

ORDINANCE NO. 2025-74
LDR 25-35

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE TEXT OF THE CODE OF ORDINANCES, APPENDIX B – LAND DEVELOPMENT REGULATIONS RELATED TO ACCESSORY DWELLING UNITS; PROVIDING FOR CODIFICATION AND CORRECTION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE

WHEREAS, Section 2(b), Article VIII of the Florida Constitution; Section 166.021, Florida Statutes; and the Charter of the City of Newberry each grant the City of Newberry (“City”) all governmental, corporate, and proprietary powers to enable it to conduct municipal government, except when expressly prohibited by law; including specifically, vesting the Newberry City Commission (the “City Commission”) with the power to enact local legislation in the form of ordinances;

WHEREAS, pursuant to the provisions of Part II of Chapter 163, Florida Statutes, in 1992 the City Commission adopted the City of Newberry Comprehensive Plan, which is now codified with subsequent amendments in Appendix A (the “Comprehensive Plan”) of the City Code of Ordinances (the “Code”);

WHEREAS, in order to implement the Comprehensive Plan in accordance with Section 163.3202, Florida Statutes, the City Commission adopted Land Development Regulations, which are now codified with subsequent amendments in Appendix B (the “LDRs”) of the Code;

WHEREAS, in accordance with Article 16 of the LDRs, this proposed text amendment was initiated by the City Manager/City Staff;

WHEREAS, City Staff have reviewed this proposed text amendment and determined that it does not conflict with Senate Bill 180 (2025);

WHEREAS, as required by Part II of Chapter 163, Florida Statutes and Articles 13 and 16 of the LDRs, the City Planning and Zoning Board (which serves as the City’s Local Planning Agency) held a public hearing to review this proposed text amendment and the Planning and Zoning Board recommendation has been forwarded to the City Commission; and

WHEREAS, pursuant to Sections 166.041(3)(a) and 50.0311, Florida Statutes, and Article V of the City Charter, this proposed Ordinance has been noticed once, at least ten (10) days prior to adoption, on the Alachua County website (alachuacounty.us) notifying the public of the First Reading and Second Reading public hearings to be held in Newberry City Hall, located at 25493 NW 1st Avenue, Newberry, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, AS FOLLOWS:

1 **Section 1.** Subsection 4.2.4.2 of the Code of Ordinances of the City of Newberry, Florida
2 is amended to read as follows:

3 **APPENDIX B – LAND DEVELOPMENT REGULATIONS**

4 **ARTICLE 4. ZONING REGULATIONS**

5 **Section 4.2 Supplementary district regulations**

6
7 4.2.4.2. *Accessory dwelling units.*

8 In the A, RSF, RSF/MH, RMH, PRRD, MU, PRD, and PD zoning districts, located within
9 the Agricultural, Low Density, or Medium Density Residential land use designations a single
10 accessory dwelling unit is allowed as an accessory use to a principal structure, subject to the
11 following standards.

12 (1) *Location.* An accessory dwelling unit may be attached or detached from the principal
13 building.

14 (2) *Style.* An accessory dwelling unit shall be designed in a similar architectural style as
15 the principal building, except for lots located in the A, RSF/MH, or RMH districts where either
16 the primary or accessory dwelling unit is a manufactured or mobile home.

17 (3) *Parking and access.*

18 (A) Off-street parking for the accessory dwelling, if provided, shall be located on
19 the lot on which the principal building is located.

20 (B) An accessory dwelling unit and any off-street parking spaces shall be served by
21 the same driveway as the principal building.

22 (4) *Standards.* The accessory dwelling unit shall comply with all standards applicable
23 within the zoning district, including required setbacks and building height limits.

24 (5) *Owner occupancy required.* Property owner residency in either the primary or
25 accessory dwelling unit shall be a requirement for permitting of accessory dwelling units.

26 (A) *Existing residential areas.* Prior to the issuance of a building permit for the
27 construction of an accessory dwelling unit in an existing residential area, the
28 applicant shall provide proof of homestead exemption status establishing
29 ownership and principal residence of the lot unless building permits for both units
30 are being applied for together, in which case an affidavit must be submitted stating
31 the property owner intends to reside on the lot.

