

99-9
ORDINANCE NO. 9

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; AMENDING THE CITY OF DUNNELLON COMPREHENSIVE PLAN, BY ADOPTING POLICIES RELATING TO PUBLIC SCHOOL SITING IN THE FUTURE LAND USE ELEMENT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Dunnellon, Florida, hereinafter referred to as the City Council, to prepare, adopt, implement and amend a Comprehensive Plan;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt, implement and amend a Comprehensive Plan;

WHEREAS, an application, CPA 99-L1, for an amendment, as described below, to the Future Land Use Element of the City of Dunnellon Comprehensive Plan, hereinafter referred to as the City's Comprehensive Plan has been filed with the City;

WHEREAS, the Planning and Zoning Commission of the City of Dunnellon has been designated as the Local Planning Agency;

WHEREAS, the Planning and Zoning Commission of the City of Dunnellon did on July 22, 1999, hold the required public hearing, with public notice having been provided, on said application for amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan and 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 concerning said application for amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan and recommended to the City Council approval of said application for amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan;

WHEREAS, the City Council held two public hearings, with public notices having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for an amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan and at said public hearing, the City Council reviewed and considered all comments received during the public hearing, 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 for amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan;

WHEREAS, the City Council has determined and found said application for amendment, as described below, to the Future Land Use Element of the City's Comprehensive Plan to be consistent with the Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for amendment, as described below, to the Future Land Use Element 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 DUNNELLO, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 99-L1, by the City of Dunnellon, to amend to Future Land Use Element of the Comprehensive Plan by adopting the following policies:

Policy 1.4.a

Public schools shall be an allowable use in all residential land use categories.

Policy 2.13

The City of Dunnellon shall encourage to the extent possible the location of schools based on the following criteria:

- a. Proximity to residential areas, particularly for elementary schools.
- b. Proximity to existing or planned public facilities, such as parks, libraries and community centers.
- c. Location of elementary schools along local or collector streets.
- d. Location of middle and senior high schools near arterial streets.
- e. Location on lands contiguous to existing school sites.
- f. Avoidance of school siting in environmentally sensitive areas.
- g. Avoidance of school siting in any area where the nature of existing or proposed adjacent land uses would endanger the safety of students or decrease the effective provision of education.
- h. Avoidance of school siting in any area where the proposed school facility would be incompatible with surrounding land uses.

Section 2. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

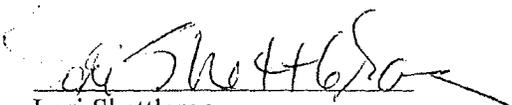
Section 3. Effective Date. This Ordinance shall become effective immediately upon adoption.

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 request 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.

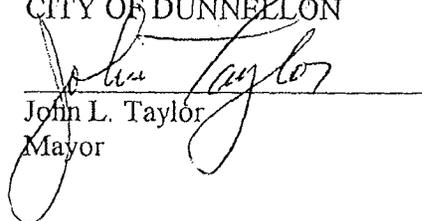
PASSED ON FIRST READING, THIS 9th Day of August 1999.

PASSED AND DULLY ADOPTED, with a quorum present and voting by the City Council of the City of Dunnellon, Florida, after properly dispensing with the second reading, on final reading this 25th Day of October 1999.

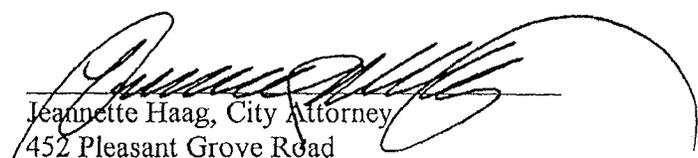
ATTEST:


Lori Shettleroe
Assistant City Clerk

CITY COUNCIL OF THE
CITY OF DUNNELON


John L. Taylor
Mayor

Approved as to Form and Correctness


Jeannette Haag, City Attorney
452 Pleasant Grove Road
Inverness, FL 34452
(352) 726-0901

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
NOTICE OF INTENT TO FIND THE
CITY OF DUNNELLON
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE
DOCKET NO. 99PS1-NOI-4203-(A)-(I)

The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Dunnellon adopted by Ordinance No. 99-9 on October 25, 1999, 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 Hall, 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 Amendments to the City of Dunnellon's 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 32399-1550. 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