**ORDINANCE NO. 2024-10**

CPA 24-03

**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 FIFTY OR FEWER ACRES OF LAND, UNDER THE SMALL SCALE DEVELOPMENT AMENDMENT PROCEDURES, ESTABLISHED UNDER THE PROVISIONS OF SECTION 163.3187, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR A CHANGE IN FUTURE LAND USE CLASSIFICATION FROM AGRICULTURE (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES) TO COMMERCIAL, ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF CITY OF NEWBERRY, FLORIDA; TAX PARCEL NUMBER 01924-002-000 CONSISTING OF APPROXIMATELY 3.7 ACRES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE**

 **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 24-03**, 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 comments received 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,** 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, 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 24-03**, by INTELLECTUAL PARTNERS LLC, Owner, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the future land use of certain lands within the City, the **Future Land Use classification is hereby changed from AGRICULTURE to COMMERCIAL**, on property more particularly described in Exhibit A.

**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 , 20\_\_.

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 , 20\_\_.

**[REMAINDER OF THIS 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 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

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

**EXHIBIT A**

**LEGAL DESCRIPTION**

Parcel: 01924-002-000; 3.67 Acres ±

North 1/2 of the following described property, to-wit:~The West 320.52 feet of the East 355 feet of North 1/2 of NE 1/4 of Section 2, Township 10 South, Range 17 East, Alachua County, Florida.~LESS~That part of the Northeast 1/4 of the Northeast 1/4 of Section 2, Township 10 South, Range 17 East, Alachua County. Florida. and being more particularly described as follows:~Commence at the Northeast corner of said Section 2 for a point of reference thence South 04°14'11" West along the East line of said Section 2, a distance of 49.98 feet to an intersection with the South right of way line of State Road No. 26; thence North 86°50'49" West along the said South right of way line. a distance 33.0 feet to an intersection with the West right of way line of an existing sand road and the Point of Beginning; from the said Point of Beginning continue North 86°50'49" West. along the said South right of way line, a distance of 164.27 feet; thence South 03°58'37" West, a distance of 274.90 feet; thence South 86°56'42" East a distance of 163.0 feet to an intersection with the said West right of way line of an existing sand road; thence North 04°14'11" East along the said West right of way line and parallel to the said East line of Section 2, a distance of 274.60 feet to an intersection with the said South right way line of State Road No. 26 and the said Point of Beginning.