

ORDINANCE #ORD2020-01

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN BY AMENDING POLICIES 3.1 AND 3.3 AND ADDING A NEW POLICY 3.4 OF THE TRANSPORTATION ELEMENT REGARDING NEW LIMITED ACCESS FACILITIES, TOLL ROADS TURNPIKES, AND ASSOCIATED IMPROVEMENTS; RENUMBERING SUBSEQUENT POLICIES; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; 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 of Dunnellon is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Transportation Element of the Comprehensive Plan provides for the safe, convenient and efficient multimodal transportation system within the City; and

WHEREAS, the Local Planning Agency held a public hearing on December 17, 2019, to consider the consistency of any limited access facility, toll road, and/or turnpike project located within the City of Dunnellon with the Comprehensive Plan; and

WHEREAS, the Local Planning Agency, reviewed the proposed amendments and provided recommendations to the City Council by resolution after a duly noticed public hearing; and

WHEREAS, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, Section 338.223(1)(a), Florida Statutes, provides that proposed limited access, toll road and/or turnpike facilities should be consistent, "to the maximum extent feasible," with the comprehensive plans of the local governments where such projects will be located;

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that location of such facilities within the City of Dunnellon shall be implemented so as to minimize and mitigate negative impacts to the City, its residents, and its environment; and

WHEREAS, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety and welfare of the citizens of Dunnellon, Florida.

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

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

Section 2. COMPREHENSIVE PLAN AMENDMENT TEXT. The proposed amendments to the Transportation Element of the City of Dunnellon’s Comprehensive Plan are attached to this Ordinance as Exhibit “A,” and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein.

Section 3. DIRECTIONS TO THE CLERK. Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

Section 4. CONFLICTS. After the effective date of this Ordinance and Exhibit “A”, in any case where all or any part of this Ordinance or Exhibit “A” is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

Section 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance or Exhibit “A” is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance or Exhibit “A”.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective 31 days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See Fla. Stat. 163.3184(3)(c)4 (2019).*

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first reading and public hearing on the 13th day of January, 2020.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading public hearing on the day of , 2020.

First public hearing advertised on the City’s website on December 30, 2019 and advertised in the Riverland News on Thursday, January 2, 2020.

Attest:

CITY OF DUNNELLON

Amanda L. Roberts, CMC
City Clerk

C. Dale Burns, Jr., Mayor

Approved as to Form:

Andrew Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, this 9th day of January 2020 and on the City's Official Website on the 30th day of December 2019.

Amanda L. Roberts, CMC
City Clerk