

Agenda  
City of Dunnellon  
City Council Meeting  
20750 River Drive, Dunnellon, FL 34431  
March 14, 2016  
5:30 P.M.

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

**Call to Order**

**Pledge of Allegiance**

**Opening Prayer/Moment of Silence** (suggested time limit: 1 minute  
Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may so if no invitees/citizens volunteer.)

**Roll Call**

Proof of Publication (Posted on the City's website and City Hall bulletin board on Friday, March 11, 2016)

**Oath of Office for Seat # 5 - Richard D. Hancock**

Chairman's Comments Regarding Agenda  
Public Comments

**CONSENT AGENDA**

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

**1. CITY COUNCIL WORKSHOP MINUTES**

*Jan 06, 2016*  
*Feb 03, 2016*

Documents: [cwm20160106.pdf](#), [cwm20160203.pdf](#)

**2. CITY COUNCIL MINUTES**

*Dec 14, 2015*

Documents: [cmm20151214\\_.pdf](#)

**3. APPROVE PROCLAMATION #PRO2016-03, DUNNELLOH HIGH SCHOOL STUDENT SUPPORT FOUNDATION CLUB**

Documents: [PRO2016\\_03\\_Student Support Foundation.pdf](#)

**4. APPROVE PROCLAMATION #PRO2016-04, DECLARING BOOMTOWN**

## DAYS

Documents: [PRO2016\\_04\\_Boomtown Days 2016.pdf](#)

5. **APPOINT COUNCILWOMAN SOLDATO AS FINANCE LIAISON TO WORK WITH STAFF ON FINANCIAL MATTERS OF THE CITY AND GATHER INFORMATION IN ORDER TO HOLD PUBLIC INFORMATION WORKSHOPS AND MAKE RECOMMENDATIONS TO COUNCIL**
6. **AUTHORIZE MAYOR TO SIGN VOLUNTARY COOPERATION/OPERATIONAL ASSISTANCE AGREEMENT #AGR2016-15 WITH CITRUS COUNTY SHERIFF'S OFFICE**

Documents: [AGR2016\\_15\\_Citrus Co.pdf](#)

7. **AUTHORIZE STAFF TO PURCHASE 6 NEW COMPUTER WORKSTATIONS VIA STATE CONTRACT IN THE AMOUNT OF \$6,720.78**

Documents: [Requisition\\_Computers.pdf](#)

8. **WAIVE OPEN CONTAINER ORDINANCE 99-08, SPECIFICALLY SEC. 6-4 OF THE CITY'S CODE, DURING THE HOURS OF 10 A.M. TO 9 P.M. ON APRIL 16, 2016 FOR SPECIAL EVENT APPLICATION PZ1516-043 BOOMTOWN DAYS, RESTRICTED TO THOSE AREAS AS DEPICTED ON EVENT MAP AND CONTINGENT UPON PLACEMENT OF APPROPRIATE SIGNAGE AND BARRICADES.**

Documents: [Special Event\\_Boomtown.pdf](#)

## CONSENT AGENDA APPROVAL

*PROPOSED MOTION: I move the consent agenda be approved as presented.*

## REGULAR AGENDA

9. **PRESENTATION OF PROCLAMATION #PRO2015-03, DUNNELLON HIGH SCHOOL STUDENT SUPPORT FOUNDATION CLUB**
10. **SPECIAL PRESENTATION BY CHAMBER OF COMMERCE - PENNY LOFTON**
11. **PUBLIC HEARING ORDINANCE #ORD2016-01, AMENDMENTS TO THE ZONING CODE - ALLOWING CHICKENS TO BE KEPT IN RESIDENTIAL AREAS (ADVERTISED ON THE CITY WEBSITE ON 2/16/2016 AND IN THE RIVERLAND NEWS ON 3/3/2016 AND IN THE OCALA STAR BANNER ON 3/3/2016)**

Documents: [ORD2016-01\\_Proof.pdf](#)

12. **FIRST READING OF ORDINANCE #ORD2016-01, AMENDMENTS TO**

**THE ZONING CODE (ALLOWING CHICKENS TO BE KEPT IN RESIDENTIAL AREAS)**

*PROPOSED MOTION: I move Ordinance #ORD2016-01 be read by title only.*

*PROPOSED MOTION: I move Ordinance #ORD2016-01 be approved.*

Documents: [ORD2016\\_01\\_Zoning\\_Packet.pdf](#)