32 (B) *New developments.* Prior to the issuance of a building permit for the
33 construction of an accessory dwelling unit in a new development, the applicant shall
34 provide proof of deed restrictions or covenants requiring that an accessory unit may
35 not be inhabited unless homestead status is maintained on the lot.

1 (6) *Building size.* The living area of the unit shall be a maximum of 50 percent of the
2 principal residence or ~~1,000~~ 1,700 square feet, whichever is greater.

3 (7) *Water and wastewater services.* Unless located in the A (Agricultural) district in the
4 Agricultural land use designation, an accessory dwelling unit is required to connect to the central
5 water and sewer system and shall have separate services, with the exception of an attached ADU
6 designed with a single bedroom, which may connect to the water and wastewater service of the
7 principal residence. Where central water and sewer service is not available, the accessory dwelling
8 unit shall be required to connect to the septic system and well of the primary residence in
9 accordance with all applicable requirements of the Florida Department of Environmental
10 Protection, except when a parcel is (i) within the Agricultural future land use designation, (ii)
11 contains 10 acres or more, and (iii) septic and well permit has been approved by the Florida
12 Department of Environmental Protection provided and all other applicable requirements of this
13 section have been met, the connection to the principal residence's septic may not be required.

14 (8) *Subdivision.* An accessory unit may not be sold separately unless properly subdivided
15 in accordance with Article 5, Subdivision Regulations. A plot plan showing future subdivision
16 must be provided prior to approval if the septic tank meets the provisions above and is not
17 connected to the primary residence.

18 (9) *Minimum lot size in the rural/agricultural land use category.*

19 (A) The minimum lot size on which an accessory dwelling unit may be allowed on
20 properties with an Agricultural future land use designation shall be five acres,
21 except as provided in item (B) below. In no case shall a lot have less than one acre
22 of buildable area outside the limits of any regulated conservation areas.

23 (B) An accessory dwelling unit may be permitted on lots as small as one (1) acre,
24 provided the total estimated daily flow for the primary and secondary unit
25 combined does not exceed 700 gallons per day as determined by the Florida
26 Department of Environmental Protection ~~Health~~.

27
28 **Section 2. Codification; Correction.** The provisions of Section 1 of this Ordinance shall
29 be codified in the City of Newberry Code of Ordinances; and the sections of this Ordinance may
30 be renumbered or re-lettered and the words of this Ordinance may be changed to section, article,
31 or some other appropriate word or phrase to accomplish codification. Typographical errors and
32 other matters of a non-substantive nature that do not affect the intent of this Ordinance, as
33 determined by the City Clerk or City Attorney, may be corrected with authorization of the City
34 Manager or their designee without the need for a public hearing.

35 **Section 3. Severability.** If any provision or portion of this Ordinance is declared by any
36 court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
37 provisions and portions of this Ordinance shall remain in full force and effect.

38
39 **Section 4. Conflict.** All ordinances or parts of ordinances and all resolutions or parts of
40 resolutions in conflict with this Ordinance herewith are hereby repealed to the extent of such

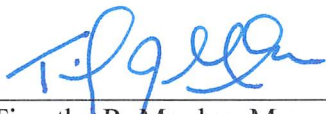
1 conflict.

2
3 **Section 5. Effective Date; recording.** This Ordinance shall become effective 10 days after
4 final adoption in accordance with Article V of the Newberry Charter and the City Clerk is directed
5 to record same in the City Ordinance Book.


6 **Approved on First Reading** by an affirmative vote of a majority of a quorum present of the
7 City Commission at its regular meeting on January 12, 2026.

8
9 **Adopted (Final Passage) on Second Reading** by an affirmative vote of a majority of a quorum
10 present of the City Commission at its regular meeting on February 9, 2026.


11
12 BY THE MAYOR OF THE CITY OF
13 NEWBERRY, FLORIDA

14 
15 Timothy R. Marden, Mayor
16

17 ATTEST, BY THE CLERK OF THE
18 CITY COMMISSION OF THE CITY OF
19 NEWBERRY, FLORIDA:

20 
21
22 Randa Paul, City Clerk

23
24 APPROVED AS TO FORM AND
25 LEGALITY:

26 
27
28 City Attorney's Office
29

