

ORDINANCE 00-18

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; RELATING TO AN AMENDMENT OF 10 ACRES OR LESS OF LAND, TO THE CITY OF DUNNELLON COMPREHENSIVE PLAN AND TO THE CITY OF DUNNELLON ZONING REGULATIONS AND MAP; PURSUANT TO AN APPLICATION BY ROBERT F. ROGERS, AS OWNER, UNDER THE SMALL SCALE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215; AMENDING THE LAND USE CLASSIFICATION FROM CONSERVATION TO RESIDENTIAL MEDIUM DENSITY AND AMENDING THE ZONING DESIGNATION FROM AGRICULTURAL TO RESIDENTIAL MEDIUM DENSITY (R3A) ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE MAP AND OFFICIAL ZONING MAP; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulation Act of 1985, as contained in Section 163.3161 through Section 163.3215, Florida Statutes, which requires the City of Dunnellon, Florida to prepare and adopt a Comprehensive Plan in accordance with the requirements of the said act; and

WHEREAS, the City of Dunnellon has prepared a Comprehensive Plan which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Dunnellon, did on October 14, 1991, adopted a Comprehensive Plan; and on December 12, 1992, validly approve the City of Dunnellon Zoning Code; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of 1985 provides for the amendment of an adopted plan or element or portion thereof; and

WHEREAS, an application CPA 00-3, for an amendment, as described below, to the Future Land Use Map of the City of Dunnellon Comprehensive Plan, herein referred to as the City's Comprehensive Plan and an application for an amendment, Z 00-3, as described below to the Official Zoning Map of the City of Dunnellon, referred to as the City's Zoning Map have been filed with the city; and

WHEREAS, the Planning and Zoning Commission of the City of Dunnellon has been designated as the Local Planning Agency; and

WHEREAS, the Planning and Zoning Commission of the City of Dunnellon did on February 22, 2000 hold public hearings, with public notice having been provided, on said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and to the City's Zoning Map and at said public hearings, the Planning and Zoning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearings and the Comprehensive Plan Amendment Report and Rezoning Report concerning said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and to the Official Zoning Map of the City of Dunnellon and recommended to the City Council for approval of said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and to the City's Zoning Map; and

WHEREAS, the City Council did on December 11, 2000 hold the required public hearings, with public notice having been provided, under the provisions of the small scale development amendment procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said applications for amendments, as described below, the Future Land Use Map of the City's Zoning Map and at said public hearings, the City Council reviewed and considered all comments received during the public hearings, including the recommendation of the Planning and Zoning Commission, serving also as the Local Planning Agency, and the Comprehensive Plan Amendment Report and Rezoning Report concerning said applications CPA 00-3 and Z 00-3, for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and Official Zoning Map; and

WHEREAS, the City Council has determined and found said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and to the Official Zoning Map to be consistent with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Council has determined and found that approval of said applications for amendments, as described below, to the Future Land Use Map of the City's Comprehensive Plan and to the City's Official Zoning Map would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

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

Section 1: Pursuant to applications, CPA 00-3 and Z 00-3, by Robert Rogers, as Owner, to amend the Future Land Use Map of the Comprehensive Plan and Official Zoning Map of the City of Dunnellon by establishing the land use classification and zoning designation

of certain lands within the corporate limits of the City of Dunnellon, Florida, the land use classification is hereby established as RESIDENTIAL MEDIUM DENSITY and the Zoning district designation is hereby established as RESIDENTIAL MEDIUM DENSITY (R-3A) on the property described as follows:

That part of the South 175 feet of the Southwest ¼, lying East of the Withlacoochee River, in Section 36, Township 16 South, Range 18 East;

And;

That portion of the above described property lying within the cross Florida Barge Canal, Relocation of Railroads near Dunnellon, the components of said railroads relocation being more particularly described pursuant to the attached legal description.

Section 2: 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 3: Future Land Use and Official Zoning Map. The Comprehensive Plan Future Land Use and Zoning District designation changes enacted herein shall be incorporated into the Comprehensive Plan Future Land Use Map and the Official Zoning Map.

Section 4: Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

Section 5: Effective Date. This Ordinance shall become effective immediately upon adoption.

The effective date of this plan amendment shall be thirty-one (31) days following the date of adoption of this plan amendment. However, if any affected person files a petition with the Florida Division of Administrative Hearings pursuant to Section 120.57, Florida Statutes, to require a hearing to challenge the compliance of this plan amendment with Sections 163.3161 through 163.3215, Florida Statutes, within thirty (30) days following the date of adoption of this plan amendment, this plan amendment shall not become effective until the Florida Department of Community Affairs or the Florida Administration Commission, respectively, issues a final order determining this plan amendment is in compliance. No development orders, development permits or land uses dependent on this plan amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this plan amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which

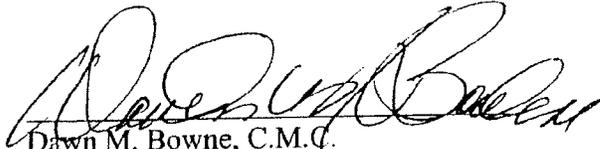
resolution shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 28th day of August 2000.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading on the 11th day of December 2000.

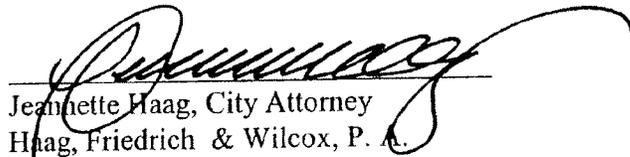
Attest

City Council of the City of Dunnellon


Dawn M. Bowne, C.M.C.
City Clerk


John Taylor
Mayor

Approved as to Form and Correctness:


Jeanette Haag, City Attorney
Haag, Friedrich & Wilcox, P. A.
452 Pleasant Grove Road
Inverness, Florida 34452