**13. PUBLIC HEARING ORDINANCE #ORD2016-03, EAR BASED COMPREHENSIVE PLAN AMENDMENT - TRANSMITTAL #CPA2016-01 (ADVERTISED ON THE CITY WEBSITE ON 3/4/2016 AND IN THE OCALA STAR BANNER ON 3/4/2016)**

Documents: [ORD2016\\_03\\_Proof.pdf](#)

**14. FIRST READING ORDINANCE #ORD2016-03, EAR BASED COMPREHENSIVE PLAN AMENDMENT - TRANSMITTAL #CPA2016-01**

*PROPOSED MOTION: I move Ordinance #ORD2016-03 be read by title only.*

*PROPOSED MOTION: I move Ordinance #ORD2016-03 be approved.*

Documents: [ORD2016\\_03\\_Transmittal ordinance EAR\\_based amendments 1st Draft.pdf](#), [ORD2016\\_03 Comp Plan Packet.pdf](#)

**15. QUASI-JUDICIAL HEARING - REZONING APPLICATION #REZ2015-02, #ORD2016-02, 20799 WALNUT ST - MYERS (ADVERTISED ON THE CITY WEBSITE ON 2/4/2016 AND IN THE RIVERLAND NEWS ON 3/3/2016)**

Documents: [Myers\\_REZ2015\\_2\\_Proof.pdf](#), [Myers\\_REZ2015\\_02\\_Property Owner Notice.pdf](#)

**16. CONSIDERATION OF REZONING APPLICATION #REZ2015-02, 2ND AND FINAL READING OF ORDINANCE #ORD2016-02, REZONING OF 20799 WALNUT ST. #REZ2015-02**

*PROPOSED MOTION: I move Ordinance #ORD2016-02 be read by title only.*

*PROPOSED MOTION: I move Ordinance #ORD2016-02 be approved.*

Documents: [Myers\\_ORD2016\\_02\\_Walnut St\\_REZ2015\\_02.pdf](#), [Myers\\_REZ2015\\_02 Rezone PC meeting packet.pdf](#)

**17. QUASI-JUDICIAL HEARING - APPLICATION #PZ1516-028 BY ROBERT ZIEGENFUSS, DUNNELLON REAL ESTATE, LLC FOR VARIANCE #VAR2016-02 LOCATED AT 11191 N. WILLIAMS ST. (NOTIFICATION**

**TO APPLICANT AND ADJACENT PROPERTY OWNERS ON 2/24/2016)**

Documents: [Ziegenfuss\\_PZ1516\\_028\\_Propertyowner\\_SurroundingpropertyNotices.pdf](#)

**18. CONSIDERATION OF DEVELOPMENT ORDER #DOR2016-02, REQUEST FOR APPROVAL OF LANDSCAPE BUFFER VARIANCE #VAR2016-02 ROBERT ZIEGENFUSS, DUNNELLON REAL ESTATE FOR APPLICATION #PZ1516-028 11191 N. WILLIAMS ST**

*PROPOSED MOTION: I move Development Order #DOR2016-02 be approved.*

Documents: [DOR2016\\_02\\_DevOrder\\_VAR2016\\_02LandscapeBufferDepth.pdf](#),  
[Ziegenfuss\\_PZ1516\\_028\\_PKTstaff rpt updt PC Res.pdf](#)

**19. RESOLUTION #RES2016-10 ELECTRONIC FILING FOR CAMPAIGN FINANCE REPORTS**

*PROPOSED MOTION: I move Resolution #RES2016-10 be read by title only.*

*PROPOSED MOTION: I move Resolution #RES2016-10 be approved.*

Documents: [RES2016\\_10\\_Filingcampaign\\_financereportselectronically.pdf](#)

**20. FIRST READING OF ORDINANCE #ORD2016-04, AMENDMENT TO SECTION 39 OF CITY'S CHARTER NEEDED TO COMPLY WITH FEDERAL REQUIREMENTS FOR MAILING OF OVERSEAS BALLOTS**

*PROPOSED MOTION: I move Ordinance #ORD2016-04 be read by title only.*

*PROPOSED MOTION: I move Ordinance #ORD2016-04 be approved.*

Documents: [ORD2016\\_04\\_charter\\_change\\_runoffdate.pdf](#)

**21. LOTS OF RECORD**

*PROPOSED MOTION: I move that the City Attorney work with staff, Mr. Metcalf and the Planning Commission to exempt lots of record for building purposes.*

**22. CITY COUNCIL LIAISON ASSIGNMENTS**

Documents: [council\\_liaison\\_list.pdf](#)

**23. COUNCIL LIAISON REPORTS AND COMMENTS**

**24. CITY MANAGER'S REPORT**

**25. CITY ATTORNEY'S REPORT**

- *Rainbow River Ranch Status Report*

## **26. ADJOURN**

*PROPOSED MOTION: I move the City Council meeting be adjourned.*

ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS 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.

