance of 55.78feet to an iron rod; thence run N 00°42'41" W, a distance of 182.00feet to an iron rod; thence run N 87°37'27" E, a distance of 529.00 feet to an iron rod on the East line of the West 1/2 of the Northwest 1/4 of said Section 17; thence run S 00°48'53" E, along the East line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 1358.01 feet to the Point of Beginning.

Containing 20.00 acres more or less.

**2. Tax Parcel No. 02579-006-000, ±6.67 acres**

Legal Description:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, for a Point of Reference and thence run S 87°45'06" W, along the South line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance of 617.39 feet to an Iron rod on the East right-of-way line of County Road No. C-337 (100.00" right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 40.10 feet to an Iron rod and for the Point of Beginning; thence departing from said right-of-way line, run N 85°15'49" E, a distance of 697.66 feet to an iron rod; thence run N 00°42'41" W, a distance of 403.57 feet to an iron rod; thence run S 87°37'27" W, a distance of

695.48 feet to an iron rod on the East right-of-way line of County Road No. C-337 (100.00' right-of-way); thence run S 00°36'43" E, along the East right-of-way line of County Road No. C-337, a distance of 432.34 feet to the Point of Beginning.

Containing 6.67 acres more or less.

**3. Tax Parcel 02579-007-000; ±2.35 acres**

Legal Description:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 114 of Section 17, Township JO South, Range 17 East,for a Point of Reference and thence run S 87°45'06" W, along the South line of the West 112 of the Northwest 1/4 of said Section 17, a distance of667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance of 617.39 feet to an iron rod on the East right-of-way line of County Road No. C-337 (100.00' right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 472.44 feet to an iron rod and for the Point of Beginning; thence continue N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 128.30 feet to an iron rod; thence departing from said right-of-way line, run N 85°34'35" E, a distance of 471.39 feet to an iron rod; thence run S 00°42'41" E, a distance of90.00 feet to an iron rod; thence run N 85°34'35" E, a distance of 97.00 feet to an iron rod; thence run N 00°42'41" W, a distance of 90.00 feet to an iron rod; thence run N 63°07'58" E, a distance of 51.57 feet to an iron rod; thence run N 00°42'41" W, a distance of 12.00 feet to an iron rod, said point being the Southwest corner of that certain parcel of land recorded in Official Records Book 2578, Page 1027, Public Records of Alachua County, Florida; thence run N 87°37'27" E, along the South line of said parcel, a distance of 137.30 feet to an iron rod; thence run S 00°42'41" E, a distance of 182.00feet to an iron rod; thence run S 87°37'27" W, a distance of

751.26 feet to the Point of Beginning.

Containing 2.35 acres, more or less.

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

**Section 4. Effective Date.** The effective date of this plan amendment shall be thirty-one (31) days following the date of adoption of this plan amendment. However, if any affected person files a petition with the Florida Division of Administrative Hearings pursuant to Section 120.57, Florida Statutes, to request a hearing to challenge the compliance of this plan amendment with Section 163.3187, Florida Statutes, as amended, within thirty (30) days following the date of adoption of this plan amendment, the plan amendment may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order of compliance.

No development orders, development permits or land uses dependent on this plan amendment may be issued or commence before it has become effective.

**Section 5. Authority.**  This Ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, and under the small-scale amendment provisions of Section 163.3187, Florida Statutes, as amended.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, the 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.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

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:

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City Attorney’s Office