**ORDINANCE NO. 2025-33**

CPA 25-05

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING ORDINANCE NO. 4-91, AS AMENDED, RELATING TO A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF NEWBERRY COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE IN FUTURE LAND USE CLASSIFICATION FROM AGRICULTURE TO COMMERCIAL ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA; MORE PARTICULARLY DESCRIBED IN EXHIBIT A, PARCEL NUMBER 01922-000-000, CONSISTING OF 25.11 ACRES; 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, empowers and requires the City Commission to prepare, adopt and implement a Comprehensive Plan;

 **WHEREAS,** an application, **CPA 25-05**, 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 determination of available and necessary infrastructure capacity to support the unknown specific levels of development will be dependent upon subsequent development permit applications and supporting impact studies provided by and at the expense of the owner or applicant;

**WHEREAS**, adoption of this ordinance neither creates entitlements for future unknown levels of development nor obligates the City to approve development permits;

**WHEREAS**; the change in future land use of the property does not obligate the City to provide at its expense municipal services to the property and does not guarantee the availability of municipal services to the property,

 **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 held two public hearings, with public notice having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 to 163.3215, Florida Statutes, on said application for amendment, as described below, to the Future Land Use Plan Map of 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 recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency;

 **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 25-05,** a request NV5 Global, Inc., agent, on behalf of IMS 2707, LLC, owner, to amend the Future Land Use Map of the City of Newberry Comprehensive Plan by changing the future land use classification 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 with map.

**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.** This ordinance shall become effective upon adoption. 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 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 Administration Commission enters a final order determining this adopted amendment to be in compliance in accordance with Section 163.3184, Florida Statutes. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the FloridaCommerce, Division of Community Planning and Development, 107 East Madison Street, MSC-160, Tallahassee, FL 32399-4120.

**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 25th day of August, 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 1st day of August, 2025

**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 8th day of September, 2025.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

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 Honorable Timothy R. Marden, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORIDA:

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Judy S. Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

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City Attorney’s Office

**EXHIBIT A with Map**

LEGAL DESCRIPTION

Commence at the East ¼ corner of Section 36, Township 9 South, Range 17 East, Alachua County, Florida; thence S 01°19’06” E, along the east line of the Southeast ¼ of Section 36, a distance of 1324.86 feet to the Northeast corner of the South ½ of the Southeast ¼ of Section 36, Township 9 South, Range 17 East, Alachua County, Florida; thence S 88°40’54”W, perpendicular to said East line, a distance of 40.00 feet to the West right of way line of County Road N.W. 13 (AKA: NW 202nd Street); thence S 01°19’06” E, 588.09 feet for the point of beginning. From said point of beginning continue S 01°19’06”E, 590.89 feet to a point of intersection of the westerly right of way of said County Road NW 13 and the northerly right of way of State Road No. 26 (Newberry Road – 200’ wide), and to a point on a non-tangent curve, concave southerly containing the following elements (radius: 23067.29’. Arc: 388.59’. D: 00°57’55”); thence along the chord of said arc a bearing of S 88°48;58” W, 388.58 feet to the point of tangency of said curve; then S 88°20’00” W, 1458.31 feet; thence N 01°29’56” W, 589.40 feet; thence N 88°23’20”E, a distance of 1848.83 feet to the point of beginning.

SAID PARCEL OF LAND CONTAINING 25.11 ACRES, MORE OR LESS.

