

City of Newberry Commission Meeting

November 22, 2021
7:00 PM

25440 West Newberry Road
Newberry, Florida 32669

CALL TO ORDER

APPROVAL OF AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS

(Please limit presentations to 15 minutes)

1. Children's Trust of Alachua County.
2. Newberry Urban Services Area Boundary.

PUBLIC ANNOUNCEMENTS

(Please limit announcements to 2 minutes)

CONSENT AGENDA

3. EDA Grant Resolution (Champions Park)

Resolution 2021 - 50, A Resolution Authorizing the City Manager to Make Application to the U. S. Economic Development Administration's Tourism, Travel, and Outdoor Recreation Grant Fund.

4. EDA Matching Grant Resolution (Champions Park)

Resolution 2021 - 51, A Resolution authorizing the City of Newberry to Match the U.S. Economic Development Administration's Tourism, Travel, and Outdoor Recreation Grant Fund.

PUBLIC HEARINGS AND ORDINANCES

5. Fiscal Year 2020-2021 Final Budget Amendment (Resolution 2021 – 52).
6. Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 1B of the Avalon Woods Mixed-Use Development

Quasi-Judicial Public Hearing Second Reading: DA-SD 21-02, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located to the east of State Road 45 and on the south side of NW 24th Avenue, identified as Alachua County Parcel Number 01874--200-000, consisting of ±9.44 acres. The Development Agreement addresses

implementation of the adopted Avalon Woods Mixed-Use Development Approval Ordinance 2021-14 (LDR 21-10), specifically the development of the Residential Phase 1B portion of Avalon Woods Subdivision. The proposed population density of Phase 1B is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.

7. Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 3 of the Avalon Woods Mixed-Use Development

Quasi-Judicial Public Hearing Second Reading: DA-SD 21-08, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located on the east side of State Road 45 and to the south of NW 16th Avenue and identified as a portion of Alachua County Parcel Numbers 01897-000-000, consisting of ±43.38 total acres. The Development Agreement addresses implementation of the adopted Avalon Woods Mixed-Use Development Approval Ordinance 2021-14 (LDR 21-10)), specifically the development of the Residential Phase 3 portion of Avalon Woods subdivision. The proposed population density of the residential portion of Phase 3 is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.

8. Request to change Future Land Use from Agriculture to Commercial on 18.48 Acres (parcels 01923-005-000 and 01923-005-001)

Quasi-judicial Public Hearing Second Reading: Ordinance 2021-50/CPA 21-15, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from AGRICULTURE to COMMERCIAL on the property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001.

9. Rezoning from Agricultural (A) to Commercial, Intensive (CI) on 18.48 Acres (parcels 01924-002-000 and 01923-005-001)

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-51/LDR 21-23, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from AGRICULTURAL (A) to COMMERCIAL, GENERAL (CG) [recommended zoning is Commercial, Intensive (CI) which includes CG] on property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001. (This application is contingent upon approval of Application CPA 21-15.)

10. Future Land Use Map amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers: 01834-003-000 and 01834-006-000)

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-52/CPA 21-16, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA

COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000.

11. Future Land Use Map amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 04265-007-000).

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-54/CPA 21-17, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 04265-007-000.

12. Rezoning of previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01834-003-000 and 01834-006-000)

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-53/LDR 21-24, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000. (This application is contingent upon approval of Application CPA 21-16.)

13. Rezoning of previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number 04265-007-000).

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-55/LDR 21-25, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number 04265-007-000. (This application is contingent upon approval of Application CPA 21-17.)

14. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 01756-000-000).

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-57/CPA 21-23, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 01756-000-000.

15. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-61/CPA 21-24, an application by the City of Newberry to amend the Future Land Use Plan Map of the

Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000.

16. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers 01834-004-000 and 01834-005-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-59/CPA 21-22, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01834-004-000 and 01834-005-000.

17. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 04273-001-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-63/CPA 21-20, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 04273-001-000.

18. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 02696-010-007).

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-67/CPA 21-19, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 02696-010-007.

19. Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 01925-009-000 and 01925-009-001).

Quasi-Judicial Public Hearing: Ordinance 2021-69/CPA 21-21, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01925-009-000 and 01925-009-001.

20. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 01756-000-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-58/LDR 21-32, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 01756-000-000. (This application is contingent upon approval of Application CPA 21-23.)

21. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-62/LDR 21-33, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000. (This application is contingent upon approval of Application CPA 21-24.)

22. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01834-004-000 and 01834-005-000)

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-60/LDR 21-31, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01834-004-000 and 01834-005-000. (This application is contingent upon approval of Application CPA 21-22.)

23. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 04273-001-000)

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-64/LDR 21-29, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number: 04273-001-000. (This application is contingent upon approval of Application CPA 21-20.)

24. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 02696-010-007)

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-68/LDR 21-28, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number: 02696-010-007. (This application is contingent upon approval of Application CPA 21-19.)

25. Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 01925-009-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-70/LDR 21-30, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 01925-009-000 and 01925-009-001. (This application is contingent upon approval of Application CPA 21-21.)

AGENDA ITEMS

COMMENTS

City Manager

City Attorney

City Clerk

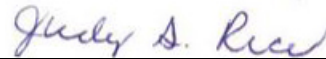
Commission

Mayor

Residents

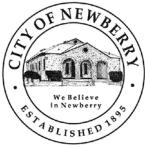
(Please limit your comments to 5 minutes)

MEETING ADJOURNMENT



Judy S. Rice, City Clerk

If A Person, Firm, or Corporation Desires to Take an Appeal From any Action Taken At the Above Meeting or Hearing, It May Be Necessary to Have A Verbatim Record of the Proceedings and It Is the Person, Firm, or Corporation's Duty to See that Such A Record Is Made. The City of Newberry City Commission Policy Is to End the Public Meeting At 10:30 P.M. the Evening of the Regularly Scheduled Meeting Unless Extended by the City Commission. Any Matter on the Agenda Not Acted upon Shall Be Continued to the Next Regularly Scheduled City Commission Meeting, or a Special Meeting, At the Commission's Discretion. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation for attendance at this workshop should contact MV Transportation, Inc. At (352) 375-2784, not later than 72 hours prior to the proceedings. If hearing impaired, call the Florida Relay System at (800) 955-8770.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Children's Trust of Alachua County

Agenda Section: Presentation

Department: Mayor & Commission

Presented By: Colin Murphy, Executive Director

Recommended Action: 1) Receive Presentation

Summary:

The voters of Alachua County voted to establish the Children's Trust of Alachua County in November of 2018. The presentation will provide an overview about the Children's Trust, and an update on programs and services currently being funded as well as, information about future funding.

Attachments:

1. Power Point Presentation



Commission Agenda Item

Meeting Date:	November 22, 2021
Title:	Newberry Urban Services Area Boundary
Agenda Section:	Presentations
Department:	Planning
Presented By:	Bryan Thomas, AICP, Director of Planning & Economic Development
Recommended Action:	1) Receive presentation 2) Discuss Item

Summary:

In 2011, the Florida Legislature provided a definition within F.S. 163.3164 of an “Urban Service Area” (USA). These areas are determined solely by the local government and recognize the location of existing public facilities and services and areas where these services are intended to be provided, as recognized in the capital improvement element of the local government’s Comprehensive Plan. USAs are not a mandatory element of the local government’s Comprehensive Plan.

A USA can be established by local governments as an optional part of the long-range Comprehensive Plan. USAs focus growth in a geographically defined area which is planned for urban services, rather than allowing growth to happen where there are few or no planned urban services. Though the location of the urban service area appears as a boundary on a map, it is most often used to implement a growth management strategy designed to direct growth over a projected time horizon (typically 20 years or more). It is also the area inside which the local government plans to prioritize government spending in order to provide and maximize the infrastructure needed to accommodate community growth in a fiscally sound manner.

Existing USAs can be amended by ordinance, reviewed first by the Planning & Zoning Board, then two hearings before the City Commission. Because the USA is an element of the Comprehensive Plan, once adopted on first reading, the amendment must be sent to the Department of Economic Opportunity for review and comment. Once comments from DEO have been received and addressed, the ordinance may be approved on second reading.

The current Newberry USA was implemented as part of an overall Comprehensive Plan

amendment in 2016, which replaced the USA that was enacted in 2007. Prior to 2007 the City had not adopted an Urban Service Area.

