

## **ORDINANCE #ORD2017-11**

**AN ORDINANCE OF THE CITY OF DUNNELLO, FLORIDA, PROVIDING FOR A FUTURE LAND USE MAP AMENDMENT TO THE COMPREHENSIVE PLAN TO INCLUDE WITHIN THE FUTURE LAND USE MAP AND CHANGE THE DESIGNATION OF PROPERTY FOR THAT PORTION OF TAX PARCEL IDENTIFICATION 33607-000-00 COMPRISING 4.98 ACRES, MORE OR LESS, LOCATED NORTH OF ROBINSON ROAD AND WEST OF NORTH WILLIAMS STREET, FROM MARION COUNTY'S DESIGNATION OF RURAL LAND USE TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

**WHEREAS**, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

**WHEREAS**, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the City has, as of the 9th day of October, 2017, annexed approximately 4.98 acres legally described in Exhibit "A," attached, designated Rural Land Use by Marion County; and

**WHEREAS**, the Future Land Use Map of the Comprehensive Plan depicts the Land Use categories that are permissible within the City; and

**WHEREAS**, the City Council of the City of Dunnellon desires to amend the Future Land Use Map of the Comprehensive Plan to include said annexed area and designate the subject property's land use from Marion County Rural Land Use to Commercial; and

**WHEREAS**, the Local Planning Agency held a public hearing on October 5, 2017, to consider this amendment to the Future Land Use Map of the Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents; and

**WHEREAS**, the City of Dunnellon has complied with all requirements and procedures of Florida law in processing this small-scale amendment to the City's Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:**

**Section 1.** The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

**Section 2.** Comprehensive Plan Amendment – Future Land Use Map

- a) The City of Dunnellon Comprehensive Plan and Future Land Use Map, and ordinances which adopted and amended said Future Land Use Map, are hereby amended to include and designate the subject property which consists of that portion of Tax Parcel Identification 33607-000-00 comprising 4.98 acres, more or less, located north of Robinson Road and West of North Williams street, from Marion County Rural Land Use to Commercial; said property being legally described in Exhibit "A" attached hereto and by this reference incorporated herein.
- b) The Future Land Map is hereby amended to include and designate the subject property from Marion County Rural Land Use to Commercial, as depicted on the Future Land Use Map attached hereto as Exhibit "B" and by this reference incorporated herein.

**Section 3. Severability.** If any portion of this Ordinance shall be declared unconstitutional or if the applicability of this Ordinance or any portion thereof, to any person or circumstance shall be held invalid, the validity of the remainder of this Ordinance and the applicability of this Ordinance, or any portion thereof, to other persons or circumstances, shall not be affected thereby. It is the specific intent of the City Council of the City of Dunnellon that the Severability as set forth above shall apply to this Ordinance.

**Section 4. Conflicts.** Any Ordinance in conflict with this Ordinance is hereby repealed.

**Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance.

**Upon motion duly made and carried**, the foregoing Ordinance was approved and passed upon the first reading on the 25th day of September, 2017.

**Upon motion duly made and carried**, the foregoing Ordinance was approved and passed upon the second reading on the 9th day of October, 2017.

Advertised in the Riverland News on Thursday, September 28, 2017.

Attest:

**CITY OF DUNNELLON**

\_\_\_\_\_  
Amanda L. Roberts, CMC  
City Clerk

\_\_\_\_\_  
Walter Green, Mayor

Approved as to Form and Legal Sufficiency:

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Andrew Hand, City Attorney

**CERTIFICATE OF POSTING**

**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 15<sup>th</sup> day of September 2017.

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Amanda L. Roberts, CMC  
City Clerk

**Exhibit "A"**

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 3-1/2" SQUARE CONCRETE MONUMENT WITH DISK STAMPED MARION ENGINEERING ASSOCIATES, (MEAI), MARKING THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4, FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°54'52"EAST, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 307.71 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00°05'08"EAST, LEAVING SAID SOUTH LINE, A DISTANCE OF 240.00 FEET; THENCE RUN SOUTH 89°54'52"EAST, PARALLEL WITH THE SAID SOUTH LINE, A DISTANCE OF 194.50 FEET; THENCE RUN NORTH 44°35'46"EAST, A DISTANCE OF 110.66 FEET TO IT'S INTERSECTION WITH THE SOUTHERN RIGHT OF WAY LINE OF A 70 FOOT WIDE PROPOSED ACCESS ROADWAY, SAID POINT BEING ON THE ARC OF A CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF 530.00 FEET; THENCE RUN ALONG SAID SOUTHERN RIGHT OF WAY LINE, 476.31 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 51°29'30" AND SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 71°12'23EAST, 460.44 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID SOUTHERN RIGHT OF WAY LINE, NORTH 83°02'52<sup>11</sup> EAST, A DISTANCE OF 215.77 FEET TO IT'S INTERSECTION WITH THE SOUTH LINE OF WAL-MART-MANKO SUBDIVISION AS RECORDED IN PLAT BOOK 7 AT PAGES 199 THROUGH 200 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE RUN SOUTH 83°18'16"EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 98.89 FEET TO A 3-1/2<sup>11</sup> SQUARE CONCRETE MONUMENT WITH NO IDENTIFICATION MARKING THE NORTHWEST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1267 AT PAGE 299 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE RUN SOUTH 00°41'12 WEST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 185.93 FEET TO A 5/8<sup>11</sup> STEEL ROD AND CAP STAMPED LB5075 MARKING THE SOUTHWEST CORNER OF SAID LANDS AND BEING ON THE AFOREMENTIONED SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 26; THENCE RUN NORTH 89°54'52"WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 1019.00 FEET TO THE POINT OF BEGINNING

**Exhibit "B"**