**CITY OF DUNNELLON  
CITY COUNCIL WORKSHOP**

DATE: January 06, 2016  
TIME: 5:30 p.m.  
PLACE: City Hall  
20750 River Dr., Dunnellon, FL 34431

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Whitt called the meeting to order at approximately 5:40 p.m. and led the Council in the Pledge of Allegiance then called for a moment of silence. Marylin Welch provided the invocation.

**ROLL CALL**

The following members answered present at roll call:  
Nathan Whitt, Mayor, Seat 1  
Dennis Evans, Vice-Mayor, Seat 2  
Chuck Dillon, Councilman, Seat 3  
Walter Green, Councilman, Seat 4  
Penny Fleeger, Councilwoman, Seat 5

**STAFF PRESENT**

Eddie Esch, City Manager  
Dawn Bowne, City Clerk  
Lt. Spicher, MCSO  
Troy Slattery, Interim Fire Chief  
Jan Smith, Finance Department  
Lynn Wyland, Staff Assistant

**LEGAL COUNSEL**

Andrew Hand  
Shepard, Smith & Cassady

**PROOF OF PUBLICATION**

Mrs. Bowne announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Monday, January 4, 2016.

**AGENDA ITEM NO. 1 – BOARD REPORTS**

Hugh Lochrane, Chair of the UAB, provided his report and a copy of the preliminary agenda for the next board meeting scheduled for January 20, 2016 at 3:00 p.m.

Councilman Dillon provided his report for the 125 Anniversary Committee. He stated the next meeting will be on January 13, 2016 at 9:00 a.m. He said the groundbreaking ceremony for the proposed park is scheduled for Saturday, January 23, 2016 at 10:00 a.m.

**AGENDA ITEM NO. 2 – DUNNELLON BUSINESS ASSOCIATION REPORT**

There was none.

**AGENDA ITEM NO. 3 – CHAMBER OF COMMERCE REPORT**

Penny Lofton discussed the success of the past year's events. She stated the Chamber of Commerce "Mixer" is scheduled for January 28, 2016, at 6:00 p.m., at BubbaQues and would be a good opportunity to come out and meet the new Directors. Mrs. Lofton stated on January 29, 2016, at 4:00 p.m. there will be a ribbon cutting and tour of the new Heart of Florida Health Center, located at 19204 E. Pennsylvania Avenue. Mrs. Lofton stated the Chamber is moving forward with bringing the traveling Vietnam Memorial Wall to Dunnellon and a \$500 donation has been received. Mrs. Lofton said the first planning meeting for Boomtown Days is scheduled for January 26, 2016, at 6:00 p.m.

**AGENDA ITEM NO. 4 – HEART OF FLORIDA HEALTH CENTER COMES TO DUNNELLON – RICH MUTARELLI**

Rich Mutarelli, CEO, provided background of the Center and stated it is a federally qualified health center. He said this Center is their eighth location in Marion County and invited all to the ribbon cutting and a tour of the facility.

**AGENDA ITEM NO. 5 – SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT PRESENTATION – VERONICA CRAW**

Veronica Craw provided a PowerPoint presentation to Council and staff regarding the Rainbow River SWIM Plan. She said in 1987, the Florida Legislature created the Surface Water Improvement and Management (SWIM) Act to protect, restore and maintain Florida's highly threatened surface water bodies. The presentation is attached hereto and made part of these minutes.

Ms. Craw requested Council's support in the form of a resolution. She presented an example of the resolution Marion County adopted on December 1, 2015.

She explained the Plan has been approved by the management committee and the steering committee and will be going to the governing board at their March meeting for approval. She invited all to attend the March meeting which will be held in Brooksville.

Comments were received from the following:

- Vice-Mayor Evans
- Bill Vibbert

**AGENDA ITEM NO. 6 – CDBG WATERMAIN EXTENSION CONTRACTOR BID #BID2015-08 RESULTS AND AWARD RECOMMENDATION**

Mr. Esch explained this watermain extension project went out to bid and several were received. The low bid was received from GWP Construction at \$458,382.60. The budgeted amount for this project is \$513,000.

Council and staff engaged in brief discussion regarding the timeline and the required documents to be provided to DEO.

