Agenda
Planning Commission - Special Meeting
City of Dunnellon
20750 River Drive
February 2, 2016, 5:30 p.m.

PLEASE NOTE: Individuals wishing to address Planning Commission please sign in. A three-minute time limit will be administered. PLEASE TURN CELL PHONES OFF.

Call to Order

Pledge of Allegiance

Roll Call

Proof of Publication (Posted on City's website and City Hall bulletin board on Friday, January 29, 2016)

1. Approval Of Minutes

   Meeting Minutes 12/22/2015, 1/19/2016

   Documents: 20151222 Special Meeting.pdf, 01192016.Pdf

2. Chairman's Report From City Council

3. Quasi-Judicial Public Hearing For Variance 2016-01

   Applicant(s): Robert Jewett aka Anglers Resort
   Address: 12189 S. Williams Street
   Application: PZ1516-024 / VAR2016-01
   Request: Variance to Article V, Section 5.2(1) requiring off-street parking facility on land within 300 feet of the plot.

   - City Attorney to swear in all potential witnesses.

   - Chairman to poll members to disclose *exparte* communication.

   Chairman: "It is ____ p.m. and I close the regular meeting and open the public hearing to discuss the variance for off-street parking."

   REVIEW / DISCUSSION / PUBLIC INPUT

   Chairman: Should the motion above pass, "It is now ____ p.m. and I close the public hearing and open the regular meeting."

   Documents: 2016-01 Jewett Aka Anglers Variance PC PKT 20160202.Pdf

4. Public Hearing To Review Ordinance 2016-01 Chicken Keeping

   To find for Council that the code amendments as set forth in the Ordinance are in substantial compliance with the City's Comprehensive Plan:

Chairman: "It is ____ p.m. and I close the regular meeting and open the public hearing to discuss the revisions for chicken keeping."

REVIEW / DISCUSSION / PUBLIC INPUT

Chairman: Should the motion above pass, "It is now ____ p.m. and I close the public hearing and open the regular meeting."

Documents: 2016-01 Chicken Code PC PKT 20160202.Pdf

5. Public Input

6. Adjournment

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING OR HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST 48 HOURS PRIOR TO THE PROCEEDING. IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THE ABOVE MEETING OR HEARING, HE OR SHE WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT.

Minutes Planning Commission Special Meeting
December 22, 2015, 6:00 p.m.

The Chair called the meeting to order at 6:07 p.m. and led the Pledge of Allegiance

Roll Call

MEMBERS PRESENT: Brenda D'Arville, Tracy Fero, Wilbur Vanwyck, Paul Cowan

MEMBERS ABSENT: Lisa Sheffield, Maryann Hilton

STAFF PRESENT: Eddie Esch, Troy Slattery, Lonnie Smith, City Attorney Cassady

Proof of Publication: The agenda was posted on City's website and City Hall bulletin board on Friday, December 18, 2015.

1. Chairman's Report from City Council: Nothing to report.

2. Approval of Minutes: Meetings August 18, November 17 and December 15, 2015

The minutes of the August 18, November 17, and December 15, 2015 were approved as submitted by unanimous vote, 4-0.

3. Public Hearing

3.i. SPL2015-03 Anglers' Resort Motel Site Plan - Continued

Chairwoman D'Arville gaveled down and stated, "It is now 6:14 p.m. and I close the regular meeting and open the quasi-judicial hearing to discuss the site plan submitted for Anglers' Resort Motel."

All witnesses were sworn in for testimony in this matter by the City Attorney, Virginia Cassady. The Chair called for anyone with ex parte communication. Paul Cowan noted that he visited the site and the visit enhanced his ability to make a decision, and also asked the Chair, by email prior to December 15, if any variance and the Chair replied no. Per Virginia Cassady, these communications should be made part of the record.

REVIEW / INPUT / DISCUSSION

Lonnie Smith provided a recap of the purpose of this hearing. A site plan has been submitted to build a 12-unit motel where the original motel stood. Troy Slattery provided a review of the fire lane safety recommendations made for this project after review of the site plan.

Mr. Cowan noted that much of the items of concern have been addressed, but asks if there's any change to the property, does it have to come into compliance and do we have to issue new variances? Virginia Cassady noted that the non-conforming of the number of parking spaces has been alleviated by the exemption code. Since the hotel

will be rebuilt, does all the site have to be brought up to code? Parking is an ancillary structure. The only non-conformity was the parking which will not change. In addition, the exemption previously mention was adopted when the road was expanded, people's property was taken. Also asked is which comprehensive plan is in effect? The current comprehensive plan applies; the new one does not. Mr. Cowan noted that the measurements he requested of the parking lot were moot based on this conversation. Mr. Esch noted the concerns regarding a spillway and drainage area was exempt per SWFWMD letter included in the packet. A dumpster pad will be added, and Mr. Cowan asked that this be put in the recommendation we put forward to Council.

Mr. Cowan, in looking at the site plans, sees a discrepancy in the sizes of the building from old to new. In the porch measurements in particular. He would like to have that clarified.

Mr. Bill Hulbert noted that the original site plan showing the original motel on it, they took the property appraiser's measurements for the footprint itself. However the internal footages of design may have changed, but the actual square footage remained the same. Mr. Esch noted that the original preliminary plan exceeded the square footage by about 13% and that was rejected.

Brief discussion of SWFWMD's reasoning in not requiring changes to include drainage.

Chairwoman D'Arville reviewed the city attorney's memorandum concerning alternative parking arrangements being included in the plans and in any agreement and be in writing as a permanent record. City Attorney Cassady noted that using a residential property as parking, needs a letter from Citrus County. Makes the property commercial use and may become an issue with Citrus County. Tracy Fero asked about where parking is taking place within the City. Bob Jewett noted that they have a plan for parking in city parking lots with use of the shuttle. For years, motel parking for boats/trailers has been using Bob's personal property.

Mr. Esch said that the agreement should be designated in the plan. Discussion about McDonalds parking agreement being perpetual with the property as an example. Tracy Fero noted that this discussion is lengthy because of the liability to the city. Ms. Fero noted that she does not know of any insurance company that will add the City as an additional insured. City Attorney Cassady discussed various issues concerning City's liability and sovereign immunity. Does the Planning Commission want to recommend shared parking, either public or private businesses? Discussion continued concerning ideas for overflow parking arrangements, guests crossing U.S. 41. Shared parking agreements is the preferred method, rather than subjecting public parking spaces to a specific site plan/business.

Discussion of fire lane requirements, and any change for that would not affect the parking requirements either. Troy Slattery discussed past challenges when responding for an emergency. Concern for patrons exiting in an emergency. Sent a memo to note no changes would be required. Would prefer to create the fire lane along the retaining wall, causing a loss of 3 parking spaces. This would protect lives upon exiting in the event of an emergency. We cannot require this, but we do recommend it.

Tracy Fero motioned to recommend to City Council this be approved with the exceptions that a dumpster pad with retaining wall be added, as well as shared parking agreements with one or more businesses in town to accommodate six (6) parking spaces as well as adding a fire lane along U.S. 41 retaining wall. Wilbur Vanwyck seconded. The motion passed by unanimous vote, 4-0.

Paul Cowan motioned that, as the Local Planning Agency, after further discussion and examination finds the first motion requirements for approval and the site plan is consistent with the Comprehensive Plan. Tracy Fero seconded. The motion was passed by unanimous vote, 4-0.

The Commission requests that the decisions made today be forwarded to Council by resolution as required by City Code. Further requesting that the City Attorney prepare the resolution for the Chair's signature and inclusion in the Council packet.

Chairwoman D'Arville gaveled down and stated, "It is now 7:25 p.m. and I close the public hearing and open the regular meeting."

4. Items for Discussion

4.i. Future Land Use Element Documents: Members are in agreement that this item will be forwarded for review at its January meeting. Requested an update on where Ken Metcalf is on the Comprehensive Plan amendments. At this time the plan is pending city staff comments. Providing no comments by the deadline, 12/23, he will forward on to DEO. There are some formatting changes to be made such as page numbering. Lonnie Smith noted that he has reviewed the math and all of the math is okay. City Attorney reviewed the anticipated schedule leading up to final approval.

Wilbur Vanwyck, following up on the blight conditions coming into the City on the Citrus County side, asked if anyone has made contact with the County? Mr. Esch has reached out to the Public Works Director, but has not heard back. Virginia Cassady reported that Council has appointed Andrew Hand from their firm as the new City Attorney. Mrs. Cassady will second chair when Mr. Hand is not available. General discussion ensued concerning when the City Attorney is required at a Planning Commission meeting, and the City will take the lead in determining when the attorney should attend. Further discussion concerning when Commission reviews site plans, when is McDonald's going to build due to public safety/traffic concerns. Lonnie Smith reported that the building permit is good for six months from date of payment. Must have a completed inspection.

5. Adjournment – The meeting was adjourned at 7:52 p.m.

_____ _____

Brenda D'Arville, Chairwoman Teresa Malmberg, Admin. Coordinator

Minutes
Planning Commission Meeting
January 19, 2016, 5:30 p.m.

Chairwoman D'Arville called the meeting to order at 5:35 p.m. and led the Pledge of Allegiance.

Proof of Publication: The agenda was posted on City's website and City Hall bulletin board on Friday, January 15, 2016.

Roll Call

Members Present: Brenda D'Arville, Lisa Sheffield, Wilbur Vanwyck, Maryann Hilton

Members Absent: Tracy Fero, Paul Cowan

Staff Present: Eddie Esch, Lonnie Smith, Teresa Malmberg, Andrew Hand

1. Approval of Minutes

Motion and approval for minutes of the December 22, 2015, Special Meeting to be postponed until the February meeting or as soon thereafter as can be heard.

2. Election of Chairman and Vice Chairman For 2016

Motion and approval for election to be postponed until the February meeting or as soon thereafter as can be heard.

