

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 06/23/2025), 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 Adopted. 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. Infrastructure Element - 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 20th day of March, 2025 for first reading and on the 6th day of June, 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 23rd day of June, 2025.

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BY THE MAYOR OF THE CITY
OF NEWBERRY, FLORIDA

Honorable Timothy R. Marden, Mayor

ATTEST, BY THE CLERK OF THE
CITY COMMISSION OF THE CITY OF
NEWBERRY, FLORIDA:

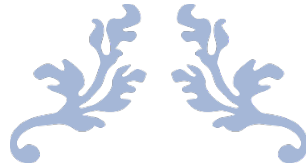
Judy S. Rice, City Clerk

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
Infrastructure Element



INFRASTRUCTURE ELEMENT

**WASTEWATER, SOLID WASTE, STORMWATER,
AND POTABLE WATER**



INTRODUCTION

The following element provides direction for the use, maintenance and location of general wastewater, solid waste, storm water, potable water facilities and natural groundwater aquifer recharge areas in conformance with the future land use element of this Comprehensive Plan.

The data collected for this plan element and its analysis, contained in the City's Data and Analysis document, are not part of this plan element but provide a basis for its formulation.

The future growth of the City depends upon the safe, adequate and economical means for the provision of public facilities and services. This portion of the Comprehensive Plan provides a goal, objectives and policies which direct the implementation and use of such public facilities in a logical and economical fashion, as well as, in a manner which is consistent with the State of Florida Comprehensive Plan, and the various elements of this Comprehensive Plan.

GOAL, OBJECTIVES AND POLICIES

WSSP GOAL 1: ENSURE THE PROVISION OF PUBLIC FACILITIES IN A TIMELY, ORDERLY EFFICIENT AND ENVIRONMENTALLY SOUND MANNER AT AN ACCEPTABLE LEVEL OF SERVICE FOR THE CITY'S POPULATION.

WSSP OBJECTIVE 1.1. The City, upon adoption of this Comprehensive Plan, shall correct existing deficiencies by undertaking capital improvement projects in accordance with the schedule contained in the Capital Improvements Plan (CIP) of this Comprehensive Plan, adopted by the City Commission annually.

WSSP POLICY 1.1.1. The City shall provide within the schedule contained in the CIP, that capital improvement projects needed for replacement or correction of existing deficiencies in public facilities be given priority over providing for future facility's needs: (1) if they are imminently needed to protect the public health and safety, which shall be given the highest priority; and (2) if existing facilities are not meeting maintenance or operation level of service standards adopted herein, which shall be given the second order of priority.

WSSP OBJECTIVE 1.2. The City, upon adoption of this Comprehensive Plan, shall coordinate the extension of, or increase in the capacity of facilities by scheduling the completion of public facility improvements and require that they are concurrent with projected demand.

POLICIES FOR WASTEWATER

WSSP POLICY 1.2.1. The City hereby establishes the following level of service standards for Wastewater facilities.

Facility Type	Level of Service Standard
Individual Septic Tanks	Standards as specified in F.A.C. Ch. 17-22, in effect upon adoption of this Comprehensive Plan
Residential Sanitary Sewer System	100 gallons per capita per day
Nonresidential Sanitary Sewer System	2,000 gallons per acre per day

Based on official estimates by BEBR

~~(Ord. No. 16-08, § 1, 12-8-2008)~~

WSSP POLICY 1.2.2. The City shall follow HB 1379 guidelines on the requirement for septic systems. ~~prohibit the installation of septic tanks in locations with soil which do not meet installation requirements of F.A.C. ch.10D-6, in effect upon adoption of this Comprehensive Plan.~~

WSSP POLICY 1.2.3. The City of Newberry will do a feasibility study providing sanitary sewer services to areas whether built or unbuilt, with more than one onsite sewage treatment and disposal system per acre. If the analysis determines that it is feasible to provide sanitary sewer services to an applicable area, this shall not obligate the City or utility provider to undertake or fund any improvements necessary to connect the development to the sanitary sewer system. Such improvements may be considered on a case-by-case basis by the utility provider in coordination with the health department.

WSSP POLICY 1.2.4. The City's land development regulations shall allow existing septic tanks to remain in service until such a time as a centralized wastewater system is accessible.

WSSP POLICY 1.2.5 Private Package Wastewater plants are prohibited in the City of Newberry.

POLICIES FOR SOLID WASTE DISPOSAL

WSSP POLICY 1.2.6. The City hereby establishes the following level of service standards for solid waste disposal facilities:

Facility Type	Level of Service Standard
Solid Waste Landfill	<u>0.8 inbound tons per person per year</u>

POLICIES FOR STORMWATER FACILITIES

WSSP POLICY 1. 2.7. The City shall maximize the Stormwater Management facility in the downtown as well as City wide.

