

**ORDINANCE 03-20**

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; RELATING TO AN AMENDMENT OF 10 ACRES OR LESS OF LAND (OWNED BY THE MARION COUNTY SCHOOL BOARD, 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 03-01SSA, 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

**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 December 15, 2003, 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 DUNNELTON, FLORIDA AS FOLLOWS:**

**Section 1:** Pursuant to application, 03-01SSA, a request was submitted by the Marion County School Board 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 PT 506 FT N OF SE COR OF N 1/2 TH N TO SE COR OF  
NE 1/4 OF NE 1/4 OF NE 1/4 TH W TO E ROW LINE HWY 41 TH  
SLY TO PT S 87-38-00 W 587.48 FT OF POB TH N 87-38-00 E  
587.48 FT TO POB EXC N 428.66 FT THEREOF & COM 506 FT N OF  
SE COR OF NE 1/4 FOR POB TH S 87-38-00 W 587.48 FT TO THE  
E LINE US 41 TH SLY ALONG ROW 310 FT TO NORTH LINE OF 50 FT  
ST TO CHATMAR TH S 84-18-00 E 618.02 FT TH N 316.46 FT TH  
E 30 FT TO EAST LINE OF SEC TH N 78 FT TO THE POB &  
EXC 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 CURVE  
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 &  
EXC WATER RETENTION AREA BEING PARTICULARLY DESC AS:  
COM AT THE NE COR OF NE 1/4 OF SEC 26 TH N 89-42-55 W  
438.78 FT TH S 04-17-09 W 1093.89 FT TO THE POB TH  
S 89-48-52 E 188.84 FT TH S 04-18-48 W 260.65 FT TH  
S 09-51-32 E 125.11 FT TH S 17-39-45 W 81.78 FT TH  
N 88-17-12 W 177.38 FT TH S 03-17-09 W 162.69 FT TH  
N 86-42-51 W 3 FT TH S 03-17-09 W 26.53 FT TH N 85-44-56 W  
22.99 FT TH N 04-17-09 E 645.24 FT TO THE POB &  
EXC SR 45 ROW TAKING BEING MORE PARTICULARLY DESC AS:  
COM AT THE SE COR OF NE 1/4 OF SEC 26 TH N 00-23-20 E 58.13  
FT TH N 83-31-20 W 657.46 FT TO A PT BEING ON A CURVE  
CONCAVE WLY HAVING A RADIUS OF 1959.86 FT A CENTRAL ANGLE  
OF 01-28-51 A CHORD BEARING OF N 15-37-08 E TH NLY ALONG  
THE ARC OF CURVE 50.64 FT TO THE POB TH CONT ALONG THE ARC  
OF CURVE A CHORD BEARING OF N 09-34-56 E THRU A CENTRAL  
ANGLE OF 10-35-24 362.34 FT TH N 04-17-09 E 377.78 FT TH  
S 85-44-56 E 22.99 FT TH S 03-17-09 W 134.84 FT TO THE POC  
OF A CURVE CONCAVE WLY HAVING A RADIUS OF 3331.04 FT A  
CENTRAL ANGLE OF 09-53-53 A CHORD BEARING OF S 08-14-06 W  
TH SLY ALONG THE ARC OF CURVE 575.45 FT TH S 24-14-33 E  
31.37 FT TH S 81-33-13 E 77.62 FT TH S 06-28-40 E 0.96 FT  
TH N 83-31-20 W 111.60 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.

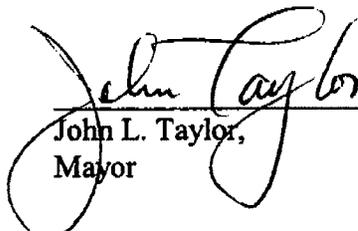
**Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first reading on the 24 day of Nov. 2003

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

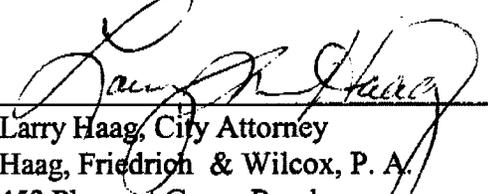
Attest:

City Council of the City of Dunnellon

  
Dawn M. Bowne, 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