

CITY OF NEWBERRY

ORDINANCE NO. 2017-05

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, RELATING TO THE REZONING OF LESS THAN FIVE PERCENT OF THE TOTAL LAND AREA OF THE CITY, 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) TO CITY OF NEWBERRY AGRICULTURAL (A), AND ALACHUA COUNTY AGRICULTURE-RURAL BUSINESS TO CITY OF NEWBERRY COMMERCIAL NEIGHBORHOOD, OF CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF NEWBERRY, FLORIDA WHICH HAVE BEEN ANNEXED THERETO; 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 17-01 for an amendment, as described below, 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, 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 hearing, 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; 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,

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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, LDR 17-05, by the City Commission of the City of Newberry, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning district classification of certain lands within the City which have been annexed thereto, the zoning district classification is hereby changed from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on properties identified as follows:

Properties Included

Parcel: 02519-002-000

Taxpayer:	HOWARD & LADD H/W	Legal:	COM SW COR SEC N ALG W/L OF SEC 1209.15 FT TO POB N ALG
Mailing:	2905 SW 298TH ST NEWBERRY, FL 32669		W/L SEC 165.27 FT TO WHERE EXISTING FENCE INT W/L SEC E
Location:	2607 SW 298TH ST NEWBERRY		ALG - FENCE 1320.26 FT S 165.27 FT W 1320.69 FT TO POB OR
Sec-Twn-Rng:	07-10-17		3995/0005
Property Use:	00200 - Mobile Home		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02524-005-001

Taxpayer:	MARLOWE, HERBERT A JR & JEANIE	Legal:	N 1045 FT OF S 1095 FT OF E 212.50 FT OF SW1/4 OF SE1/4 DEED
Mailing:	PO BOX 998 NEWBERRY, FL 32669		APPEARS IN ERROR OR 3088/0098
Location:	27006 SW 30TH AV NEWBERRY		
Sec-Twn-Rng:	08-10-17		
Property Use:	06100 - Grzgsol Class2		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02524-005-002

Taxpayer:	MARLOWE, HERBERT A JR & JEANIE	Legal:	N 1045 FT OF S 1095 FT OF W 212.50 FT OF E 425 FT OF SW1/4 OF
Mailing:	PO BOX 998 NEWBERRY, FL 32669		SE1/4 DEED APPEARS IN ERROR OR 3088/0098
Location:	27030 SW 30TH AV NEWBERRY		
Sec-Twn-Rng:	08-10-17		
Property Use:	06100 - Grzgsol Class2		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02524-005-006

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Taxpayer:	BEARD THOMAS V JR & PATRICIA J	Legal:	COM NE COR OF S1/2 OF NW1/4 OF SE1/4 S 454.35 FT W 1325.64 FT N 453.22 FT E 1325.72 FT TO POB OR 2192/1346
Mailing:	PO BOX 842 NEWBERRY, FL 32669		
Location:	27364 SW 30TH AV NEWBERRY		
Sec-Twn-Rng:	08-10-17		
Property Use:	00200 - Mobile Home		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02666-004-000

Taxpayer:	DOUGHERTY, RITA LIFE ESTATE	Legal:	COM INT E R/W SR 337 & N LINE S1/2 SEC E 3223.37 FT POB N 659.78 FT E 660.9 FT S 659.78 FT M/L W 660.9 FT TO POB AKA - PARCEL B WATERMELON HILLS ESTATES UN-RECD S/D OR 3931/0799 & OR 4052/1539
Mailing:	PO BOX 534 ARCHER, FL 32618		
Location:	27128 SW 87TH AV NEWBERRY		
Sec-Twn-Rng:	32-10-17		
Property Use:	09900 - Acrg Not Znd Ag		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02667-001-000

Taxpayer:	DORREL, CHARLES & CINDY	Legal:	COM SW COR SEC N 89 DEG 59 MIN 52 SEC E 50.02 FT N 01 DEG 33 MIN 24 SEC E 659.72 FT N 89 DEG 59 MIN 39 SEC E 660.63 FT - POB N 89 DEG 59 MIN 39 SEC E 599.50 FT S 01 DEG 36 MIN 58 SEC W TO S SEC LINE S 89 DEG 59 MIN 52 SEC W 598.81 FT N 01 - 33 MIN 24 SEC E 659.77 FT POB OR 4015/2190
Mailing:	27803 SW 93RD AVE Newberry, FL 32669		
Location:	27803 SW 93RD AV NEWBERRY		
Sec-Twn-Rng:	32-10-17		
Property Use:	05500 - Tmbr Si 80-89		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 04377-003-000

