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MACTED

ORDINANCE NO. 99-4

AN ORDINANCE AMENDING THE CITY OF DUNNELLON COMPREHENSIVE PLAN, PURSUANT TO SECTION 163.3184(16), FLORIDA STATUTES, IMPLEMENTING THAT CERTAIN COMPLIANCE AGREEMENT AMENDING POLICY 2.1 BY ADDING POLICY 2.1.10 OF THE CONSERVATION ELEMENT; AMENDING POLICY 6.8 BY PROVIDING POLICIES FOR: A. WETLAND AREAS, B. NON-JURISDICTIONAL UPLAND AREAS AND ADDING C. ENVIRONMENTAL ASSESSMENTS OF THE CONSERVATION ELEMENT; BY AMENDING POLICY 1.5 AND 1.6 OF THE TRAFFIC CIRCULATION ELEMENT; BY AMENDING POLICY 2.8 OF THE FUTURE LAND USE ELEMENT; BY AMENDING POLICY 6.1 OF THE CAPITAL IMPROVEMENT ELEMENT BY AMENDING SHEET 10 OF THE FUTURE LAND USE MAP AUTHORIZING A CHANGE OF 1.0 ACRE FROM RECREATION TO COMMERCIAL, 5.12 ACRES AS CONSERVATION AND MEDIUM DENSITY RESIDENTIAL REFLECTING A MAXIMUM OF 98 RESIDENTIAL UNITS; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCE; 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 1995, as contained in Chapter 153, Part II, Laws of Florida; 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 1995; and

WHEREAS, the City of Dunnellon, pursuant to 163.3184, Florida Statutes, adopted an amendment to the Comprehensive Plan in Ordinance No. 96-15 (Item 94-1A, D.C.A. No. 96-1), which said amendment was found to not be in compliance by the State of Florida, Department of Community Affairs, in its Statement of Intent to change the Comprehensive Plan Amendments not in compliance dated February 19, 1996; and

WHEREAS, the City of Dunnellon and the Department of Community Affairs have entered into a Stipulated Compliance Agreement pursuant to 163.3184(16), Florida Statutes; and

WHEREAS, the amendments herein are being adopted consistent with and pursuant to said Stipulated Compliance Agreement that is attached hereto as Exhibit "A"; and

WHEREAS, said Stipulated Compliance Agreement provided for remedial

amendments which are set forth in Exhibit "B".

NOW, THEREFORE, be it ordained by the City Council of the City of **Dunnellon, Florida, that:**

Section 1: That the City of Dunnellon, pursuant to the Stipulated Compliance Agreement entered into by and between the City and the Department of Community Affairs proposes to amend the City of Dunnellon Comprehensive Plan consistent therewith.

Section 2: That the City of Dunnellon herein amends its Comprehensive Plan, Goals, Objectives and Policies and the future land use map, Sheet 10, to reflect the exact language as is set forth in the attached Exhibit "B" that is incorporated herein by reference in its entirety.

Section 3: 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 4: Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

Section 5: Effective Date. The effective date of the amendment shall be the date that a Final Order is issued by the Department of Community Affairs, or the Administrative Commission finding the amendment to be in compliance and in accordance with Section 163.3184, Florida Statutes, and the Stipulated Compliance Agreement executed by the City, whichever occurs earlier, any developmental orders, developmental permits, or land uses dependent on this amendment may be issued or commenced before it has become effective. If a Final Order of Non-Compliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption by a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2740 Centerview Drive, Tallahassee, Florida 32399-2100. This Ordinance shall take effect on one reading at a single adoption hearing pursuant to Section 163.3184(15)(d), Florida

Ordinance.

Section 4: Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

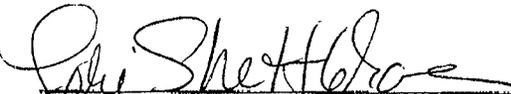
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Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 26th day of April, 1999.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the second and final reading on the 10th day of May, 1999.

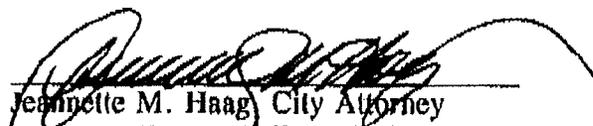
CITY OF DUNNELLON, FLORIDA

ATTEST:


Lori Shettleroe, Assistant City Clerk


Larry Winkler, Mayor

**Approved as to Form and
Correctness:**


Jeannette M. Haag, City Attorney
Haag, Gaffney & Wilcox, P.A.
452 Pleasant Grove Road
Inverness, Florida 34452
(352) 726-0901

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS CUMULATIVE NOTICE OF INTENT
TO FIND THE CITY OF DUNNELLON COMPREHENSIVE PLAN
AMENDMENTS AND THE REMEDIAL COMPREHENSIVE PLAN AMENDMENTS
IN COMPLIANCE
DOCKET NO. 99RI-NOI-4203-(A)-(I)

The Department issues this cumulative notice of intent to find the City of Dunnellon Comprehensive Plan Amendment (Amendment 94-1A) adopted by Ordinance No. 96-15 on December 16, 1996 and the remedial amendments adopted by Ordinance No. 99-4 on May 10, 1999 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, 11924 Bostick Street, Dunnellon, Florida 34432.

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 original City of Dunnellon Comprehensive Plan Amendments 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 Administration, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. 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.

-s-Charles Gauthier, AICP
Chief, Bureau of Local Planning
Department of Community Affairs
Division of Community Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100