3. Chair's City Council Report

Chairwoman D'Arville had nothing to report. Eddie Esch reported that the Site Plan for the Anglers Resort motel is pending approval. Council is requiring a parking variance and has deferred the item back to the Planning Commission for review. Mr. Esch requested the Planning Commission meet on February 2, 2016, to make the next Council meeting if Commissioners can agree on the date. Do not want to delay this item more than necessary. Commissioners agreed meet February 2, 2016, at 5:30 p.m.

4. Quasi-Judicial Hearing - Application for Rezone – Myers – RBO to B3

Chairwoman D'Arville gaveled down and stated, "It is 5:44 p.m. and I close the regular meeting and open the public hearing to discuss Application Number REZ1516-02 for rezoning a portion of 20799 Walnut Street from RBO to B3."

City Attorney Andrew Hand performed the swearing in of all potential witnesses in this matter. Chairwoman D'Arville polled Commissioners for any ex parte communication concerning this matter. All members responded they had no ex parte communication.

Lonnie Smith reviewed the staff report and findings of fact in detail. Commissioners, staff and property owner discussed the application, parking, purpose and past use of the building as well as parcel layout, neighbor noticing and all proper documentation submitted.

Chairwoman D'Arville gaveled down and stated, "It is now 6:04 p.m. and I close the public hearing and open the regular meeting."

Wilbur Vanwyck motioned to approve recommendation to Council to approve the rezoning from RBO to B3. Maryann Hilton seconded. The motion passed by unanimous vote, 4-0.

5. Review Draft Chicken-Keeping Ordinance for Consistency with the Comprehensive Plan

Chairwoman D'Arville opened the floor for public comment. Councilman Green summarized the history and background of how this change to the ordinance came about. An interested citizen came forward, and then come to find out other residents are interested in raising chickens as well, no roosters.

Lonnie Smith reviewed the staff report and defined the Commission's responsibility in regard to this ordinance. Commissioner's pointed out several areas needing further review and possible revision. Requested staff make changes and put out for Commissioners to have time to review before the special meeting scheduled for February 2, 2016.

Lisa Sheffield motioned to continue review of draft Ordinance for chicken-keeping for consistency with Comprehensive Plan to the February 2, 2016, special meeting. Wilbur Vanwyck seconded. The motion passed by unanimous vote, 4-0.

6. Public Input – Louise Kenny discussed history of zoning change in Blue Cove from R1 to R1A and noted that there is no R1 zoning left in the City. The R1 zoning is not necessary in the ordinance.

7. Adjournment - The meeting was adjourned at 7:00 p.m.

_____ _____

Brenda D'Arville, Chairwoman Teresa Malmberg, Admin. Coordinator

CITY OF DUNNELLON
STAFF REPORT

APPLICATION INFORMATION

DATE OF HEARING: February 2, 2016

REQUEST FOR APPROVAL OF: Variance from Off-Site Parking distance requirement

PUBLIC HEARING: Quasi-Judicial

PROJECT NAME: Angler's Resort Motel

PROJECT NUMBER: PZ1516-024 / VAR 2016-01

PROJECT REPRESENTATIVE(S):
Applicant: Robert Jewett
Property Owner: Robert Jewett

PROPERTY LOCATION:

Project Address(es):	Parcel ID Number(s):
12189 S. Williams Street Dunnellon, FL 34432	34222-000-00

PARCEL SIZE: .92 Acres

EXISTING FUTURE LAND USE MAP: Commercial

EXISTING ZONING: B-3/B-6

EXISTING USE: Motel

STAFF EVALUATION AND FINDINGS

1. **REQUEST:**

- The Applicant seeks a variance from Article V Section 5.2(1) of the City Code to allow off-street parking on land greater than 300'(ft) from the plot.

2. **REVIEW REQUIREMENTS:**

Variances: In accordance with City Code Chapter 94, Article II, Section 94-37(11) the Planning Commission's powers and duties regarding requests for variances are as follows:

a. The commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. Hardship means an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics. Economic problems may be considered but may not be the sole basis for finding the existence of a hardship.

b. In order to recommend a variance from the terms of the relevant ordinance, the commission must find that:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

2. The special conditions and circumstances do not result from the actions of the applicant.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The applicant must meet all six (6) criteria above in order to be granted the variances sought.

3. BACKGROUND:

The Motel was built in 1957 and operated as a 9 unit motel for many years. The owner recently obtained a demolition permit from the City and did demolish the motel. Because the owner wishes to replace the motel with a structure of the same outer dimensions (footprint) as the existing building, an application for a site plan was submitted to the City. The Planning Commission approved the site plan with conditions on December 22, 2015. The new motel will be redesigned internally to allow for 12 sleeping rooms instead of 9.

The City Council held a public hearing on the site plan on January 11, 2016 and approved the site plan with conditions. To accommodate the existing business parking deficiency as well as the additional 3 spaces required for the new motel, one of the conditions imposed by the City Council was that the owner must seek off-street parking from a local property owner for an additional 26 spaces.

The owner has secured an agreement with a local business proprietor to provide the 26 spaces;[1] however, as shown on the map below, the location of the aforementioned spaces exceeds the distance limit set forth in Article V Section 5.2(1) of the City Code, which reads: "*The off-street parking facilities shall be provided on land within 300 feet of the plot.*"

The owner intends to shuttle the patrons to and from this off-site parking area as has been the practice from other public parking areas to date.

4. COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

Policy 1.4:
*The **Commercial** land use category includes retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the maximum building height is forty (40) feet.*

The subject property is located in the land use designation of Commercial. The Zoning classification is B-3 and is one of the permitted classifications in this land use category. The nature and type of building development is not considered inconsistent with the comp plan.

5. REVIEW OF APPLICATION:

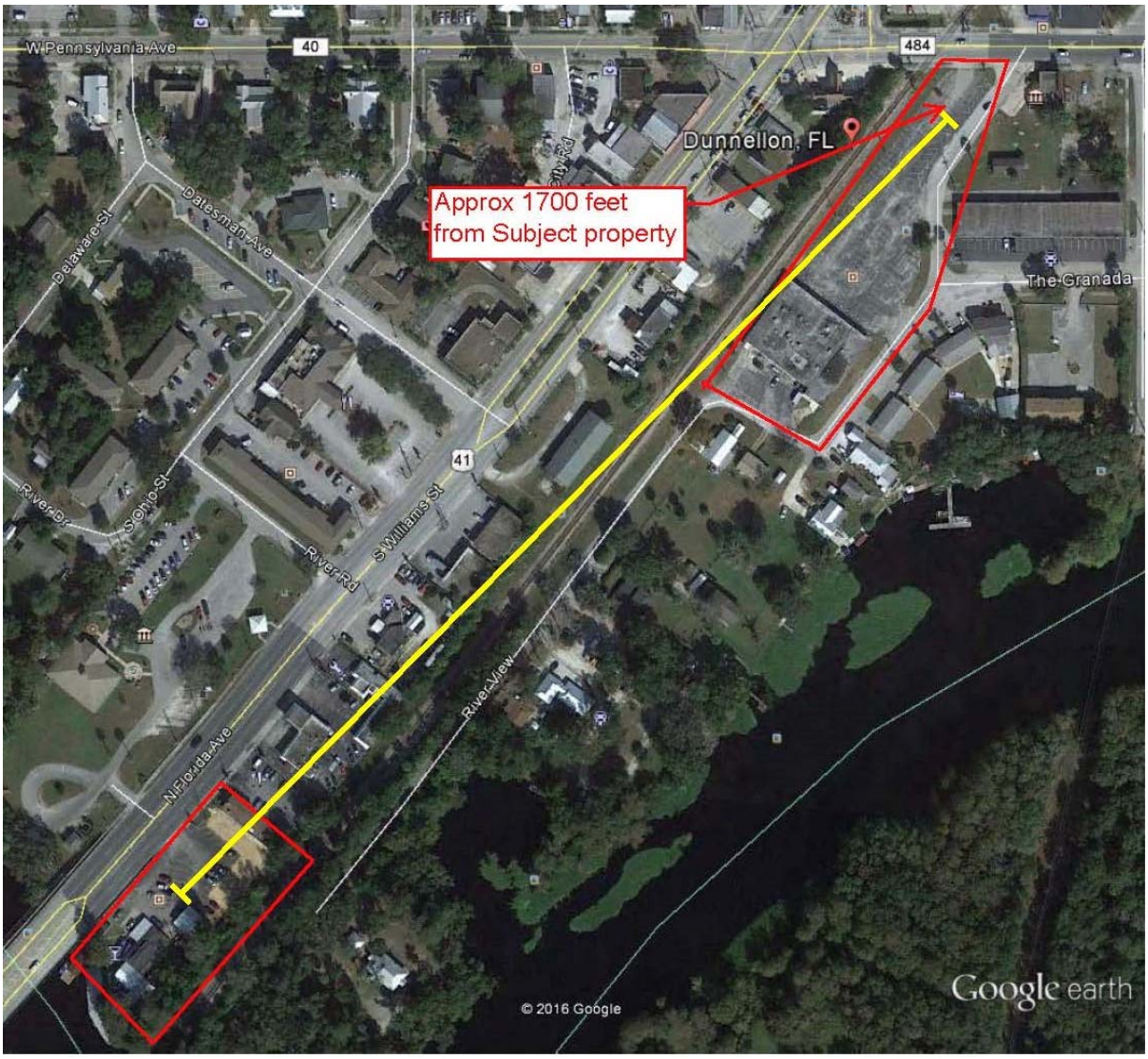
<u>Relevant Sections of the Code</u>

- *Land Development Code, Appendix A, Article V* ***Section 5.2(1)- Location, character and size***
  1) The off-street parking facilities required by this article shall be located on the same plot or parcel of land they are intended to serve, provided, however, when practical difficulties, as determined by the zoning director, prevent the establishment of such facilities on the same plot, ***the off-street parking facilities shall be provided on land within 300 feet of the plot.***

Applicant is seeking an allowance for greater than 300 feet for off-street parking as opposed to the required 300 foot maximum.