WSSP POLICY 1. 2.8. The City hereby establishes the following water quantity and quality level of service standards for stormwater facilities:

LEVEL OF SERVICE STANDARD

For all projects which fall totally within a stream, or open lake watershed, detention systems must be installed such that the peak rate of post-development runoff will not exceed the peak rate of pre-development runoff for storm events up through and including either:

1. A design storm with a ten-year, 24-hour rainfall depth with Soil Conservation Service type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation, or recreational uses; or
2. A design storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation, or recreational uses.
3. All the projects involving stormwater management shall be reviewed and approved by associated authorities.

WSSP POLICY 1. 2.9. The City, upon adoption of this Comprehensive Plan, shall prohibit the construction of structures or landscape alterations which would interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems.

POLICIES FOR POTABLE WATER

WSSP POLICY 1.2.10. The City will achieve and maintain acceptable levels of service for water quantity and quality.

WSSP OBJECTIVE 1.3. The City, upon adoption of this Comprehensive Plan, shall require that residential densities greater than one dwelling unit per acre be directed to areas which are served by centralized potable water systems and sanitary sewer systems.

WSSP POLICY 1.3.1. The City's land development regulations shall permit residential densities in excess of one dwelling unit per acre only within areas served by centralized potable water and sanitary sewer systems.

WSSP OBJECTIVE 1.4. The City, upon adoption of this Comprehensive Plan, shall coordinate with the water management district to protect the functions of natural groundwater recharge areas and natural drainage features, by requiring that all developments requiring subdivision approval be reviewed by the Water Management District prior to approval of the plat.

WSSP POLICY 1.5.1. The City's land development regulations shall prohibit the discharge of hazardous materials to all soils, groundwaters and surface waters of the City.

WSSP OBJECTIVE 1.5. The City, upon adoption of this Comprehensive Plan, shall assist the water management district, with the implementation of its water conservation rule, when water shortages are declared by the district. Whereby, during such shortages, water conservation

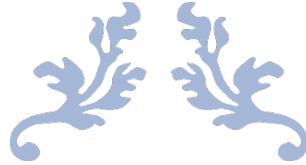
measures shall be implemented for the use and reuse of water of the lowest acceptable quality for the purposes intended.

WSSP POLICY 1.5.1. The City shall assist in the enforcement of water use restrictions during a water management district declared water shortage.

WSSP OBJECTIVE 1.6. The City, shall include within the land development regulations a requirement that construction activity undertaken protect the functions of natural drainage features.

WSSP POLICY 1.6.1. Any land development in the City of Newberry is required to comply with State and Federal regulations and processes of the National Pollutant Discharge Elimination System (NPDES).

EXHIBIT B
Capital Improvements Element



CAPITAL IMPROVEMENTS ELEMENT



INTRODUCTION

The following goal, objectives and policies for capital improvement provide strategic planning for the financing and construction of improvements identified as part of the capital improvements Data and Analysis document.

The data collected for this plan element and its analysis, contained in the City's Data and Analysis document, are not part of this plan element but provide a basis for its formulation.

This element is not intended to be a capital improvement program for the City and, therefore, considers only those public facilities which are planned for under the requirements of Chapter 163, Florida Statutes, Part II, in effect upon adoption of this Comprehensive Plan.

GOAL, OBJECTIVES AND POLICIES

CI GOAL 1: THE CITY SHALL ADOPT AND IMPLEMENT A CAPITAL IMPROVEMENTS PROGRAM WHICH COORDINATES THE TIMING AND PRIORITIZES THE DELIVERY OF THE NEEDS ADDRESSED WITHIN THE OTHER ELEMENTS OF THIS COMPREHENSIVE PLAN.

CI OBJECTIVE 1.1. The City shall provide capital improvements to correct the existing and projected deficiencies as identified within the schedule of improvements and funding of this plan element, by adopting an annual capital improvements budget ~~in fiscal year 1992 and every year thereafter~~ annually which is consistent with the schedule of improvements and funding.

CI POLICY 1.1.1. The City shall establish as part of the annual budgeting process the following criteria for the evaluation of proposed capital improvement projects:

Criteria:

- A. The City shall assess the level of service for the public facilities which have adopted level of service standards established by the Comprehensive Plan, on an annual basis, prior to or concurrent with the City's budget process;
- B. The City shall schedule only those projects which are consistent with the goals, objectives and policies of this Comprehensive Plan and which do not exceed the City's fiscal Capacity;
- C. The City shall identify those existing or projected public facility needs, which occur or are projected to occur, due to deficiencies in the maintenance of adopted levels of service standards;
- D. The capital improvement projects identified which are imminently needed to protect the public health and safety shall be given the highest priority;
- E. The capital improvements projects related to the maintenance and operation of existing facilities, which due to existing or projected needs, do not or are not expected to meet the adopted level of service standard for such facility shall be given the second order of priority;
- F. The capital improvement projects with the greatest deficiencies based upon the established level of service standards within the Comprehensive Plan shall be given the third order of priority;
- G. The capital improvement projects, which due to deficiencies based upon the established level of service standard within the Comprehensive Plan, are needed to provide public facilities to areas which have received development approval prior to the adoption of this Comprehensive Plan shall be given the fourth order of priority; and

H. All other capital improvement projects shall be given the fifth order of priority.

CI POLICY 1.1.2. The City shall, upon identification of a need for drainage facility improvements due to deficiencies based upon the established level of service standards within the Comprehensive Plan, coordinate plans for improvements with the Water Management District prior to scheduling such drainage facility improvement.