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 7 – AGREEMENT #AGR2016-01, LEGAL SERVICES CONTRACT – ANDREW HAND WITH SHEPARD, SMITH & CASSADY, P.A.**

Attorney Hand said in order to avoid any conflict of interest, he would not be serving as the assistant to the attorney for the duration of this discussion.

He said the contract is exactly the same as the contract provided to Attorney Cassady, with his rates substituted. He explained the following additional language inserted in Paragraph 3.9(G): “This paragraph does not prevent the Attorney, in his or her discretion, from having one-on-one contact with City Council member(s) when such contact is needed in the best interests of the City.” He said he added this language in the event of any type of emergency, when administration is not available, so he may at his discretion, contact City Council members and provide advice.

Council and staff engaged in discussion regarding the following paragraphs: 3.6, 3.9, 4.6 & 5.9.

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 8 – AGREEMENT #AGR2016-09, LIGHTING SERVICE AGREEMENT WITH DUKE ENERGY**

Mr. Esch explained there is no lighting on the south side of the Police Department building. He said a pole is already at this site and a light can be added. He said he is bringing this agreement before Council, not because of the costs, but because the agreement is for ten (10) years. Mr. Esch said there is a seventeen dollar (\$17) deposit required and a monthly cost of \$8.26. He said this agreement will cover electricity and maintenance.

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 9 – ORDINANCE #ORD2016-01, CHICKENS IN RESIDENTIAL AREA**

Mr. Esch explained the Planning Commission reviewed other local ordinances and adopted some of the contents in this ordinance from the Marion County and Maitland regulations. He said this ordinance would allow chickens to be kept in single family residences and the Planning Commission decided on the number of six (6) chickens, based on the sizes of the lots.

Councilman Green had question regarding Page 5, Line 192, of the ordinance, and said it states: “A maximum of four (4) chickens”, etc. Mr. Esch stated this number was amended to six (6) chickens.

Mr. Esch stated this ordinance was presented tonight for Council’s review only. He said this will go before the Planning Commission in January to determinate whether the ordinance is consistent with the Comp Plan. He stated the ordinance would then come back to Council for consideration.

Council and staff engaged in a brief discussion regarding the fifty dollar (\$50) permit fee. It was Council's consensus to recommend the Planning Commission review and eliminate the permit fee.

Council discussed revisiting the City's fee structure. Mr. Esch stated after the holidays he would like to have a workshop to discuss revenues, which should include the fee structures.

**AGENDA ITEM NO. 10 – RATIFICATION OF AGREEMENT #AGR2015-34 WITH MARION COUNTY SHERIFF'S OFFICE FOR TEMPORARY ASSUMPTION OF LAW ENFORCEMENT**

Mr. Esch explained this agreement with Marion County's Sheriff's Department is basically duplicating the one we had with Lt. Spivey, with the exception of the cost reduction due to Lt. Spicher being based locally in the Rainbow Springs Office.

Councilman Dillon recommended pulling this item from the consent agenda. He proceeded to explain his reasoning for voting to appoint Public Safety Director. He said it was based on having a lieutenant in the Police Department and the Fire Department. He said if the City had both lieutenants in place, he is not sure we would be spending the money we are now. He stated after reviewing the Police Chief applications, he said there were a several applicants that could possibly serve as a Public Safety Director.

Mr. Esch stated he fully agreed with Councilman Dillon and with the concept. He said some things happened internally creating the need to go in another direction.

Council and staff engaged in discussion regarding the number and quality of the applicants the City received for the Police Chief position. Mr. Esch explained he is establishing a panel to review the applications. He said this panel would eliminate local influence and they would be objective.

Councilman Green asked Lt. Spicher about his observations at the Police Department.

Lt. Spicher provided Council his observations and some of the procedures and actions he would implement. He discussed the possibility of establishing a volunteer reserve unit program.

Lt. Spicher said he contacted the Marion County's Sheriff's Office IT Department they have agreed to assist Dunnellon's Police Department with their computer issues. He said the only cost would be for parts.

Mr. Esch explained IT for the Police Department is under separate contract and independent of the City's system. He said the contract is approximately \$14,400 and is up for renewal. He said this was budgeted but it will not be necessary to renew.

Council agreed to place this item on the regular agenda.

**AGENDA ITEM NO. 11 – AGREEMENT #AGR2016-08, MEMORANDUM OF UNDERSTANDING WITH MARION COUNTY**

Mayor Whitt said the City signs a mutual aide agreement with Marion County annually.

