

ORDINANCE #ORD2012-09

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; AMENDING THE ZONING OF THE DUNNELLON CODE OF ORDINANCES BY SPECIFICALLY AMENDING SECTION 6.3 ENTITLED, "ZONING DISTRICT MAPS", TO REZONE THE PROPERTY LEGALLY DESCRIBED AS SEC 35 TWP 16 RGE 18 PLAT BOOK F PAGE 027 RAINBOW RIVER ACRES BLK G LOTS 4.5.6, DUNNELLON, FLORIDA, FROM R3A, RESIDENTIAL MEDIUM DENSITY TO NBR NEIGHBORHOOD BUSINESS RESIDENTIAL WITHIN THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon has adopted a Comprehensive Plan which contains a Future Land Use Map and its corresponding Future Land Use Categories; and

WHEREAS, the City Council of the City of Dunnellon has created zoning districts that are compatible with the Future Land Use Map categories; and

WHEREAS, the City of Dunnellon zoning regulations provides for the rezoning of land; and

WHEREAS, the City of Dunnellon zoning regulations provides for the amendment of the official zoning district map; and

WHEREAS, the City of Dunnellon has been petitioned by the owner of the property described herein to rezone said property from R3A to NBR; and

WHEREAS, the Planning Commission for the City of Dunnellon held a public hearing concerning the petition for rezoning on Tuesday, March 27, 2012 adopting Resolution 2012-14 recommending approval, with the following Variances to the City of Dunnellon Code of Ordinances:

- 1) A variance from Section 9.4-2(b), that meets the requirements of Section 94.37(11)(b)(1-6) because special circumstances exist which are peculiar to the land; the special conditions and circumstances do not result from the actions of the applicant; granting the variance does not confer any special privilege that is denied to other lands in the same zoning district; literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the area and would work an unnecessary and undue hardship on the applicant; the variance is the minimum variance that will make possible the reasonable use of the land; and the grant of the variance will be in harmony with the general intent and purpose of the ordinance and will not be injurious to the area or otherwise detrimental to the public welfare to allow the applicant to build a single 9,000 square foot building in lieu of three (3) separate 3,000 square foot buildings.
- 2) A variance from Section 9.4-2(e), that meets the requirements of Section 94.37(11)(b)(1-6) because special circumstances exist which are peculiar to the land; the special

conditions and circumstances do not result from the actions of the applicant; granting the variance does not confer any special privilege that is denied to other lands in the same zoning district; literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the area and would work an unnecessary and undue hardship on the applicant; the variance is the minimum variance that will make possible the reasonable use of the land; and the grant of the variance will be in harmony with the general intent and purpose of the ordinance and will not be injurious to the area or otherwise detrimental to the public welfare to allow the applicant parking within the front yard setback.

- 3) A variance from Section 9.4-2(h), that meets the requirements of Section 94.37(11)(b)(1-6) because special circumstances exist which are peculiar to the land; the special conditions and circumstances do not result from the actions of the applicant; granting the variance does not confer any special privilege that is denied to other lands in the same zoning district; literal interpretation of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the area and would work an unnecessary and undue hardship on the applicant; the variance is the minimum variance that will make possible the reasonable use of the land; and the grant of the variance will be in harmony with the general intent and purpose of the ordinance and will not be injurious to the area or otherwise detrimental to the public welfare to allow the applicant a rear set back of seven (7) feet from the south property line.

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

Section 1: The application to Rezone from R3A to NBR is hereby approved with the three (3) requested Variances as detailed above.

Section 2: The official zoning district map, Exhibit 'A' for the City of Dunnellon is amended to show the property described below as designated NBR Neighborhood Business Residential:

Subject Property is described as follows:

SEC 35 TWP 16 RGE 18
PLAT BOOK F PAGE 027
RAINBOW RIVER ACRES
BLK G LOTS 4.5.6

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. This Ordinance shall become effective immediately upon approval by the City Council.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first and only reading after the public hearing on the 27th day of August, 2012.

Advertised in the Riverland News on August 9th and August 16, 2012.

Fred R. Ward, Mayor

ATTEST:

Approved as to Form and Legal Sufficiency:

Dawn M. Bowne

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

Marsha Segal-George, City Attorney
Fowler & O'Quinn, P.A.
Empire Building
28 W. Central Blvd. 4th Floor
Orlando, Florida 32801
(407) 425-2684

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 19th day of July, 2012.

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

#REZ2012-04 Property:



EXHIBIT "A" ZONING DISTRICT MAP

