Agenda
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
January 19, 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 15, 2016)

1. Approval Of Minutes

   1.I. Minutes For The December 22, 2015 Special Meeting

   Documents: 20151222 Special Meeting.pdf

2. Election Of Chairman And Vice Chairman For 2016

   Ordinance requires election of Chairman and Vice Chairman at beginning of each calendar year.

3. Chairman's Report From City Council

4. Quasi-Judicial Hearing - Application For Rezone - Myers

   REZ2015-02
   Property Owner(s): William Dane & Nancy Myers
   Property Address: 20799 Walnut Street
   Request: Rezone from RBO to B3

   Documents: 1MEETING PACKET - MYERS.pdf

5. Review Draft Ordinance For Consistency With The Comprehensive Plan

   - DRAFT 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; *full text attached.*

   Staff Report to Follow

   Documents: Chicken Ordinance.pdf

6. Public Input

7. 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 City 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 our 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 that no changes would be required. Would prefer to create the fire lane along the

retaining, causing a loss of 4 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. Paul Cowan 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.

Following up on the blight conditions coming into the City on the Citrus County side, has anyone been contacted? 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

City of Dunnellon

STAFF REPORT TO PLANNING COMMISSION

REZONING REQUEST: WILLIAM DANE and NANCY MYERS

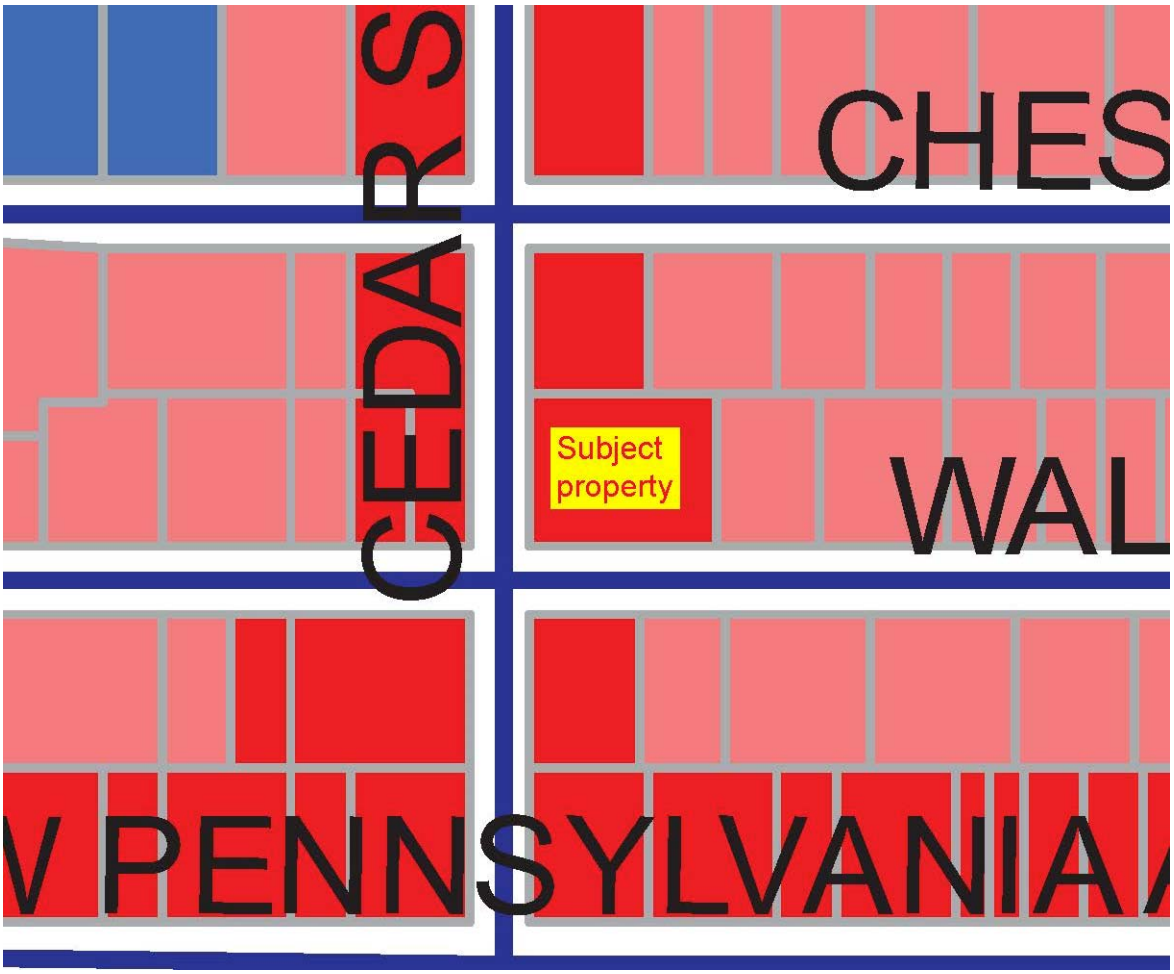
Date: January 19, 2016
To: City of Dunnellon Planning Commission
Re: Land Use and Zoning analysis

Background: The applicant has applied for the 0.14 acre property described below to be rezoned from Residential Business Office (RBO) to Central Business (B3). The parcel currently has split zoning condition. The property owner would like to open a small Deli/Bakery in that location to support the existing business patrons as well the general public.