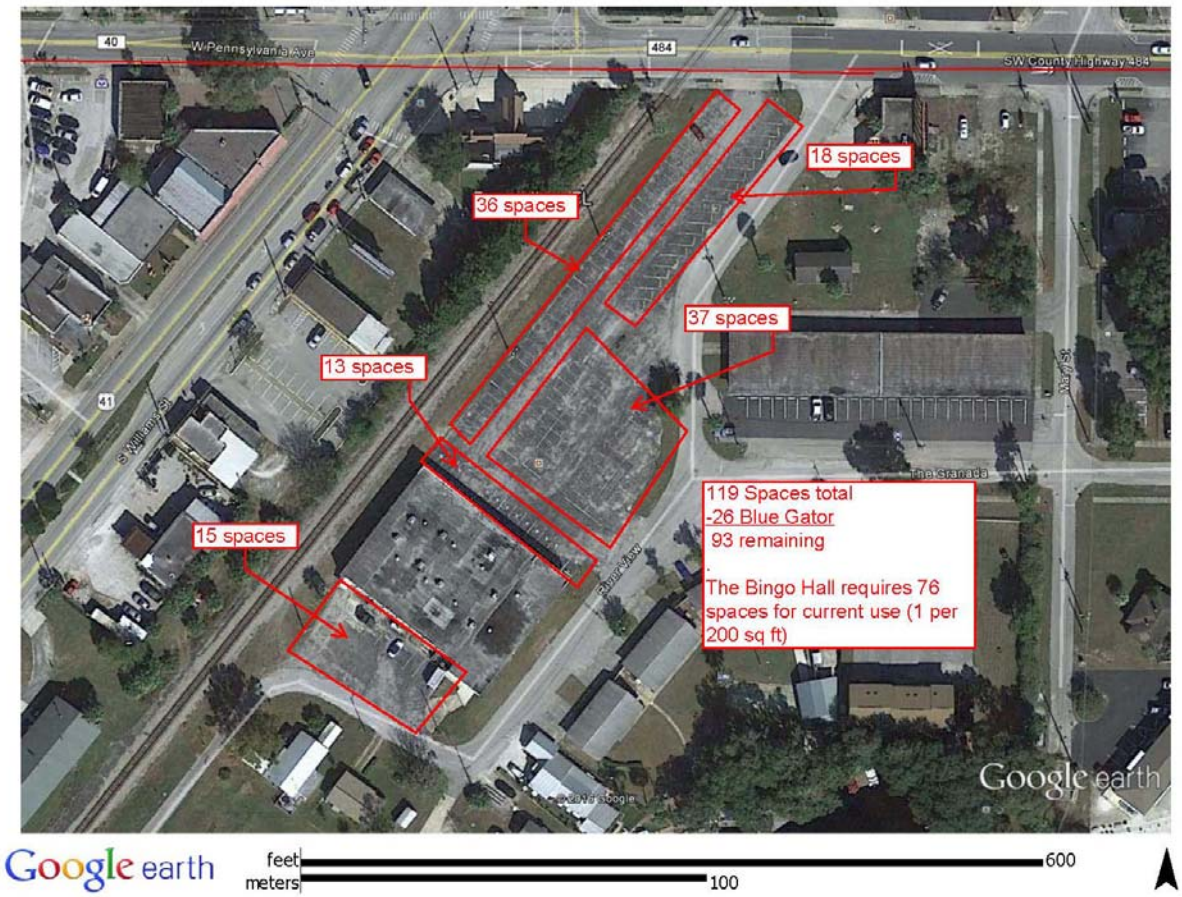
[1] Per the conditions set by City Council, the shared parking agreement must be approved in form and substance by the City Attorney and filed in public records. This has not yet occurred.

Map showing both locations and the approximate distance between the owner's business and the property which will accommodate 26 extra parking spaces:



- ***Section 5.4. - Combined off-street parking.***
  Nothing in this article shall be construed to prevent collective provision for, or joint use of, off-street parking facilities for two or more buildings or uses by two or more owners or operators, ***provided that the total of such parking spaces shall not be less than the sum of the requirements of the several individual uses computed separately in accordance with this article.***

Applicant has contracted with the owner of the local Bingo Hall to provide 26 parking spaces from his surplus.



6. FINDINGS OF FACT

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

Response: There are no available sites within 300 ft of the subject property which can accommodate the owner's 26 deficient off-street parking spaces. Without the variance, the subject property will incur a hardship, and the owner will be unable to continue his businesses on the property.

2. The special conditions and circumstances do not result from the actions of the applicant.

Response: The applicant's actions have not created the lack of suitable parking areas within 300 ft of the plot. The current businesses have previously been approved by the City.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

Response: The applicant will receive no special privileges as a result of granting the requested variance.

4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

Response: The applicant, without this variance, would be severely impacted financially and be unable to rebuild the motel that had existed in that location for over 58 years.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Response: The variance requested is the minimum to allow the reasonable use of this property. There are no qualifying parking areas any closer to the subject property than the one contracted.

6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: The requested variance does not pose any injury to the area as the variance will help alleviate traffic congestion in the existing parking lot. The off-site location currently has excess parking available and therefore will not be negatively impacted by the additional parking activity. A well-established shuttle service will allow effective use of the parking facility and continue to protect the public welfare.

7. STAFF RECOMMENDATION:

Staff recommends the Planning Commission recommend City Council approve the requested variance as presented.

Granting the variance will not be inconsistent with the Comprehensive Plan.

RECEIVED
JAN 13 2016
CITY OF DUNNELLON
COMMUNITY DEVELOPMENT

City of Dunnellon
Planning and Zoning Application

PZ1516-024

Date: 1-13-2016 Application No.: VAR2016-01

Applicant Name: Robert Jewett Phone# 352-586-4657
Address: 12315 N. Osborne Ave. Fax # 1-888-522-6926
Dunnellon, FL 34434 Email Address: jewett5151@att.net

Applicant is: ☒ Owner ☐ Agent ☐ Purchaser ☐ Lessee ☐ Other

Owner(s) Name: Robert Jewett Phone # 352-586-4657
Address: 12315 N. Osborne Ave. Fax # 1-888-522-6926
Dunnellon, FL 34434 Email Address: jewett5151@att.net

Application Type

- ☐ Annexation
- ☐ Lot Line Deviation
- ☐ Site Plan Review
- ☐ Final Plat
- ☐ Road/Easement Vacation
- ☐ Rezoning
- ☐ Variance-Residential
- ☐ Preliminary Plat Review
- ☐ Special Exception Use
- ☐ Concurrency Review
- ☐ Comprehensive Plan Amendment
- ☐ Administrative Appeal
- ☒ Variance-Commercial
- ☐ Construction Plan Review
- ☐ Planned Unit Development
- ☐ Other:

Reason for Request: offsite parking lot variance

Project Title (Site Plans, future/existing subdivisions only):

Property Address: 12189 S. Williams St. Property Size (acres): .92 +/-

Parcel ID Number: 34222-000-00

Existing Use of Property: MOTEL

Existing Zoning: B3 Current/Future Land Use: no change

Current number of structures on the property: 4

Type of structure(s) on property (house, shed, etc.): Restaurant, Retail Sales, Motel, Shed

Proposed Use of Property: no change

Proposed Zoning: no change Proposed Land Use: no change

Please Explain Your Request for the Proposed Zoning and/or Future Land Use: N/A

What utilities currently exist on the site?

☑ Water ☑ Sewer ☐ Well ☐ Septic ☐ None

What utilities are proposed to be used?

☐ Water ☐ Sewer ☐ Well ☐ Septic ☐ None

Have any previous applications been filed within the last year in connection with this property?

☒ Yes ☐ No

If yes, please describe and give Application Numbers: SPL 2015-03

Submittal Requirements: Check Box For Each Item You Are Attaching

All Applications MUST provide the following:

- ☐ **Required advertising to placed in: ☐ Riverland News (default) ☐ Ocala Star Banner (expedited)**
- ☐ Completed Planning & Zoning Application
- ☐ Copy of the Recorded Deed(s) for the property
- ☐ Copy of Property Record Card(s) (Available online at http://www.pa.marion.fl.us)
- ☐ Owner's / Agent's Affidavit (Last page of this Application)

All Applications MUST provide the following upon request by the City:

- ☐ Lot Plan
- ☐ Survey of the Property
- ☐ Diagram

Specific Attachments:

- ☐ Annexation: Complete Electronic Legal Description in MS Word Format
  Annexation Letter (sample attached)
- ☐ Large Scale Comprehensive Plan Amendment (LSCPA): Complete Electronic Legal Description in MS Word Format
- ☐ Variance: Survey of property detailing variance request
- ☐ Special Exception: Survey of property detailing special exception request
- ☐ Site Plan Approval: 7 copies of site plan and 1 electronic copy
- ☐ Preliminary Plat Application: 7 copies of site plan and 1 electronic copy
- ☐ Construction Plan Approval: 3 copies of site plan and 1 electronic copy
- ☐ Final Plat Application: 7 copies of site plan and 1 electronic copy
- ☐ Road / Lot / Parcel / Plat / Easement Vacation: Survey detailing request
- ☐ Planned Unit Development (PUD) Zoning: 7 copies of site plan and 1 electronic copy
- ☐ Other: _____

ONLY CONCURRENT ANNEXATION, REZONING, AND COMPREHENSIVE PLAN AMENDMENTS ARE ALLOWED ON A SINGLE APPLICATION

ADDITIONAL INFORMATION: PLEASE READ

The applicant is requested to be present during the public hearing before the Planning Commission and City Council. Although a city employee may be present, they are there to give advice and answer questions only. If for any reason you cannot attend the scheduled meeting, please contact the Community Development Department at (352) 465-8500. Your application may be tabled until a new public hearing can be scheduled and advertised.