Taxpayer:	CHAPMAN, JEFFREY N & CHRISTINE	Legal:	SW1/4 OF SW1/4 OF SW1/4 LESS R/W OR 3523/0580
Mailing:	412 NE 18TH AVE POMPANO BEACH, FL 33060		
Location:	18424 SW 15TH AV NEWBERRY		
Sec-Twn-Rng:	05-10-18		
Property Use:	06000 - Grzgsoil ClassI		
Tax Jurisdiction:	Suwannee - 0300		
Area:	Rural		
Subdivision:	Placeholder		

Parcel: 04377-004-000

Taxpayer:	SOLBERG THOMAS D	Legal:	W1/2 OF SE1/4 OF SW1/4 OF SW1/4 OR 644/202 LESS R/W & LESS N1/2 THEREOF AS PER OR 1250/677) OR 3641/1102
Mailing:	18320 SW 15TH AVE NEWBERRY, FL 32669		
Location:	18320 SW 15TH AV NEWBERRY		
Sec-Twn-Rng:	05-10-18		
Property Use:	00100 - Single Family		
Tax Jurisdiction:	Suwannee - 0300		
Area:	Rural		
Subdivision:	Placeholder		

Parcel: 04377-004-001

Taxpayer:	SOLBERG, TYLER G	Legal:	E1/2 OF N1/2 OF W1/2 OF SE1/4 OF SW1/4 OF SW1/4 OR 4306/0094
Mailing:	18308 SW 15TH AVE NEWBERRY, FL 32669		
Location:	18308 SW 15TH AV NEWBERRY		
Sec-Twn-Rng:	05-10-18		
Property Use:	00200 - Mobile Home		
Tax Jurisdiction:	Suwannee - 0300		
Area:	Rural		
Subdivision:	Placeholder		

Parcel: 04377-004-002

Taxpayer:	SOLBERG, DYLAN T	Legal:	W1/2 OF THE N1/2 OF W1/2 OF SE1/4 OF SW1/4 OF SW1/4 OR 4306/0095
Mailing:	18320 SW 15TH AVE NEWBERRY, FL 32669		
Location:	18312 SW 15TH AV NEWBERRY		
Sec-Twn-Rng:	05-10-18		
Property Use:	00000 - Vacant		
Tax Jurisdiction:	Suwannee - 0300		
Area:	Rural		
Subdivision:	Placeholder		

Parcel: 01780-000-000

Taxpayer:	CRIT INC	Legal:	NW1/4 OF SE1/4 OR 4405/0431
Mailing:	1120 SW 6TH AVE TRENTON, FL 32693		
Location:	27317 NW 78TH AV HIGH SPRINGS		
Sec-Twn-Rng:	08-09-17		
Property Use:	05200 - Cropsoil Class2		
Tax Jurisdiction:	Suwannee - 0300		
Area:	35.01-50.00 AC		
Subdivision:	Placeholder		

Parcel: 01831-000-000

Taxpayer:	LONCALA PHOSPHATE CO	Legal:	SW1/4
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Mailing:	25755 NW 130TH AVE HIGH SPRINGS, FL 32643	
Location:		
Sec-Twn-Rng:	18-09-17	
Property Use:	05900 - Tmbr Not Clssfd	
Tax Jurisdiction:	Suwannee - 0300	
Area:	35.01-50.00 AC	
Subdivision:	Placeholder	

Parcel: 01832-003-000

Taxpayer:	PARKER & PARKER TRUSTEES	Legal: SE1/4 LESS COM SE COR W 20.02 FT N 40.04 FT POB N 1451.97 FT W 376.97 FT S 234.60 FT E 315.64 FT S 1211.08 FT E 50.05 FT - POB) OR 2618/1187
Mailing:	PO BOX 357133 GAINESVILLE, FL 32635	
Location:		
Sec-Twn-Rng:	18-09-17	
Property Use:	05200 - Cropsoil Class2	
Tax Jurisdiction:	Suwannee - 0300	
Area:	77.51 + Ac Rural	
Subdivision:	Placeholder	

Parcel: 01832-004-000

Taxpayer:	PARKER LAND CO	Legal: NW1/4 OR 2618/1189 & OR 4316/1882
Mailing:	PO BOX 357133 GAINESVILLE, FL 32635	
Location:		
Sec-Twn-Rng:	18-09-17	
Property Use:	05200 - Cropsoil Class2	
Tax Jurisdiction:	Suwannee - 0300	
Area:	77.51 + Ac Rural	
Subdivision:	Placeholder	

