

ORDINANCE NO 2022-23

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING ORDINANCE NO. 4-91, AS AMENDED, RELATING TO AN AMENDMENT TO THE FUTURE LAND USE PLAN MAP OF THE CITY OF NEWBERRY COMPREHENSIVE PLAN OF FIFTY OR FEWER ACRES OF LAND, PURSUANT TO AN APPLICATION BY NORFLEET PROPERTIES, LLLP, OWNER, OF SAID ACREAGE, UNDER THE SMALL SCALE DEVELOPMENT AMENDMENT PROCEDURES ESTABLISHED IN SECTION 163.3187, FLORIDA STATUTES, AS AMENDED; PROVIDING FOR A CHANGE IN LAND USE CLASSIFICATION FROM "AGRICULTURAL (1 DWELLING UNIT PER FIVE ACRES)" TO "PLANNED DEVELOPMENT", ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF CITY OF NEWBERRY, FLORIDA; PARCEL NUMBER 02544-003-006 CONSISTING OF APPROXIMATELY +/-5.75 CONTIGUOUS ACRES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Commission of the City of Newberry, Florida, hereinafter referred to as the City Commission, to prepare, adopt and implement a Comprehensive Plan;

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 22-02, 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 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, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3177 (14) and Section 163.3184 (17), 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, In conformance with the abbreviated provisions established within Section 163.3177(14) and Section 163.3184(17), the City Commission held two public hearings, with public notices having been provided, pursuant to the procedures established in Sections 163.3161 through 163.3215, Florida Statutes, as amended, on said application for an amendment, as described below, and at said public hearings, the City Commission reviewed and considered all comments received during the public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, and the Concurrency Management Assessment concerning said application for an amendment, as described below;

WHEREAS, the City Commission has determined and found said application for an amendment, as described below, to be compatible with the Land Use Element objectives and policies, and those of other affected elements of the Comprehensive Plan; 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.

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

Section 1. Pursuant to an application, CPA 22-02, by Norfleet Properties, LLLP, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the land use from City of Newberry Agriculture to Planned Development (PD) on property approximately 5.75 acres, more or less, in size as described below. The property is located on the east side of US 27/SR 45, between SW 15<sup>th</sup> Avenue and SW 30<sup>th</sup> Avenue and within the Transportation Enhancement Project Area and Urban Service Area.

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN THE WEST 1/2 OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 17 EAST, CITY OF NEWBERRY, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 100 FEET OF PARCEL 1 AS DESCRIBED IN OFFICIAL RECORDS BOOK 3936, PAGES 562 THROUGH 564 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

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. The effective date of this plan amendment shall be thirty-one (31) days following the date of adoption of this plan amendment. However, if any affected person files a petition with the Florida Division of Administrative Hearings pursuant to Section 120.57, Florida Statutes, to request a hearing to challenge the compliance of this plan amendment with Sections 163.3161 through 163.3215, Florida Statutes, within thirty (30) days following the date of adoption of this plan amendment. No development orders, development permits or land uses dependent on this plan amendment may be issued or commence before it has become effective.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted under the abbreviated provisions of Section 163.3177(14) and Section 163.3184(17) and the general provisions of 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 13<sup>th</sup> day of June, 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 the 16<sup>th</sup> day of June, 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 27<sup>th</sup> day of June , 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