Fee Schedule
Application Fees are required at the time the application is submitted.

	Voluntary Annexation	$500.00
	Re-zoning	$500.00
	Small Scale Comprehensive Plan Amendment ≤ 10 acres	$1,200 .00
	Large Scale Comprehensive Plan Amendment > 10 acres	$2,500 .00
	Variance	$500.00
	Special Exception Use	$750.00
	Vacation of Plat	$750.00
	Abrogation	$750.00
	Concurrency Application	$1,000.00
	Developer's Agreement	$6,000.00
	Amendment to Developer's Agreement	$3,000.00
	Site Plan	
	First 10,000 square feet	$250.00
	Each Additional 10,000 square feet or portion thereof	$150.00 (maximum of $2,500.00
	Minor Site Plan Review (Improvements to existing site)	$500.00
	Subdivisions	
	Pre-Conceptual Plan Fee	$300.00
	Preliminary Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus (per lot or parcel)	$25.00
	Improvement (Construction) Plan Review	$600.00
	Plus (per 100 feet of roadway)	$30.00
	Final Plat	
	First 15 lots	$250.00
	16 lots or more	$500.00
	Plus - per lot or parcel	$25.00
	PUD (Required if Site Plan Approval was not part of the PUD Comp Plan Amendment	$2,500.00
	Admin Appeal to the City Council	$250.00
	D.R.I.	$15,000.00
	Written Zoning Verification	$50.00
	Admin Fee	$50.00

The applicant shall pay all costs of advertising and other fees, including attorney fees in accordance with the City of Dunnellon Code of Ordinances, Chapter 94, Planning, Article II, Planning Commission, Section 94.37 (16).

Prior to Application Hearing before City Council ALL Incurred Fees to date MUST Be Paid to the City Clerk's Office. If you have any questions regarding any outstanding fees, please contact the City Clerk's office at (352) 465-8500.

Fees Are Non-Refundable, Unless The Application Is Withdrawn, In Writing, Within Five (5) Business Days Of Submittal (Not Including City-Observed Holidays), Unless Otherwise Approved By The City Manager Or By Majority Vote Of The City Council.

Applicant _____ Date 1-13-2016

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1516-024**

FLORIDA MUNICIPAL SERVICES

Permit Address: 12189 S. Williams St
Parcel ID: 34222-000-00

Permit Type: Variance

2nd Permit Type: Administrative Fee

Owner: Robert Jewett

Address: 12315 N. Osborne Ave, Dunnellon, FL 34434

Remarks:

Notes:

Permit	Fee	Total	Charge Code
Change of Occupancy			
Fire Inspection			
Area <= 1,000 Sq. Ft.	$65.00		
Area > 1,000 <= 3,000 Sq, Ft.	$85.00		
Area > 3,000 Sq. Ft.	$100.00 plus $0.01 /Sq. Ft. ($0.005 /Sq. Ft. Annual Inspection)		
Backflow Valve Inspection	$30.00		
Grease Trap Inspection	$30.00		
Variance	**$500.00**	**$500.00**	**32202**
Administrative Fee	**$50.00**	**Waived**	**32201**
After the Fact Permit Penalty	Double Permit Fee(s)		
Other:			
Other:			
Other:			
Other:			
Trash Deposit (Refundable)	$300.00		36000

	Bank	Check #	CC Type	Amount
Cash:				
Check:	ST	7135		500.00
Credit:				
Refund:				

TOTAL: **$500.00** **Signed:** [signature] **Date:** 1/14/16

COPY provided to PC 2/2/2016 and Council 2/8/2016 for informational purposes reference VAR2016-01.

This Instrument To be Returned To:
Robert E. Jewett
12189 South Williams Street
Dunnellon, Florida 34432

SHARED PARKING AGREEMENT

This Shared Parking Agreement ("Agreement") is entered into this ___ day of _____, 2016, by and between Dunnellon Bingo, Inc., a Florida Corporation, ("Lessor") whose address is 20520 E. Pennsylvania Avenue, Dunnellon, FL 34432, and Robert E. Jewett and Dallise W. Jewett, husband and wife ("Lessee"), whose mailing address is 12315 N. Osborne Ave., Dunnellon, FL 34434 ("Grantee").

Recitals

1. To relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to ensure the proper and uniform development of parking areas throughout the City, the City of Dunnellon Zoning Code establishes minimum number of off-street parking and loading spaces necessary for various land uses in the City of Dunnellon.

2. Lessor owns certain property located at 20520 E. Pennsylvania Avenue, Dunnellon, FL, with a Marion County Tax Parcel Identification Number of 3381-000-011, such property being legally described in Exhibit "A" attached hereto and made a part of this Agreement.

3. Lessee owns certain property with a Marion County Tax Parcel Identification Number of 34222-000-00 & 3380-0582-00, such property being legally described in Exhibit "B" attached hereto and made a part of this Agreement.

4. Lessee's Property does not have the number of parking spaces required under the City's Zoning Code for the uses to which Lessee's Property is put and is deficient by 26 parking spaces.

5. Lessor's Property contains approximately 119 parking spaces, and Lessor's on-site business requires 76 parking spaces for its current uses under the City of Dunnellon Zoning Code; therefore, Lessor has a surplus of parking spaces.

6. Lessee desires to use some of the off-street parking spaces on Lessor's Property to satisfy Lessee Property's off-street parking requirements, and such shared parking is permitted by the City of Dunnellon Zoning Code Sections 5.2.1 and 5.4.

7. City of Dunnellon Zoning Code Section 5.2.1 requires that off-street parking facilities of lessors be within 300 feet of a lessee's property. Lessor's Property is

approximately 1,700 feet from the Lessee's Property, and Lessee therefore sought and received a variance from the City Council from this 300-foot requirement.

8. The City requires that a written shared use parking agreement be entered into by Lessor and Lessee.

9. The Lessee will offer a shuttle service to and from Lessor's Property to assist Lessee's patrons and customers in transportation to Lessee's Property.

NOW, THEREFORE, for and in consideration of these premises, and for good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby expressly acknowledged, the parties agree as follows:

10. The foregoing recitals are true and correct and are incorporated herein by this reference.

11. Lessor shall make available a minimum of 26 parking spaces on its Property described in Exhibit "A" for the Lessee's existing businesses on its Property described in Exhibit "B." This number of parking spaces has been determined to conform to the City's Zoning Code, and the parties agree to maintain the parking spaces to meet the City's standards.

12. Lessee's interest in such parking spaces is non-exclusive.

13. This Agreement shall run with the land for the properties referenced in paragraph 11 above and shall be enforceable against successors in interests and assigns of the signing parties.

14. If the off-street parking spaces on Lessor's Property are no longer available, Lessee will be required to cease operation or reduce the use of the Lessee's property to an intensity approved by the City in order to bring the property in conformance with the City's parking requirements.

15. If the Lessee changes the uses on its Property, it must notify the City to determine whether the parking requirements of its Property will change.

16. This Agreement is in perpetuity and can only be terminated if replacement parking for Lessee has been approved by the City and written notice of termination of this Agreement has been provided to the other party at least sixty (60) days prior to the termination date.

17. This Agreement shall be effective upon execution by both parties and when signed as approved by the City Manager of the City of Dunnellon.

18. This Agreement shall not be amended or terminated without subsequent written agreement of both parties and the consent of City Council of the City of Dunnellon.

19. This Agreement represents the entire understanding between the parties with respect to the transaction contemplated herein and supersedes, incorporates and merges all prior representations and agreements, whether oral or written. All understandings and agreements heretofore had between the parties are merged into this Agreement, which alone fully and completely expresses their agreement.

20. This Agreement will be recorded by the City Clerk or designee in Public Records of Marion County, Florida. The Lessee shall bear the costs of recordation.

21. Nothing contained herein shall create any obligation on the part of the City of Dunnellon.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed, sealed and delivered, all as of the date and year first above written.

Witnesses:

LESSOR
Dunnellon Bingo, Inc.

_____
Print Name:_____

_____
Frank King, President

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Frank King as President of Dunnellon Bingo Corporation, a Florida Corporation, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____ SEAL
Notary Public

_____
My Commission Expires:

Witnesses:

LESSEE:

_____
Print Name:_____

_____
Robert E. Jewett

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Robert E. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____
Notary Public

SEAL

_____
Type or Print Name
My Commission Expires:

[THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK]

Witnesses:

LESSEE:

_____
Print Name:_____

_____
Dallise W. Jewett

_____
Print Name:_____

STATE OF FLORIDA)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Dallise W. Jewett, who executed the foregoing instrument and acknowledged before me that (s)he executed the same for the uses and purposes therein expressed, and who is personally known to me or has produced _____ (type of identification) as identification and did not take an oath.

_____
Notary Public

SEAL

_____
Type or Print Name
My Commission Expires:

The above Shared Parking Agreement has been approved by the City Attorney for Dunnellon and is approved by Eddie Esch, City Manager for the City of Dunnellon, on the _____ day of _____, 2016.