Attachments:

1. F.S. 163.3164.(51);
2. Map of current Urban Services Area.

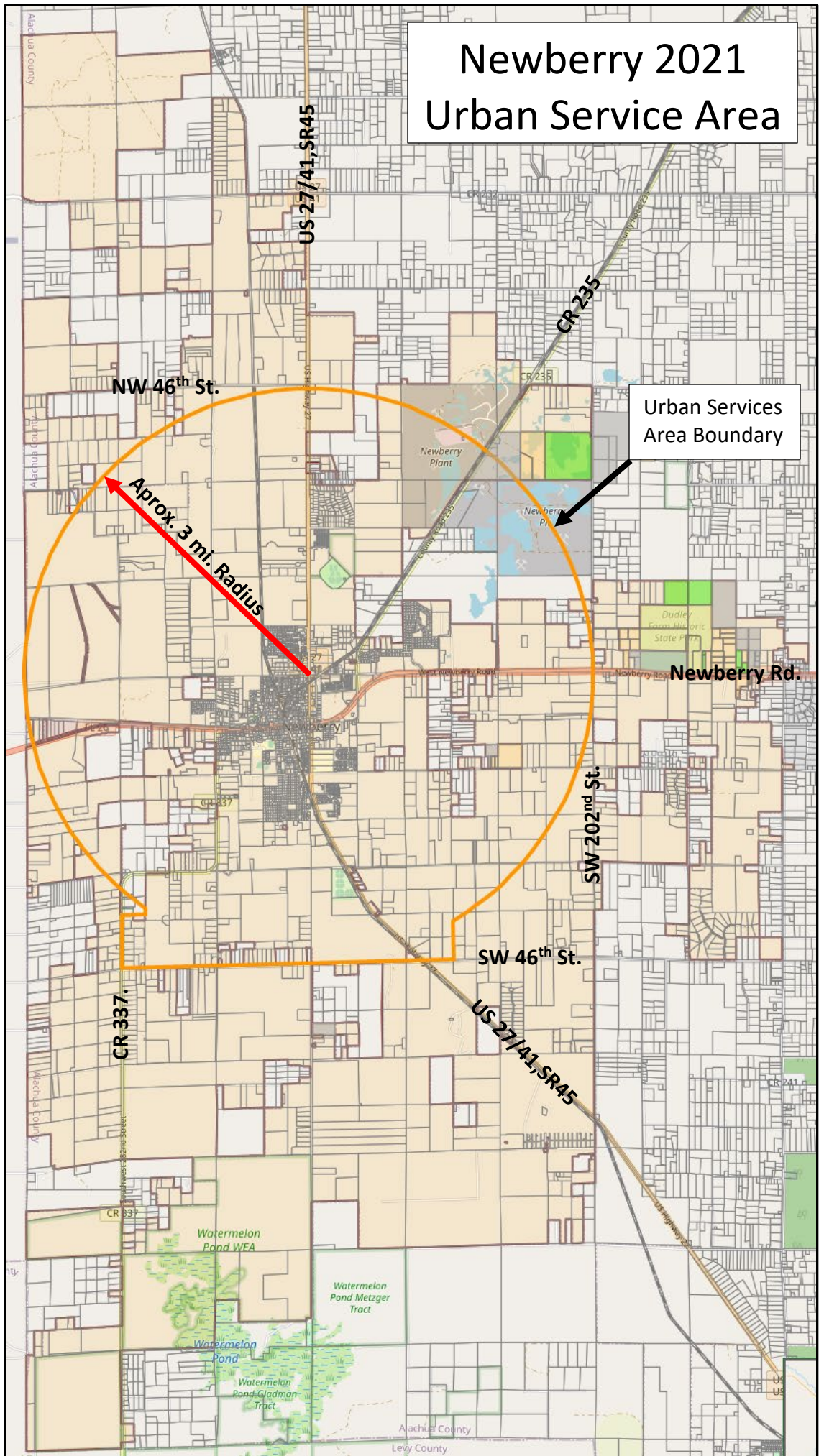
Attachment 1

163.3164 Community Planning Act; definitions.—As used in this act:

...

(51) “Urban service area” means areas identified in the comprehensive plan where public facilities and services, including, but not limited to, central water and sewer capacity and roads, are already in place or are identified in the capital improvements element. The term includes any areas identified in the comprehensive plan as urban service areas, regardless of local government limitation.

Newberry 2021 Urban Service Area



Urban Services
Area Boundary

Aprox. 3 mi. Radius

Newberry Rd.

SW 46th St.

CR 337.

US 27/41/SR45

SW 202nd St.

Watermelon
Pond WEA

Watermelon
Pond Metzger
Tract

Watermelon
Pond

Watermelon
Pond Gladman
Tract

Alachua County

Levy County



Commission Agenda Item

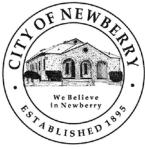
- Meeting Date:** November 22, 2021
- Title:** EDA Grant Resolution (Champions Park)
Resolution 2021 - 50, A Resolution Authorizing the City Manager to Make Application to the U. S. Economic Development Administration's Tourism, Travel, and Outdoor Recreation Grant Fund.
- Agenda Section:** Consent
- Department:** Finance & Administration
- Presented By:** Dallas Lee, Asst. City Manager/CFO
- Recommended Action:** 1) Approve Resolution
-

Summary:

The Economic Development Agency has opened grant funding through the American Rescue Plan Act (ARPA) to support Travel and Tourism and those facilities the generate tourism to spur economic development. The City intends to apply for funding to repair and replace the aging fences and dugouts out Champions' Park. EDA requires an authorizing resolution and a grant match resolution. EDA staff recommends at least 20% match for the program. The City will utilize future proceeds from the lease agreement with RADD Sports to make the match.

Attachments:

1. Resolution 2021 - 50, A Resolution Authorizing the City Manager to Make Application to the U. S. Economic Development Administration's Tourism, Travel, and Outdoor Recreation Grant Fund



Commission Agenda Item

Meeting Date: November 22, 2021

Title: EDA Matching Grant Resolution (Champions Park)
Resolution 2021 - 51, A Resolution authorizing the City of Newberry to Match the U.S. Economic Development Administration's Tourism, Travel, and Outdoor Recreation Grant Fund.

Agenda Section: Consent

Department: Finance & Administration

Presented By: Dallas Lee, Asst. City Manager/CFO

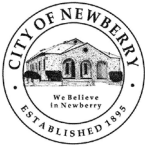
Recommended Action: 1) Approve Resolution

Summary:

The Economic Development Agency has opened grant funding through the American Rescue Plan Act (ARPA) to support Travel and Tourism and those facilities the generate tourism to spur economic development. The City intends to apply for funding to repair and replace the aging fences and dugouts out Champions' Park. EDA requires an authorizing resolution and a grant match resolution. EDA staff recommends at least 20% match for the program. The City will utilize future proceeds from the lease agreement with RADD Sports to make the match.

Attachments:

1. Resolution 2021 - 51



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Fiscal Year 2020-2021 Final Budget Amendment (Resolution 2021 – 52)

Agenda Section: Agenda Items

Department: Finance & Administration

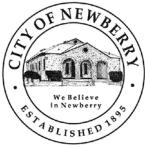
Presented By: Dallas Lee, Asst. City Manager/CFO

Recommended Action: 1) Adopt Resolution

Summary: The Finance Department performs an end of year review of actual receipts and expenditures for each fund and department as part of its end of year procedures. This review is intended to identify budget and expenditure variances in need of correction. As a result of the review, the Finance Department deems it necessary to reallocate previously appropriated funds to correct several budget variances. Florida Statutes allow for a final budget amendment up to 60 days after the close of the fiscal year.

Attachments:

1. Resolution 2021 - 52



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 1B of the Avalon Woods Mixed Use Development

Quasi-Judicial Public Hearing Second Reading: DA-SD 21-02, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located to the east of State Road 45 and on the south side of NW 24th Avenue, identified as Alachua County Parcel Number 01874--200-000, consisting of ±9.44 acres. The Development Agreement addresses implementation of the adopted Avalon Woods Mixed Use Development Approval Ordinance 2021-14 (LDR 21-10), specifically the development of the Residential Phase 1B portion of Avalon Woods Subdivision. The proposed population density of Phase 1B is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Approve Development Agreement DA-SD 21-02.

Summary:

The *Florida Development Agreement Act* (Sections 163.3220-163.3243, Florida Statutes) authorizes local governments to enter into development agreements with developers; the intent is to encourage a stronger commitment to, and implementation of, comprehensive and capital facilities planning through more efficient use of economic and land resources and sound capital improvement planning and financing. This provides assurance to a developer that upon receipt of his or her development permit, he or she may proceed in accordance with existing laws and policies, subject to the conditions of a development agreement, which strengthens

the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

DA-SD 21-02 is a proposed Development Agreement, associated with, but separate from, the property owner/developer's application for construction plan approval of the Avalon Woods Mixed Use Development Phase 1B; the Phase 1B portion of the development is located east of US 27/SR 45, on the south side of NW 24th Avenue, directly north of the Easton-Newberry Sports Complex. *The proposed Development Agreement provides for improvements specific to Phase 1B which will further implement the previously approved development approval ordinance and development agreement for the entire Avalon Woods Mixed Use Development.* Conditions include provision for certain utility infrastructure improvements, as well as who is responsible for which items and when. A total of 50 single family residential units is planned for Phase 1B.

