

ORDINANCE NO. 00-5

AN ORDINANCE OF THE CITY OF DUNNELTON, FLORIDA; RELATING TO AN AMENDMENT OF MORE THAN TEN ACRES OF LAND TO THE FUTURE LAND USE MAP OF THE CITY OF DUNNELTON COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY TOM SANDY, AGENT FOR MANKO COMPANY, INC., UNDER THE REGULAR AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION FROM URBAN RESERVE (COUNTY DESIGNATION) TO COMMERCIAL (CITY DESIGNATION) ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF DUNNELTON, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; 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 and implement 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 and implement a Comprehensive Plan;

WHEREAS, an application, CPA 99-L3, for an amendment, as described below, to the Future Land Use Map 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 Commission of the City of Dunnellon has been designated as the Local Planning Agency;

WHEREAS, the Planning Commission of the City of Dunnellon did on November 9, 1999, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, to the Future Land Use Plan of the City's Comprehensive Plan and at said public hearing, the Planning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Amendment Report concerning said application for an amendment, as described below, to the Future Land Use Map 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 Map 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 Map of the City's Comprehensive Plan and at said public hearings, the City Council reviewed and considered all comments received during the public hearings, including the recommendation of the Planning Commission, serving also as the Local Planning Agency, and the Amendment Report concerning said application for amendment, as described below, of the Future Land Use Map of the City's Comprehensive Plan;

WHEREAS, the City Council has determined and found said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan to be compatible with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan; and

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

Section 1. Pursuant to an application, CPA 99-L3, by Tom Sandy, agent for Manko Company, Inc., to amend the Future Land Use Map of the City's Comprehensive Plan, by changing the future land use classification from URBAN RESERVE (County Designation) to COMMERCIAL (City Designation), on the property described as follows:

A parcel of land lying in Section 26, Township 16 South, Range 18 East, Marion County, Florida. Being more particularly described as follows: Commence at the Southeast corner of the North 1/2 of said Section 26; thence South 89°53'07" West, along the South boundary of said North 1/2, 785.58 feet to the Westerly maintained right of way line of U.S. highway 41 (State Road number 45); thence North 19°58'45" East, along said right of way line, 126.44 feet to the Northeast corner of that property described in official record book 1670, page 843, public records of Marion County, Florida and the Point of Beginning; thence North 83°34'27" West, along the North boundary of said property and extension thereof, 591.48 feet to the Northwest corner of that property described in official record book 1325, page 215, public records of Marion County, Florida; thence North 00°33'03" East 95.78 feet to the beginning of a curve concave Southerly, having a radius of 400.00 feet, a delta of 06°01'05", a chord of South 84°43'38" West 41.99 feet; thence, along the ARC of said curve, 42.01 feet to the point of tangency; thence South 81°43'05" West 93.96 feet to the point of curvature of a curve concave Northerly, having a radius of 400.00 feet, a delta of 14°41'30" and a chord of South 89°03'55" West 102.30 feet; thence, along the ARC of said curve,

102.58 feet to the point of tangency; thence North 83°35'16" West 207.92 feet; thence North 06°24'44" East 231.78 feet to the beginning of a curve concave Northwesterly, having a radius of 260.00 feet, a delta of 51°14'58" and a chord of North 62°26'50" East 224.89 feet; thence, along the ARC of said curve, 232.56 feet to the point of tangency; thence North 36°49'21" East 171.48 feet to the point of curvature of a curve concave westerly having a radius of 260.00 feet, a delta of 50°28'45" and a chord of North 11°34'59" East 221.73 feet; thence, along the ARC of said curve, 229.07 feet to the point of tangency; thence North 13°39'24" West 22.33 feet; thence North 06°24'44" East 344.66 feet; thence North 42°36'11" East 51.32 feet; thence South 83°35'16" East 714.40 feet to said maintained right of way line; thence South 04°17'09" West, along said right of way line, 869.31 feet; thence South 10°02'18" West, along said right of way line, 315.10 feet to the Point of Beginning, being subject to easements and rights of way of record. Containing 22.5 acres, more or less.

