

**ORDINANCE NO. 2019-16
CPA 19-03**

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 FUTURE LAND USE CLASSIFICATION FROM ALACHUA COUNTY 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 THE CITY OF NEWBERRY, FLORIDA, WHICH HAVE BEEN ANNEXED THERETO; TAX PARCEL NUMBERS 02515-003-008, 02515-004-000, 02515-004-001, AND 02515-004-002; 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 19-03**, 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, 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 to be 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 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 19-03, a request by Pat M. Post, Owner, to amend the Future Land Use Plan Map of the City of Newberry Comprehensive Plan by changing the future land use classification of certain lands totaling approximately 231.03 acres located within the City, the Future Land Use classification is hereby changed from ALACHUA COUNTY AGRICULTURE to CITY OF NEWBERRY AGRICULTURE, on property more particularly described as follows:

Parcel / Prop ID: 02515-003-008 (±8.98 Acres)

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| Taxpayer: POST, PAT M | Legal: UNRECORDED S/D SURVEY #373 BY PARRISH LYING S OF ACL RR & N OR SR 26 LOT 8 OR 3190/1422 |
| Mailing: 28826 W NEWBERRY RD NEWBERRY, FL 32669-2674 | |
| Location: 29608 W NEWBERRY RD UNINCORPORATED | |
| Sec-Twn-Rng: 06-10-17 | |

Parcel / Prop ID: 02515-004-000 (±155.99 Acres)

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| Taxpayer: POST PATRICK MCKENZIE Mailing: 28826 W NEWBERRY RD NEWBERRY, FL 32669 Location: Sec-Twn-Rng: 06-10-17 | Legal: COM SE COR SEC POB S 80 DEG W 678.56 FT N 2876.31 FT E ALG R/W 676.55 FT S 2862.91 FT POB (LESS THES 2462.42 FT M/L) OR 4704/153 |
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Parcel / Prop ID: 02515-004-001 (±60.2 Acres)

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| Taxpayer: POST PATRICK MCKENZIE Mailing: 28826 W NEWBERRY RD NEWBERRY, FL 32669 Location: 28957 W NEWBERRY RD NEWBERRY 29701 W NEWBERRY RD NEWBERRY 29715 W NEWBERRY RD NEWBERRY Sec-Twn- Rng: 06-10-17 | Legal: THAT PART OF SEC LYING S OF SR-26 LESS S 210 FT OF W 420 FT AND LYING W OF PARCEL TO TURLINGTON & TURLINGTON OR 4704/153 |
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Parcel / Prop ID: 02515-004-002 (±5.86 Acres)

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| Taxpayer: POST PATRICK MCKENZIE Mailing: 28826 W NEWBERRY RD NEWBERRY, FL 32669 Location: Sec-Twn-Rng: 06-10-17 | Legal: COM SE COR POB W 3434.06 FT N 783.54 FT E 1339.72 FT N 12 DEG E 321.68 FT N 60 DEG W 797.88 FT N 16 DEG E 525.08 FT N 2 DEG W 278.02 FT N 4 DEG E 671.84 FT N 73 DEG E ALG R/W 709.46 FT ELY ALG R/W TO SEC LINE S 2862.91 FT POB (LESS COM SE COR SEC POB S 80 DEG W 678.56 FT N 2876.31 FT E ALG R/W 676.55 FT S 2862.91 FT POB PER OR 2268/2790) OR 1887/1460 & OR 2269/1798 (LESS THAT PT OF THE FOLLOWING DESC: COM SE COR SEC POB N 2462.42 FT SWLY ALG CURVE 1664.94 FT S 73 DEG W 281.57 FT S 2459.37 FT N 80 DEG E 1936.25 FT POB PER OR 3333/ 1471) OR 4704/153 |
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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. This ordinance shall become effective upon adoption. The effective date of this plan amendment shall be the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance

with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Division of Community Planning and Development, 107 East Madison Street, MSC-160, Tallahassee, FL 32399-4120.

Section 5. Authority. This Ordinance is adopted pursuant to the authority granted by Section 166.021 and Sections 163.3161 through 163.3215, Florida Statutes.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 22nd day of July 2019

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 12th day of September 2019.

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 23rd day of September 2019.

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