Parcel: 01919-000-000

Taxpayer:	DAVIS NORITA V	Legal: COM 50 FT N OF SW COR SEC POB N/LY ALONG W SEC LINE 4005.51 FT E 2639.38 FT S 1343.61 FT E 2536.25 FT S 2623.45 FT TO - N SIDE SR 26 W 5160.19 FT POB OR 1655/ 933 LESS COM SW COR N 03 DEG E 50 FT POB N 03 DEG 4005.51 FT S 86 DEG E 2639.38 - FT S 03 DEG W 1343.61 FT S 03 DEG W 658.03 FT N 86 DEG W 656.54 FT S 03 DEG W 1980.13 FT N 86 DEG W 1972.90 FT POB - (LESS COM SE COR SEC N 2 DEG W 50 FT W 105.48 FT N 2 DEG W 1626.59 FT POB N 2 DEG W 984.25 FT W 213.25 FT S 2 DEG E - 984.25 FT E 213.25 FT POB PER OR 2364/ 2616) OR 3186/0573 & OR 4413/2171
Mailing:	22606 W NEWBERRY RD NEWBERRY, FL 32669	
Location:	22606 W NEWBERRY RD NEWBERRY	
Sec-Twn-Rng:	35-09-17	
Property Use:	06500 - Grzgsol Class6	
Tax Jurisdiction:	Suwannee - 0300	
Area:	77.51 + Ac Rural	
Subdivision:	Placeholder	

Parcel: 02516-001-000

Taxpayer:	ELBERTY NANCY L	Legal: COM SW COR OF NW1/4 OF SW1/4 RUN N 45.48 FT POB ELY 1320.28 FT N 140 FT TO PT CONTINUE N 518.06 FT TO FENCE W 1318.75 - FT TO W LINE SEC S 654.22 FT POB SUBJ TO RD ON W SIDE OR 4388/0512 & OR 4409/2134
Mailing:	2521 FERGUSON RD LEXINGTON, KY 40511	

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Location:	2525 SW 298TH ST NEWBERRY
Sec-Twn-Rng:	07-10-17
Property Use:	00100 - Single Family
Tax Jurisdiction:	Suwannee - 0300
Area:	10-17 All Others
Subdivision:	Placeholder

Parcel: 02516-002-001

Taxpayer:	MCELROY, BARBARA DOUGLAS TRUST	Legal:	N 454.47 FT OF N1/2 OF NW1/4 OF SW1/4 OR 4149/2156 & OR 4160/2063
Mailing:	PO BOX 273 NEWBERRY, FL 32669-0273		
Location:			
Sec-Twn-Rng:	07-10-17		
Property Use:	05200 - Cropsoil Class2		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02516-003-000

Taxpayer:	MCELROY, BARBARA DOUGLAS TRUST	Legal:	S/LY 18 ACRES OF SW1/4 OF NE1/4 AND S/LY 36 ACRES OF NW1/4 OR 4149/2156 & OR 4160/2063
Mailing:	PO BOX 273 NEWBERRY, FL 32669-0273		
Location:			
Sec-Twn-Rng:	07-10-17		
Property Use:	05200 - Cropsoil Class2		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02519-000-000

Taxpayer:	HOWARD & LADD H/W	Legal:	NE1/4 OF SW1/4 ALSO W1/2 OF SE1/4 OF SW1/4 ALSO COM SW COR OF SEC POB N 1209.15 FT E 1320.69 FT S 1000 FT ML - TO S/L OF SEC W 1300 FT ML TO ELY R/W CTY RD 2085 AND POB LESS COM AT SW COR OF SEC N 416 FT TO POB N 475 FT E 460 FT - S 475 FT S 09 DEG W 460 FT TO POB (LESS COM SW COR SEC N 891 FT E 460 FT POB S 475 FT W 180.78 FT S 136 FT E 314.76 - FT N 611 FT W 134 FT POB PER OR 3582/ 0451) OR 3042/1444
Mailing:	2905 SW 298TH ST NEWBERRY, FL 32669		
Location:	2905 SW 298TH ST NEWBERRY 29508 SW 30TH AV NEWBERRY		
Sec-Twn-Rng:	07-10-17		
Property Use:	06500 - Grzgsol Class6		
Tax Jurisdiction:	Suwannee - 0300		
Area:	10-17 All Others		
Subdivision:	Placeholder		

Parcel: 02602-006-000

Taxpayer:	CHESSER, ROYCE E	Legal:	COM 3101.33 FT E OF NW COR SEC S 40 FT POB S 2587.14 FT W 402.26 FT N 1314.83 FT W 254.98 FT N 1275.53 FT E 674.74 FT - POB OR 4376/0090
Mailing:	27615 SW 46TH AVE NEWBERRY, FL 32669		
Location:			

