**ORDINANCE NO. 2024-11**

LDR 24-07

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS FOR THE REZONING OF 3.7 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 AGRICULTURAL (A) TO COMMERCIAL, INTENSIVE (CI) ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; TAX PARCEL NUMBER 01924-002-000, AS DESCRIBED IN EXHIBIT A; 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 24-07,** 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 24-07 by the Intellectual Partners, LLC to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations from Agricultural (A) to Commercial, Intensive (CI) on ±3.7 acres, **the Zoning District classification is hereby changed from** **Agricultural (A) to Commercial, Intensive (CI)** on property more particularly described in Exhibit A.

**Section 2. Condition of Approval.** The Intellectual Partners, LLC, Owner, acknowledges a fair-share contribution is required for extension of wastewater lines by the City approximate to the property described in Exhibit A and shall enter into an agreement, in a form acceptable to the City Attorney, to facilitate the payment of said obligation.

**Section 3. 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 4. Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5. 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 6. 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.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, the 26 day of February , 2024.

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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 \_11\_\_\_day of March , 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

**EXHIBIT A**

**LEGAL DESCRIPTION**

**Alachua County Parcel Numbers:** 01924-002-000; **±3.7 acres**

North ½ of the following described property, to-wit:

The West 320.52 feet of the East 355 feet of North ½ of the NE ¼ of Section 2, Township 10 South, Range 17 East, Alachua County, Florida.

LESS

That part of the NE ¼ of the NE ¼ of Section 2, Township 10 South, Range 17 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the NE 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°36’42” East a distance of 163.0 feet to an intersection with 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-of-way line of State Road No. 26 and the said Point of Beginning.