

MASTER

ORDINANCE 2009-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO ADOPT THE CAPITAL IMPROVEMENTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon 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 the Comprehensive Plan to adopt a Capital Improvement Element.

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

Section 1. The Capital Improvement Element is hereby adopted as a component of the Dunnellon Comprehensive Plan as set forth in Exhibit "A".

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 Any Ordinance in conflict with this Ordinance is hereby repealed.

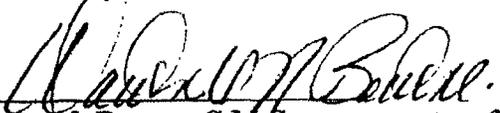
Section 4. Effective Date. The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), *Florida Statutes*, whichever occurs earlier. 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 12th day of January, 2009.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading on the 26th day of January, 2009.

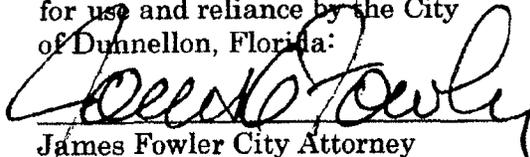
Attested by:


Dawn M. Bowne, C.M.C. 1-26-09
City Clerk

CITY OF DUNNELLON

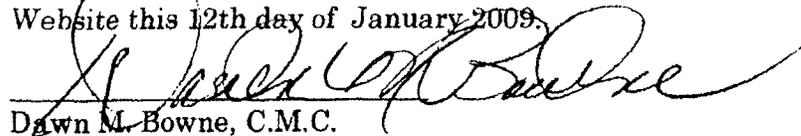

Fred R. Ward, Mayor 1-26-09

Approved as to Form and Legality
for use and reliance by the City
of Dunnellon, Florida:


James Fowler City Attorney
Fowler & O'Quinn, P.A.
Empire Building
28 W. Central Blvd. 4th Floor
Orlando, Florida 32801
(407) 425-2684

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 13th day of January 2009 and on the City's Official Website this 12th day of January 2009.


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

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND
CITY OF DUNNELLON
COMPREHENSIVE PLAN AMENDMENT
IN COMPLIANCE
DOCKET NO. 09-CIE1-NOI-4203-(A)-(I)

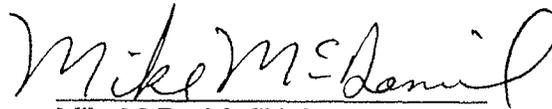
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for City of Dunnellon, adopted by Ordinance No. 2009-02 on January 26, 2009 IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted City of Dunnellon Comprehensive Plan Amendment 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, 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 Amendment to the City of Dunnellon Comprehensive Plan is 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