Mrs. Bowne explained the format of the agreement has changed and now requires only the Mayor's signature. She said this agreement along with the following agreements in Agenda Item No. 12 will be reoccurring agreements and will not require annual renewals unless there is a change of the Sheriff.

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 12 – VOLUNTARY COOPERATION/OPERATIONAL ASSISTANCE AGREEMENTS WITH THE FOLLOWING: #AGR2016-02, CITY OF BELLEVIEW; AGR2016-03, CITY OF WILLISTON; #AGR2016-04, CITY OF OCALA; #AGR2016-05, LEVY CO.; #AGR2016-06, CITRUS CO. AND #AGR2016-07, MARION COUNTY PUBLIC SAFETY**

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 13– PUBLIC COMMENTS**

Joan Duggins, 19867 SW 88<sup>th</sup> Loop, Rainbow Springs, commented on Item No. 10.

Kathryn Taubert, 19436 SW 101<sup>st</sup> Place Rd., Rainbow Springs, commented on the proposed Chicken Ordinance.

Paul Marraffino, 19544 SW 82<sup>nd</sup> Place Rd., Rainbow Springs, thanked Mrs. Bowne for placing the Comprehensive Plan on the City's website.

Council and staff engaged in lengthy discussion regarding the Rainbow River, DEP and SWFWMD.

Bill Vibbert, 9552 SW 192<sup>nd</sup> Court Rd., Rainbow Springs, discussed the SWIM Plan and the Rainbow River.

**AGENDA ITEM NO. 14– COUNCIL COMMENTS**

***Responsibilities of the Mayor – Councilman Dillon***

Councilman Dillon explained there are certain issues he feels strongly about regarding the Rainbow River. He said because Mayor Whitt attends/sits on committees regarding the Rainbow River, he is informed and knows what is happening with the rivers, with the aquifer and such. Councilman Dillon asked Mayor Whitt to inform Council when he intends to make recommendations to the State or County so Council has the opportunity to provide input. Councilman Dillon said he is concerned about the capacity of tubers on the Rainbow River. He said if that's going to be discussed during those meetings, he would like the Mayor to report back to Council.

Mayor Whitt said he was asked by Jeff Sowards from DEP to serve on the Rainbow Springs Aquatic Preserve committee. He explained Mr. Sowards required a public official in order to meet protocol. He said he attended a good round table and interesting discussion. He said the capacity issue continues to come up year after year. Mayor Whitt stated he was only asked for informational purposes and no decisions were made that day. He said if there had been, he could not make a decision on behalf of Council.

Mayor Whitt discussed what the County has been doing to combat this. He said they have funded an off-duty officer at the bridge, which has removed the chaos from that area. He said they have also provided a patrol boat on the river on the weekends. He said due to manpower and financial issues the City has not been able to fund the boat patrol but he is hopeful the City will in the future. He said the bigger issue is the new state administration “yanked the guns” from DEP and their ability to actually be officers. He said now Governor Scott has now combined FWC in with DEP. He said the County keeps trying to make the right decisions and try to limit the capacity at KP Hole Park. Mayor Whitt said he would like to see a lot of that happen at the State level. He said the State is not doing that yet. He said the number is still the biggest issue on that high pressure stretch of the river during the ninety (90) days from Memorial to Labor Day. He said he agrees with Councilman Dillon and there needs to be a number.

Councilman Dillon told Mayor Whitt he heard the committee was discussing the current capacity and he would like to have some input in those discussions.

Mayor Whitt explained he didn't know there was going to be a discussion about numbers/capacity and assumed it was more about nitrogen, preservation, native plant revival and such, which he is passionate about.

Council and staff engaged in lengthy discussion regarding the DEP and the SWIM Plan.

Bill Vibbert, 9552 SW 192<sup>nd</sup> Court Road, discussed the Rainbow Springs Aquatic Preserves committee and the different elements that affect the Rainbow River.

#### **AGENDA ITEM NO. 15 – CITY MANAGER COMMENTS**

Mr. Esch reported on the following:

- Internet/phone issues at City Hall. The City is using Comcast as back-up
- Stakeholder meetings regarding the force main project, with SWFMUD/180<sup>th</sup> Avenue/Campground/Sateke Village
- Tinsdale Oliver, progressing with the Fire Study
- Tri-City agreement between Inverness, Crystal River and Dunnellon for purchasing purposes for fire support services
- Attended a meeting organized by Inverness City Manager, Frank DiGiovanni, with representatives from Brooksville, Floral City, Inverness and Dunnellon to promote tourism
- Future CRA meeting prior to City Council meeting on January 11, 2016, to discuss the funds for bathroom facilities at Blue Run Dunnellon Park

- Discussed the procedure for amending the CRA plan for the funds for the bathroom facilities
- CRA meeting scheduled for Monday, January 11, 2016 at 5:00 p.m.