Application No.: REZ2015-02/PZ1516-022
Applicant: William Dane Myers
Property Address: 20799 Walnut St
Location: Located on the NE corner of Walnut Street and Cedar Street. (as shown on the image below)
Parcel Number: 3380-1844-00

Zoning map

Future Land Use Map



Legend

Dunnellon Future Land Use

- Agriculture
- Recreation
- Public
- Commercial
- Mixed Use
- Traditional Neighborhood
- Residential Low Density
- Residential Medium Density
- Residential High Density
- Conservation
- Water Bodies
- Historic District

Land Use Survey:

	Current Use	Zoning Designation	Land Use Designation
Subject Property	Retail store	RBO	Commercial
North	Antique store	B-3 and RBO	Commercial/Traditional Neighborhood
South	Antique store and Stich niche	B-3 and RBO	Commercial/Traditional Neighborhood
East	Single Family Home	RBO	Traditional Neighborhood
West	Retail store (Grumbles)	B-3	Commercial

Compatibility Analysis
The proposed B-3 zoning is consistent with the surrounding properties in that area. The adjacent properties are either B-3 or RBO and there are many similar small businesses in the local vicinity.

COMPREHENSIVE PLAN

Future Land Use Policy 1.4 COMMERCIAL:
The commercial land use category includes uses such as 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 following standards apply to uses and locations as specified:

a. Uses such as the sale, rental, repair, storage, or maintenance of vehicles (cars, boats, trucks, motorcycles) shall be permissible only when determined to be compatible with adjacent residential uses.

b. Uses that use, generate, store, or handle hazardous materials shall be permissible only when approved as a conditional use in order to ensure appropriate location, handling, storage, and disposal of the hazardous materials.

c. Uses which occupy a single building with 80,000 or more square feet of total floor area or which occupy two or more buildings on a single parcel with a total of 100,000 square feet of total floor area shall meet the following standards:

    1) Screening of mechanical equipment, utility devices, and similar service components.
    2) Integration of accessory uses and structures into the overall design of the building and site.
    3) Specific design techniques to minimize the impact of walls longer than fifty (50) feet in length.
    4) Sign standards that ensure integration of sign design with the design of the buildings.

5) Provision of a perimeter buffer that is 150% of the otherwise required buffer.
6) Provision for landscaped internal pedestrian circulation.
7) Specific design requirements for parking lots to ensure protection of native vegetation and provision of canopy trees for shade.
8) Approval shall be only by special exception.

d. Uses with drive-up or drive-through facilities shall meet the following requirements:

1) The drive through lanes shall not be adjacent to land used or designated for use for residential development.
2) Windows for ordering or providing services shall not be located adjacent to land used or designated for use for residential development.

e. Recreational vehicle parks shall be subject to special design standards to ensure compatibility and safe layout of the vehicle sites and park amenities.

f. All commercial uses shall meet the following compatibility requirements:

1) Buffers will be provided to ensure compatibility between commercial and residential uses.
2) Dumpsters will be located to avoid negative impacts to adjacent residential uses.
3) Outdoor lighting will be designed and located to avoid direct illumination of adjacent properties.
4) Parking lots will be designed and located to avoid negative impacts from vehicle lights and noise to adjacent residential properties

ZONING DISTRICT INTENT AND PURPOSE

- **Section 8.10. - Residential business office (RBO).**

This district is intended to provide office buildings and structures of high character and attractive surroundings, so controlled as to be compatible with single-family and multifamily dwellings. Permitted office uses in this district shall attract low volumes of traffic and shall include medical, dental and other professional offices, and bed and board establishments as well as neighborhood serving commercial, such as barber, beauty and photography shops and other low volume professional shops. Houses of worship shall also be permitted in this district. The office zoning district shall only be permitted in the residential office future land use category. The percent of zoning contained with the residential office land use category shall not exceed 15 percent active business offices nor be less than 85 percent residential. No single applicant may request more than one-third of the allowable percentage of office use in this land use category. All office building developments shall have a land area sufficient to meet all development design standards in this code, including but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, off-street parking and circulation, and any other provisions which may require land area to be set aside. A site plan shall be submitted in accordance with the site plan approval process, together with documentation that the site will not cause the zoning district to exceed 15 percent nonresidential uses.

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

- **Section 8.11. - Central business (B-3).**

This district is included to serve the downtown shopping and office needs of a large community. At the present time, the city has not central business area within its jurisdiction. The B-3 zone is preserved for this use in jurisdiction [sic]. The B-3 zone is preserved for this use in case it is needed in the future, in which care it will be permitted in the commercial land use category of the future land use map. Houses of worship are permitted by special exception subject to restrictions and requirements intended to preserve and protect the district.

The following standards shall apply to uses in the central business district:

1. There is no minimum distance between adjacent buildings, nor a minimum building setback from a property line, provided that one of the first two of the following conditions are met:
   (a) If the distance from the exterior wall to the property line is less than five feet, the applicant must show evidence of a maintenance easement from adjacent property owner(s); or
   (b) The structure shall be built on the property line and the owner shall give an attachment easement to the adjacent property owner(s).
   (c) When a building exceeds 25 feet in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each story above two. (For example, where a two-story building is adjacent to a three-story building, and the minimum distance between the buildings is less than seven feet, a maintenance easement shall be required as stated in (a) above. The same procedure applies where three or more buildings are clustered. For each story above two in each building, two feet are added to the minimum distance allowed between the buildings without evidence of a maintenance easement.)
   (d) Development in the central business district may be built up to a proposed right-of-way line of an abutting roadway. There are no building setbacks from an abutting right-of-way in the central business district. However, buildings, signs or other structures shall not obstruct the vision of vehicle operators nor protrude into the right-of-way.

