

ORDINANCE NO. 2024-02

CPA 24-01

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, UNDER THE EXPEDITED AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3184 (2) AND (3), FLORIDA STATUTES, AND IN CONFORMANCE WITH SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; 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 02659-000-000 CONSISTING OF APPROXIMATELY 161 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, 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 24-01**, 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 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, in conformance with the small scale amendment provisions established within Chapter 163, Part II, Florida Statutes, the City Commission held an adoption public hearing, with public notice having been provided, pursuant to the procedures established in Chapter 163, Part II, 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 held two public hearings, with public notice having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 to 163.3215, Florida Statutes, on said application for amendment, as described below, to the Future Land Use Plan Map of the City's Comprehensive Plan and at said public hearings, the City Commission reviewed and considered all comments received during said public hearings, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency;

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, found, subsequent to the expedited submittal to the Florida Department of Economic Opportunity pursuant to the Expedited State Review Process provided in Section 163.3184 (3), Florida Statutes, no objections, recommendations or comments were submitted by said Department and that said application for an amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan was found by the State Land Planning Agency to be compatible with the 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 be like- for like change and will 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 24-01**, by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the future land use of certain lands previously voluntarily annexed to the City, the future land use classification is hereby changed from **ALACHUA COUNTY RURAL/AGRICULTURE** to **CITY OF NEWBERRY AGRICULTURE**, on property more particularly described as follows:

One parcel totaling ±161.00 acres

Legal Description:

1. Tax Parcel No.: 02659-000-000; ±161 acres

Legal Description:

The Southwest-quarter of Section 28, Township 10 South, Range 17 East, said lands lying and being within 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, to the extent of such conflict, hereby repealed.

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 Section 163.3187, Florida Statutes, as amended, within thirty (30) days following the date of adoption of this plan amendment, the plan amendment may not become effective until the state land planning agency or the Administrative Commission, respectively, issues a final order of compliance.

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 by Section 166.021, Florida Statutes, and under the small-scale amendment provisions of Section 163.3187, Florida Statutes, as amended.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, the 8 day of January, 2024.

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 15 day of February, 2024.

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DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an
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 _
26th day of February, 2024.

BY THE MAYOR OF THE CITY
OF NEWBERRY, FLORIDA

Honorable Jordan Marlowe, 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