Jon Kubiak, Chairman of the CRA Advisory Board, discussed his meeting with Jim Couillard, Director of Marion County Parks and Recreation regarding the bathroom facility.

Councilwoman Fleeger left meeting approximately 8:20 p.m.

The meeting was adjourned at approximately 8:22 p.m.

Attest:

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Dawn Bowne, MMC  
City Clerk

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Nathan Whitt, Mayor



# Rainbow River SWIM Plan Update

Marion County Board of County  
Commissioners  
December 1, 2015

Veronica Crow



Southwest Florida  
*Water Management District*





# SWIM Program

Surface Water Improvement & Management (SWIM)

**In 1987 the Florida Legislature created the Surface Water Improvement and Management (SWIM) Act to protect, restore and maintain Florida's highly threatened surface water bodies. Under this act, the state's five water management districts identify a list of priority water bodies within their authority and implement plans to improve them.**

# **Springs Coast SWIM Priority Water Bodies**

**RAINBOW  
RIVER**



**HOMOSASSA  
RIVER**



**KINGS BAY /  
CRYSTAL RIVER**



**CHASSAHOWITZKA  
RIVER**

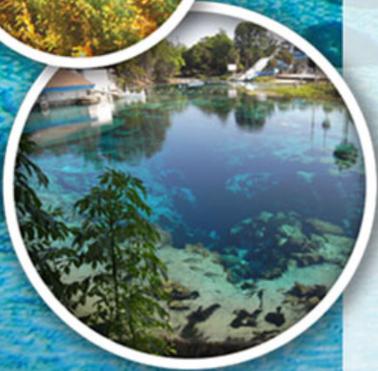


**WEEKI WACHEE  
RIVER**

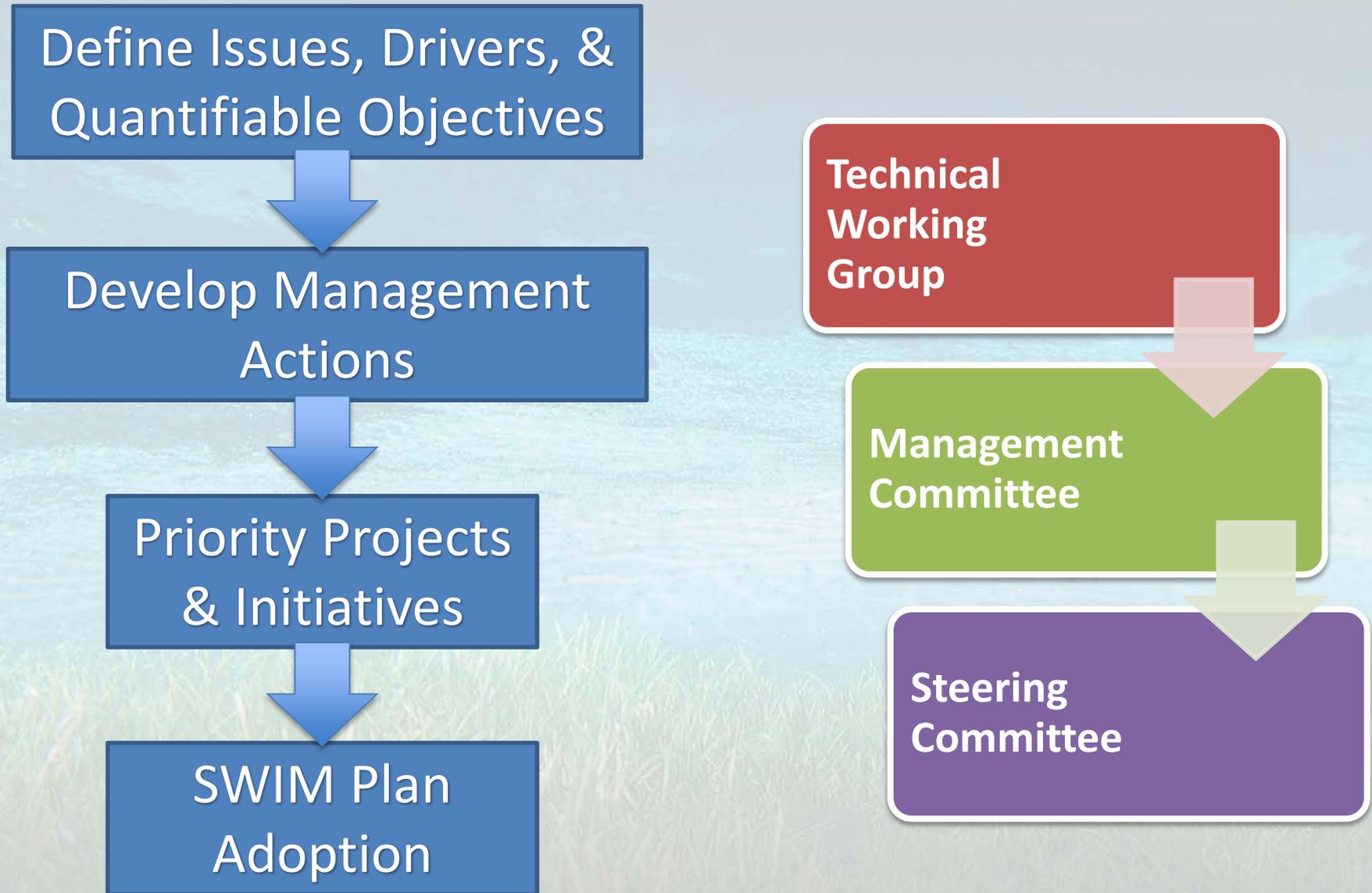


# Springs Coast Steering Committee

- **Mission:**
  - Build inter-agency partnerships to protect, manage, and restore springs
  - Develop comprehensive plans for five first-magnitude systems
- **Structure:**
  - **Steering Committee**
    - Quarterly meetings
  - **Management Committee**
    - Bi-monthly meetings
  - **Technical Working Group**
    - Meets as needed



# SWIM Plan Process



# Rainbow River SWIM Plan

- Executive Summary
- Introduction
- Issues and Drivers
- Management Actions
- Projects and Initiatives
- References
- Appendices

## Rainbow River SWIM PLAN FINAL DRAFT

*A Comprehensive Conservation and Management Plan*



Date: 10/23/2015

Version 226

# Introduction

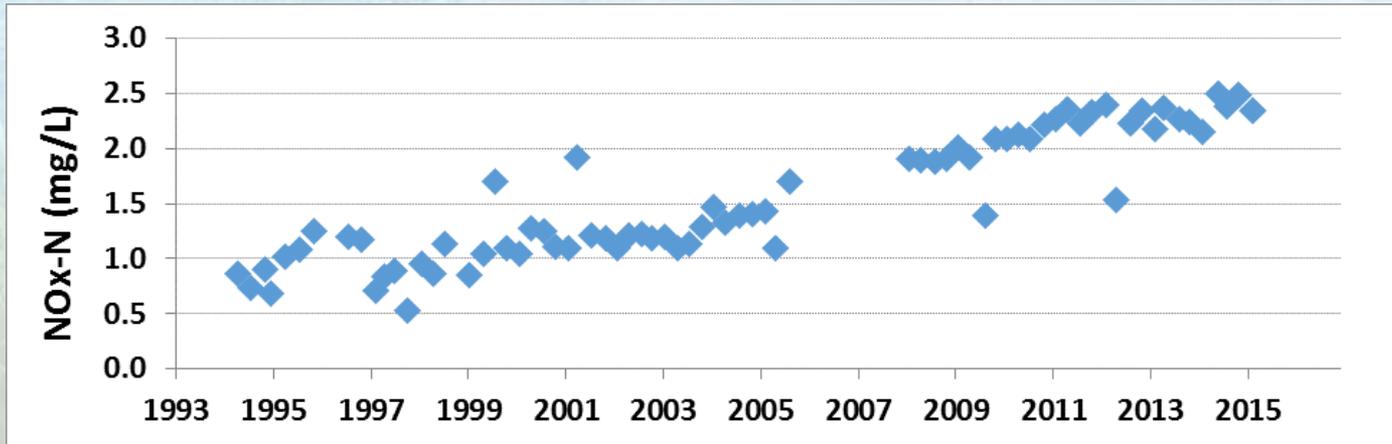
- The Springs Coast
- Steering Committee
- The SWIM Act & SWIM Priority Water Bodies
- What Makes a Healthy Spring?
- System Description
- Historical Context
- Land Use



# Issues and Drivers

## Primary Issues:

- Elevated Nitrate Concentrations
- Reduced Water Clarity
- Long-term Stream Flow Reduction
- Altered Aquatic Vegetation Community