Zoning Review Criteria for Approval: Section 13.11(3) - Procedure and criteria for amendments to official zoning map

3. The application shall be consistent with the comprehensive plan and the future land use map. In their review, recommendation, and decision on a rezoning application, the planning commission and city council shall consider:

A. Whether it is consistent with all adopted elements of the comprehensive plan.
B. Its impact upon the environment and natural resources.
C. Its impact on the surrounding area with regard to the proposed use(s), intensity, density, scale, mass, bulk, height, lot configurations, architecture, and building orientation of surrounding uses (if applicable) and the intensity, density and scale of surrounding development.
D. Its impact upon the economy of the surrounding area and any other affected area.
E. Its impact upon any existing necessary governmental services such as schools, sewage disposal, solid waste, or transportation systems, or any other infrastructure.
F. Any changes in circumstances or change in conditions of the surrounding area.
G. Any mistakes in the original zoning classification other than reclassifications due to inadvertent boundary errors, including clerical or scrivener's errors, which may be corrected administratively.
H. Its effect upon the use or value of the affected surrounding area.
I. Its impact upon public health, welfare, or safety.

FINDINGS OF FACT

A. Whether it is consistent with all adopted elements of the comprehensive plan.
Response- Zoning change requested is not inconsistent with any of the current elements of the comprehensive plan.

B. Its impact upon the environment and natural resources.
Response- No significant impact is expected

C. Its impact on the surrounding area with regard to the proposed use(s), intensity, density, scale, mass, bulk, height, lot configurations, architecture, and building orientation of surrounding uses (if applicable) and the intensity, density and scale of surrounding development.
Response- Proposed use (eating establishment) is consistent with other uses in that area

D. Its impact upon the economy of the surrounding area and any other affected area.
Response- No significant impact is expected

E. Its impact upon any existing necessary governmental services such as schools, sewage disposal, solid waste, or transportation systems, or any other infrastructure.
Response- No significant impact is expected

F. Any changes in circumstances or change in conditions of the surrounding area.
Response- No changes in circumstances or conditions were noted

G. Any mistakes in the original zoning classification other than reclassifications due to inadvertent boundary errors, including clerical or scrivener's errors, which may be corrected administratively.
Response- No mistakes were found

H. Its effect upon the use or value of the affected surrounding area.
Response- No significant change in use or value is expected

I. Its impact upon public health, welfare, or safety.
Response- No significant impact is expected

STAFF EVALUATION AND FINDINGS

Staff recommends that the planning commission recommend the City Council approve the zoning change request.

City of Dunnellon
Planning and Zoning Application

REZ2015-02

Date: 12/18/15 Application No.: PZ1516-022

Applicant Name: WILLIAM DANE & NANCY MYERS Phone# 352-208-6790

Address: 10925 SW 186 CIR Fax # 352-489-6118

DUNNELLON FL 34432 Email Address: myers10925@bellsouth.net

Applicant is: ☑ Owner ☐ Agent ☐ Purchaser ☐ Lessee ☐ Other _____

Owner(s) Name: Same Phone # _____

Address: _____ Fax # _____

_____ Email Address: _____

Application Type

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

Reason for Request: _____

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

Property Address: 20799 WALNUT ST Property Size (acres): _____

Parcel ID Number: 3380-1844-00

Existing Use of Property: RETAIL

Existing Zoning: RBO Current/Future Land Use: B3

Current number of structures on the property: 1

Type of structure(s) on property (house, shed, etc.): FRAME BUILDING

Proposed Use of Property: RETAIL + CAFÉ

Proposed Zoning: B3 Proposed Land Use: B3

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

wish to have café

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: _____

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

12/18/15
Date

Property Owner & Agent Affidavit

Date: 12/18/15

Before me, the undersigned authority personally appeared, William Myers (property owner's name), who being by me duly sworn on oath, deposes and says:

1. That said authority is the fee-simple owner of the property legally described in this application.

2. That said authority desires to:
change zoning

3. That said authority (property owner) has appointed _____ (agent's name) to act in his behalf to accomplish the above, and before me the undersigned authorized agent personally appeared and being by me duly sworn on oath, deposes and says:

   A. That he/she affirms and certifies that he/she understands and will comply with all ordinances, regulations, and provisions of the City of Dunnellon, Florida, and that all statements and diagrams submitted herewith are true and accurate to the best of his/her knowledge and belief, and further that this application and attachments shall become part of the Official Records of the City of Dunnellon, Florida, and are not returnable.

   B. That the submittal requirements for the application have been completed and attached hereto as part of the application.

4. That the fees are NON-REFUNDABLE unless the Application is withdrawn in writing within five (5) business days of submittal (not including observed holidays), unless otherwise approved by the City Manager or a majority vote by the City Council.

_____
Property Owner's Signature

STATE OF FLORIDA
COUNTY OF MARION
Subscribed and sworn to (or affirmed) before

Me on 12/18/2015 (date) by

Dave Myers (name)
Of affiant, deponent, or other signer. He/she is personally known to me or has presented

_____
as identification.

_____
PUBLIC NOTARY

SEAL:

AMANDA L. ROBERTS
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF086473
Expires 2/16/2018

_____
Agent's Signature

STATE OF FLORIDA
COUNTY OF MARION
Subscribed and sworn to (or affirmed) before

me on _____ (date) by

_____ (name)
of affiant, deponent, or other signer. He/she is personally known to me or has presented

_____
as identification.

_____
PUBLIC NOTARY

SEAL:

Note: The Property Owner must sign the Affidavit. When an Agent is representing the case, both the Agent and the Property Owner must sign the Affidavit.