CONDITIONS. *Phase 1B development-specific conditions* are included in Section 5 (page 4) of the draft agreement and are listed below:

- All parties acknowledge that the City will be sole provider of potable water, reuse water (if provided by City), and sanitary sewer service to the development. Further the Developer agrees to extend potable water and sanitary sewer lines and appurtenances to service the property and to all uses within the property. If the City requires oversizing of lines to serve other properties, the difference in cost for the oversizing shall be borne by the City. The City shall determine all costs and values related to this section.
- The City of Newberry will be responsible for the difference in cost of the Class/size of concrete poles required for the Overhead single phase vs. 3-phase electric segment from the entrance road north to the corner of NW 24th Ave, as well as for the total expense of the 2 additional phases of conductor/mounting hardware to construct this as a 3-phase Overhead segment. The Developer's contractor shall coordinate the installation of the same with the City of Newberry Utilities and Public Works Department, who will either supply the materials and/or reimburse for the cost of the same.
- A statement shall be made part of recorded HOA documents that the Avalon Woods Development is located next to a regional park with ball fields and other recreational uses from which lighting and noise may affect neighboring properties.
- Permitted Uses. Allowable uses shall be in accordance with the Avalon Woods Mixed Use Development's approved Development Ordinance 2021-14 and Development Agreement DA LDR 21-10.
- Final Master plan and Required Surety. The Developer shall attain City Commission approval of the Phase 1B final plat (which meets all requirements of Chapter 177,

Florida Statutes and the City's Land Development Regulations) and construction drawings (also meeting the requirements of the City's Land Development Regulations) as specified in the Development Approval Ordinance 2021-14 (LDR 21-10) which authorizes the Avalon Woods Mixed Use Development. The final plat and construction drawings shall constitute the final master plan for Phase 1B. Prior to the approval and recording of the final plat for Phase 1B, the Developer shall establish a surety of at least one-hundred twenty (120%) percent of the remaining construction costs for Phase 1B. The form and documentation for such surety shall be approved by the City Attorney and filed for approval of the City Commission, with the Phase 1B final master plan.

The proposed development agreement with included conditions is consistent with the city's Comprehensive Plan and Land Development Regulations.

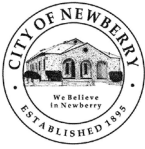
PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.3177(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. Approval of the proposed development agreement is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

CITY COMMISSION FIRST HEARING. On November 8, 2021, the City Commission held the first of two required public hearings for consideration of proposed development agreement DA-SD 21-02, voting to pass the draft agreement and announcing the second public hearing will be held on November 22, 2021.

Attachments:

1. Draft Development Agreement DA-SD 21-02;
2. Location Map; and
3. Public Notice.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Development Agreement between the City of Newberry and M3 Avalon Woods LLC for Phase 3 of the Avalon Woods Mixed Use Development

Quasi-Judicial Public Hearing Second Reading: DA-SD 21-08, a proposed development agreement between the City of Newberry and M3 Avalon Woods LLC, Owner. The land which is the subject of the Development Agreement is located on the east side of State Road 45 and to the south of NW 16th Avenue, and identified as a portion of Alachua County Parcel Numbers 01897-000-000, consisting of ±43.38 total acres. The Development Agreement addresses implementation of the adopted Avalon Woods Mixed Use Development Approval Ordinance 2021-14 (LDR 21-10) , specifically the development of the Residential Phase 3 portion of Avalon Woods subdivision. The proposed population density of the residential portion of Phase 3 is approximately 10 persons per acre, with a building density of 4 per acre. The maximum building height is 35 feet.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Approve Development Agreement DA-SD 21-08.

Summary:

The Florida Development Agreement Act (Sections 163.3220-163.3243, Florida Statutes) authorizes local governments to enter into development agreements with developers; the intent is to encourage a stronger commitment to, and implementation of, comprehensive and capital facilities planning through more efficient use of economic and land resources and sound capital improvement planning and financing. This provides assurance to a developer that upon receipt of his or her development permit, he or she may proceed in accordance with existing

laws and policies, subject to the conditions of a development agreement, which strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.

DA-SD-21-08 is a proposed Development Agreement, associated with, but separate from, the property owner/developer's application for construction plan approval of the Avalon Woods Mixed Use Development Phase 3; the Phase 3 portion of the development is located east of US 27/SR 45, adjacent to the Easton-Newberry Sports Complex. *The proposed Development Agreement provides for improvements specific to Phase 3 which will further implement the previously approved development approval ordinance and development agreement for the entire Avalon Woods Mixed Use Development.* Conditions contain provision for certain infrastructure improvements, including utilities, parking, landscaping, as well as who is responsible for which items and when. A total of 133 single family residential units is planned for Phase 3.

CONDITIONS. *Phase 3 development-specific conditions* are included in Section 5 (pages 4-6) of the draft agreement and are listed below:

- All parties acknowledge that the City will be sole provider of potable water, reuse water (if provided by City) and sanitary sewer service to the development. Further the Developer agrees to extend potable water and sanitary sewer lines and appurtenances to service the property and to all uses within the property. If the City requires oversizing of lines to serve other properties, the difference in cost for the oversizing shall be borne by the City. The City shall determine all costs and values related to this section.
- The Developer will provide points of connection for water, wastewater, and electric system stub-outs to the southern boundary of the Easton Newberry Sports Complex. The City will reimburse the Developer for the construction expenses associated with providing these points of connection.
- The Developer will provide temporary roadway access to the Easton Newberry Sports Complex during construction of improvements on NW 16th Avenue. The location of the temporary access shall be coordinated with the City.
- The Developer will incorporate on-street, grassed parking along NW 16th Avenue west of the proposed traffic circle to accommodate overflow parking for the Easton Newberry Sports Complex. The City will reimburse the Developer \$15,000.00 for construction of a sidewalk segment along the northern side of the road. The Developer will provide the remainder of the on-street parking improvements, including a sidewalk segment on the southern side of the road, at no cost to the City. The sidewalks will be a minimum of 7 feet wide.

- The City will provide (furnish and install) concrete electric poles along the western boundary of the project from the southern project property line to NW 16th Avenue. The Developer will provide accessories, i.e., insulators, lightning arrestors, hardware, grounds, etc., for these poles.
- The Developer will provide three (3) phases of 336 ACSR electrical conductor and a 4/0 ACSR neutral conductor on the new concrete electric poles along the western boundary of the project, from the southern project property line north to the proposed Phase 3 lift station site. The City will reimburse the Developer \$7,900 for two (2) phases of 336 ACSR electrical conductor (1,320 ft each phase for a total 2,640 ft), from the proposed Phase 3 lift station site north to NW 16th Avenue.
- At the earliest of either a) approval of Avalon Woods Phase 5 construction and development plans by the City, or b) 36 months from the date of execution of this agreement, the Developer will reimburse the City \$7,920 for certain costs associated with provision of electric conductor along the western boundary of the project from the proposed Phase 3 lift station north to NW 16th Avenue.
- A statement shall be made part of recorded HOA documents that the Avalon Woods Development is located next to a regional park with ball fields and other recreational uses from which lighting and noise may affect neighboring properties.
- Permitted Uses. Allowable uses shall be in accordance with the Avalon Woods Mixed Use Development's approved Development Ordinance 2021-14 and Development Agreement DA LDR 21-10.
- Final Master plan and Required Surety. The Developer shall attain City Commission approval for the Phase 3 final plat (which meets all requirements of Chapter 177, Florida Statutes, and the City's Land Development Regulations) and construction drawings (also meeting the requirements of the City's Land Development Regulations) as specified in the Development Approval Ordinance 2021-14 (LDR 21-10) which authorizes the Avalon Woods Mixed Use Development. The final plat and construction drawings shall constitute the final master plan for Phase 3. Prior to the approval and recording of the final plat for Phase 3, the Developer shall establish a surety of at least one-hundred twenty (120%) percent of the remaining construction costs for Phase 3. The form and documentation for such surety shall be approved by the City Attorney and filed for approval of the City Commission, with the Phase 3 final master plan.

The proposed development agreement with included conditions is consistent with the city's Comprehensive Plan and Land Development Regulations.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property

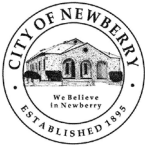
Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. Approval of the proposed development agreement is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

CITY COMMISSION FIRST HEARING. On November 8, 2021, the City Commission held the first of two required public hearings for consideration of proposed development agreement DA-SD 21-08 regarding Phase 3 of the Avalon Woods Mixed Use Development, announcing that the second public hearing would be held on November 22, 2021.

