**ORDINANCE NO. 2024-05**

LDR 24-05

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS FOR THE REZONING OF 29 ACRES, MORE OR LESS, PURSUANT TO AN APPLICATION AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REZONING FROM ALACHUA COUNTY AGRICULTURAL (A) ZONING DISTRICT TO CITY OF NEWBERRY AGRICULTURAL (A) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA WHICH HAVE BEEN RECENTLY ANNEXED THERETO; TAX PARCEL NUMBERS 02579-005-000, 02579-006-000 AND 02579-007-000; 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 24-05,** 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 23-04 by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from Alachua County Agricultural (A) to City of Newberry Agricultural (A) on ±29 acres, **the Zoning District classification is hereby changed from** **Alachua County Agricultural (A) to City of Newberry Agricultural (A)** on property more particularly described as follows:

**Two parcels totaling ±29 acres**

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

**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 hereby repealed to the extent of such conflict.

**Section 4. Effective Date.** This Ordinance shall be adopted upon the date provided below, as passed, but shall only become effective upon the date of effectiveness of the corresponding Future Land Use Plan Amendment, CPA 24-02.

**Section 5. 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.

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

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