CITY OF DUNNELLON
20750 River Dr
Dunnellon, FL 34431

Permit # **PZ1516-022**

FLORIDA MUNICIPAL SERVICES

Permit Address: 20799 Walnut St
Parcel ID: 3380-1844-00

Permit Type: Re-zoning Change

2nd Permit Type: Administrative Fee

Owner: William Dane Myers

Address: 10925 SW 186 circle, Dunnellon, FL 34432

Remarks:

Notes:

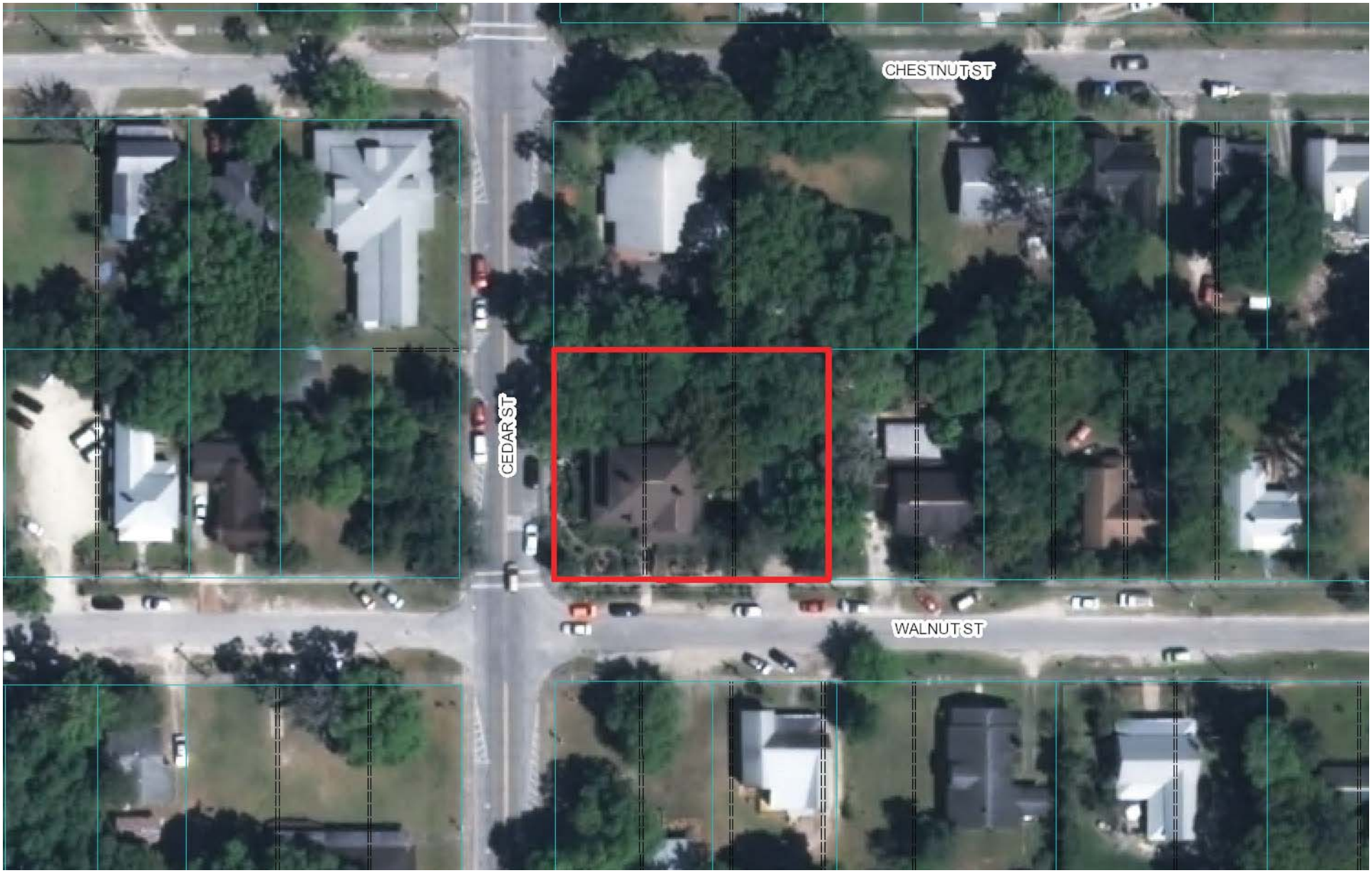
Permit	Fee	Total	Charge Code
Change of Occupancy			
Fire Inspection			
Area <= 1,000 Sq. Ft.	$65.00		
Area > 1,000 <= 3,000 Sq, Ft.	$85.00		
Area > 3,000 Sq. Ft.	$100.00 plus $0.01 /Sq. Ft. ($0.005 /Sq. Ft. Annual Inspection)		
Backflow Valve Inspection	$30.00		
Grease Trap Inspection	$30.00		
Re-zoning Change	**$500.00**	**$500.00**	**32202**
Administrative Fee	**$50.00**	**$50.00**	**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:		5330		550.00
Credit:				
Refund:				