Attachments:

1. Draft Development Agreement DA-SD 21-08;
2. Location Map; and
3. Public Notice.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Request to change Future Land Use from Agriculture to Commercial on 18.48 Acres (parcels 01923-005-000 and 01923-005-001)

Quasi-judicial Public Hearing Second Reading: Ordinance 2021-50/CPA 21-15, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from AGRICULTURE to COMMERCIAL on the property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road, as shown on the location map below and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Enact Ordinance 2021-50/CPA 21-15, on second reading.

Summary:

Application CPA 21-15 is a request for a small-scale Future Land Use Plan Map amendment to change the Future Land Use classification from Agriculture to Commercial on an 18.48-acre parcel located on the south side of W. Newberry Road/SR 26, addressed as 20785 and 20737 West Newberry Road. Changes to Future Land Use Map designations on properties consisting of fifty acres or fewer are considered “small scale” comprehensive plan amendments and are not required to be sent to the State for review prior to adoption by the City Commission (Attachment 3).

EXISTING USE: 2 residential mobile homes

EXISTING FUTURE LAND USE: Agriculture (1 dwelling unit per 5 acres)

PROPOSED FUTURE LAND USE: Commercial

SURROUNDING USES: North -- SR 26, Destiny Community Church, Agricultural uses [AGRICULTURE Future Land Use]; South – farming, Agricultural uses [AGRICULTURE Future Land Use]; East – forested tract of 10+ acres, residential mobile home [AGRICULTURE Future Land Use]; West -- Agricultural uses, Tropic Traditions Wholesale Nursery [AGRICULTURE Future Land Use]

COMPREHENSIVE PLAN. Commercial future land use classifications consist of areas used for the sale, rental and distribution of products, or performance of services as well as public, charter and private elementary, middle and high schools. In addition, off-site signs, churches and other houses of worship, private clubs and lodges, residential dwelling units, which existed within this category on the date of adoption of this Comprehensive Plan, and other similar uses compatible with commercial uses, may be approved as special exceptions. All principal uses and special exceptions shall be limited to an intensity as follows:

Less than 5 acres	1.0 floor area ratio
Greater than or equal to 5 acres, but less than 10 acres	0.75 floor area ratio
Greater than 10 acres	0.50 floor area ratio

In addition, Objective IX.2. and other related policies of the Economic Development Element express the City’s support for small business and encourage a mix of large and small businesses to support a strong and diverse economic base.

The COMMERCIAL Future Land Use is the classification required for the applicant’s intended possible uses of the property and is consistent with the mixture of surrounding future land use classifications, SR 26 Corridor Study, and community visioning indications. As proposed, the requested amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. Approval of the requested Commercial Future Land Use classification is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

PUBLIC UTILITIES. City of Newberry Water is located across SR 26. Currently, the closest wastewater is located on the north side of SR 26 from the north through the Newberry Oaks

subdivision to the Equestrian Center. Electric service is provided by Clay Electric. Solid Waste is collected by Waste Pro as a facility contractor with the City and disposed of at the New River Solid Waste Facility. The property is currently served by well and septic tank.

ADDITIONAL INFORMATION. The City of Newberry recently completed a Community Visioning process, empowering residents and businesses to help create a vision for the future of Newberry. This new vision will result in changes to the City's Comprehensive Plan and Land Development Regulations to help guide land-use decisions and regulations. Design and appearance considerations for land uses located along the gateways into the City (SR 26 and US 27) are part of this process. One of those gateways is the SR 26 corridor on the east side of the city, where this property is located.

To enable the property owners to move forward with requests for future land use and zoning classification changes, rather than wait until new Commercial Corridor Design Standards are adopted, a separate development agreement (DA-LDR 21-23) between the owner/developer and the City has been agreed upon and approved by the Commission at their October 25th meeting. The agreement provides a commitment by the owner/developer to comply with design requirements consistent with regulations to be adopted as a result of the community visioning, as well as with requirements for connection to water and sewer and the timing of these connections.

PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-15. The Planning and Zoning Board voted unanimously to recommend to the City Commission approval of Ordinance 2021-50/CPA 21-15.

CITY COMMISSION FIRST HEARING. On October 25, 2021, the City Commission held a public hearing to consider Application CPA 21-15, voting to approve Ordinance 2021-50/CPA 21-15 on first reading.

Attachments:

1. Ordinance 2021-50, as approved on first reading;
2. Application;
3. Maps;
4. Information Sheet, Small Scale Comprehensive Plan Amendments;
5. Public Notices; and
6. Draft Minutes, Planning and Zoning Board Meeting, 10/4/2021.



Commission Agenda Item

- Meeting Date:** November 22, 2021
- Title:** Rezoning from Agricultural (A) to Commercial, Intensive (CI) on 18.48 Acres (parcels 01924-002-000 and 01923-005-001)
- Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-51/LDR 21-23, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from AGRICULTURAL (A) to COMMERCIAL, GENERAL (CG) [recommended zoning is Commercial, Intensive (CI) which includes CG] on property consisting of approximately 18.48 acres, located at 20785 and 20737 West Newberry Road and identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001. (This application is contingent upon approval of Application CPA 21-15.)
- Agenda Section:** Public Hearings and Ordinances
- Department:** Planning & Economic Development
- Presented By:** Wendy Kinser Maxwell, AICP, Principal Planner
- Recommended Action:** 1) Enact Ordinance 2021-51/Application LDR 21-23, on second reading, contingent upon approval of CPA 21-15.
-

Summary:

LDR 21-23 is a request to rezone approximately 18.48 acres to the CG Commercial, General Zoning District, however, to be consistent with the planned uses for the area and recent community visioning/strategic planning initiatives, the recommended zoning district is Commercial, Intensive (CI). The property is located on the south side of W. Newberry Road/SR 26, addressed as 20785 and 20737 West Newberry Road.

EXISTING USE. 2 mobile homes

EXISTING ZONING. Agricultural (A)

PROPOSED ZONING. Commercial, Intensive (CI).

SURROUNDING ZONING AND USES. North -- SR 26, Destiny Community Church, Agriculture [Agriculture (A)]; South -- farming, Agriculture [Agriculture (A)]; East -- forested tract of 10+ acres, residential mobile home [Agriculture (A)]; West -- Agriculture, Tropic Traditions Wholesale Nursery [Agriculture (A), and continuing West about .6 mile -- pre-school, Boat and RV Storage [mixture of Agriculture (A), Commercial, General (CG), Commercial, and Neighborhood (CN)]

COMPREHENSIVE PLAN. Both the requested CG Zoning District and staff recommended CI Zoning District implement the Commercial Future Land Use Map classification as requested in the applicant's associated application CPA 21-15.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. Approval of rezoning the subject property to the CI zoning classification is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

PUBLIC UTILITIES. City of Newberry Water is located across SR 26. Currently, the closest wastewater is located on the north side of SR 26 from the north through the Newberry Oaks subdivision to the Equestrian Center. Electric service is provided by Clay Electric. Solid Waste is collected by Waste Pro as a facility contractor with the City and disposed of at the New River Solid Waste Facility. The property is currently served by well and septic tank.

LAND DEVELOPMENT REGULATIONS. Section 4.14.1. states that the CI - Commercial, Intensive Zoning District is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample off-street parking and off-street loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire city. Permitted uses include those in the Commercial, General category and additional uses listed in the Commercial, Intensive (Attachment 3)

Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an

amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

The CI Zoning District which includes uses allowed in the CG Zoning District implements the Commercial Future Land Use classification and is compatible with existing and planned commercial uses along the SR 26 corridor

APPROVED DEVELOPMENT AGREEMENT. The applicants recently entered into a separate development agreement with the City of Newberry (DA-LDR 21-23) which was approved by the City Commission at their October 25, 2021 meeting. The approved development agreement provides a commitment to comply with certain design requirements, consistent with regulations to be adopted as a result of the community visioning, as well as with requirements for connection to water and sewer and the timing of these connections. Having this agreement in place enables the applicants to move forward now with their applications for commercial future land use and zoning classifications, rather than wait until new regulations are adopted for the SR 26 and US 27 gateways into the City. One of those gateways is the SR 26 corridor on the east side of the city, where this property is located.

PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-23. The Planning and Zoning Board voted unanimously to recommend to the City Commission approval of Ordinance 2021-51/LDR 21-23.

CITY COMMISSION FIRST HEARING. On October 25, 2021, the City Commission held a public hearing to consider the rezoning Application LDR 21-23, voting unanimously to approve Ordinance 2021-51/LDR 21-23 on first reading, contingent upon approval of CPA 21-15.

Attachments:

1. Ordinance 2021-51, as approved on first reading;
2. Application;
3. Maps;
4. Land Development Regulations, Excerpts;
5. Public Notices; and
6. Draft Minutes, Planning and Zoning Board Meeting, 10/4/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Future Land Use Map amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers: 01834-003-000 and 01834-006-000)

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-52/CPA 21-16, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Enact Ordinance 2021-52/CPA 21-16, on second reading.