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. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

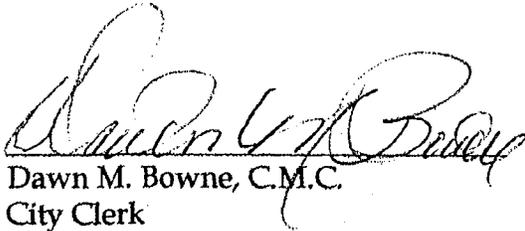
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, 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, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

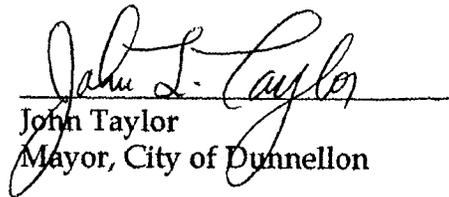
PASSED ON FIRST READING, THIS 22nd DAY OF November 1999.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Dunnellon, Florida, on final reading this 13th day of March 2000.

ATTEST:

CITY COUNCIL OF THE  
CITY OF DUNNELON, FLORIDA

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

  
John Taylor  
Mayor, City of Dunnellon

Approved as to Form and Correctness:

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

ORDINANCE NO. 00-7

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; AMENDING THE CITY OF DUNNELLON COMPREHENSIVE PLAN, BY AMENDING AND ADOPTING POLICIES RELATING TO COMPREHENSIVE PLANNING COORDINATION, DISPUTE RESOLUTION, SCHOOL BOARD COORDINATION AND JOINT PLANNING PROCESSES WITHIN THE INTERGOVERNMENTAL COORDINATION 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 and implement 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 and implement a Comprehensive Plan;

WHEREAS, an application, CPA 99-L2, for an amendment, as described below, to the Intergovernmental Coordination 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 Commission of the City of Dunnellon has been designated as the Local Planning Agency;

WHEREAS, the Planning Commission of the City of Dunnellon did on November 9, 1999, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, to the Intergovernmental Coordination Element of the City's Comprehensive Plan and at said public hearing, the Planning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Amendment Report concerning said application for an amendment, as described below, to the Intergovernmental Coordination Element of the City's Comprehensive Plan and recommended to the City Council approval of said application for amendment, as described below, to the Intergovernmental Coordination 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 Intergovernmental Coordination Element of the City's Comprehensive Plan and at said public hearings, the City Council reviewed and considered all comments received during the public hearings, including the recommendation of the Planning Commission, serving also as the Local Planning Agency, and the Amendment Report concerning said application for amendment, as described below, of the Intergovernmental Coordination Element of the City's Comprehensive Plan;

WHEREAS, the City Council has determined and found said application for an amendment, as described below, to the Intergovernmental Coordination Element of the

City's Comprehensive Plan to be compatible with the objectives and policies of other affected elements of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, to the Intergovernmental Coordination 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 DUNNELLON, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 99-L2, by the City of Dunnellon, the objectives and policies listed below, from the Intergovernmental Coordination Element of the Comprehensive Plan are amended to read as follows:

- Policy 2-2:** The City shall continue coordination with the U.S. Department of Housing and Urban Development, Department of Community Affairs, Florida Department of Children and Family Services, Marion County and the private sector for assistance in applying and implementing housing development and rehabilitation programs, such as the CDBG program.
- Policy 4-9:** The City shall continue the existing interlocal agreements with the Office of Greenways and Trails for the use of lands for recreation and wastewater disposal.
- Policy 7-3:** The City shall communicate with the Department of Environmental Protection if technical assistance is needed in the development of methods for erosion control.
- Policy 7-4:** Dunnellon shall establish communications with the Department Environmental Protection (DEP), Bureau of Air Quality Management, if air quality problems are encountered within the City.
- Policy 7-7:** The City shall establish communication with the Department of Environmental Protection for assistance in the management of the Rainbow Springs Aquatic Preserve through the Rainbow River Advisory Committee.
- Policy 7-9:** The City will designate a person from the planning commission, City Council or Rainbow River Advisory Committee to coordinate implementation of the Rainbow River Management Plan with Marion County, including coordination with the Department of Environmental Protection CARL program.
- Policy 8-2:** The City shall develop a checklist as part of the site plan review process which addresses the need for permits of the various agencies related to wetlands and lakes. The U.S. Army Corps of Engineers, Southwest

Florida Water Management District and Department of Environmental Protection may be contacted to provide assistance to the City in regards to their permitting requirements.