TOTAL: **$550.00** **Signed:** [signature] **Date:** 1/13/16

Villie M. Smith, CFA, ASA
Marion County Property Appraiser

GIS Web Mapping Application
Last Updated: 01/08/2016



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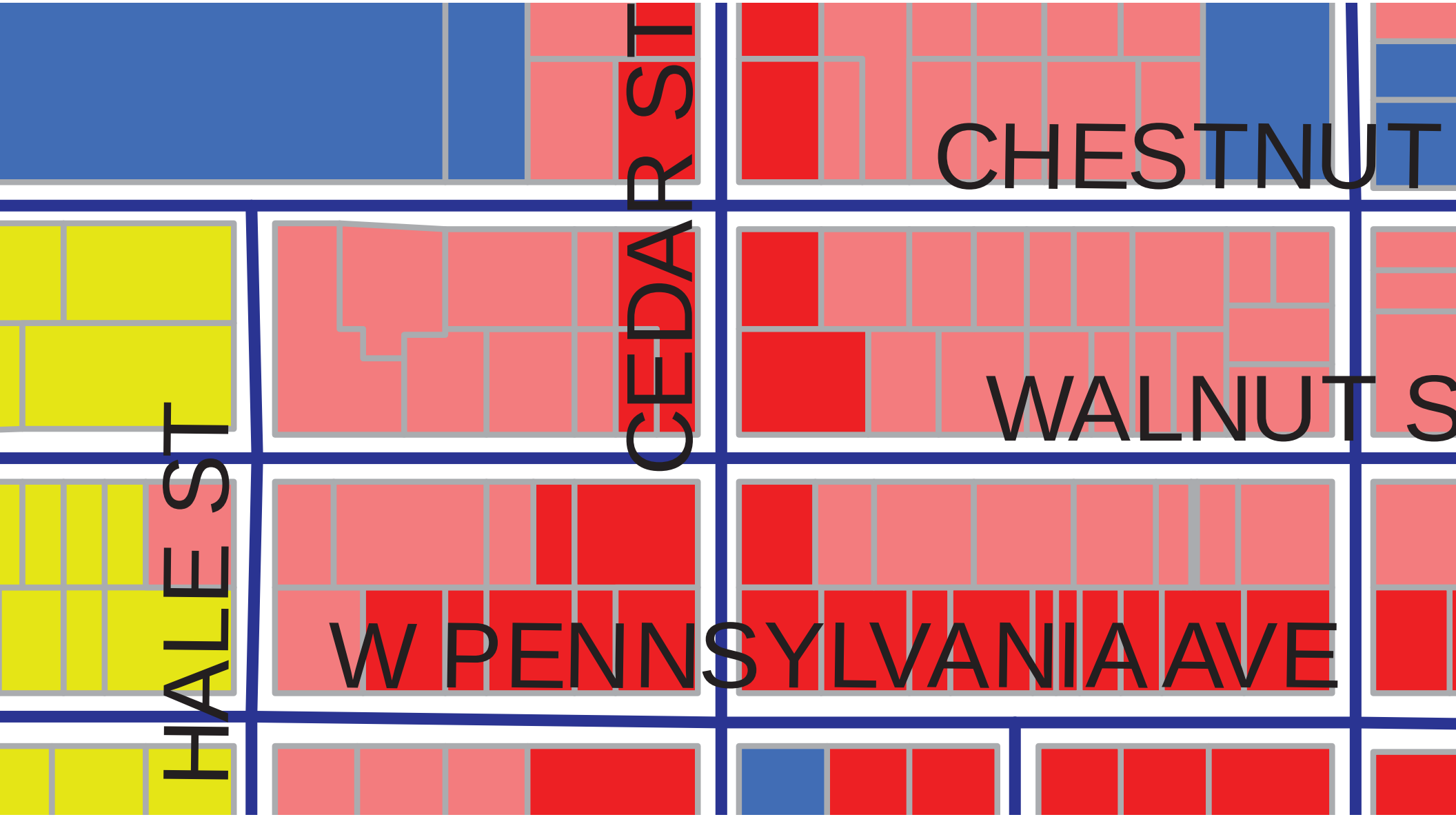
DISCLAIMER: This is a work in progress. This application was compiled by the Marion County Property Appraiser's Office solely for the governmental purpose of property assessment. These are NOT surveys. Our goal is to provide the most accurate data available, however, no warranties, expressed or implied are provided with this data, its use, or interpretation. All information subject to change without notice. Use at your own risk.

CHESTNUT ST
CEDAR ST
B-3
RBO
WALNUT ST


CEDAR ST
CHESTNUT
WALNUT S
HALE ST
W PENNSYLVANIA AVE

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

December 30, 2015

Application PZ1516-022/REZ2015-02

Mr. William Dane Myers
10925 SW 186 Circle
Dunnellon, FL 34432

RE: Public hearing before Planning Commission: application for Rezoning from Residential Business Office (RBO) to Central Business (B-3), Parcel 3380-1844-00(Lot 1846) being .14 acres

Dear Applicant:

Please take notice that your application for rezoning will be heard by the Planning Commission of the City of Dunnellon on Tuesday, January 19, 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

Staff Report to follow in separate mailing.

