ORDINANCE NO. 2026-12
Petition# CPA 25-04

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING THE FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE CATEGORY FROM MIXED USE TO RESIDENTIAL MEDIUM DENSITY (8 DU/AC) ON APPROXIMATELY 225 ACRES (TAX PARCEL NUMBERS 02542-001-000, 02542-001-001, 02542-001-002, 02542-001-003, 02542-001-004, 02542-001-005, 02542-001-006, 02542-001-007, 02542-001-008 AND 02547-001-000) GENERALLY LOCATED NORTH OF SW 30TH AVENUE AND EAST OF US HWY 27/41; 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, an application to amend the Future Land Use Map of the Comprehensive Plan was filed with the City by Florida Land Development Partners I, LLC, a Florida limited liability company, on behalf of FH Newberry, LLC, a Florida limited liability company (the "Property Owner") and was assigned File Number CPA 25-04 (the "Petition");

WHEREAS, this amendment to the Future Land Use Map involves 50 contiguous acres or more (large-scale) and must follow the Expedited State Review process set forth in Section 163.3184(3), Florida Statutes;

WHEREAS, as required by Section 163.3174, Florida Statutes, the City Planning and Zoning Board (which serves as the City's Local Planning Agency) held a public hearing on April 6, 2026 to review this proposed amendment to the Future Land Use Map and the Planning and Zoning Board recommendation has been forwarded to the City Commission;

WHEREAS, pursuant to Section 163.3184(11), Florida Statutes, this proposed Ordinance was first noticed at least seven (7) days prior to the First Reading (Transmittal Stage) Public Hearing and, after First Reading, this Ordinance was transmitted as described in Section 2 below;

WHEREAS, after receipt of comments (if any) from the reviewing agencies, pursuant to Section 163.3184(11), Florida Statutes, a second notice was published at least five (5) days prior to the Second Reading (Adoption Stage) Public Hearing and, after Second Reading, this Ordinance was transmitted as described in Section 3 below;

WHEREAS, pursuant to Section 50.0311, Florida Statutes, both notices were published on the Alachua County website (alachuacounty.us) and notified the public of each Public Hearing 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 the comments (if any) received by the reviewing agencies were considered; and

WHEREAS, after due consideration at the public hearings, the City Commission found that these proposed amendments to the Future Land Use Plan Map are consistent with the Comprehensive Plan and that the requirements of Chapter 163, Florida Statutes, have been met.

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

Section 1. Future Land Use Map Amended. The Future Land Use Map of the Comprehensive Plan is amended by changing the future land use category of the following properties (collectively, the "Property") from **Mixed Use** to **Residential Medium Density (8 DU/AC):**

A PORTION OF LAND LYING IN SECTIONS 10 & 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 10, ALSO BEING THE SOUTHWEST CORNER OF PARCEL 5 AS DESCRIBED OFFICIAL RECORDS BOOK 4245, PAGE 240 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 01°55'33" WEST, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 10, A DISTANCE OF 2640.25 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SECTION 10, SAID POINT ALSO BEING THE NORTHWEST CORNER OF PARCEL 6 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4245, PAGE 240 OF SAID PUBLIC

RECORDS; THENCE NORTH 87°50'47" EAST ALONG SAID NORTH LINE, A DISTANCE OF 2630.75 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 10; THENCE NORTH 87°35'53" EAST, A DISTANCE OF 1303.77 FEET TO THE EAST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 17 EAST, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 3 AS DESCRIBED IN OFFICIAL RECORDS BOOK 4217, PAGE 2321 OF SAID PUBLIC RECORDS; THENCE SOUTH 02°02'10" EAST, ALONG SAID EAST LINE, A DISTANCE OF 2616.80 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 3, ALSO BEING A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHWEST 30TH AVENUE; THENCE SOUTH 87°31'58" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 748.86 FEET; THENCE NORTH 02°15'11" WEST, ALONG A LINE 545.00 FEET EAST OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11, A DISTANCE OF 500.01 FEET; THENCE SOUTH 87°31'58" WEST, ALONG A LINE 525.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11, A DISTANCE OF 545.00 FEET TO THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 11; THENCE SOUTH 02°15'11" EAST, ALONG SAID WEST LINE, A DISTANCE OF 525.01 FEET TO THE SOUTH LINE OF SAID SECTION 10; THE LAST THREE (3) DESCRIBED COURSES BEING ALONG A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2541, PAGE 1450, OF SAID PUBLIC RECORDS; THENCE SOUTH 87°54'41" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1079.93 FEET; THENCE NORTH 02°05'01" WEST, A DISTANCE OF 685.25 FEET; THENCE SOUTH 87°54'41" WEST, A DISTANCE OF 329.98 FEET; THENCE SOUTH 02°05'01" EAST, A DISTANCE OF 685.25 FEET TO THE SOUTH LINE OF SAID SECTION 10; THE LAST THREE (3) DESCRIBED COURSES BEING ALONG A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3410, PAGE 433 OF SAID PUBLIC RECORDS; THENCE SOUTH 87°54'41" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1235.93 FEET TO THE POINT OF BEGINNING.