_____
Eddie Esch, City Manager
City of Dunnellon

Exhibit A

Lots 20, 21, 22, 23, 24, 25 and 26, of Block 3, MINNETRISTA SUBDIVISION, Dunnellon, Florida, as per plat thereof recorded in Plat Book D, Pages 37, 38 and 39, of the Public Records of Marion County, Florida; AND

Beginning at the most Southerly corner of Lot 344, Town of Dunnellon, as per plat recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; thence Northwesterly along the lot line between said Lot 344 and Lot 13, Block 3, Minnetrista, as per plat recorded in Plat Book D, Page 37, Public Records of Marion County, Florida, to the most Westerly corner of said Lot 344, said point being 30.00 feet from and at right angle to the centerline of the Atlantic Coastline Railroad; thence N. 37°26'00" E., parallel to and 30.00 feet from said Railroad centerline, to the South right of way line of Pennsylvania Avenue; thence East, along said South right of way line to a point 90.00 feet from and at right angle to said Railroad centerline; thence S. 37'26'00" W., parallel to and 90.00 feet from said Railroad centerline, to the Westerly right of way line of Bridge Street as per plat of Minnetrista; thence South, along said West right of way line to the point of intersection of said right of way line with the Northwesterly right of way line to Palmetto Way as per plat of Minnetrista; thence S. 37°26'00" W., along said Northwesterly right of way line, 273.85 feet to the Point of Beginning; AND Beginning at the most Westerly corner of Block 344, Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; said point being 30.00 feet from and at right angles to the centerline of Seaboard Coast Line Railroad Company's main track; thence N. 37°26'00" E., parallel to and 30.00 feet from said centerline, to the South right of way line of Pennsylvania Avenue according to said plat of the Townsite of Dunnellon; thence East along said South right of way line to a point 90.00 feet from and at right angles to the centerline of said main track; thence S. 37°26'00" W., parallel to and 90.00 feet from said main track centerline to the Westerly right of way line of Bridge Street, as per plat of Minnetrista as recorded in Plat Book D, Page 37, Public Records of Marion County, Florida; thence South, along said right of way line to the Northeast corner of Lot 26, Block 3, Minnetrista; thence West, along the North boundary of said Lot 26 to the Northwest corner of said Lot 26; thence S. 39°32'00" W., along the North boundary of Block 3 of said Minnetrista and a Southwesterly projection thereof to the Point of Beginning; AND

Lots 342, 343 and 344, TOWN OF DUNNELLON, as per plat thereof recorded in Plat Book A, Page 174, Public Records of Marion County, Florida.

Parcel Identification Number: R3381-000-011

EXHIBIT "B"

Lots 2 and 3 of Southside Subdivision of the Town of Dunnellon, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida.

LESS and EXCEPT a portion of Lot 2 of Southside Subdivision as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida, being more particularly described as follows:

Begin at the most Easterly corner of said Lot 2; thence North 89°10'05" West, along the North line of said Lot 2 and also being the South line of Lot 581 of the Plat of the Townsite of Dunnellon, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, a distance of 20.92 feet to the intersection with a line being 3 feet Northeasterly and parallel with the Southwesterly line of said Lot 581; thence South 51°35'09" East, along the Southeasterly extension of last said line, a distance of 16.63 feet to an intersection with the Southeasterly line of aforesaid Lot 2 of Southside Subdivision; thence North 38°11'56" East, along last said line, a distance of 12.76 feet to the Point of Beginning.

AND

Lot 582 of the Townsite of Dunnellon, a subdivision according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, and the Southwesterly 3.0 feet of Lot 581 of said Townsite of Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida, all lying Southeasterly of the existing right-of-way line of State Road No. 45, being more particularly described as follows:

Begin at the most Westerly corner of Lot 582 of the Townsite of Dunnellon, Florida, according to Plat thereof, recorded in Plat Book A, Page 174-A, Public Records of Marion County, Florida; run thence North 38°12'48" East, along the right-of-way line of U.S. Highway 41 (State Road 45), a distance of 53.64 feet to the beginning of a curve, concave Northwesterly; thence along said curve to the left, having a Delta Angle of 00°19'04", a radius of 3863.22 feet, an arc distance of 21.43 feet and a chord bearing North 41°09'18" East, 21.43 feet; thence leaving said right-of-way line, South 51°35'09" East, along a line being 3.0 feet Northeasterly and running parallel with the Southwesterly line of said Lot 581, a distance of 96.67 feet to an intersection with the South line of said Lot 581 and also being the North line of Lot 2 of Southside Subdivision, as recorded in Plat Book D, Page 55, Public Records of Marion County, Florida; thence North 89°10'05" West, along said line, a distance of 123.04 feet to the Point of Beginning.

TO: **Ocala Star Banner**

FROM: Teresa Malmberg

DATE: January 15, 2016

RE: Legal Notice

Please publish the ad below on or before Tuesday, January 19, 2015, in the Legal Section.

Please provide a proof for our review prior to publication.

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR A VARIANCE APPROVAL

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding a variance review for property located at 12189 S. Williams St, being Parcel Number 34222-000-00, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator. The Applicant seeks a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the Planning Commission at the above hearings, a verbatim record of the proceedings may be necessary pursuant to Florida Statutes, 286.0105. The City assumes no responsibility for furnishing said record, however, the hearings will be audio recorded by the City for public use.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk at 352-465-8500.

Ocala Gainesville Media
CLASSIFIED ADVERTISING
2700 SW 13th Street, Gainesville, FL 32608
352-372-4222 fax 352-338-3131
2121 SW 19th Ave. Rd., Ocala, FL 34474
352-732-9565 fax: 352-867-4126

Order:	A000880501	Pubs:	1,11	Rate:	LG
Phone:	(352)465-8500	Class:	0001	Charges:	$ 0.00
Account:	100400	Start Date:	01/19/2016	List Price:	$ 123.56
Name:	N/A,	Stop Date:	01/19/2016	Payments:	$ 0.00
Caller:	Teresa Malmberg	Insertions:	2	Balance:	$ 123.56
Taken By:	O050	Columns:	1	Lines:	57
Schedule:	1/19 1x, 1/19 1x, , ,			Taken On:	01/15/2016

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR A VARIANCE APPROVAL

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The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, any of these public hearings may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice.

The applications, filed under application numbers PZ1516-024/VAR2016-01, submitted by Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

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Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk at 352-465-8500.

January 19, 2016
#A000880501

Attention:_____ **Fax:**_____

This is a final proof. If any information is incorrect, please contact your sales representative prior to the deadline of the first insertion. Otherwise your order is accepted as having been approved.

CITY OF DUNNELLON
20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

January 15, 2016

Application PZ1516-024/VAR2016-01

Mr. Robert Jewett
12315 N. Osborne Ave
Dunnellon, FL 34434

RE: Public hearing before Planning Commission: application for a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, Parcel 34222-000-00.

Dear Applicant:

Please take notice that your application for a variance will be heard by the Planning Commission of the City of Dunnellon on Tuesday, February 2, 2016 at 5:30 p.m., or soon thereafter as can be heard, in the Council Chambers at Dunnellon City Hall, 20750 River Drive, Dunnellon, Florida 34431. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

Your application, together with any back-up materials, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Pursuant to the City's Land Development Regulations, owners of property within 300 feet of your property have been sent notice of the public hearing on your application. Interested parties may appear at the hearing and be heard with respect to your application. Please be advised that all oral and written communications concerning your application prior to the public hearing between any member of the Planning Commission and an applicant or interested person is strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is

made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in this hearing should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

It is anticipated that the second hearing will be heard by City Council on Monday, February 8, 2016, at 5:30 p.m. or soon thereafter as can be heard in the Council Chambers at Dunnellon City Hall 20750 River Drive, Dunnellon, Florida, 34431. If this date changes, you will be notified by the City. **Please be advised that your failure to appear at either of these public hearings will likely result in your application being denied.**

Sincerely,

Eddie Esch, Sr.
City Manager

CITY OF DUNNELLON

20750 River Drive
Dunnellon, FL 34431
(352) 465-8500
FAX (352) 465-8505

January 15, 2016

NOTICE OF QUASI JUDICIAL HEARING #PZ1516-024 FOR VARIANCE #VAR2016-01

Dear Property Owner:

The Planning Commission of Dunnellon will hold a public hearing for recommendation to the City Council regarding a variance from Article V Section 5.2(1) of the City Land Development Regulations, which require an off-street parking facility on land within 300 feet of the plot, requested by Mr. Robert Jewett, for that parcel located at 12189 S. Williams St, situated on the Northeast corner of the base of the Withlacoochee Bridge, more commonly known as the Blue Gator, being Parcel Number 34222-000-00. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 2, 2016, at 5:30 p.m.,** or as soon thereafter as can be heard. If necessary, this public hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you.

A second hearing will be held before the City Council as soon as practicable after the Planning Commission makes its recommendation in this matter. After the Planning Commission's hearing on the above date, you may contact the Community Development Department at (352) 465-8500, ext. 1010, to find out the date and time of the hearing before the City Council.

The application, filed under application number PZ1516-024/VAR2016-01, submitted by Mr. Robert Jewett, together with any back-up materials may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information please contact the Community Development Department at (352) 465-8500, ext. 1010.

Interested parties may appear at the meetings and be heard with respect to this matter. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the Planning Commission and the applicant or the public are strongly discouraged under Florida law.

A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes 286.0105).

The City of Dunnellon Land Development Regulations are available for inspection at City Hall, during normal business hours, 8:00 a.m. to 4:00 p.m. Persons with disabilities needing assistance to participate in any of these proceedings should contact Dawn Bowne, City Clerk at (352) 465-8500 at least 48 hours prior to the date of the scheduled hearing.

Sincerely,

Eddie R. Esch, Sr.
City Manager

Variance VAR2016-01 / PZ1516-024

Teresa Malmberg

From: Lonnie Smith
Sent: Wednesday, November 25, 2015 2:35 PM
To: Teresa Malmberg
Subject: 300ft buffer

6 neighbor notices
1 applicant notice
7 total letters @ $0.485 = $3.395

RAINBOW CONNECTION SHUTTLE SVC LLC	12121 RIVER VIEW	DUNNELLON FL 34432-6096
JEWETT ROBERT E	12315 N OSBORNE AVE	DUNNELLON FL 34434
NIEVES ANGEL M REV RIVERVIEW PLAZA TRUST	PO BOX 428	DUNNELLON FL 34430-0428
CJ'S TRANSMISSIONS INC	12115 S WILLIAMS ST	DUNNELLON FL 34432-6066
WESTON ALFRED S TR	1171 AUDUBON WAY	MAITLAND FL 32751-5451
ESTRADA RALPH A	555 NW 170TH CT	DUNNELLON FL 34432-1224

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 7:35 AM
To: Lonnie Smith; Virginia Cassady
Cc: Teresa Malmberg; Eddie Esch; Dawn Bowne
Subject: RE: Anglers ad for Variance

Lonnie,

I have reviewed the ad and find it to be legally sufficient.