**OBJECTIVE 9:** The City shall coordinate annexation issues, future land uses, school expansion, preventing urban sprawl outside City boundaries and potential conflict between local governments on issues regarding the future use of land.

**Policy 9-2:** The City and Marion County shall meet in order to identify joint planning areas and to discuss issues such as annexation, preventing urban sprawl, comprehensive plan coordination, joint infrastructure service areas and compatibility of land uses at the city-county border. Prevention of urban sprawl shall be coordinated with the County through implementation of policies in the Infrastructure Element, which require central sewer and water for all new development, except agricultural use.

**Policy 9-4:** The City shall, as part of the Comprehensive Plan Review and Amendment Process, coordinate proposed comprehensive plan amendments with adjacent local governments, Marion County School Board, Southwest Florida Water Management District and other local governments not having regulatory authority over the use of land.

**Policy 9-5:** When conflict between the City and adjacent jurisdictions cannot be resolved through normal negotiations, the City will employ the assistance of the Withlacoochee Regional Planning Council dispute resolution procedures.

**Policy 9-7:** The City shall establish procedures to ensure intergovernmental coordination with the Marion County School Board for the location of educational facilities within the City limits, including:

(a) Upon written notice from the Marion County School Board informing the City of the acquisition or leasing of property to be used for new public education facilities, the City shall notify the School Board within 45 days as to the consistency with the Dunnellon Comprehensive Plan.

(b) The City shall determine the consistency of any educational capital improvement within the City with the Dunnellon Comprehensive Plan.

**Policy 9-8:** The City shall identify and participate in joint processes for collaborative planning on population projections, school siting, facilities subject to concurrency, facilities with citywide significance and problematic land uses.

**Policy 9-9** The City shall establish policies to address a joint process with the Marion County School Board for collaborative planning and decision making concerning population projections and public school siting.

**OBJECTIVE 10:** The City shall ensure that the plans of Dunnellon remain consistent with the resource management plans of the Southwest Florida Water Management District (SWFWMD), Florida Game and Freshwater Fish Commission, regional planning councils and the Department of Environmental Protection (DEP) through coordination procedures implemented by 1992.

**Policy 10-1:** The City will maintain informal communication with Department of Environmental Protection, Florida Game and Freshwater Fish Commission, regional planning councils and Southwest Florida Water Management District in order to remain informed of any resource management plans which may be initiated by those agencies.

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. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

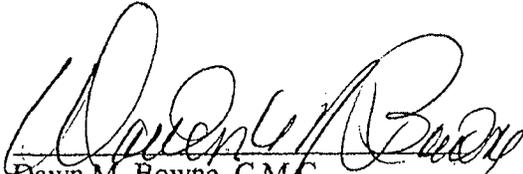
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Council finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued, 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, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

PASSED ON FIRST READING, THIS 22nd DAY OF November 1999.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Dunnellon, Florida, on final reading this 13th day of March 2000.

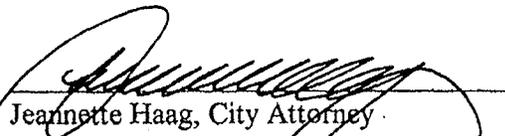
ATTEST:

CITY COUNCIL OF THE  
CITY OF DUNNELLON, FLORIDA

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

  
John Taylor  
Mayor, City of Dunnellon

Approved as to Form and Correctness:

  
Jeannette 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  
NOTICE OF INTENT TO FIND THE  
CITY OF DUNNELLON  
COMPREHENSIVE PLAN AMENDMENTS IN COMPLIANCE  
DOCKET NO. 00-1-NOI-4203-(A)-(I)

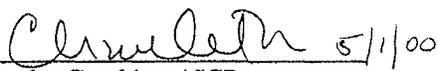
The Department gives notice of its intent to find the Amendments to the Comprehensive Plan for the City of Dunnellon adopted by Ordinance Nos. 00-5 and 00-7 on March 13, 2000, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

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, 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'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.

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