

**ORDINANCE NO. 2007-09**

**AN ORDINANCE AMENDING THE CITY OF DUNNELLON COMPREHENSIVE PLAN, PURSUANT TO SECTION 163.3184, FLORIDA STATUTES, BY ADDING OBJECTIVE 5 TO THE RECREATION AND OPEN SPACE ELEMENT AND ADOPTING A RECREATIONAL TRAIL PLAN MAP; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City Council of the City of Dunnellon has 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 Council of the City of Dunnellon has amended the Comprehensive Plan from time to time; and

WHEREAS, the City Council of the City of Dunnellon desires to amend a portion of the Comprehensive Plan.

**NOW THEREFORE, BE IT ORDAINED BY THE** City Council of the City of Dunnellon as follows:

**Section 1.** The Recreation and Open Space Element of the Comprehensive Plan is amended to add the following new objective:

Objective 5: The City adopts the Recreational Trail Plan to identify trails as part of a system of recreational trails throughout the City. The trails are intended to link to trails as part of the Cross Florida Greenway and are further intended to provide linkages for recreation purposes, open space, and wildlife corridors. Upon acquisition of land for a trail or to support the trail system, the City will amend the Future Land Use Map to assign an appropriate land use category based on the nature and intended use of the land for trailheads, interpretive centers, wildlife observation, or habitat.

**Section 2.** The Recreation and Open Space Element of the Comprehensive Plan is amended to adopt a Recreational Trail Plan, attached as Exhibit A.

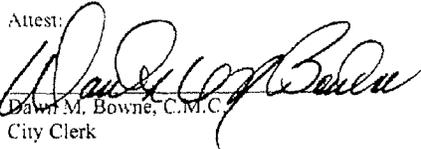
**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

**Section 4.** The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), 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 non-compliance is issued by the Administration Commission, 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, Division of Resource and Planning Management, Plan Processing Team.

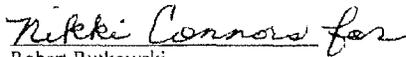
**UPON MOTION DULY MADE AND CARRIED**, the foregoing ordinance was approved upon the first reading on the 29th day of May, 2007.

**UPON MOTION DULY MADE AND CARRIED**, the foregoing ordinance was approved upon the second and final reading on the 13th day of August, 2007.

Attest:

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

CITY OF DUNNELLON

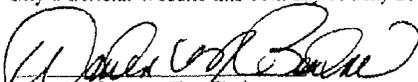
  
Nikki Connors for  
Robert Rutkowski,  
Mayor

Approved as to Form and Correctness:

  
J. Theodore Schatt, City Attorney  
Mateer Harbert Law Firm  
7 E. Silver Springs Blvd., Suite 500  
Ocala, FL 34470

**CERTIFICATE OF POSTING**

**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 16th day of May 2007 and on July 27, 2007.

  
Dawn M. Bowne, City Clerk

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND THE  
CITY OF DUNNELLON  
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE  
DOCKET NO. 07-1-NOI-4203-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for City of Dunnellon adopted by Ordinance No. 2007-09 on August 13, 2007, **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 Clerks Office, 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 32399-3060. 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.

  
Mike McDaniel, Chief  
Office of Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100