**ORDINANCE NO. 2025-10**

LDR 25-09

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE TEXT OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS, AS AMENDED; TO AMEND APPENDIX B, ARTICLE 4, ADDING SECTION 4.24 ENTITLED “AGRICULTURAL TECHNOLOGY (AT) ZONING DISTRICT,” ESTABLISHING STANDARDS FOR DEVELOPMENT WITHIN THE CORPORATE PARK FUTURE LAND USE CLASSIFICATION; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; 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 Comprehensive Plan;

 **WHEREAS,** The City of Newberry desires to create an Agriculture Technology (AT) District to support the economic development in the Corporate Park Future Land Use classification and provide development standards to safeguard the development in the district and to adjacent residential and commercial areas from potential impacts associated with the park and the future expansion;

 **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, Florida, hereinafter referred to as the Local Planning Agency;

 **WHEREAS,** pursuant to Section 163.3174, Florida Statutes, as amended, and the City of Newberry 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, 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, 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 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, concerning said application for an amendment, as described below; and

 **WHEREAS,** the City Commission, has determined and found that a need and justification exists for the creation of the Agriculture Technology (AT) zoning district, as described below;

 **WHEREAS,** the City Commission, has determined and found that approval of said zoning district for an amendment, as described below, is consistent with purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

 **WHEREAS,** the City Commission has determined and found that approval of said zoning district for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

**WHEREAS,** the City Commission has determined and found that approval of said zoning district for an amendment, as described below, 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.**  Pursuant to an application, LDR 25-09, by the City of Newberry, to amend the text of the Land Development Regulations, amending the text of Appendix B, Article 4, Section 4.1, and creating Section 4.24. of same, is hereby amended to add the following:

**Section 4.1. Zoning districts.**

4.1.1*. Establishment of districts*. In order to classify, regulate, and restrict the use of land, buildings, and structures; to regulate the area of yards and open spaces about buildings; to regulate the intensity of land use; and to promote orderly growth within areas subject to these Land Development Regulations, the following zoning districts are established:

|  |  |
| --- | --- |
| CSV | Conservation |
| A | Agricultural |
| RSF-1, 2, 3 | Residential, Single-Family |
| RSF/MH-1, 2, 3 | Residential, (Mixed) Single-Family/Mobile Home |
| RMH-1, 2, 3 | Residential, Mobile Home |
| RMH-P | Residential, Mobile Home Park |
| RMF-1, 2 | Residential, Multiple-Family |
| CN | Commercial, Neighborhood |
| CH | Commercial, Highway |
| CG | Commercial, General |
| C-CBD | Commercial, Central Business District |
| CI | Commercial, Intensive |
| CA | Commercial, Automotive |
| ILW | Industrial, Light and Warehousing |
| I | Industrial |
| PRRD | Planned Rural Residential Development |
| MU | Mixed Use Development |
| PF | Public Facilities |
| PRD | Planned Residential Development |
| AT | Agriculture Technology |

4.1.6. *Definitions of groupings of various districts.*

Where the phrases "all conservation districts," "conservation districts," "zoned conservation," "conservation zone," or phraseology of similar intent are used in these Land Development Regulations, the phrases shall be construed to include the following district:

CSV Conservation

Where the phrases "all agricultural districts," "agricultural districts," "zoned agriculturally," "agricultural zone," "agriculturally zoned," or phraseology of similar intent are used in these Land Development Regulations, the phrases shall be construed to include the following district:

A Agricultural

Where the phrases "one-family residential districts," "one-family residential district," "zoned for one-family residential purposes," or phraseology of similar intent are used in these Land Development Regulations, the phrases shall be construed to include the following districts:

Where the phrase “Agriculture technology district” “AT District” or “Agriculture and Food Technology Zoning” “Agri-Tech District” or phraseology or similar intent are used in these land development regulations, the phases shall be constructed to include the following district:

AT Agriculture Technology

RSF-1,2,3 Residential, Single-Family

RSF/MH-1,2,3 Residential, (Mixed) Single-Family/Mobile Home RMH-1,2,3 Residential, Mobile Home

Where the phrases "all residential districts," "residential district," "zoned residentially," "residentially zoned," "zoned for residential purposes" or phraseology of similar intent are used in these Land Development Regulations, the phrases shall be construed to include the following districts:

RSF-1,2,3 Residential, Single-Family

RSF/MH-1,2,3 Residential, (Mixed) Single-Family/Mobile Home RMH-1,2,3 Residential, Mobile Home

