

MASTER

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED THAT:

SECTION 1. Legislative Findings.

A. The City of Dunnellon is committed to a policy of managed growth which recognizes the rights of residential and commercial property owners while promoting the preservation of natural and environmental resources.

B. In 2014, the City Council directed the Planning Commission, the City's local planning agency, with reviewing the Comprehensive Plan to consider whether the Comprehensive Plan provisions requiring a 150-foot waterfront setback along the rivers and navigable coves, adopted in 2008, should be changed to reduce the setback.

C. In 2008, the City re-designated certain vacant upland lots within the Nine Island Cove Subdivision from Medium Density Residential to Conservation, resulting in the inability of the property owner to build residences on the parcels. The City Council desires to adopt a site-specific policy within the Future Land Use Element which allows such parcels to be developed consistent with Medium Density Residential. The City Council finds that such a policy is in the best interests of the property owner and citizens of the City.

D. During the process of reviewing the goals, objectives, and policies ("GOP's") of the Comprehensive Plan to determine what provisions would require amending to avoid inconsistent terms if the waterfront setback was changed, certain GOP's were found to be obsolete, inconsistent with State law, or were more suitable, due to their regulatory detail, for placement in the land development regulations.

E. The City Council finds it to be in the best interests of the citizens and property owners to address: structures which are made nonconforming by the 150-foot waterfront setback established in the Conservation Element; structures devoted to nonconforming uses which must come into conformity with the land development regulations in the event of natural disasters; and substandard sized lots in older subdivisions.

F. The Planning Commission held four public hearings on the proposed Comprehensive Plan amendments incorporated herein, which hearings were advertised in accordance with State law. On August 18, 2015, the Planning Commission recommended amendments to the Future Land Use, Conservation, Public Facilities, and Aquifer Protection Elements.

G. The public hearings for this Ordinance and Comprehensive Plan amendments have been advertised as required by State law.

H. The City Council of the City of Dunnellon hereby finds and determines that the Comprehensive Plan amendments are internally consistent and consistent with the City's Comprehensive Plan.

SECTION 2. Comprehensive Plan Amendments.

A. Attached hereto and incorporated herein by reference as Exhibit "A" are proposed Comprehensive Plan amendments to the Future Land Use Element, Conservation Element, Public Facilities Element, and Aquifer Protection Element. In the Elements, words ~~stricken~~ are deletions and words underlined are additions.

SECTION 3. Data and Analysis. The supporting data and analysis (Support Documents) shall be transmitted by the City to the Department of Economic Opportunity and the reviewing agencies together with the Comprehensive Plan amendments and this Ordinance, but the data and analysis is not adopted by this Ordinance.

SECTION 4. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Directions to City Clerk or designee. Within ten (10) days after the first public hearing, the City Clerk or designee shall transmit a paper copy of this Ordinance, the Comprehensive Plan amendments and supporting data and analysis (Support Documents) and two electronic copies thereof on a CD ROM in PDF format to the Department of Economic Opportunity; and one paper copy shall be transmitted to and the North Central Florida Regional Planning Council, the Southwest Florida Water Management District, the St. John's River Water Management District, the Department of Environmental Protection, the Department of State, the Department of Transportation, Marion County, and any other unit of local government or First Draft to Council at 09/09/2015 Workshop

governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon, Florida.

SECTION 6. Effective Date. This Ordinance shall become effective pursuant to the Department of Economic Opportunity's Notice of Intent if in compliance and if no challenge is filed by an affected party when the Notice of Intent is posted on the Department's website.

Ordinance posted on the City's website on September 4, 2015. Public hearing advertised on September 7, 2015 on the City's Website and in the Ocala Star Banner.

PUBLIC HEARING AND FIRST READING on the 14th day of September, 2015.

ADOPTED AND ENACTED on second reading: the 9th day of November 2015.

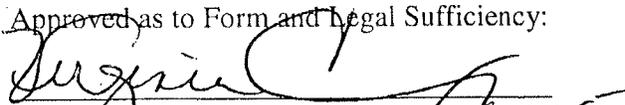
CITY OF DUNNELLON


Nathan Whitt, Mayor 11-9-2015

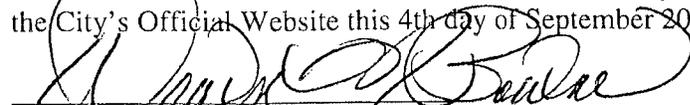
ATTEST:


Dawn M. Bowne, M.M.C. 11-9-2015
City Clerk

Approved as to Form and Legal Sufficiency:


Virginia Cassady, City Attorney 11-9-2015

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 4th day of September 2015.


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