**First Reading: Attorney Only**

**ORDINANCE NO. 2025-38**

CPA 25-08

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING ORDINANCE NO. 4-91, AS AMENDED, RELATING TO AN A SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE CITY OF NEWBERRY COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM ALACHUA COUNTY RURAL/AGRICULTURE (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES) TO CITY OF NEWBERRY AGRICULTURE (LESS THAN OR EQUAL TO 1 DWELLING UNIT PER 5 ACRES), ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF CITY OF NEWBERRY, FLORIDA; PARCEL NUMBER 04276-006-000 CONSISTING OF APPROXIMATELY 4.61 CONTIGUOUS 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, 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 25-08**, 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, 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 25-08**, an application by Smith Elizabeth Ann Life Estate owner, in corporation with City of Newberry for a small-scale future land use amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture; Parcel No. 04276-006-000, a 4.61-acre undivided property located generally at, 17626 W Newberry Road, Newberry, on property more particularly described in EXHIBIT A:

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 Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** **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 5. 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 8th day of September, 2025.

**DONE, THE PUBLIC NOTICE,** in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the 8th 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 22nd 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

Attachments (1): Exhibit A – Legal Description with map

**EXHIBIT A: Legal Description with map**

**Parcel ID:** 04276-006-000 Total Acres 4.61

**COM SW COR SE1/4 N 50 FT TO N/LY R/W SR-26 E ALONG SAID N R/W 330 FT POB N 1270 FT E 330 FT S 1270 FT W 330 FT TO POB (LESS THE N 661 FT PER OR 2160/903) OR 2515/1221 & OR 5200/0138 & OR 5200/1387**