Summary:

On July 26, 2021, the City Commission adopted Ordinance 2021-27 approving the voluntary annexation of two contiguous parcels totaling 40.3 Acres \pm , identified as Tax Parcel ID numbers 01834-003-000 (20.15 Acres \pm) and 01834-006-000 (20.15 Acres \pm), located approximately one-quarter mile south of NW 46th Avenue and about a mile east of NW 298th Street (county line). With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, each parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

CPA 21-16 addresses the first step: changing the Future Land Use designation. This Application is a request for a small-scale amendment to the Future Land Use Map of the City of Newberry Comprehensive Plan, proposing to change the property's future land use designation from

ALACHUA COUNTY RURAL/AGRICULTURE (less than or equal to 1 DU/5 Acres) to CITY OF NEWBERRY AGRICULTURE (less than or equal to 1 DU/5 Acres). Changes to Future Land Use Map designations on properties consisting of fifty or fewer acres are considered “small scale” amendments and not required to be sent to the State for review prior to adoption by the City Commission. (Attachment 3)

Since the County’s Rural/Agriculture and the City’s Agriculture classifications both allow residential densities of “less than or equal to 1 dwelling unit per 5 acres” and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County’s to the City’s designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of four property rights listed in the statute is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a necessary step to complete the annexation process; the proposed change provides no substantive change to permitted uses and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

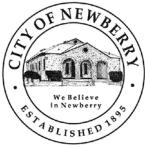
PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-16. The Planning and Zoning Board, acting as the Local Planning Agency, voted unanimously to recommend to the City Commission approval of Ordinance 21-52/CPA 21-16.

CITY COMMISSION FIRST READING. On October 25, 2021, the City Commission held a public hearing to consider Application CPA 21-16, voting unanimously to approve Ordinance 2021-52/CPA 21-16 on first reading.

Attachments:

1. Draft Ordinance 2021-52, as approved on first reading;
2. Property Information;

3. Information Sheet on Small Scale Plan Amendments;
4. Public Notices; and
5. Draft Minutes, Planning and Zoning Board Meeting, 10/04/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Future Land Use Map amendment from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 04265-007-000).

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-54/CPA 21-17, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 04265-007-000 .

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Enact Ordinance 2021-54/CPA 21-17, on second reading.

Summary:

On July 26, 2021, the City Commission adopted Ordinance 2021-28 approving the voluntary annexation of a parcel consisting of 7.66 Acres \pm , identified as Tax Parcel ID number 04265-007-000, located approximately .32 mile east of NW 202nd Street, on the north side of West Newberry Road/SR 26, just west of Pet Paradise. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

CPA 21-17 addresses the first step: changing the Future Land Use designation. This Application is a request for a small-scale amendment to the Future Land Use Map of the City of Newberry Comprehensive Plan, proposing to change the property's future land use designation from ALACHUA COUNTY RURAL/AGRICULTURE (less than or equal to 1 DU/5 Acres) to CITY OF

NEWBERRY AGRICULTURE (less than or equal to 1 DU/5 Acres). Changes to Future Land Use Map designations on property consisting of fifty or fewer acres are considered “small scale” amendments and not required to be sent to the State for review prior to adoption by the City Commission. (Attachment 3)

Since the County’s Rural/Agriculture and the City’s Agriculture classifications both allow residential densities of “less than or equal to 1 dwelling unit per 5 acres” and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County’s to the City’s designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a necessary step to complete the annexation process; the proposed change provides no substantive change to permitted uses and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

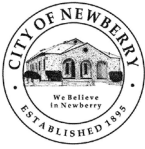
PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-17. The Planning and Zoning Board, acting as the Local Planning Agency, voted unanimously to recommend to the City Commission approval of Ordinance 21-54/CPA 21-17.

CITY COMMISSION FIRST HEARING. On October 25, 2021, the City Commission held a public hearing to consider Application CPA 21-17, voting to approve Ordinance 2021-54/CPA 21-17 on first reading.

Attachments:

1. Draft Ordinance 2021-54, as approved on first reading;

2. Property Information;
3. Information Sheet on Small Scale Plan Amendments;
4. Public Notices; and
5. Draft Minutes, Planning and Zoning Board Meeting, 10/04/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Rezoning of previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01834-003-000 and 01834-006-000)

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-53/LDR 21-24, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01834-003-000 and 01834-006-000. (This application is contingent upon approval of Application CPA 21-16.)

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Enact Ordinance 2021-53/LDR 21-24, upon second reading, contingent upon approval of CPA 21-16.

Summary:

On July 26, 2021, the City Commission adopted Ordinance 2021-27 approving the voluntary annexation of two contiguous parcels totaling 40.3 Acres \pm , identified as Tax Parcel ID numbers 01834-003-000 (20.15 Acres \pm) and 01834-006-000 (20.15 Acres \pm), located approximately one-quarter mile south of NW 46th Avenue and about a mile east of NW 298th Street (county line). With the land having been annexed into the City, the next steps are bringing the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcels' existing Alachua County Future Land Use and Zoning District designations must be changed to City of Newberry designations.

LDR 21-24 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject parcel from

Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-16 which proposes to change this property's Future Land Use category from County to City.

CONSISTENCY WITH COMPREHENSIVE PLAN. Since the County's Agriculture and the City's Agricultural Zoning classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed rezoning is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND DEVELOPMENT REGULATIONS. Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

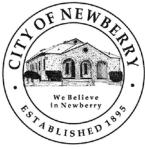
PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-

24. The Planning and Zoning Board, acting as the Local Planning Agency, voted unanimously to recommend to the City Commission approval of Ordinance 21-53/LDR 21-24, contingent upon approval of CPA 21-16.

CITY COMMISSION FIRST HEARING. On October 25, 2021, the City Commission held a public hearing to consider Application LDR 21-24, voting unanimously to approve Ordinance 2021-53/LDR 21-24 on first reading, contingent upon approval of CPA 21-16.

Attachments:

1. Ordinance 2021-53, as approved on first reading;
2. Property Information;
3. Public Notices; and
4. Draft Minutes, Planning and Zoning Board Meeting, 10/04/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Rezoning of previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number 04265-007-000).

Quasi-Judicial Public Hearing Second Reading: Ordinance 2021-55/LDR 21-25, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number 04265-007-000. (This application is contingent upon approval of Application CPA 21-17.)

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Wendy Kinser-Maxwell, AICP, Principal Planner

Recommended Action: 1) Enact Ordinance 2021-55/LDR 21-25, on second reading, contingent upon approval of CPA 21-17.

Summary:

On July 26, 2021, the City Commission adopted Ordinance 2021-28 approving the voluntary annexation of a parcel consisting of 7.66 Acres ±, identified as Tax Parcel ID number 04265-007-000, located approximately .32 mile east of NW 202nd Street, on the north side of West Newberry Road/SR 26, just west of Pet Paradise. With the land having been annexed into the City, the next steps are bringing the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District designations must be changed to City of Newberry designations.

LDR 21-25 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject parcel from

Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-17 which proposes to change this property's Future Land Use category from County to City.

CONSISTENCY WITH COMPREHENSIVE PLAN. Since the County's Agriculture and the City's Agricultural Zoning classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed rezoning is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification is a necessary step to complete the annexation process; the proposed rezoning provides no substantive change to permitted uses and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND DEVELOPMENT REGULATIONS. Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

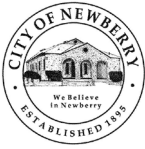
If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

PLANNING AND ZONING BOARD RECOMMENDATION. At the October 4, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-25. The Planning and Zoning Board, acting as the Local Planning Agency, voted unanimously to recommend to the City Commission approval of Ordinance 21-55/LDR 21-25, contingent upon approval of CPA 21-17.

CITY COMMISSION FIRST HEARING. On October 25, 2021, the City Commission held a public hearing to consider Application LDR 21-25, voting unanimously to approve Ordinance 2021-55/LDR 21-25 on first reading, contingent upon approval of CPA 21-17.

Attachments:

1. Draft Ordinance 2021-55, on second reading;
2. Property Information;
3. Public Notices; and
4. Draft Minutes, Planning and Zoning Board Meeting, 10/04/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 01756-000-000).

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-57/CPA 21-23, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 01756-000-000.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-57/CPA 21-23, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-42 approving the voluntary annexation of one parcel totaling 254.18 Acres \pm , identified as Tax Parcel ID number 01756-000-000, located on the west side of US 27/41/SR 45 and north side of NW 78th Avenue. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

Application CPA 21-23 addresses Future Land Use, which is the first designation requiring change. The Application is a request for a large scale amendment (affecting property over 50 acres in size) to the Future Land Use Plan Map of the City of Newberry Comprehensive Plan, proposing to change the future land use classification of the 254.18 Acres \pm , from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE. Large scale plan amendments require review by the Florida Department of Economic Opportunity and other state agencies in accordance with the expedited amendment procedures established in sections

163.3184 (2) and (3), Florida Statutes.