Best Regards,

DISCLAIMER:
The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Lonnie Smith [mailto:lsmith@dunnellon.org]
Sent: Thursday, January 14, 2016 4:50 PM
To: Virginia Cassady <vcassady@shepardfirm.com>; Andrew Hand <ahand@shepardfirm.com>
Cc: Teresa Malmberg <tmalmberg@dunnellon.org>; Eddie Esch <EEsch@dunnellon.org>; Dawn Bowne <dbowne@dunnellon.org>
Subject: Anglers ad for Variance

Virginia/Andrew,
Please review ad for submission to Star Banner for noticing requirement. I have called 4 PC members and have secured OK's to attend a special PC meeting on Feb 2nd to review Anglers Variance application.

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

Teresa Malmberg

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Friday, January 15, 2016 1:19 PM
To: Lonnie Smith
Cc: Virginia Cassady; Teresa Malmberg; Dawn Bowne
Subject: Re: Notices to owner/neighbors for Anglers variance

These notices are sufficient per the City's code requirements in Ch. 94.

Sent from Andrew's iPhone

On Jan 15, 2016, at 13:07, Lonnie Smith <lsmith@dunnellon.org> wrote:

> Andrew,
> Hopefully you can glance these over and let me know if they are OK. I've taken them from an approved template so hopefully there are no mistakes. I need to send these out today to meet requirements.
>
> Thanks,
>
> Lonnie Smith
> IT/ Community Development
> City of Dunnellon
> 352-465-8500 x1011
> lsmith@dunnellon.org
> <image001.png>
> Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.
>
> <Anglers Variance NOTICE TO APPLICANT Planning.docx>
>
> <Anglers Variance NEIGHBOR NOTICE PC final.docx>

RESOLUTION #RES2016-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL ❑APPROVE; ☐ DISAPPROVE; OR ☐ APPROVE WITH CONDITIONS A VARIANCE FROM CERTAIN OFF-STREET PARKING REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 5.2.1 OF ARTICLE V OF THE ZONING CODE REQUESTED BY ROBERT JEWETT, OWNER OF ANGLER'S RESORT MOTEL LOCATED AT 12189 SOUTH WILLIAMS STREET (U.S. HWY. 41), LOCATED ON THE EAST SIDE OF WILLIAMS STREET, BEING THE LAST PROPERTY BEFORE CROSSING THE WITHLACOOCHEE RIVER; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 2, 2016 to consider a request by the Applicant Robert Jewett, owner of Angler's Resort Motel, to approve a variance from the requirements of Section 5.2.1 of Article V of the Zoning Code, such property being located at 12189 South Williams Street, located on the east side of Williams Street, and is the last property before crossing the Withlacoochee River.

WHEREAS, the Applicant's agent previously sought and received a demolition permit from the City to demolish the Angler's Resort Motel, which was built in 1957 and operated as a 9-unit motel for many years.

WHEREAS, on January 11, 2016, the City Council of Dunnellon conditionally approved a site plan for a new motel on the site which will have the same outer dimensions as the previous Motel but will accommodate twelve (12) motel units.

WHEREAS, Section 5.2.1 of the Zoning Code requires that, when practical difficulties prevent an establishment from providing off-street parking facilities on the same lot as the establishment, off-street parking facilities shall be provided on land within 300 feet of the lot of the establishment. Staff has determined that practical difficulties prevent the owner from providing additional off-street parking.

WHEREAS, at the public hearing before Council, there was testimony that the site is 26 spaces deficient in parking but that no surplus parking spaces were available within 300 feet of the site in compliance with Section 5.2.1; therefore, when City Council approved the site plan, as a condition of approval, the owner is required to obtain a shared parking agreement and a variance from Section 5.2.1 of the Code.

WHEREAS, the Planning Commission does have the authority under Section 94-37(11) of the Code of Ordinances to recommend to the City Council approval, disapproval, or approval with conditions of a variance from the terms of the relevant ordinance as will not be contrary to the public interest, so long as an applicant proves that all of the criteria of Section 94-37(11) are met.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑ has ☐ has not shown that owing to special conditions, a literal enforcement of the provisions of the Section 5.2.1 of the Zoning Code would result in unnecessary and undue hardship.

WHEREAS, the Planning Commission ❑ does ☐ does not find that the Applicant ❑ has ☐ has not shown that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the special conditions and circumstances do not result from the actions of the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that granting the variance will not confer on the Applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that literal interpretation of the provisions of Section 5.2.1 would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the Applicant.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the variance proposed is the minimum variance which makes possible the reasonable use of the land, building, or structure.

WHEREAS, the Planning Commission ❑does ☐ does not find that the Applicant ❑has ☐ has not shown that the granting of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

WHEREAS, the City of Dunnellon Planning Commission has determined that a recommendation of ❑approval ☐ disapproval ☐ approval with conditions is consistent with Dunnellon's Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF DUNNELLON PLANNING COMMISSION THAT:

A recommendation of ☐ approval ☐ disapproval ☐ approval with conditions in regard to the requested application for a variance requested by Robert Jewett for property he owns at 12189 South Williams Street, located on the east side of Williams Street, being Marion County Tax Parcel Identification Number 34222-000-00, subject to the following recommended conditions:

1. <u>Pursuant to the approval of the site plan by City Council, the applicant shall present shared parking agreement(s) entered into with owner(s) of property, which agreement(s) shall meet the requirements of Section 5.4 of the Code and all other requirements of the Code, and are satisfactory to the City Attorney in form and</u>

substance; such parking agreement(s) to be subsequently filed in the Public Records of Marion County.

2. _____
3. _____
4. _____

Severability. If any portion of this Resolution shall be declared unconstitutional or if the applicability of this Resolution or any portion thereof to any person or circumstances shall be held invalid, the validity of the remainder of this Resolution and the applicability of this Resolution, or any portion thereof to other persons or circumstances, shall not be affected thereby.

Effective Date. This Resolution shall become effective upon adoption.

Upon motion duly made and carried, the foregoing Resolution was approved on February 2, 2015 by the Planning Commission upon a motion by Commissioner _____ and seconded by Commissioner _____ and upon being put to a vote, the result was as follows;

Commissioner Brenda D'Arville	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Lisa Sheffield	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Tracy Fero	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Wilber Vanwyck	☐Yes	☐No	☐Abstain	❑Did Not Vote
Commissioner Paul Cowan	❑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Hilton - 1st Alt	❑Yes	☐No	☐Abstain	☐Did Not Vote

Attested by:
PLANNING COMMISSION,
CITY OF DUNNELLON

BY: _____
Brenda D'Arville, Chairwoman
Planning Commission, City of Dunnellon

This 2nd day of February, 2016.

Approved as to Legal Form:

BY: _____
Andrew Hand, Esq.
City Attorney

This 2nd day of February, 2015.

To: Planning Commission

From: Lonnie Smith, Community Development Department

Date: February 2, 2016

Subject: *REQUEST TO PLANNING COMMISSION FOR RECOMMENDATION THAT PROPOSED CHICKEN ORDINANCE #2016-01 IS CONSISTENT WITH THE COMPREHENSIVE PLAN.*

MEETING DATE: February 2, 2016

REQUEST:

Proposal: Request for recommendation from the Planning Commission that proposed Chicken Ordinance 2016-01 is consistent with the Town's Comprehensive Plan

AUTHORITY & THE PROCESS:

Sec. 94-37. - Powers and duties.

The function, powers, and duties of the city's planning commission shall be as follows:

(1) The commission will keep a record of all of its findings with regard to quasi-judicial hearings. All decisions will be made by resolution. A binder will be available with numbered resolutions by year and the city will use its best efforts to also have these records available on the city's web page and by internet access.

(2) Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of manmade and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic base, and land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.

(3) The commission may review, revise and discuss the city's comprehensive plan for the purposes of making recommendations to the city council with regard to consistency with the current comprehensive plan concerning any land/zoning change or request and with regards to possible future changes.

(4) Establish principles and policies for guiding action in the development of the area.

(5) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan, and such additional public hearings as are specified under the provisions of F.S. § 163.2511 et seq.

(6) Make, or cause to be made, any necessary special studies on the location, condition, and adequacy of specific facilities in the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, public and private utilities, traffic, transportation, and parking.

(7) Perform any other duties which may be lawfully assigned to the planning commission by the city council.

(8) Perform any and all functions, powers and duties as enumerated in F.S. § 163.2511 et seq.

(9) Appeals. To hear and make recommendations to the City Council on appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to law.

Sec. 94-37.5. - Overview of the planning commission.

The City of Dunnellon's planning commission merges the powers and duties of traditional planning boards with additional duties and responsibilities previously handled by the city's now defunct board of adjustment. **The planning commission has an administrative review function whereby the commission reviews all changes to the city's comprehensive plan, by amendment, evaluation, addition, and appraisal for consistency with the existing comprehensive plan and reviews all land related/zoning ordinances to determine consistency to the comprehensive plan**. With regard to its administrative review function, the commission makes recommendations of consistency to the city council. The planning commission holds quasi-judicial hearings with regards to land planning/zoning cases, site plan reviews, variances, special exceptions, and review/appeal of administrative orders and forwards its findings/recommendations to the city council.

BACKGROUND INFORMATION

The residents of the city of Dunnellon have expressed interest in allowing chicken-keeping in certain residential zones within city limits. The city council has asked the Planning Commission to weigh in on the proposed ordinance and to determine if the proposed ordinance is consistent with the comprehensive plan. After discussion at the January 16th Planning Commission meeting, the ordinance was revised and then reviewed by the Attorney for legal sufficiency.