RMH-P Residential, Mobile Home Park RMF-1,2 Residential, Multiple-Family

Where the phrases "commercial districts," "zoned commercially," "commercially zoned," "commercial zoning," or phraseology of similar intent are used in these Land Development Regulations, the phrases shall be construed to include the following districts:

CN Commercial, Neighborhood CH Commercial, Highway

CG Commercial, General

C-CBD Commercial, Central Business District CI Commercial, Intensive

CA Commercial, Automotive

Where the phrases "public facilities districts," "PF districts," "zoned PF," "PF zoned," or phraseology of similar intent, are used in these Land Development Regulations, the phraseology shall be construed to include the following district:

PF Public Facilities

Section 4.24. AT Agriculture Technology.

*Section 4.24.1. Intent*. The proposed district is established to support economic development through the creation of the proposed Agriculture Technology Park located within the corporate limits of the City of Newberry. The district is intended to facilitate the development of the Agri-Tech Food Park, and to ensure growth is orderly, consistent, and aligned with the mission of the park and the city of Newberry. The district also aims to safeguard adjacent residential and commercial areas from potential impacts associated with the Park’s uses and future expansion. These efforts contribute to the broader goal of preserving property values and maintaining a strong tax base for the City of Newberry. All permitted and special uses within this district must align with the core purpose and mission of the Agriculture Technology Park or its related activities.

*Section 4.24.2. Permitted Principal uses and Structures.*

(1) Agricultural uses, such as crop production, greenhouses, hydroponic farms, mushroom farms and similar activities.

(2) Facilities intended for production or light assembly and warehousing of agricultural and food products and bio-based products produced by plants and microorganisms, for testing or distribution,

(3) Laboratories and related facilities intended for basic and applied research, development of technology-based products and services, or testing of technology-based products and services. Excluding research facilities for quarantining or animal testing.

(4) Business incubators and offices.

(5) Conference center/Event Center (should we restrict the size or add as a special exception which might require some extra studies/ market analysis; parking and landscaping ?)

(5) Public, private, and charitable agriculture-related and food technology-related research and educational facilities, and agricultural and food service organizations and consultants, as well as biotechnology research leading to bio-based products produced by plants and microorganisms.

(6) Public utility services for the immediate vicinity, including only minor structures not more than 500 square feet in area.

(7) Technology-dependent and/or computer-based facilities dedicated to the processing of data and analysis of information, provided that these information services support on-site research or product development.

*Section 4.24.3. Permitted Accessory uses and Structures.*

1. On-site signs (see also [Section 4.2](https://library.municode.com/fl/newberry/codes/code_of_ordinances?nodeId=PTIICOOR_APXBLADERE_ART4ZORE_S4.2SUDIRE)).

2. Uses and structures which:

a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;

b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership;

c. Do not involve operations or structures in keeping with the character of the district;

e. Are utility sheds and carports, (refer to Section 4.2.4.); and

f. Are administratively approved permanent or temporary accessory structures within the required rear yard setback up to the rear property line, complying with Section 4.24.1.

Section 4.24.4. Special exceptions.

1. Services and retail use incidental to, and in support of, the permitted uses such as limited food-service facilities in support of principal permitted uses, ~~conference centers~~, day-care facilities and athletic facilities, provided that these uses are in support of a permitted principal use. ~~but in no case larger~~.
2. Livestock facilities and animal processing facilities, subject to the nuisance regulations stipulated herein.
3. Accessory storage facilities, including outdoor storage yards either as allowed uses or with a special exception permit.
4. Uses similar in purpose and scale to those permitted, but not specifically identified, subject to determination of appropriateness by the Board of Adjustment.

Section 4.24.5. Prohibited Uses.

1. Parked farm or agriculture-related heavy vehicle or equipment (including tractors, cultivators, sprayers, and similar equipment) except by special exception.
2. The use of tires, plastics, or plastic derived materials as a fuel source or as a feedstock is prohibited.
3. Heavy Industrial activity as provided in Section 4.17. “I” Industrial of these Land Development Regulations.

Section 4.24.5 Dimensional and design requirements\*\*.