Since the County's Rural/Agriculture and the City's Agriculture classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

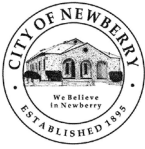
PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-23. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-57/CPA 21-23.

Attachments:

1. Property Information;
2. Data and Analysis;
3. Public Notices;
4. Draft Ordinance 2021-57; and
5. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-61/CPA 21-24, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-61/CPA 21-24, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-43 approving the voluntary annexation of five adjacent parcels 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000, together totaling 256.253 acres ±, located on the north side of West Newberry Road, approximately one-half mile east of NW 202nd Street. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

Application CPA 21-24 addresses Future Land Use, which is the first designation requiring change. The Application is a request for a large scale amendment (affecting property over 50 acres in size) to the Future Land Use Plan Map of the City of Newberry Comprehensive Plan, proposing to change the future land use classification of the 256.253 Acres ±, from ALACHUA

COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE. Large scale plan amendments require review by the Florida Department of Economic Opportunity and other state agencies in accordance with the expedited amendment procedures established in sections 163.3184 (2) and (3), Florida Statutes.

Since the County's Rural/Agriculture and the City's Agriculture classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-24. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-61/CPA 21-24.

Attachments:

1. Property Information;
2. Data and Analysis;
3. Public Notices;
4. Draft Ordinance 2021-61; and
5. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Numbers 01834-004-000 and 01834-005-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-59/CPA 21-22, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01834-004-000 and 01834-005-000.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-59/CPA 21-22, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-42 approving the voluntary annexation of two contiguous parcels consisting of 40.00 Acres ±, identified as Tax Parcel ID Numbers 01834-004-000 and 01834-005-000, located on the east side of NW 298th Street (county line) and along NW 32nd Avenue. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

CPA 21-22 addresses the first step: changing the Future Land Use designation. This Application is a request for a small-scale amendment to the Future Land Use Map of the City of Newberry Comprehensive Plan, proposing to change the property's future land use designation from

ALACHUA COUNTY RURAL/AGRICULTURE (less than or equal to 1 DU/5 Acres) to CITY OF NEWBERRY AGRICULTURE (less than or equal to 1 DU/5 Acres). Changes to Future Land Use Map designations on property consisting of fifty or fewer acres are considered “small scale” amendments and not required to be sent to the State for review prior to adoption by the City Commission. (Attachment 2)

Since the County’s Rural/Agriculture and the City’s Agriculture classifications both allow residential densities of “less than or equal to 1 dwelling unit per 5 acres” and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County’s to the City’s designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

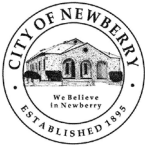
PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-22. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-59/CPA 21-22.

Attachments:

1. Property Information;
2. Information Sheet on Small Scale Plan Amendments;
3. Public Notices;
4. Draft Ordinance 2021-59; and
5. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 04273-001-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-63/CPA 21-20, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 04273-001-000.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-63/CPA 21-20, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-44 approving the voluntary annexation of two contiguous parcels consisting of 40.00 Acres \pm , identified as Tax Parcel ID Number 04273-001-000, located approximately .72 mile north of W. Newberry Road and approximately .75 mile west of NW 170th Street. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

CPA 21-20 addresses the first step: changing the Future Land Use designation. This Application is a request for a small-scale amendment to the Future Land Use Map of the City of Newberry Comprehensive Plan, proposing to change the property's future land use designation from ALACHUA COUNTY RURAL/AGRICULTURE (less than or equal to 1 DU/5 Acres) to CITY OF NEWBERRY AGRICULTURE (less than or equal to 1 DU/5 Acres). Changes to Future Land Use

Map designations on property consisting of fifty or fewer acres are considered “small scale” amendments and not required to be sent to the State for review prior to adoption by the City Commission. (Attachment 2)

Since the County’s Rural/Agriculture and the City’s Agriculture classifications both allow residential densities of “less than or equal to 1 dwelling unit per 5 acres” and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County’s to the City’s designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

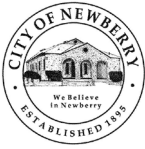
PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-20. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-63/CPA 21-20.

Attachments:

1. Property Information;
2. Information Sheet on Small Scale Plan Amendments;
3. Public Notices;
4. Draft Ordinance 2021-63; and
5. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 02696-010-007).

Quasi-Judicial Public Hearing First Reading: Ordinance 2021-67/CPA 21-19, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Number 02696-010-007.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-67/CPA 21-19, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-39 approving the voluntary annexation of a parcel consisting of 5.06 Acres ±, identified as Tax Parcel ID Number 02696-010-007, located on the west side of SW 282nd Street, approximately one-half mile south of SW 95th Road. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

CPA 21-19 addresses the first step: changing the Future Land Use designation. This Application is a request for a small-scale amendment to the Future Land Use Map of the City of Newberry Comprehensive Plan, proposing to change the property's future land use designation from ALACHUA COUNTY RURAL/AGRICULTURE (less than or equal to 1 DU/5 Acres) to CITY OF NEWBERRY AGRICULTURE (less than or equal to 1 DU/5 Acres). Changes to Future Land Use

Map designations on property consisting of fifty or fewer acres are considered “small scale” amendments and not required to be sent to the State for review prior to adoption by the City Commission. (Attachment 2)

Since the County’s Rural/Agriculture and the City’s Agriculture classifications both allow residential densities of “less than or equal to 1 dwelling unit per 5 acres” and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County’s to the City’s designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

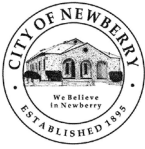
PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-19. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-67/LDR 21-19.

Attachments:

1. Property Information;
2. Information Sheet on Small Scale Plan Amendments;
3. Public Notices;
4. Draft Ordinance 2021-67; and
5. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Changing Future Land Use Map classification from Alachua County Rural/Agriculture to City of Newberry Agriculture on previously annexed property (Parcel Number 01925-009-000 and 01925-009-001).

Quasi-Judicial Public Hearing: Ordinance 2021-69/CPA 21-21, an application by the City of Newberry to amend the Future Land Use Plan Map of the Comprehensive Plan by changing the Future Land Use classification from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE on property previously voluntarily annexed to the City, identified by Alachua County Parcel Numbers 01925-009-000 and 01925-009-001.

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-69/CPA 21-21, on first reading.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-40 approving the voluntary annexation of one parcel totaling 12.26 Acres \pm , identified as Tax Parcel ID numbers 01925-009-000 and 01925-009-001, located on SW 226th St. and eight-tenths of a mile south of Newberry Rd. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map of the Newberry Comprehensive Plan and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

Application CPA 21-23 addresses Future Land Use, which is the first designation requiring change. The Application is a request for a small-scale amendment (affecting property less than 50 acres in size) to the Future Land Use Plan Map of the City of Newberry Comprehensive Plan, proposing to change the future land use classification of the 12.26 Acres \pm , from ALACHUA COUNTY RURAL/AGRICULTURE to CITY OF NEWBERRY AGRICULTURE. Small-scale plan amendments do not require review by the Florida Department of Economic Opportunity and

other state agencies in accordance with the expedited amendment procedures established in sections 163.3184 (2) and (3), Florida Statutes.

Since the County's Rural/Agriculture and the City's Agriculture classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed amendment is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Rural/Agriculture to City Agriculture Future Land Use classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application CPA 21-21. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-69/CPA 21-21.

Attachments:

1. Property Information;
2. Information Sheet on Small Scale Plan Amendments;
3. Data and Analysis;
4. Public Notices;
5. Draft Ordinance 2021-69; and
6. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