CITY OF DUNNELLON

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

December 30, 2015

NOTICE OF PUBLIC HEARING FOR REZONING

Dear Property Owner:

The Planning Commission of Dunnellon will hold a public hearing for recommendation to the City Council regarding a rezoning from Residential Business Office (RBO) to Central Business (B-3) requested by Mr. William Dane Myers & Nancy Myers, for that parcel located at the northeast corner of the Walnut Street and Cedar Street intersection, 20799 Walnut Street, being Parcel Number 3380-1844-00 (Lot 1846) comprising 0.14± acres, pursuant to the Land Development Regulations, Section 7.1, Table of Permitted Uses. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, January 19, 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 PZ1516-022, submitted by Mr. William Dane Myers and Nancy Myers, 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

DATE December 29, 2015
From: Lonnie Smith @ City of Dunnellon

Ocala Star Banner
Attn:

Per our City Attorney, please place the following legal ad (little line ad) in your paper on Thursday, December 31, 2015. Please provide proof <u>prior to publication</u> and proof of publication.

Begin Ad

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING
REZONING APPLICATION #REZ2015-02
ORDINANCE #ORD2016-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE (RBO) TO CENTRAL BUSINESS (B-3) OF THAT PARCEL(LOT 1846) COMPRISING .14 ACRES LOCATED AT THE NORTHEAST CORNER OF THE WALNUT STREET AND CEDAR STREET INTERSECTION; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The City of Dunnellon Planning Commission will hold a quasi-judicial public hearing for recommendation to the City Council regarding adoption of Ordinance #ORD2016-02, rezoning Parcel Number 3380-1844-00, comprising 0.14 acres, from RBO Residential Business Office to B3 Central Business. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on Tuesday, January 19, 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.

The application, filed under application number PZ1516-022, submitted by William Dane and Nancy Myers, 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 hearing, 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.

If any accommodations are needed for persons with disabilities, please contact the Office of the City Clerk at 352-465-8500.

End Ad

AFFIDAVIT OF PUBLICATION

Star-Banner
Published – Daily
Ocala, Marion County, Florida

STATE OF FLORIDA
COUNTY OF MARION

Before the undersigned, a Notary Public of Said County and State, Jennifer Stalling who on oath says that they are an authorized employee of the Star-Banner, a daily newspaper published at Ocala, in Marion County, Florida; that the attached copy of advertisement, being a notice in the matter of

NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING REZONING APPLICATION #REZ2015-02 ORDINANCE #ORD2016-02 AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE RBO TO CENTRAL BUSIN

was published in said newspaper in the issues of:

12/31 1x

Affiant further says that the said STAR-BANNER is a daily newspaper published at Ocala, in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in said Marion County, Florida, daily, and has been entered as second class mail matter at the post office in Ocala in said Marion County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 31st day of December, A.D., 2015

Susan Cooke
Notary Public

Susan Cooke
(Print, Type or Stamp Name of Notary Public)

Susan Cooke NOTARY My Comm. Expires March 28, 2016 No. EE140101 PUBLIC STATE OF FLORIDA

Ad #: A000879428

NOTICE OF PLANNING COMMISSION
QUASI-JUDICIAL
PUBLIC HEARING
REZONING APPLICATION
#REZ2015-02
ORDINANCE #ORD2016-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE (RBO) TO CENTRAL BUSINESS (B-3) OF THAT PARCEL (LOT 1846) COMPRISING .14 ACRES MORE OR LESS LOCATED AT 20799 WALNUT STREET, ON THE NORTHEAST CORNER OF THE WALNUT STREET AND CEDAR STREET INTERSECTION; PROVIDING DIRECTIONS TO THE CITY MANAGER; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

The City of Dunnellon Planning Commission will hold a quasi-judicial public hearing for recommendation to the City Council regarding adoption of Ordinance #ORD2016-02, rezoning Parcel Number 3380-1844-00, Plat Book A, Page 174 of the Public Records of Marion County, Florida, with an address of 20799 Walnut Street, comprising 0.14 acres more or less, from RBO Residential Business Office to B3 Central Business. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on Tuesday, January 19, 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.

The application, filed under application number PZ1516-022, submitted by William Dane Myers and Nancy Myers, 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 hearing, 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.

If any accommodations are needed for persons with disabilities, please contact the Office of the City Clerk at 352-465-8500.

December 31, 2015
#A000879428

cc: Teresa
Sue
Lonnie

City of Dunnellon
JAN 04 2016
RECEIVED

Star-Banner
CLASSIFIED ADVERTISING

2121 SW 19th Ave. Rd., Ocala, FL 34474
352-732-9565 fax: 352-867-4126

CLASSIFIED ADVERTISING RECEIPT

CITY OF DUNNELLON-330
N/A
20750 RIVER DR

Dunnellon, FL 34431

Account: 100400
Phone: (352)465-8500
P.O. #:
Ad Taken By: O050
Receipt printed: 12/30/2015

Order Number	Class Number	Start Run	End Run	Run Times	Lines	Description
A000879428	0001	12-31-15	12-31-15	2	72	NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING REZONING APPLICATION #REZ2015-02 ORDINANCE #ORD2016-02 AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE RBO TO CENTRAL BUSIN

Payment Detail	Pay Date	Type	Card or Check #	Card	Exp	Amount
Current Payment						
Order Price						$ 154.76
Total Payments					-	$ 0.00
Balance					=	**$ 154.76**

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(352) 732-9565 Classified (352) 867-4010 Credit
http://www.starbanner.com

Ocala Star Banner's Copy

CITY OF DUNNELLON-330
N/A
20750 RIVER DR

Dunnellon, FL 34431

Account: 100400
Phone: (352)465-8500
P.O. #:
Ad Taken By: O050
Receipt printed: 12/30/2015