1. Where the AT District abuts the Newberry Gateway corridor, the design requirements will follow the Overlay District design standards (Section 4.22 of these Land Development Regulations).
2. Buildings situated along interior public roads shall, to the greatest extent practicable, be situated such that the fronts of the buildings are aligned with the roadway and with other buildings facing that roadway.
3. The maximum height shall be 72 feet including any stacks, air handling units or other building appurtenances, unless approved by BOA.
4. Building setback, buffer, and landscaping requirements if the site is not abutting the Newberry Gateway Corridor:
	1. For the buildings along interior streets, a 10 ~~40~~-foot setback is required from the front lot line.
	2. It is the intent of these regulations that landscaping should be designated in a manner that allows each site to contribute to the park like quality of the overall development. Each owner is encouraged to plant and maintain flowering annuals in beds. Such plantings must be maintained by the owner.
	3. A minimum of 10-foot buffer along interior and rear lot lines with existing and planted natural vegetation in an undisturbed state shall be maintained.
	4. All plant material within the AT district shall be native or adapted species and shall follow the minimum standards provided in Section 4.22.(5) of these Land Development Regulations.
5. Buildings should be compatible and harmonious with those existing, not by mimicking the architectural style or building materials, but by compatibility of styles, materials, shape, height, massing, orientation, and siting. Overall, the building must be well-designed and visually interesting in terms of both massing and details.
6. Lighting shall follow the Dark Sky friendly requirements as follows:.
	1. All exterior light fixtures and bulbs shall be generally compliant with Dark-Sky requirements by providing a fully shielded light source or is a fixture that has aftermarket shields available that provide for same.
	2. LEDs and bulbs measuring less than or equal to 3000-kelvin shall be permitted.
	3. Individual lots shall not exceed a maximum of 2 footcandles at any point measured within the lot.
	4. Light spillage as measured at the property line shall not exceed 0.5 footcandles excluding lot lines abutting public rights-of-way or internal roads
	5. Photometric plans shall be required to demonstrate compliance with *iii* and *iv* of this subsection if it is determined by the Land Development Regulation Administrator that excessive lighting is proposed or a property is the subject of an active Code Enforcement violation related to lighting inconsistent with these regulations.
7. Any outdoor fixtures in public areas, such as benches, trash containers, planters, sculptures, etc. shall be compatible with and harmonious with the surroundings and shall be approved at the Site and Development phase stage.
8. Parking and loading areas:
	1. Parking: The minimum parking requirement will be based on use and will follow the recommendations provided in the Commercial Intensive (CI) or Industrial (I) zoning district.
		1. \*Off-street loading required (see [section 4.2](https://library.municode.com/fl/newberry/codes/code_of_ordinances?nodeId=PTIICOOR_APXBLADERE_ART4ZORE_S4.2SUDIRE)).
	2. No contiguous surface parking area, excluding drive aisles, shall exceed 10,000 square feet without being subdivided by landscaped islands at intervals of no more than 300 feet
	3. Pedestrian access: The continuous pedestrian access paths and entrances (not including truck loading areas) shall be connected by sidewalks of a minimum of 5 feet in width and include designated crosswalk areas, landscaping where appropriate. Sidewalks of a minimum of 5 feet in width shall be constructed to connect each site to the adjoining site(s) along the road right of ways, so as to provide a continuous pedestrian walkway throughout the park prior to issuance of certificate of occupancy (CO).
9. Fencing, berms, and appropriate landscaping shall be used to screen views of loading and service areas and to reduce noise and light infiltration into adjacent areas. Overall use of extensive landscaping shall be encouraged in order to screen and buffer the buildings and parking areas.
10. Additional dimensional requirements may be required as part of the development plan review process. This process shall be governed by the goal of creating a campus environment consistent with existing land use patterns and density and within the purpose of this district.

\*\* Functional agricultural uses, such as green houses, will be exempted from building design standards.

Section 4.24.6. Performance standards.

All uses shall be conducted in such a manner to preclude any nuisance, hazard, or traffic impacts including creation or emission of dust, gas, smoke, noise, fumes, fumes, odors, vibrations, particulate matter, chemical compounds, electrical disturbance, humidity, glare, or night illumination, or any other adverse impact on public health.

Section 4.24.7 Procedure for approval and development plan review

1. Pre-application conference:

Prior to the submittal of an application for a site and development plan approval in an AT district, the applicant shall request and participate in a pre-application conference with the representatives of the City of Newberry. The City Manager or their designee may request the attendance of other city departments as deemed applicable, to provide a more comprehensive discussion of the proposal

1. Site and development plan:
2. Following pre-application, three (3) hard copies submissions along with a digital submission of site and development plan and fees attached are required for review. Submission requirement for Site and Development Plan as provided in Section 14.12.
3. A justification report addressing the performance standard of the use.
4. As a part of submission, the owner shall submit a mitigation plan for any kind of nuisance mitigation, if necessary.

**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.

**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, this 9th day of June, 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 14th day of May, 2025.

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.

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