REVIEW OF APPLICATION:

DUNNELLON COMPREHENSIVE PLAN

FLUE
Policy 1.1:

The low-density residential land use category allows single-family dwelling units **and customary residential accessory uses**. The maximum density is 2.5 dwelling units per acre. The maximum impervious surface is forty-five (45) percent. Buildings shall not exceed forty (40) feet in height.

Policy 1.2:

The medium density residential land use category allows single-family dwelling units **and customary residential accessory uses**. The maximum density is 5.0 dwelling units per acre. The maximum impervious surface is fifty (50) percent. Buildings shall not exceed forty (40) feet in height.

CONSERVATION ELEMENT

Policy 9.1:

In order to minimize the contribution of nitrates to groundwater with its resultant effects on increased growth of vegetation in the spring and river and loss of water clarity, and to foster long-term stewardship of springs, the City shall adopt special design standards and best management practices (BMPs) as appropriate to City needs and characteristics for all development located within the City of Dunnellon.

9.1.1: All development shall comply with the following setback standards:

1. **The minimum setbacks set forth in this Policy and in Policy 2.1.B for lots of record recorded on or before October 27, 2008, shall be 25 feet or other setback set forth in any deed restriction or on any plat**; provided, however, that the setback shall prevent erosion, trap the sediment in runoff, and filter out nutrients.

LAND DEVELOPMENT CODE

ARTICLE VIII. - INTENT AND PURPOSE OF ZONING DISTRICTS

Section 8.1. - **One-family dwelling (R-1).**

This is a single-family residential district. The R-1 zoning district shall be the only zoning district permitted in the low density residential land use category of the future land use map. Densities in this category shall not exceed one dwelling unit or less per gross acre.

Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational, and other immediate needs of such areas are permitted outright or are permissible as special exceptions subject to restrictions and requirements intended to preserve and protect their single-family residential character.

(Ord. No. 92-06, 12-14-1992)

Section 8.2. - **Single-family residential (R-1A).**

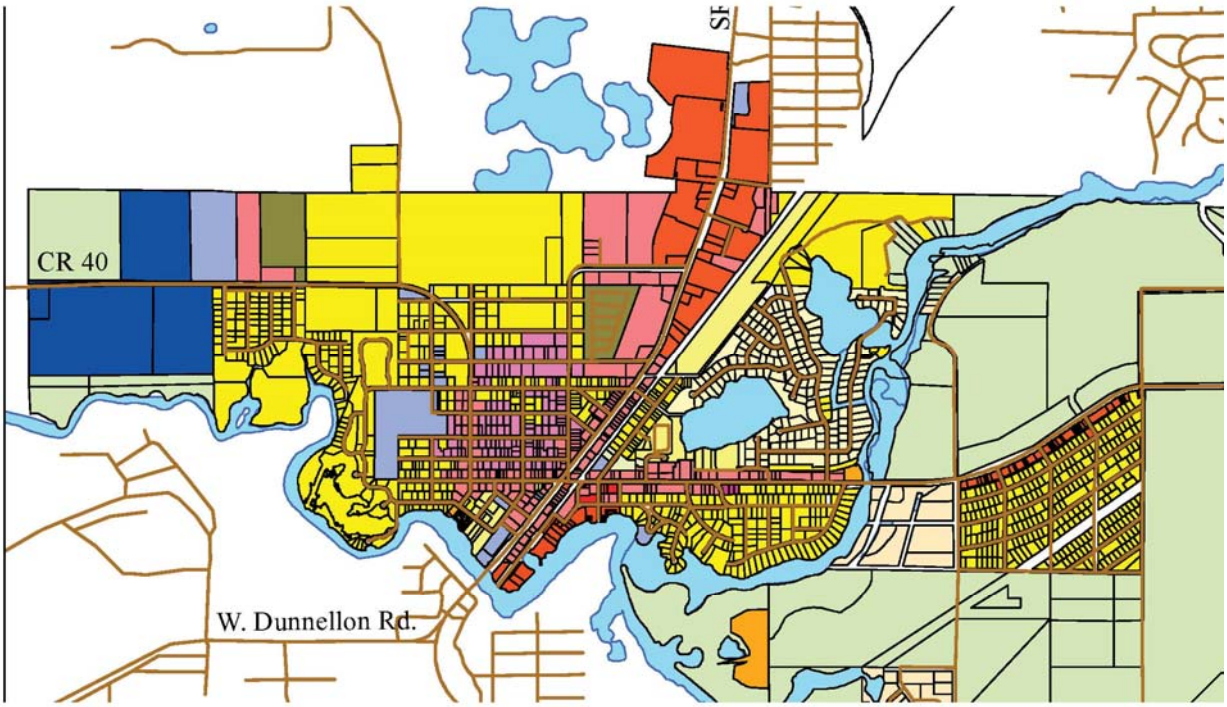
This district is a more intense zoning district than the R-1 district. Other than a distinction as to lot area, width and density, the nature of the use of property is the same as in the R-1 zoning district. The R-1A district is permitted only in the low density residential land use category. Densities in this district shall not exceed 2.5 dwelling units per gross acre. The maximum allowable density is consistent with the allowable density in the medium density land use category in that it is set at less than five dwelling units per acre. Houses of worship are permitted by special exception subject to restrictions and requirements intended to preserve and protect the district.

Section 8.5. - **Residential medium density (R-3A**).

This district is intended to be a single-family residential area with medium population densities. The R-3A zoning district is permitted in the residential office and the medium density land use categories. Densities shall not exceed 5.0 dwelling units per gross acre. Houses of worship are permitted by special exception subject to restrictions and requirements intended to preserve and protect the district.

(Ord. No. 92-06, 12-14-1992; Ord. No. 99-01, § 5, 4-26-1999)

Zoning Districts Map



FINDINGS OF FACT:

Criteria

A. Whether it is consistent with all adopted elements of the comprehensive plan and recommend the same to city council as the planning commission.
Response: In review of the complete 2015 Comprehensive plan, staff finds no conflict with FLUE policies 1.1 and 1.2, and Conservation Element Policy 9.1.1.1.

B. Suggestion – The addition of the R-3A zoning district to the approved zoning district list is recommended due to the fact that a large part of the city's residential zoning districts are currently R-3A (as shown in "dark yellow" on the zoning map on the prior page). Vogt Springs, Rainbow River acres, Minnestrista, and Dunnellon Heights areas in particular.

RECOMMENDATION:

Based on the findings of fact above, Staff recommends to the Local Planning commission that they find ordinance ORD #2016-01 in compliance with the city comprehensive plan.

ORDINANCE #ORD2016-01

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING THE DUNNELLON CITY CODE, CHAPTER 14, "ANIMALS," TO ALLOW CHICKENS TO BE KEPT ON LOTS OR PARCELS WITH SINGLE FAMILY RESIDENTIAL ZONING DESIGNATIONS; AMENDING SECTIONS 7.1 AND 7.2 OF THE ZONING CODE TO ALLOW CHICKEN-KEEPING AS AN ACCESSORY USE IN CERTAIN RESIDENTIAL DISTRICTS AND DEFINING CHICKEN-KEEPING; PROVIDING SPECIFIC CRITERIA FOR CHICKEN-KEEPING; AMENDING VARIOUS SECTIONS OF THE CODE AND ZONING CODE TO BE CONSISTENT WITH THE INTENT AND PURPOSE OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Dunnellon City Council recognizes the general trend in society to pursue a green lifestyle and to incorporate fresher products into diets, a lifestyle which can be supported by allowing residents to keep and raise chickens on their single-family property for the purposes of producing their own eggs for consumption; and

WHEREAS, the Dunnellon City Council also recognizes the desire of all residents to live in a clean and pleasant environment free of excessive odor, noise, vermin, and disease; and

WHEREAS, the Dunnellon Planning Commission considered this Ordinance to allow the keeping and raising of chickens on residential properties under certain conditions; and

WHEREAS, the Planning Commission, sitting as the local planning agency, found the Code amendments set forth in this Ordinance to be in substantial compliance with the City of Dunnellon Comprehensive Plan; and

WHEREAS, the City Council of the City of Dunnellon, Florida has duly considered the recommendation of the Planning Commission and reviewed all comments regarding City Code amendments set forth in this Ordinance; and

WHEREAS, the City Council of the City of Dunnellon, Florida, considers that said City Code amendments will be in the best interest of the residents of the City of Dunnellon, Florida, and that said land development code amendment is in compliance with the City of Dunnellon Comprehensive Plan; and

WHEREAS, to ensure the long-term viability of residential neighborhoods and conformity

and compatibility with surrounding uses, the amendment provides that the accommodation of chickens in residential areas shall not cause undue noise, odor, and unsanitary conditions within the community; and

WHEREAS, Section 553, Florida Statutes, entitled "Building Construction Standards," provides authorization for local governments to establish a schedule of reasonable fees to carry out the local government's responsibility in enforcing the Florida Building Code.

LESIGLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon City Code and Zoning Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Dunnellon, that:

SECTION 1. Legislative findings. The above recitals (Whereas clauses) are hereby adopted as legislative findings, purpose and intent of the City Council.

SECTION 2. Sections 14-2 and 14-3 of Chapter 14, “Animals,” of the City’s Code of Ordinances are amended to read as follows:

Sec. 14-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandon means to forsake an animal entirely or to neglect or refuse to provide or perform the legal obligations for care and support of an animal.

Animal means any living creature, domestic or wild, except human beings.

Animal control enforcement officer means the persons authorized by the city council to enforce the provisions of this chapter, the ordinances and resolutions of the city relating to the licensure, seizure, impoundment and disposition of animals, and state regulations relating to domestic animals.

Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl.

Dangerous dog means any dog that has:

(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) More than once severely injured or killed a domestic animal while off the property of the owner;

(3) Been used primarily or in part for the purpose of dogfighting, or is a dog trained for dogfighting; or

(4) When unprovoked, chased or approached a person upon the street, sidewalk or any public grounds, in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons.