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Sec-Twn-Rng:	20-10-17
Property Use:	05500 - Tmbr Si 80-89
Tax Jurisdiction:	Suwannee - 0300
Area:	10-17 All Others
Subdivision:	Placeholder

Parcel: 02666-002-000

Taxpayer:	WHITEACRE & WHITEACRE TRUSTEES
Mailing:	26702 SW 87TH AVE NEWBERRY, FL 32669-4317
Location:	26702 SW 87TH AV NEWBERRY
Sec-Twn-Rng:	32-10-17
Property Use:	06800 - Dairies/Feedlts
Tax Jurisdiction:	Suwannee - 0300
Area:	10-17 All Others
Subdivision:	Placeholder

Legal: SE1/4 OF NE1/4 OR 2074/0287 & OR 2088/ 1402 & OR 4052/1541
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Parcel: 02678-008-000

Taxpayer:	CARTER & SMITH
Mailing:	4925 NW 28TH TER GAINESVILLE, FL 32605
Location:	8014 SW 202ND ST ARCHER
Sec-Twn-Rng:	36-10-17
Property Use:	06200 - Grzgsolil Class3
Tax Jurisdiction:	Suwannee - 0300
Area:	10-17 All Others
Subdivision:	Placeholder

Legal: NE1/4 OF NE1/4 OR 856/527 (LESS N 53 FT PER OR 978/657) LESS S 210 FT OF N 630 FT OF E 210 FT ALSO LESS S 417 FT OF - N 470 FT OF W 417 FT (LESS COM NE COR S 53 FT POB W 890.23 FT S 49 FT E 890.23 FT N 49 FT POB PER OR 1713/2422 (LESS - E 300 FT OF S 660 FT PER OR 1764/448) LESS S 245 FT OF N 347 FT OF E 900 FT M/L (LESS S 853.33 FT OF W 75 FT PER - OR 2029/2079) OR 2195/1903
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Section 2. Pursuant to an application, LDR 17-05, by the City Commission of the City of Newberry, to amend the Official Zoning Atlas of the City of Newberry Land Development Regulations by changing the zoning district classification of certain lands within the City which have been annexed thereto, the zoning district classification is hereby changed from ALACHUA COUNTY AGRICULTURE RURAL BUSINESS (A-RB) to CITY OF NEWBERRY COMMERCIAL NEIGHBORHOOD (CN) on properties identified as follows:

Parcel: 01924-010-003

Taxpayer:	LECLEAR, CALVIN T & ELIZABETH
Mailing:	9724 SW 32ND LN GAINESVILLE, FL 32608-8650
Location:	22211 W NEWBERRY RD NEWBERRY
Sec-Twn-Rng:	02-10-17
Property Use:	01700 - Office 1 Story
Tax Jurisdiction:	Suwannee - 0300

Legal: THE N 170.83 FT OF THE W 320.52 FT OF THE E 1634.60 FT OF THE N1/2 OF NE1/4 LESS R/W) OR 2267/1146
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Area:	Jonesville-Newberry Comme
Subdivision:	Placeholder

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. Scrivener's Error. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Manager or designee without public hearing, by filing a corrected or re-codified copy of the same with the City.

Section 5. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Effective Date. This ordinance shall become effective upon adoption.

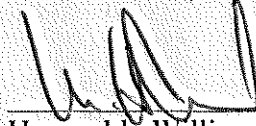
Section 7. Authority. This Ordinance is adopted pursuant to the authority granted by Section 166.021 and Section 171.044, Florida Statutes.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 27th day of February, 2017.

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 2nd day of March, 2017.

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 13th day of March, 2017.

BY THE MAYOR OF THE CITY OF
NEWBERRY, FLORIDA



Honorable William H. Conrad, 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:


S. Scott Walker, City Attorney

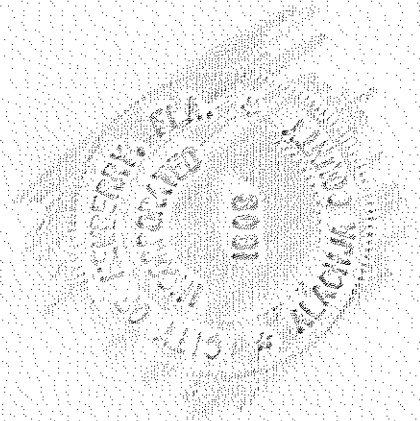


EXHIBIT A to Ordinance No. 2017-05