The foregoing surveyed legal description includes: Tax Parcel No. 02542-001-000; Tax Parcel No.: 02542-001-001; Tax Parcel No. 02542-001-002; Tax Parcel No. 02542-001-003; Tax Parcel No. 02542-001-004; Tax Parcel No. 02542-001-005; Tax Parcel No. 02542-001-006; Tax Parcel No. 02542-001-007; Tax Parcel No. 02542-001-008; and Tax Parcel No. 02547-001-000.

The location of the Property is shown on **Exhibit A** for visual reference. In the event of conflict or inconsistency, the legal description above shall prevail over **Exhibit A**.

Section 2. Transmittal Stage. In accordance with Section 163.3184(3)(b)1., Florida Statutes, within 10 working days after First Reading, the City Manager or designee is authorized and directed to transmit this Ordinance and appropriate supporting data and

analyses to the Reviewing Agencies and any other local government or governmental agency that has filed a written request for same with the City.

Section 3. Adoption Stage. In accordance with Sec. 163.3184(3)(c)2., Florida Statutes, within 30 working days after Second Reading, the City Manager or designee is authorized and directed to transmit this Ordinance and appropriate supporting data and analyses to the State Land Planning Agency and to any other reviewing agency or local government that provided timely comments at the Transmittal Stage.

Section 4. Map Amendment; Not Codified; Correction. This Ordinance adopts map amendments and shall not be codified in the City of Newberry Code of Ordinances. However, upon the Map Amendment becoming effective in accordance with Section 7 below, the City Manager, or designee, is authorized and directed to update the Future Land Use Map in accordance with Section 1 above. 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 5. 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 6. 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 7. 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, pursuant to Section 163.3184(c)4., Florida Statutes, the effective date of the Comprehensive Plan Future Land Use Map amendment, if not timely challenged, shall be 31 days after the State Land Planning Agency notifies the City that the Plan Amendment package is complete. If the Future Land Use Map amendment is timely challenged pursuant to Section 163.3184(5), Florida Statutes, then the effective date of the Map Amendment shall be the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted Map Amendment to be in compliance with Chapter 163, Florida Statutes. No development orders, development permits, or land uses dependent on the Map Amendment may be issued or commence before the Map Amendment has become effective.

Approved on First Reading by an affirmative vote of a majority of a quorum present of the City Commission at its regular meeting on April 27, 2026.

Adopted on Second Reading by an affirmative vote of a majority of a quorum present of the City Commission at its regular meeting on November 9, 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

Exhibit "A" - Newberry Ridge
Proposed Area for Land Use and Zoning Change

NEWBERRY
Florida

Oak View
Middle
School

SW 11th Rd

SW 15th Ave

SW 226th St

SW 234th Ter

SW 18th Rd

SW 246th Dr

SW State Road 45

27

41

Newberry Ridge

SW 30th Ave

Champion's
Park

N
W
E
S

0 0.1 0.2 0.4 Miles

Sources: Esri, TomTom, Garmin,

This map was created for the City of Newberry Community Development Department. No warranties, expressed or implied, are provided for the data, its use, or its interpretation. The maps or drawings are not legal land surveys and cannot be relied on for 100% completion or accuracy. City of Newberry Community Development Department is not responsible for incorrect information.

Please contact the GIS Specialist at NBailey@NewberryFL.gov with any questions regarding this map. All data is subject to change.

Created by Nicki Bailey, March 2026