

ORDINANCE NO. 03-01

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; RELATING TO AN AMENDMENT TO THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE CITY OF DUNNELLON COMPREHENSIVE PLAN AND TO AN AMENDMENT OF MORE THAN TEN ACRES OF LAND TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY THE CITY OF DUNNELLON UNDER THE REGULAR AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION FROM MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Dunnellon, Florida, hereinafter referred to as the City Council, to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, an applications, CPA 02-L1 and CPA 02-L2, for amendments, as described below, to the text and Future Land Use Map of the City of Dunnellon Comprehensive Plan, hereinafter referred to as the City's Comprehensive Plan has been filed with the City;

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

WHEREAS, the Planning Commission of the City of Dunnellon did on August 6, 2002 hold the required public hearings, with public notice having been provided, on said application for an amendment, as described below, to the text and Future Land Use Map of the City's Comprehensive Plan and at said public hearing, the Planning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Amendment Report concerning said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and recommended to the City Council approval of said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan;

WHEREAS, the City Council held two public hearings, with public notices having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for an amendment, as described below, to the text and Future Land Use Map of the City's Comprehensive Plan and at said public hearings, the City Council reviewed and considered all comments received during the public hearings, including the recommendation of the Planning Commission, serving also as the Local

Planning Agency, and the Amendment Report concerning said application for amendment, as described below, to the text and Future Land Use Map of the City's Comprehensive Plan;

WHEREAS, the City Council has determined and found said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan to be compatible with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan, 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 an application, CPA 02-L1, by the City of Dunnellon to amend the Future Land Use Map of the City's Comprehensive Plan, by changing the future land use classification from MEDIUM DENSITY RESIDENTIAL AND HIGH DENSITY RESIDENTIAL to LOW DENSITY RESIDENTIAL, on the property described as follows:

Blue Cove Subdivision, Unit 1 and Unit 2, in the City of Dunnellon, Florida

Said lands being approximately 95 acres.

Section 2. Pursuant to an application, CPA 02-L2, by the City of Dunnellon to amend the text of the Future Land Use Element of the Comprehensive Plan, by increasing the maximum density in the Low Density Residential land use category fro 1 dwelling unit per acre to 2.5 dwelling units per acre.

Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

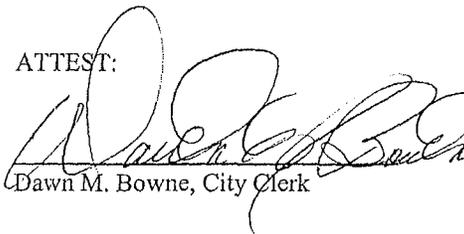
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, this 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 Department of Community Affairs, Bureau of Local Planning,

2555 Shummard Oak Boulevard, Tallahassee, Florida 32399-2100.

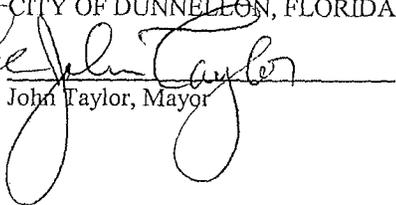
PASSED ON FIRST READING, THIS 13TH DAY OF JANUARY 2003.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Dunnellon, Florida, on final reading this 27TH DAY OF JANUARY 2003.

ATTEST:


Dawn M. Bowne, City Clerk

CITY COUNCIL OF THE
CITY OF DUNNELON, FLORIDA


John Taylor, Mayor

Approved as to Form and Correctness:


Larry Haag, City Attorney
Haag, Gaffney & Wilcox, P.A.
452 Pleasant Grove Road
Inverness, Florida 34452
(352) 726-0901

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF DUNNELLON
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE
DOCKET NO. 03-1-NOI-4203-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Dunnellon adopted by Ordinance No. 03-01 on January 27, 2003, **IN COMPLIANCE**, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Dunnellon Comprehensive Plan Amendments and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendments to the City of Dunnellon Comprehensive Plan are In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.



Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100