Order Number	Class Number	Start Run	End Run	Run Times	Lines	Description
A000879428	0001	12-31-15	12-31-15	2	72	NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARING REZONING APPLICATION #REZ2015-02 ORDINANCE #ORD2016-02 AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; CHANGING THE ZONING CLASSIFICATION FROM RESIDENTIAL BUSINESS OFFICE RBO TO CENTRAL BUSIN

Payment Detail	Pay Date	Type	Card or Check #	Card	Exp	Amount
Current Payment						

Order Price		$ 154.76
Total Payments	-	$ 0.00
Balance	=	**$ 154.76**

ISEMANN AMANDA ANN
7925 RESERVE CIR APT 328
NAPLES FL 34119

BENOUAICH NANCY E TR
BREWER LINDA A TR
243 SHORE DR EAST
MIAMI FL 33133-2623

SAMMONS ELLA NAOMI TRUST
PO BOX 53
DUNNELLON FL 34430-0053

EISNAUGLE GLENN T
EISNAUGLE PEGGY L
1216 SORRENTO DR
CITRUS SPRINGS FL 34434

HUSSEY KEVIN M TR AGRMNT
HUSSEY KEVIN M TR
370 S PINELLAS BAYWAY APT A
TIERRA VERDE FL 33715-1917

CORBETT LEILA N
PO BOX 112
DUNNELLON FL 34430-0112

SOFFE VIOLA M
SOFFE PAUL III
18755 SW 60TH ST
DUNNELLON FL 34432-2221

MCDOWELL KIM S
10780 SW 100TH AVE
DUNNELLON FL 34432-4587

JONES CHARLOTTE ANNETTE
20845 W PENNSYLVANIA AVE
DUNNELLON FL 34431

DUNNELLON LIONS INC
C/O JERRY EMERSON
PO BOX 1962
DUNNELLON FL 34430-1962

BLAND DANA B
BLAND PAMELA L
PO BOX 610
DUNNELLON FL 34430-0610

LEDSOME JANET
2491 NE CHERRY LAKE CIR
PINETTA FL 32350-2155

ELLA NAOMI SAMMONS TRUST
PO BOX 53
DUNNELLON FL 34430-0053

THE AVONELLE R MACKERELL TRUST
MACKERELL AVONELLE R TR
PO BOX 717
DUNNELLON FL 34430-0717

LEE BOBBY RAY EST
C/O FRANCES L LEE
20829 CHESTNUT ST
DUNNELLON FL 34431-6702

SVENSSON ERLING V
RITTER SVENSSON MONICA P
108 CENTERWOOD ST
WEST BABYLON NY 11704

SOLDANO SAHWN E
SOLDANO JESSICA D
7840 N GIBRALTER DR
CITRUS SPRINGS FL 34434-6704

MCDOWELL KIM S
10780 SW 100TH AVE
DUNNELLON FL 34432-4587

ST JEAN ALAN
ST JEAN NANCY
20840 CHESTNUT ST
DUNNELLON FL 34431-6705

ALL FLORIDA REALTY SERVICES
1640 SE PORT ST LUCIE BLVD
PORT ST LUCIE FL 34952-5405

SMITH JAMES ARCHIE
20717 CHESTNUT ST
DUNNELLON FL 34431-6701

BALDEO SHYAM
BALDEO SAVITRIE
PO BOX 575
DUNNELLON FL 34430-0575

B & S & GG LLC
3154 SE 6TH PL
OCALA FL 34471

ROSIER EDWARD LAMAR
ROSIER ANGELITA
1603 SW 159TH CT
OCALA FL 34481-3749

POPPER SETH W
19969 SW 50TH PL
DUNNELLON FL 34431

BALDEO SHYAM
BALDEO SAVITRIE
20765 WALNUT ST
DUNNELLON FL 34431-6750

KINCAID CHERYN
20733 CHESTNUT ST
DUNNELLON FL 34431-6701

PURCARO PHYLLIS
20745 CHESTNUT ST
DUNNELLON FL 34431-6701

ALLEN BOBETTE
20781 CHESTNUT ST
DUNNELLON FL 34431

POWELL MYRTICE E
9178 N COMMODORE DR
DUNNELLON FL 34434-4937

NAME	ADD_1	ADD_2	ADD_3
ISEMANN AMANDA ANN	7925 RESERVE CIR APT 328		NAPLES FL 34119
BENOUAICH NANCY E TR	BREWER LINDA A TR	243 SHORE DR EAST	MIAMI FL 33133-2623
SAMMONS ELLA NAOMI TRUST	PO BOX 53		DUNNELLON FL 34430-005
EISNAUGLE GLENN T	EISNAUGLE PEGGY L	1216 SORRENTO DR	CITRUS SPRINGS FL 34434
HUSSEY KEVIN M TR AGRMNT	HUSSEY KEVIN M TR	370 S PINELLAS BAYWAY APT	TIERRA VERDE FL 33715-19
CORBETT LEILA N	PO BOX 112		DUNNELLON FL 34430-011
SOFFE VIOLA M	SOFFE PAUL III	18755 SW 60TH ST	DUNNELLON FL 34432-222
MCDOWELL KIM S	10780 SW 100TH AVE		DUNNELLON FL 34432-458
JONES CHARLOTTE ANNETTE	20845 W PENNSYLVANIA AVE		DUNNELLON FL 34431
DUNNELLON LIONS INC	C/O JERRY EMERSON	PO BOX 1962	DUNNELLON FL 34430-196
BLAND DANA B	BLAND PAMELA L	PO BOX 610	DUNNELLON FL 34430-061
LEDSOME JANET	2491 NE CHERRY LAKE CIR		PINETTA FL 32350-2155
ELLA NAOMI SAMMONS TRUST	PO BOX 53		DUNNELLON FL 34430-005
THE AVONELLE R MACKERELL TRUST	MACKERELL AVONELLE R T	PO BOX 717	DUNNELLON FL 34430-071
LEE BOBBY RAY EST	C/O FRANCES L LEE	20829 CHESTNUT ST	DUNNELLON FL 34431-670
SVENSSON ERLING V	RITTER SVENSSON MONIC	108 CENTERWOOD ST	WEST BABYLON NY 11704
SOLDANO SAHWN E	SOLDANO JESSICA D	7840 N GIBRALTER DR	CITRUS SPRINGS FL 34434-
MCDOWELL KIM S	10780 SW 100TH AVE		DUNNELLON FL 34432-458
ST JEAN ALAN	ST JEAN NANCY	20840 CHESTNUT ST	DUNNELLON FL 34431-670
ALL FLORIDA REALTY SERVICES	1640 SE PORT ST LUCIE BLVD		PORT ST LUCIE FL 34952-54
SMITH JAMES ARCHIE	20717 CHESTNUT ST		DUNNELLON FL 34431-670
BALDEO SHYAM	BALDEO SAVITRIE	PO BOX 575	DUNNELLON FL 34430-057
B & S & GG LLC	3154 SE 6TH PL		OCALA FL 34471
ROSIER EDWARD LAMAR	ROSIER ANGELITA	1603 SW 159TH CT	OCALA FL 34481-3749
POPPER SETH W	19969 SW 50TH PL		DUNNELLON FL 34431
BALDEO SHYAM	BALDEO SAVITRIE	20765 WALNUT ST	DUNNELLON FL 34431-675
KINCAID CHERYN	20733 CHESTNUT ST		DUNNELLON FL 34431-670
PURCARO PHYLLIS	20745 CHESTNUT ST		DUNNELLON FL 34431-670
ALLEN BOBETTE	20781 CHESTNUT ST		DUNNELLON FL 34431