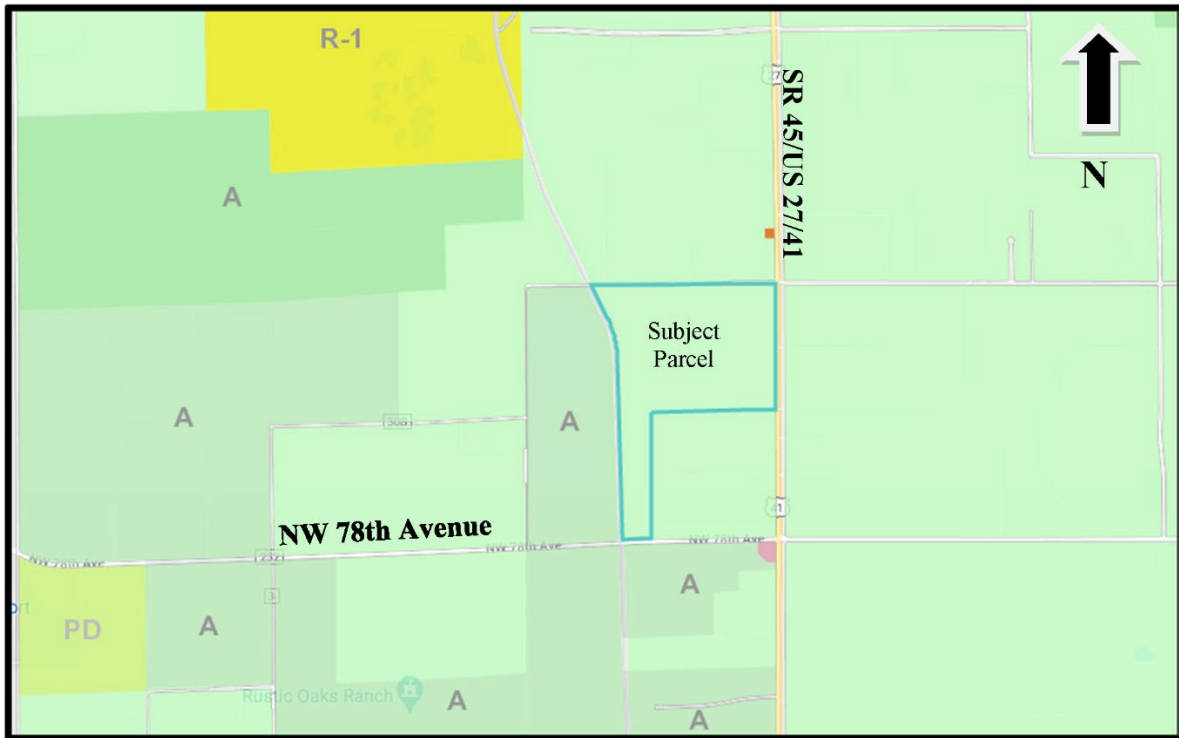
Commission Agenda Item

- Meeting Date:** November 22, 2021
- Title:** Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 01756-000-000).
- Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-58/LDR 21-32, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 01756-000-000. (This application is contingent upon approval of Application CPA 21-23.)
- Agenda Section:** Public Hearings and Ordinances
- Department:** Planning & Economic Development
- Presented By:** Bryan S. Thomas, AICP, Director
- Recommended Action:** 1) Approve Ordinance 2021-58/LDR 21-32, on first reading, contingent upon approval of CPA 21-23.
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Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-42 approving the voluntary annexation of one parcel totaling 254.18 Acres \pm , identified as Tax Parcel ID number 01756-000-000, located on the west side of US 27/41/SR 45 and north side of NW 78th Avenue. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

LDR 21-32 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject property from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-23 (proposed Future Land Use change from County to City).

Zoning Map



LDR 21-32, Rezoning from Alachua County Agriculture to City of Newberry Agricultural

Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification for the subject property is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

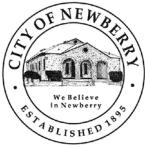
1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-32. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-58/LDR 21-32.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-58; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000).

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-62/LDR 21-33, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000. (This application is contingent upon approval of Application CPA 21-24.)

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

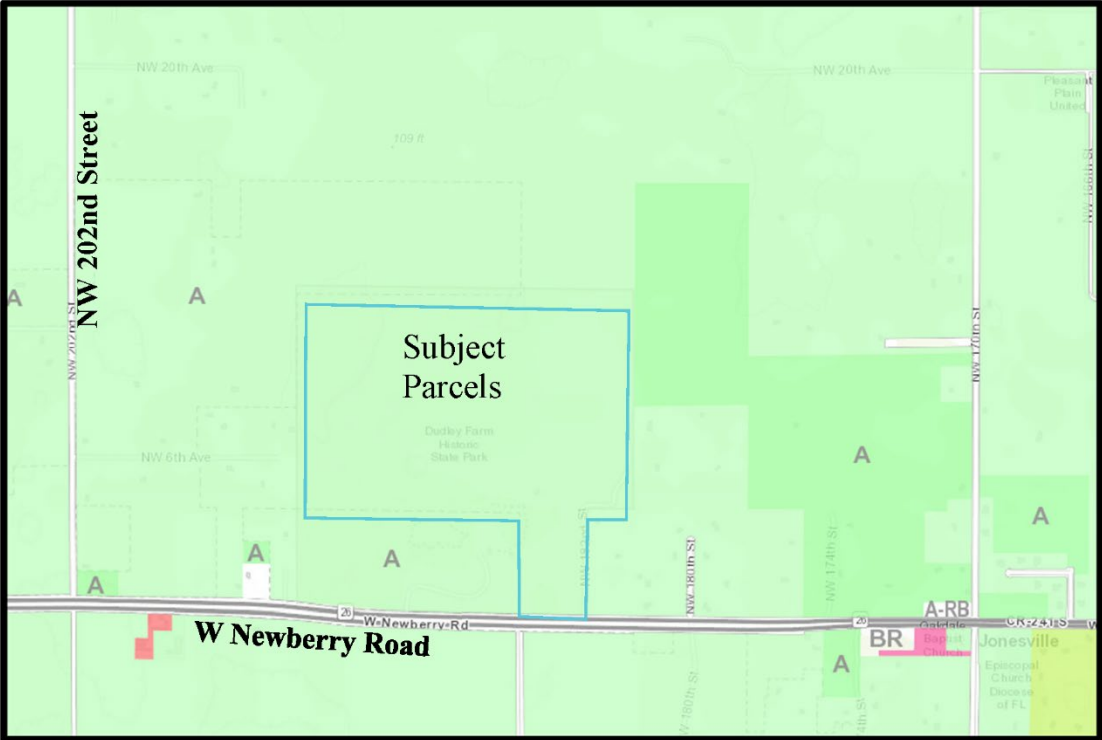
Recommended Action: 1) Approve Ordinance 2021-62/LDR 21-33, on first reading, contingent upon approval of CPA 21-24.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-43 approving the voluntary annexation of one parcel totaling 256.253 Acres ±, identified as Tax Parcel ID numbers 04262-000-000, 04263-001-000, 04263-000-000, 04272-000-000, and 04273-000-000, located on the the north side of W. Newberry Road, approximately one-half mile east of NW 202nd Street. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

LDR 21-33 addresses the second step: changing the zoning. This application is a request to

amend the City’s Official Zoning Atlas by changing the zoning on the subject property from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-24 (proposed Future Land Use change from County to City).

Zoning Map



LDR 21-33, Rezoning from Alachua County Agriculture to City of Newberry Agricultural

Section 16.4. of the City of Newberry’s Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan’s Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification for the subject property is a

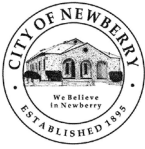
required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-33. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-62/LDR 21-33.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-62; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

- Meeting Date:** November 22, 2021
- Title:** Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Numbers: 01834-004-000 and 01834-005-000)
- Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-60/LDR 21-31, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Numbers: 01834-004-000 and 01834-005-000. (This application is contingent upon approval of Application CPA 21-22.)
- Agenda Section:** Public Hearings and Ordinances
- Department:** Planning & Economic Development
- Presented By:** Bryan S. Thomas, AICP, Director
- Recommended Action:** 1) Approve Ordinance 2021-60/LDR 21-31, on first reading, contingent upon approval of CPA 21-22.
-

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-42 approving the voluntary annexation of two contiguous parcels totaling 40.00 Acres \pm , identified as Tax Parcel ID numbers 01834-004-000 (20.00 Acres \pm) and 01834-005-000 (20.00 Acres \pm), located on the east side of NW 298th Street (county line) and along NW 32nd Avenue. With the land having been annexed into the City, the next steps are bringing the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcels' existing Alachua County Future Land Use and Zoning District designations must be changed to City of Newberry designations.

LDR 21-31 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject parcel from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed

rezoning is contingent upon approval of the associated Application CPA 21-31 which proposes to change this property's Future Land Use category from County to City.

CONSISTENCY WITH COMPREHENSIVE PLAN. Since the County's Agriculture and the City's Agricultural Zoning classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed rezoning is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

LAND DEVELOPMENT REGULATIONS. Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

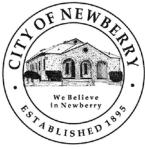
If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider

Application LDR 21-31. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-60/LDR 21-31.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-60; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 04273-001-000)

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-64/LDR 21-29, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number: 04273-001-000. (This application is contingent upon approval of Application CPA 21-20.)

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-64/LDR 21-29, on first reading, contingent upon approval of CPA 21-20.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-42 approving the voluntary annexation of a parcel totaling 40.00 Acres ±, identified as Tax Parcel ID Number: 04273-001-000, located approximately .72 mile north of W. Newberry Road and approximately .75 mile west of NW 170th Street. With the land having been annexed into the City, the next steps are bringing the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcels' existing Alachua County Future Land Use and Zoning District designations must be changed to City of Newberry designations.

LDR 21-29 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject parcel from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-20 which proposes to change this property's Future Land Use category from County to City.

