

**ORDINANCE NO. 2022-14**

**LDR 21-41**

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS FOR THE REZONING OF 127.68 ACRES, MORE OR LESS, PURSUANT TO AN APPLICATION BY THE CITY OF NEWBERRY; AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REZONING FROM ALACHUA COUNTY AGRICULTURE (A) ZONING DISTRICT TO CITY OF NEWBERRY AGRICULTURAL (A) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA WHICH HAVE BEEN ANNEXED THERETO; TAX PARCEL NUMBERS 04155-000-000, 04155-002-000, 04152-000-000, 04155-001-000, and 04155-001-001; 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 21-41**, 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 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 Concurrence 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 21-41 by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on ±194.44-acres, **the Zoning District classification is hereby changed from AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A)** on property more particularly described as follows:

**Five Parcels, totaling 194.44 Acres ±**

**Alachua County Parcel Numbers 04155-000-000, 04155-002-000, 04152-000-000, 04155-001-000, and 04155-001-001; ±194.44 acres**

<b>Parcel ID</b>	<b>04155-000-000</b>
<b>Location Address</b>	(None)
<b>Brief Legal Description*</b>	W1/2 OF SW1/4 LESS W 40 FT R/W) OR 2618/ 1177 (LESS THE N1/2 PER OR 2618/1181) (LESS THE E 426 FT M/L AND LESS THE S 60 FT M/L
<b>Property Use Code</b>	TMBR SI 90+ (05400)
<b>Sec/Twp/Rng</b>	19-09-18
<b>Tax District</b>	NEWBERRY (District 8700)
<b>Acreage</b>	25.320
<b>Homestead</b>	N

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**Owner Information**  
GOLDEN POND FARMS INC  
PO BOX 357133  
GAINESVILLE, FL 32635

**Parcel ID** 04155-002-000  
**Location Address** (None)  
**Brief Legal Description\*** THE E 426 FT M/L AND THE S 60 FT M/L OF THE S1/2 OF THE W1/2 OF THE SW1/4 LESS R/W

**Property Use Code** TMBR SI 80-89 (05500)  
**Sec/Twp/Rng** 19-09-18  
**Tax District** NEWBERRY (District 8700)  
**Acreage** 14.000  
**Homestead** N

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**Owner Information**  
GOLDEN POND FARMS INC  
PO BOX 357133  
GAINESVILLE, FL 32635

**Parcel ID** 04152-000-000  
**Location Address** (None)  
**Brief Legal Description\*** S1/2 OF NW1/4 & NE1/4 OF SW1/4 LESS W 40 FT R/W OF SW1/4 OF NW1/4

**Property Use Code** TMBR SI 80-89 (05500)  
**Sec/Twp/Rng** 19-09-18  
**Tax District** NEWBERRY (District 8700)  
**Acreage** 115.800  
**Homestead** N

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**Owner Information**  
FLEMING MARILYN GLADYS  
1526 ROYAL PALMS DR  
NICEVILLE, FL 32578

**Parcel ID** 04155-001-000  
**Location Address** 3789 NW 202<sup>ND</sup> ST  
NEWBERRY, FL 32669  
**Brief Legal Description\*** N1/2 OF W1/2 OF SW1/4 OF SEC LESS R/W OR 2618/1181 (LESS THE E 426 FT M/L AND LESS THE N 60 FT M/L

**Property Use Code** GRZGSOIL CLASS2 (06100)  
**Sec/Twp/Rng** 19-09-18  
**Tax District** NEWBERRY (District 8700)  
**Acreage** 25.320  
**Homestead** Y

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**Owner Information**  
MOORE JOSHUA & AMANDA  
3789 NW 202<sup>ND</sup> ST  
NEWBERRY, FL 32669-2185

**Parcel ID** 04155-001-001  
**Location Address** (None)  
**Brief Legal Description\*** THE E 426 FT M/L AND THE N 60 FT M/L OF THE N1/2 OF THE W1/2 OF THE SW1/4 LESS R/S

**Property Use Code** GRZGSOIL CLASS2 (06100)  
**Sec/Twp/Rng** 19-09-18  
**Tax District** NEWBERRY (District 8700)  
**Acreage** 14.000  
**Homestead** N

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**Owner Information**  
MOORE JOSHUA & AMANDA  
3789 NW 202<sup>ND</sup> ST  
NEWBERRY, FL 32669-2185

**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, but shall only become effective upon the date of effectiveness of the corresponding Future Land Use Plan Amendment, CPA 21-33.

**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 24 day of January, 2022.

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 this 17 day of February, 2022.

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 28 day of February, 2022.

BY THE MAYOR OF THE CITY OF  
NEWBERRY, FLORIDA

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Honorable Jordan Marlowe, 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