ORDINANCE NO. 2026-17
Petition #LDR 26-18

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF NEWBERRY LAND DEVELOPMENT REGULATIONS BY CHANGING THE ZONING DISTRICTS FROM MIXED USE, AGRICULTURAL, RESIDENTIAL SINGLE FAMILY-2, AND RESIDENTIAL SINGLE FAMILY/MOBILE HOME-2 TO PUBLIC FACILITIES ON 11 CITY-OWNED PROPERTIES IDENTIFIED AS TAX PARCEL NUMBERS 01874-101-000, 01874-301-000, 01894-002-002, 01988-007-000, 02022-001-000, 02182-000-000, 02262-003-000, 02262-007-000, 02530-013-000, 02530-200-000 AND 02534-100-000; PROVIDING FOR EXCLUSION FROM CODIFICATION, CORRECTION AND DIRECTIONS TO THE CITY MANAGER; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.

WHEREAS, Part II of Chapter 163, Florida Statutes, empowers and requires the City Commission to prepare, adopt and implement a Comprehensive Plan to guide the future development and growth of the City;

WHEREAS, in 1992 the City Commission adopted the City of Newberry Comprehensive Plan, which is now codified with subsequent amendments in Appendix A (the "Comprehensive Plan") of the City Code of Ordinances (the "Code");

WHEREAS, as required by Section 163.3177, Florida Statutes, the Comprehensive Plan includes a Future Land Use Element with a Future Land Use Map that designates the future general distribution, location, and extent of land uses within the City;

WHEREAS, in order to implement the Comprehensive Plan in accordance with Section 163.3202, Florida Statutes, the City Commission adopted Land Development Regulations, which are now codified with subsequent amendments in Appendix B (the "LDRs") of the Code;

WHEREAS, the LDRs establish zoning districts and an Official Zoning Atlas to implement the Comprehensive Plan and its Future Land Use Map;

WHEREAS, an application to amend the Official Zoning Atlas was initiated by the City as the Property Owner and assigned File No. LDR 26-18 (the "Petition");

WHEREAS, as required by Part II of Chapter 163, Florida Statutes and Articles 13 and 16 of the LDRs, on July 6, 2026, the City Planning and Zoning Board (which serves as the City's Local Planning Agency) held a public hearing to review this proposed

amendment to the Official Zoning Atlas and the Planning and Zoning Board recommendation has been forwarded to the City Commission;

WHEREAS, as this is a City initiated rezoning on non-contiguous properties owned by the City, mailed notice to the property owner and the large advertisement as set forth in Section 166.041(3)(c), Florida Statutes, is not required;

WHEREAS, pursuant to Sections 166.041(3)(c)(1) and 50.0311, Florida Statutes, and Article V of the City Charter, this proposed Ordinance has been noticed once, at least ten (10) days prior to adoption, on the Alachua County website (alachuacounty.us) notifying the public of the First Reading and Second Reading public hearings to be held in Newberry City Hall, located at 25493 NW 1st Avenue, Newberry, Florida;

WHEREAS, the City Commission held the public hearings pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be heard; and

WHEREAS, after due consideration at the public hearings, the City Commission found that this proposed amendment to the Official Zoning Atlas is consistent with the Comprehensive Plan and the LDRs.

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

Section 1. Official Zoning Atlas Amended. The Official Zoning Atlas of the Land Development Regulations is amended by changing the zoning districts assigned to certain City-owned properties as set forth below. The location of the properties is shown for visual reference on the attachment to this Ordinance. In the event of conflict or inconsistency, the legal description for each property provided below shall prevail over the attachment.

Avalon Woods Lift Station: The zoning district is changed from **Mixed Use** to **Public Facilities** on Parcel No. 01874-101-000 consisting of approximately 0.1 acres described as:

Lift Station tract, Avalon Woods Phase 1A, according to the plat thereof recorded at Plat Book 37, Page 70, Public Records of Alachua County, Florida.

Avalon Woods Lift Station: The zoning district is changed from **Mixed Use** to **Public Facilities** on Parcel No. 01874-301-000 consisting of approximately 0.1 acres described as:

Lift Station parcel, Avalon Woods Phase 3, according to the map or plat thereof, as recorded in Plat Book 39, Pages 14 through 16, inclusive, Public Records of Alachua County, Florida.

Stormwater Facility: The zoning district is changed from **Agricultural** to **Public Facilities** on Parcel No. 01894-002-002 consisting of approximately 3.97 acres described as:

A parcel of land, lying in the northeast quarter (NE ¼) of Section 33, Township 9 South, Range 17 East, City of Newberry, Alachua County, Florida, being more particularly described as follows:

Commence at a nail and disk (PRM 4929) at the southeast corner of the northeast quarter (NE ¼) of said Section 33; thence South 88°21'01" West, along the southerly line of said Northeast Quarter (NE ¼), a distance of 149.10 feet to the point of beginning; thence continue South 88°21'01" West, along said southerly line, a distance of 758.66 feet; thence North 01°38'59" West, a distance of 228.00 feet; thence North 88°21'01" East, a distance of 758.66 feet; thence South 01°38'59" East, a distance of 228.00 feet to the Point of Beginning.

