

ORDINANCE #ORD2021-04

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, ORD2021-04, AMENDING THE TEXT OF THE CITY'S COMPREHENSIVE PLAN TO INCLUDE A PRIVATE PROPERTY RIGHTS ELEMENT AS REQUIRED BY GENERAL LAW; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR 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, during the 2021 Legislative Session, the Florida Legislature amended Chapter 163, Florida Statutes, in Chapter 2021-195, Laws of Florida, requiring local governments to adopt and include a private property rights element within their respective comprehensive plans; and

WHEREAS, the Local Planning Agency held a public hearing on November 16, 2021, has reviewed and recommended by resolution the adoption of the proposed Comprehensive Plan amendment; 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, 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 PRIVATE PROPERTY RIGHTS ELEMENT AMENDMENT. The proposed amendments to the Comprehensive Plan, adding a Private Property Rights Element 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. TRANSMISSION TO AGENCIES; 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 5. 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 6. 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 7. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (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 upon the first reading and public hearing on the 13th day of December 2021.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 14th day of February 2022.

Ordinance Posted on the City’s website on December 2, 2021.

First public hearing advertised on the City's website on December 2, 2021 and advertised in the Ocala Star Banner on Thursday, December 6, 2021.

Second public hearing advertised on the City's website on February 4 2022 and advertised in the Ocala Star Banner on February 9, 2022.

Attest:

CITY OF DUNNELLON

Amanda L. Odom, CMC
City Clerk

William P. White, 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, and on the City's Official Website this 2nd day of December 2021.

Amanda L. Odom, CMC
City Clerk

Exhibit “A”

The Comprehensive Plan is hereby amended as set forth below with underlined type indicating additions and strikethroughs indicating deletions, while **** indicates movement between sections of the text which shall remain unchanged.

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PRIVATE **PROPERTY RIGHTS** **ELEMENT**



Goals, Objectives and Policies

PRIVATE PROPERTY RIGHTS ELEMENT
GOALS, OBJECTIVES, AND POLICIES

GOAL:

To recognize that the City will respect judicially acknowledged and constitutionally protected private property rights and consider them in local decision-making concerning land use and zoning matters.

Objective 1: The City will consider private property rights, including the applicability of judicially acknowledged and constitutionally protected private property rights when making decisions.

Policy 1:

The following rights shall be considered in decision-making by the city of Dunnellon concerning land use and zoning matters:

- 1) The right of a property owner to physically possess and control their interest in property, including easements, leases, or mineral rights.
- 2) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the uses of any other person, subject to state law and local ordinances.
- 3) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- 4) The right of a property owner to dispose of his or her property through sale or gift.