CI POLICY 1.1.3. The City shall review the effectiveness of the capital improvements planning program through the Procedure for Monitoring and Evaluation of the Capital Improvements Element, within this plan element.

CI OBJECTIVE 1.2. The City, upon adoption of this Comprehensive Plan, shall require that all decisions regarding the issuance of development permits shall be consistent with the established level of service standards adopted for public facilities within the Comprehensive Plan.

CI POLICY 1.2.1. The City shall use the level of service standards as identified within the Traffic Circulation Element; Wastewater, Solid Waste, Stormwater, and Potable water element; Recreation and Open Space Element; and Public School Facilities Element of this Comprehensive in reviewing impacts of new development and redevelopment upon the provision of public facilities.

CI POLICY 1.2.2. The City's land development regulations shall contain provisions which require that public facilities which serve such development have a capacity which meets or exceeds the adopted level of service standard in accordance with the requirements as specified for each facility within the Concurrency Management System of this Comprehensive Plan.

CI POLICY 1.2.3. The City shall, upon adoption of this policy, require that an amendment to this Comprehensive Plan be required for the elimination, deferral or delay of construction of any transportation capital improvements project, which is needed to maintain the adopted level of service standard and which has been listed in the City's 10-year schedule for the Capital Improvements Element.

CI POLICY 1.2.4. The City shall, if necessary, propose a list of the Capital Improvements projects for inclusion in the Capital Improvement Element to achieve the pollutant load reductions required for compliance with Total Maximum Daily Loads (TMDL). These reductions shall align with the adopted Basin Management Action Plans (BMAP), as established under Section 403.067(7), Florida Statutes. This list shall be completed, reviewed annually, and updated as needed.

CI OBJECTIVE 1.3. The City shall, include subdivision improvement standards within the land development regulations which require that the subdivider, at their expense, shall provide paved streets, street name signs, stormwater facilities and, where community wastewater, solid waste ~~sanitary sewer~~ and potable water service is available, install wastewater infrastructure ~~sanitary sewer~~, water mains and fire hydrants connected to the mains.

CI POLICY 1.3.1. The City's land development regulations shall require that all proposed subdivisions which include an existing street shall be required to improve the street to conform to the standards established within the land development regulations.

CI OBJECTIVE 1.4. The City shall continue to budget for a capital improvements budgeting process to manage the fiscal resources of the City, so that needed capital improvements, identified within the Comprehensive Plan, are provided for existing and future development and re-development.

CI POLICY 1.4.1. The City's land development regulations shall limit the issuance of development orders and permits to areas where the adopted level of service standards for the provision of public facilities found within the Comprehensive Plan are maintained. This provision shall also include areas where development orders were issued prior to the adoption of the Comprehensive Plan.

CI POLICY 1.4.2. The City shall apply for Federal or State grant funding for projects which recognize the policies of other elements of this Comprehensive Plan whenever available and where it has been determined that the City has competitive standing in any ranking process for determining program award.

CI POLICY 1.4.3. The City shall limit any extension of public facility Urban service areas (USA) into surrounding areas to commercial, industrial, public, recreational, and residential land uses contiguous to the existing USA as described in the Data and Analysis document for the City's Comprehensive Plan.

CI OBJECTIVE 1.5. The City upon adoption of the Comprehensive plan will work on the implementation of the long-range schedule of improvements. Capital improvements are based on the City's ongoing 5-year schedule of capital improvements, which is updated each year as part of the City's annual budget and implemented as follows:

CI POLICY 1.5.1. Roadway Improvements: The City of Newberry performed a Class 1-3 Road Inventory of all City Streets in 2025. As part of the annual capital improvement budgeting process, roads classified as Class 1-2 will be selected from the inventory for paving and/or resurfacing to include all necessary drainage, striping, signage or other necessary appurtenances/improvements to improve these roads to the Class 3 designation.

CI POLICY 1.5.2. Water and Wastewater Improvements: Water and wastewater improvements are based on the City's 5-year Capital Improvement Plan as adopted and approved by the City Commission as part of the annual budget hearing process.

CI POLICY 1.5.3. Storm Water Improvement: The City of Newberry classifies potential deficiency of storm water facility. Storm water improvement is based on the City's Stormwater Master Plan and implemented based on the City's 5-year Capital Improvement plan as adopted and approved by the City Commission as a part of annual budget hearing process.