**ORDINANCE NO. 2025-34**

LDR 25-12

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE REZONING OF 25.11 CONTIGUOUS ACRES AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REZONING ON PARCEL NUMBER 01922-000-000, FROM AGRICULTURAL (A) ZONING DISTRICT TO THE COMMERCIAL, AUTOMOTIVE (CA) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA MORE PARTICULARLY 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 25-12,** 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 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 property, more particularly described in Exhibit A, is subject to the obligations provided in the City of Newberry State Road 26 Water Main Extension Agreement, as recorded in Instrument No. 3500187 of the Official Records of Alachua County, Florida, on July 5, 2023;

**WHEREAS**; the change in zoning district 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 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 25-12** by NV5 Global, Inc., a foreign profit corporation, agent on behalf of IMS 2707 LLC, a Florida limited liability company, owner, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations on lands herein more particularly in Exhibit A consisting of 25.11 acres is **HEREBY CHANGED** **FROM AGRICULTURAL (A) to COMMERCIAL, AUTOMOTIVE (CA)**.

**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 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 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

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 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

**EXHIBIT A**

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.