CONSISTENCY WITH COMPREHENSIVE PLAN. Since the County's Agriculture and the City's Agricultural Zoning classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed rezoning is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

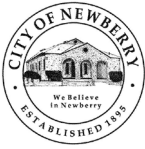
LAND DEVELOPMENT REGULATIONS. Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-29. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-64/LDR 21-29.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-64; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

Meeting Date: November 22, 2021

Title: Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 02696-010-007)

Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-68/LDR 21-28, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from Alachua County Agriculture (A) to City of Newberry Agricultural (A) on property previously voluntarily annexed to the City and identified by Alachua County Parcel Number: 02696-010-007. (This application is contingent upon approval of Application CPA 21-19.)

Agenda Section: Public Hearings and Ordinances

Department: Planning & Economic Development

Presented By: Bryan S. Thomas, AICP, Director

Recommended Action: 1) Approve Ordinance 2021-68/LDR 21-28, on first reading, contingent upon approval of CPA 21-19.

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-39 approving the voluntary annexation of a parcel consisting of 5.06 Acres \pm , identified as Tax Parcel ID Number 02696-010-007, located on the west side of SW 282nd Street, approximately one-half mile south of SW 95th Road. With the land having been annexed into the City, the next steps are bringing the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcels' existing Alachua County Future Land Use and Zoning District designations must be changed to City of Newberry designations.

LDR 21-28 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject parcel from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-19 which proposes to change this property's Future Land Use category from County to City.

CONSISTENCY WITH COMPREHENSIVE PLAN. Since the County's Agriculture and the City's Agricultural Zoning classifications both allow residential densities of "less than or equal to 1 dwelling unit per 5 acres" and continuation of similar agriculture uses and intensities, no additional density is allowed based upon changing from the County's to the City's designation. The proposed rezoning is consistent with the goals, objectives, and policies of the City of Newberry Comprehensive Plan.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification is a required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

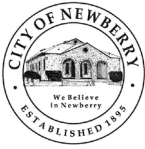
LAND DEVELOPMENT REGULATIONS. Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-28. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-68/LDR 21-28.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-68; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.



Commission Agenda Item

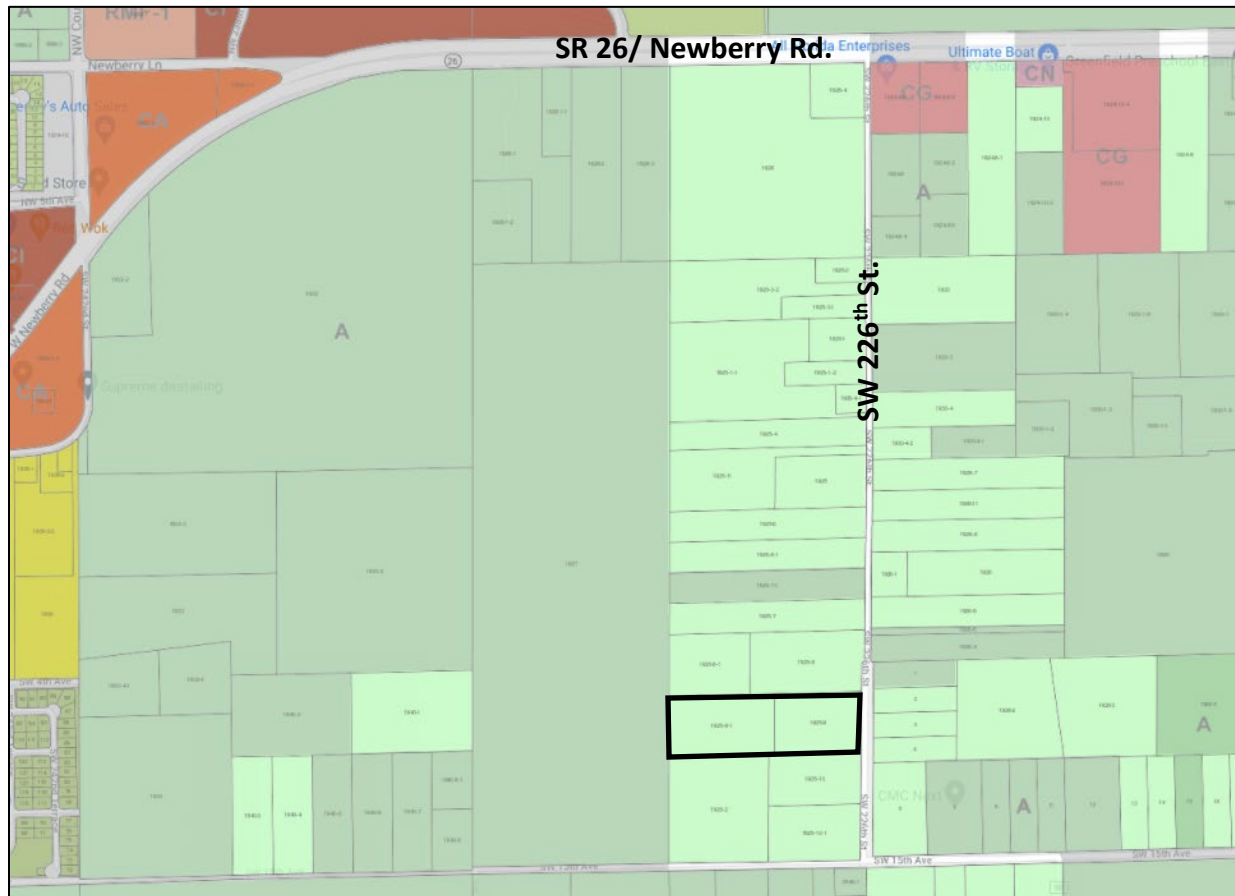
- Meeting Date:** November 22, 2021
- Title:** Rezoning previously annexed property from Alachua County Rural/Agriculture to City of Newberry Agricultural (Parcel Number: 01925-009-000).
- Quasi-Judicial Public Hearing: First Reading of Ordinance 2021-70/LDR 21-30, an application by the City of Newberry to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from ALACHUA COUNTY AGRICULTURE (A) to CITY OF NEWBERRY AGRICULTURAL (A) on property recently annexed into the City and identified by Alachua County Parcel Numbers: 01925-009-000 and 01925-009-001. (This application is contingent upon approval of Application CPA 21-21.)
- Agenda Section:** Public Hearings and Ordinances
- Department:** Planning & Economic Development
- Presented By:** Bryan S. Thomas, AICP, Director
- Recommended Action:** 1) Approve Ordinance 2021-70/LDR 21-30, on first reading, contingent upon approval of CPA 21-21.
-

Summary: On September 27, 2021, the City Commission adopted Ordinance 2021-40 approving the voluntary annexation of two parcels totaling 12.26 Acres \pm , identified as Tax Parcel ID numbers 01925-009-000 and 01925-009-001, located on SW 226th St. and eight-tenths of a mile south of Newberry Rd. With the land now annexed into the City, the next part of the process is to bring the property into conformance first with the City's adopted Future Land Use Map and second, with the City's Official Zoning Atlas. To accomplish this, the parcel's existing Alachua County Future Land Use and Zoning District classifications must be changed to City of Newberry designations.

LDR 21-30 addresses the second step: changing the zoning. This application is a request to amend the City's Official Zoning Atlas by changing the zoning on the subject property from Alachua County Agriculture (A) to City of Newberry Agricultural (A). Note that the proposed rezoning is contingent upon approval of the associated Application CPA 21-21 (proposed Future

Land Use change from County to City).

Zoning Map



LDR 21-30, Rezoning from Alachua County Agriculture to City of Newberry Agricultural

Section 16.4. of the City of Newberry's Land Development Regulations addresses the relationship of a Zoning Atlas amendment action (rezoning) and a comprehensive plan amendment action:

If the amendment requires the prior amendment of the city's Comprehensive Plan adopted pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq., as amended) action on an amendment to the city's Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

PROPERTY RIGHTS. In accordance with the Newberry Comprehensive Plan's Private Property Rights Element, recently adopted pursuant to section 163.317(6)(i), F.S., consideration of the included list of four property rights is required as a part of local decision-making. The change from County Agriculture to City Agricultural Zoning classification for the subject property is a

required part of the annexation process, providing no substantive change to permitted uses, and is consistent with these rights.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

November 1, 2021 Planning and Zoning Board Recommendation. At the November 1, 2021 City of Newberry Planning and Zoning Board meeting, a public hearing was held to consider Application LDR 21-30. The Planning and Zoning Board, acting as the Local Planning Agency, voted 4-0 to recommend to the City Commission approval of Ordinance 21-70/LDR 21-30.

Attachments:

1. Property Information;
2. Public Notices;
3. Draft Ordinance 2021-70; and
4. Draft Minutes, Planning and Zoning Board Meeting, 11/01/2021.