Stormwater by Elementary: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 01988-007-000 consisting of approximately 1.82 acres described as:

A parcel of the southeast quarter (SE ¼) of Section 4, Township 10 South, Range 17 East, City of Newberry, Alachua County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southeast ¼ of Section 4, Township 10 South, Range 17 East, Alachua County, Florida and run thence North 86°51'58" East along the south line of said Section 4 and along the north right of way line of SW 15th Ave (80' Right-of-Way) a distance of 338.91 feet to the Point of Beginning; thence continue North 86°51'58" East, along said south line and said north right of way line, 457.98 feet to a point on the west right of way line of SW 255th St (50' Right of Way); thence North 06°51'02" West, along said west right of way line, 181.46 feet; thence south 84°29'27" West, 304.22 feet; thence South 89°03'35" West, 145.10 feet; thence South 04°02'05" East, 174.04 feet to the Point of Beginning.

Stormwater Facility: The zoning district is changed from **Residential Single Family/Mobile Home-2** to **Public Facilities** on Parcel No. 02022-001-000 consisting of approximately 1.3 acres described as:

Lots 1 through 7, and Lot 14, Block 11, Chapman and Smiths Addition to the City of Newberry, Florida, lying in the SW ¼ of the NW ¼, and the NW ¼ of the NW ¼ of Section 4, Township 10 South, Range 17 East, according to the map or plat thereof as recorded in Plat Book A, Page 122, Public Records of Alachua County, Florida.

Together with the north half of the 10' wide alleyway lying south and adjacent to the south lot lines of Lots 2-7, and the entire 10' alleyway between Lots 1 and 14, Block 11, Chapman and Smiths Addition to the City of Newberry, Florida, lying in

the SW ¼ of the NW 1/4, and the NW ¼ of the NW ¼ of Section 4, Township 10 South, Range 17 East, according to the map or plat thereof as recorded in Plat Book A, Page 122, Public Records of Alachua County, Florida.

Less and Except any portion of the vacated roadway between Blocks 10 and 11.

Stormwater Facility: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 02182-000-000 consisting of approximately 0.04 acres described as:

Lot 4, Block 25, Original Plat of Newberry, according to the plat thereof recorded at Plat Book A, Page 129A, Public Records of Alachua County, Florida.

Stormwater Facility: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 02262-003-000 consisting of approximately 0.24 acres described as:

Lot 3, Block 55, Original Plat of Newberry, according to the plat thereof recorded at Plat Book A, Page 129A, Public Records of Alachua County, Florida.

FDOT Stormwater Facility: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 02262-007-000 consisting of approximately 0.1 acres described as:

The West 35 feet of Lot 7, Block 55, Original Plat of Newberry, according to the plat thereof recorded in Plat Book A, Page 129A, Public Records of Alachua County, Florida.

Countryway Stormwater Facility: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 02530-013-000 consisting of approximately 1.56 acres described as:

The Stormwater Management Facility in Cottages of Country Way, according to the plat thereof recorded in Plat Book 27, Page 73, Public Records of Alachua County, Florida.

Countryway Stormwater Facility: The zoning district is changed from **Agricultural** to **Public Facilities** on Parcel No. 02530-200-000 consisting of approximately 4.29 acres described as:

The Stormwater Management Facility in Villas of Country Way, according to the plat thereof recorded in Plat Book 28, Page 46, Public Records of Alachua County, Florida.

Countryway Stormwater Facility: The zoning district is changed from **Residential Single Family-2** to **Public Facilities** on Parcel No. 02534-100-000 consisting of approximately 3.5 acres described as:

The Stormwater Management Facility in Countryway at Sylvania Terrace Replat, according to the plat thereof recorded at Plat Book 28, Page 93, Public Records of Alachua County, Florida.

Section 2. Map Amendment; Not Codified; Correction. This Ordinance adopts a map amendment and shall not be codified in the City of Newberry Code of Ordinances. However, the City Manager, or designee, is authorized and directed to update the Official Zoning Atlas in accordance with Section 1 of this Ordinance. Typographical errors and other matters of a non-substantive nature that do not affect the intent of this Ordinance, as determined by the City Clerk or City Attorney, may be corrected with authorization of the City Manager or their designee without the need for a public hearing.

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 and all resolutions or parts of resolutions in conflict with this Ordinance herewith are hereby repealed to the extent of such conflict.

Section 5. Effective Date; Recording. This Ordinance shall become effective 10 days after final adoption in accordance with Article V of the Newberry Charter and the City Clerk is directed to record same in the City Ordinance Book. However, the map amendment to the Official Zoning Atlas shall not become effective until the Comprehensive Plan Future Land Use Map amendment adopted by Ordinance No. 2026-21 becomes effective as provided therein.

Approved on First Reading by an affirmative vote of a majority of a quorum present of the City Commission at its regular meeting on _____, 2026.

Adopted (Final Passage) on Second Reading by an affirmative vote of a majority of a quorum present of the City Commission at its regular meeting on _____, 2026.

CITY OF NEWBERRY, FLORIDA

_____
Timothy R. Marden, Mayor

ATTEST, BY THE CLERK OF THE

CITY OF NEWBERRY, FLORIDA

_____

Randa K. Paul, City Clerk

Approved as to Form and Legality

_____

City Attorney's Office