POWELL MYRTICE E	9178 N COMMODORE DR		DUNNELLON FL 34434-493
MCFADDEN DIANE KAY	20726 CHESTNUT ST		DUNNELLON FL 34431-670
LINO ALFRED L JR	20775 CHESTNUT ST		DUNNELLON FL 34431-670
YOUNG RUTHY F REVOCABLE TRUST	YOUNG RUTHY F TR	11714 E BLUE COVE DR	DUNNELLON FL 34432-582

CAUDLE CHERYL	8900 SW 217TH COURT RD		DUNNELLON FL 34431-565
REYNO MANUEL	REYNO REGINA	5090 SW 140TH AVE	OCALA FL 34481-4100
TAPAGER LEE	6670 RAT RD		BOKEELIA FL 33922
CABLE HOLDCO EXCHANGE II LLC	C/O PROPERTY TAX DEPT	ONE COMCAST CENTER 32N	PHILADELPHIA PA 19103-28
FAMILIES IN NEED OF DUNNELLON IN	PO BOX 662		DUNNELLON FL 34430-066
THE MYERS WILLIAM & NANCY REV T	MYERS NANCY ANN TR ET	10925 SW 186TH CIR	DUNNELLON FL 34432-458

ORDINANCE #ORD2015-11

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 A PERMITTED ACCESSORY USE IN CERTAIN RESIDENTIAL DISTRICTS AND DEFINING CHICKEN-KEEPING; PROVIDING FOR A PERMITTING PROCESS; 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 permitted 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 or revocation of a chicken-keeping permit. Imposition of a fine or revocation of a permit shall take place upon a finding by the special magistrate or code enforcement board that a permit holder 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.

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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) and R-1A (Single Family Residential) 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) Permission for 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. In order to obtain a permit for chicken-keeping, an applicant shall submit an application for a building permit site plan to the community development department, including a scaled drawing

showing the location, of the proposed 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. A building permit from the building official will be required. The application submittal shall show construction materials and methods as well as anchoring methods, such as tie-downs. Mobile coops shall be prohibited unless properly anchored to the satisfaction of the building department.

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 be set back a minimum of eight (8) feet from the side and rear lot lines and a minimum of twenty-five (25) feet from any side street, 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 be completely screened from adjacent roadways and parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative material.

h. A signed affidavit is required to be submitted with all chicken-keeping permit petitions. The affidavit shall state that the chicken coop and pen will be designed, constructed and operated to the standards outlined in the City's Code of Ordinances. The affidavit shall also state that the drawings submitted as part of the petition are a reasonably accurate representation of the subject site features and adjacent properties.

(2) A maximum of four (4) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Only one chicken-keeping permit per single-family residence shall be issued.

(4) 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.

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

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

(7) 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.

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

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

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

(11) 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.

(12) The city council hereby establishes a fee of fifty dollars ($50.00) to process petitions for residential chicken-keeping, or such other fee as city council established by resolution. The fee to process the petitions does not include building permit fees required under Chapter 553, Florida Statutes, and the City's fee resolution.

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.

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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																
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										

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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

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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) and R-1A (Single Family Residential) 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.

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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