

ORDINANCE 03-19

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; RELATING TO AN AMENDMENT OF 10 ACRES OR LESS OF LAND (OWNED BY THE CITY OF DUNNELLON AND FORMERLY KNOWN AS THE OLD MIDDLE SCHOOL PROPERTY, FURTHER DESCRIBED HEREIN), TO THE CITY OF DUNNELLON COMPREHENSIVE PLAN; PURSUANT TO SECTION 163.3187, FLORIDA STATUTES AND RULE 9J-11.015, FLORIDA ADMINISTRATIVE CODE BY CHANGING THE LAND USE MAP OF THE COMPREHENSIVE PLAN WHICH SHALL CHANGE THE LAND USE OF CERTAIN LANDS WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF DUNNELLON; AMENDING THE LAND USE CLASSIFICATION FROM PUBLIC TO COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN AMENDMENT TO THE FUTURE LAND USE 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, adopt a Comprehensive Plan; and on December 12, 1992, validly approved 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 03-02SSA, 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

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

DUNNELLON
04S1 (adopted)
SHELF COPY (not for review)

WHEREAS, the Planning and Zoning Commission of the City of Dunnellon did on September 16, 2003 hold a public hearing, with public notice having been provided, on said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan at said public hearing, the Planning and Zoning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Comprehensive Plan Amendment Report and concerning said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and did not vote to recommend approval to the City Council for approval of said application for amendment; and

WHEREAS, the City Council did on January 12, 2004, hold the required public hearing, 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 application for amendment, as described below, 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 concerning said application 03-01SSA, for amendment as described below, to the Future Land Use Map of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan 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 application for 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 DUNNELON, FLORIDA AS FOLLOWS:

Section 1: Pursuant to application, 03-02SSA, a city-initiated request, to amend the Future Land Use Map of the Comprehensive Plan of the City of Dunnellon by establishing the land use classification of certain lands within the corporate limits of the City of Dunnellon, Florida, the land use classification is hereby established as **COMMERCIAL** on the property described as follows and identified on the Exhibit "A" attached:

SEC 26 TWP 16 RGE 18
COM AT THE E 1/4 COR OF SEC 26 TH N 00-00-00 E 506 FT TO
THE POB TH CONT N 00-00-00 E 367.21 FT TH N 86-08-16 W
556.84 FT TH S 03-51-44 W 433.88 FT TO A PT OF CURVATURE
CONCAVE NWLY HAVING A RADIUS OF 1500 FT TH SLY ALONG
310.74 FT THRU A CENTRAL ANGLE OF 11-52-10 A CHORD BEARING
& DISTANCE OF S 09-47-49 W 310.19 FT TH S 84-18-10 E
610.59 FT TH N 00-00-00 E 316.46 FT TH N 90-00-00 E 30 FT
TH N 00-00-00 E 78 FT TO THE POB

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. The Comprehensive Plan Future Land Use designation changes enacted herein shall be incorporated into the Comprehensive Plan Future Land Use 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.

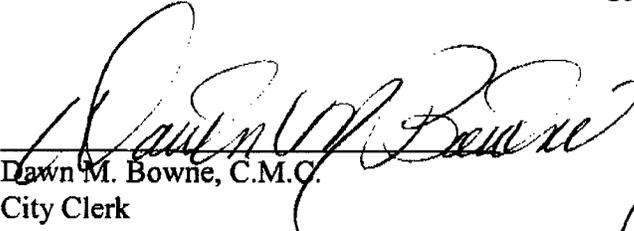
The effective date of this plan amendment shall be thirty-one (31) days following the date of adoption of this plan amendment. However, if any affected person files a petition with the Florida Division of Administrative Hearings pursuant to Section 120.57, Florida Statutes, to require a hearing to challenge 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.

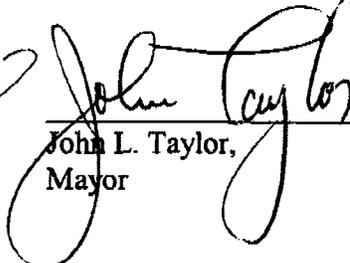
Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the ~~21~~ day of NOV 2004. 3

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading on the 12 day of Jan 2004.

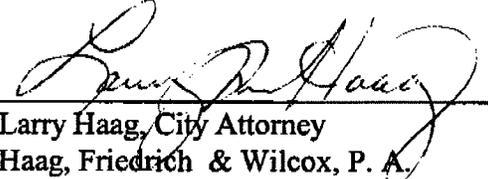
Attest:

City Council of the City of Dunnellon


Dawn M. Borne, C.M.C.
City Clerk


John L. Taylor,
Mayor

Approved as to Form and Correctness:


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