***

Livestock or animals running at large or straying means any livestock found or being on any public road or right-of-way and either apparently a neglected animal or not under manual control of a person.

Owner means any person over the age of 18, or any firm, corporation or organization, who owns, manages, harbors, maintains, or controls an animal. For the purposes of this chapter, an animal shall be deemed to be harbored or maintained if it is fed and/or sheltered for five or more consecutive days. If the animal is owned by a person under the age of 18, then that person's parent or guardian shall be the owner.

***

Shelter means provision of and access to a three-dimensional structure having a roof, walls and a floor, which is dry, sanitary, clean, weatherproof, and made of durable material. At a minimum, the structure must be:

(1) Sufficient in size to allow each sheltered animal to stand up, turn around, lie down, and stretch comfortably;

(2) Designed to protect the sheltered animal from the adverse effects of the elements and provide access to shade from direct sunlight and regress from exposure to inclement weather conditions;

(3) Free of standing water, accumulated waste and debris, protect the sheltered animal from injury, and have adequate ventilation, and for dogs and cats, provide a solid surface, resting platform, pad, floor mat or similar device that is large enough for the animal to lie on in a normal manner;

(4) Properly lighted to provide a regular lighting cycle of either natural or artificial light corresponding to the natural period of daylight unless otherwise directed by a veterinarian;

(5) Structures with wire, grid or slat floors which permit the animal's feet to pass through the openings, or which sag under the animal's weight or which otherwise do not protect the animal's feet or toes from injury are prohibited, except for birds where perches are provided. <u>Shelters for chickens as an accessory use are regulated under Sec. 14-37 herein.</u>

Unprovoked attack includes situations where a person who has been conducting himself peacefully and lawfully has been bitten, chased in a menacing fashion, or attacked.

Sec. 14-3. - Penalties; additional remedies.

(a) Penalties for violations of this chapter shall be set forth in a resolution approved by the city council, which shall be amended from time to time at the discretion of council.

(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.

(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.

(d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of Section 14-37.

SECTION 3. Article II Animal Control of Chapter 14, "Animals," is amended to read as follows:

***

Sec. 14-33. - Animals running at large.

(a) Dogs and cats. It shall be unlawful for keepers of dogs or cats within the city to allow the animals to be upon the public thoroughfares, streets, avenues or alleys of the city, or in public places such as restaurants, public stores and the like, or upon property other than the property belonging to the animal's owner, unless the animal shall be fastened to a suitable leash of dependable strength not to exceed six feet in length, or otherwise and under the control of the owner.

(b) Livestock. It shall be unlawful for the owner of any hogs, cattle, cows, steer, bulls, swine, donkey, ostrich, emu, llamas, lambs, hens, chickens, roosters, rabbits, turkeys, geese, ducks, or other fowl, horses, mules, sheep and goats or other similar domesticated "farm animals" within the city to suffer or permit such animals to wander, forage, or run at large in the city.

***

Sec. 14-37— Chicken-keeping as an accessory use.

(a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl. Chicken-keeping is a permitted accessory use within single-family residential zoning designations of R-1 (One-Family Dwelling), R-1A (Single Family Residential), and R-3A (Residential Medium Density) where the lot or parcel is occupied by a single-family detached residence. Chickens shall not be permitted at residential property with a townhome, duplex, condominium, apartment, or other multi-family residential unit. Chicken-keeping in all other zoning districts is also prohibited, except that poultry is permitted on farms in the agricultural zoning district (A-1).

(b) Chicken-keeping within the city limits shall be subject to the following standards and conditions:

(1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and fenced pen area shall meet the following requirements:

a. The maximum size of the coop and pen area shall be one hundred (100) square feet.

b. The maximum height of a coop and the pen fence around the coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop or fence.

c. The coop and pen area shall be located in the rear yard of the single-family detached residence and a minimum of twenty-five (25) feet from any side street. The coop and fenced pen area shall comply with all other Zoning District setback requirements, so long as the coop and pen area shall be at least twenty (20) feet from any residential structure on an adjoining lot.

d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

e. The space per bird in the coop shall not be less than three (3) square feet.

f. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.

(2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area.

(4) Chickens must be secured within the chicken coop during non-daylight hours (from dusk to dawn).

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

(9) Roosters and poultry or fowl other than chickens shall be prohibited.

(10) Nothing herein shall be construed or interpreted to mean that chickens are permitted where private covenants or restrictions prohibit such use, or where rules promulgated under such covenants and restrictions prohibit such use.

SECTION 4. Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby amended to read as follows:

Section 3.12. - Accessory uses and structures.

1. In residential districts all accessory buildings and uses shall be located only in the rear yard except that parking may be located in a side yard.

2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least eight feet from any plot line, at least 25 feet from any street, and at least five feet from any main building. Accessory buildings and structures shall not exceed two stories or 24 feet in height. In case of rear alleys, private garages not over one story in height may be located on the rear alley line—and, in the case of chicken coops allowed under Sec. 14-37 of the City's Code, the maximum height shall be 8 feet.

***

Section 7.1. - Table of permitted uses.

The following table identifies what uses are permitted without special exception, permitted with conditions, and permitted by special exception in the various zoning districts. The uses are listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific use is not listed on the table below, the use shall be considered a prohibited use unless and until an applicant applies for and receives a similar and compatible use permit consistent with this Code; provided, however, if a use, device, business, or activity is prohibited by these land development regulations, the Code of Ordinances, or Florida law, an owner may not seek a similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X" signify a permitted use. Cells containing an "SE" signify a use permitted by special exception. Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the number is associated with a section number (e.g., section _____) in the legend, and the section number refers to a location in this chapter (appendix) that contains the conditions associated with the permitted use or special exception.

Permitted use: Defined as a use allowed without exception within a particular zoning district.

Special exception: A special exception may be granted by the council provided the required appropriate conditions and safeguards have been met. The conditions are listed in the supplementary district regulations (article IX of this appendix) of the Code of Ordinances.

TABLE OF PERMITTED USES

RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PUD See Note	RBO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
Chicken-keeping – accessory use		X2	X2		X2														
Home Occupation	X1	X1	X1	X1	X1	X1	X1	X1	X1		X1								
Community Residential Home	X3S	X3S	X3S	X3S			X3S		X3S		X3S								
ResidenceOffice						X	X	X	X										
Residence-Gallery	X8	X8	X8								X8	X							
Single-family Residence	X	X	X	X	X	X	X	X	X		X	X							
Two-family dwelling				X		X						X							
Multi-family dwelling						X						X							
Mobile Home							X		X										
Vehicle Storage Area	SE	SE	SE	SE	SE	SE	SE		SE										

***

X Permitted use

SE Allowed with special exception

SE2 Daycare allowed as special exception if part of a church/house of worship

X3S:

A-1 Maximum of 6 unrelated residents per single-family dwelling

R-1 Maximum of 6 unrelated residents per single-family dwelling

R1-A Maximum of 6 unrelated residents per single-family dwelling

R2 Maximum of 6 unrelated residents per single-family dwelling

R3A Not allowed

R3 Not allowed

X:

1: Home occupation allowed in residential district

Not allowed as home occupation: Beauty shop, barber shop, photographic studios, fortune telling, outdoor repair, retail sales, nursery schools caring for more than three children other than children related by marriage, blood, or adoption, band instrument instructor except for private lessons, public dining facilities, antique or gift shops.

2: ~~Reserved~~ Chicken-keeping, defined in Section 7.2, is an accessory use permitted in certain residential districts under conditions as set forth in Chapter 14, Section 14-37, Subpart A, General Ordinances.

3: Reserved

****

Section 7.2. - District uses definitions.

Carpet and upholstery cleaning means establishments engaged in cleaning carpets and upholstered furniture at a plant.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry or fowl. Chicken-keeping is a permitted accessory use within single-family residential zoning designations of R-1 (One-Family Dwelling), R-1A (Single Family Residential), and R-3A (Residential Medium Density) where the lot or parcel is occupied by a single-family detached residence. Chicken-keeping in all other zoning districts is specifically prohibited, except that poultry is permitted on farms in the agricultural zoning district (A-1). Conditions for chicken-keeping in R-1 and R-1A zoning districts are set forth in Section 14-37, Subpart A, General Ordinances.

Church/place of worship means an institution that people regularly attend to participate in or hold religious services, meetings and other activities.

***

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 7. Repeal of Inconsistent Ordinances. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 8. Effective Date. This Ordinance shall be effective immediately upon adoption at the second public hearing.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the ____ day of _____, 2016.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the _____day of _____, 2016.

Ordinance Posted on the City's website on _____, 2016. Public hearing advertised on _____, 2016 in the Riverland News and on the City's website.

ATTEST: **CITY OF DUNNELLON**

_____ _____

Dawn M. Bowne, M.M.C. Nathan Whitt, Mayor
City Clerk

Approved as to Form and Legal Sufficiency:

_____
Andrew J. Hand, City Attorney

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 _____ day of _____ 2016.

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

Lonnie Smith

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Thursday, January 28, 2016 2:24 PM
To: Lonnie Smith
Cc: Linda Smith
Subject: RE: revised ord

Lonnie,

I have reviewed the revisions to the ordinance and find them legally sufficient.

Best Regards,

DISCLAIMER:
The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Lonnie Smith [mailto:lsmith@dunnellon.org]
Sent: Thursday, January 28, 2016 10:41 AM
To: Andrew Hand <ahand@shepardfirm.com>
Subject: FW: revised ord

revised

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

From: Lonnie Smith
Sent: Wednesday, January 27, 2016 11:03 AM
To: Eddie Esch; Teresa Malmberg
Subject: revised ord

Please do quick read thru on the updated chicken ordinance. I made several updates based on discussions at the PC meeting. Tried to take some of the complication out.

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org

Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.