Elevated Nitrate Concentrations in the Rainbow River

# Quantifiable Objectives

<b>Water Quality</b>	<b>Target</b>
<b>Water clarity in the river</b>	>100 feet <sup>1</sup>
<b>Nitrate concentration in the springs and river</b>	<0.35 mg/L <sup>2</sup>
<b>Water Quantity</b>	<b>Target</b>
<b>Minimum flows for the springs and river system</b>	TBD in 2016 <sup>3</sup>
<b>Natural Systems</b>	<b>Target</b>
<b>Coverage of desirable submerged aquatic vegetation in the river</b>	>65% <sup>4</sup>
<b>Coverage of invasive aquatic vegetation (hydrilla/filamentous algae) in the river</b>	<10% <sup>4</sup>

<sup>1</sup> Based on Anastasiou 2006 and average river-wide data presented in Table 3

<sup>2</sup> FDEP 2013 – Nutrient TMDL for Rainbow Springs Group and Rainbow Springs Group Run

<sup>3</sup> SWFWMD 2015 Minimum Flows and Levels Priority List and Schedule

<sup>4</sup> Based on 2011 Rainbow River Vegetation Evaluation (Atkins and DCWI 2012) and data presented in Table 4

# Management Actions

WATER QUALITY



WATER QUANTITY



NATURAL SYSTEMS



# Management Actions

WATER QUALITY



Monitoring & Research
Agricultural Operations
Septic Tanks
Urban/Residential Fertilizer
Wastewater Treatment Facilities
Stormwater
Septic/Sewage Solids Disposal (Septage)
Atmospheric Deposition

“The SCSC recognizes that Agricultural Operations and Septic Tanks are the priority water quality management action categories for the Rainbow River.”  
pages ES-4 & 40

# Management Actions

WATER QUANTITY		Monitoring & Research
	Conservation - Public & Self Supply	
	Conservation - Agriculture	
	Conservation - Industry/Commercial	
	Conservation - Golf Courses	
	Alternative Water Supply - Reclaimed Water	
	Alternative Water Supply - Surface Water/Desalination	
	Alternative Water Supply - Lower Floridan Aquifer	
	Alternative Water Supply – Stormwater	
	Regional Water Supply Planning	
	Regulatory	
	Minimum Flows and Levels	

“The SCSC recognizes that Water Conservation and Minimum Flows and Levels (MFL) adoption are the priority water quantity management action categories for the Rainbow River.”  
pages ES-5 and 42

# Management Actions

NATURAL SYSTEMS



Monitoring & Research
Habitat Conservation
Habitat Restoration – Revegetation
Habitat Restoration – Living Shorelines
Habitat Restoration – Woody Material
Habitat Restoration – Sediment/Muck Management
Habitat Restoration – Reforestation
Invasive Species Management
Recreation Management

“The SCSC recognizes that Invasive Species Management and Recreation Management are the priority natural systems management action categories for the Rainbow River.”  
pages ES-6 and 44

# Projects and Initiatives (71 total)

## WATER QUALITY

Ongoing: 26  
Priority Proposed: 7  
Potential: 4

## WATER QUANTITY

Ongoing: 19  
Priority Proposed: 2  
Potential: 1

## NATURAL SYSTEMS

Ongoing: 8  
Priority Proposed: 2  
Potential: 2

# Websites

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Home Page → Springs → Springs Coast Steering and Management Committees

Springs Intro Learn About Springs Threats to Springs Protecting Springs Springs Experts Events Springs Resources



## Springs Coast Steering, Management and Technical Committees

There are more than 200 documented springs throughout the District. However, most individual springs cluster around 16 groups of springs, five of which are classified as first-magnitude groups based on the amount of water they discharge.

While recognizing the need to manage all springs, the District places a priority on the five first-magnitude spring groups: Rainbow, Crystal River/Kings Bay, Homosassa, Chassahowitzka, and Weeki Wachee. These spring groups, located in or discharging to an area known as the Springs Coast, collectively discharge more than one billion gallons per day.

Each spring system in the Springs Coast region is a unique, complex system with different sets of challenges, so each one will require different management techniques. To address these issues, the District invited local, regional and state agencies to form the Springs Coast Steering Committee (SCSC). The first goal of the SCSC is to develop management plans tailored for each spring system to identify issues, solutions, costs and responsibilities.

To assist in the effort, the SCSC has created the Springs Coast Management Committee (SCMC) to review technical data and make recommendations to the SCSC. The SCMC is composed of representatives from the founding organizations of the SCSC, along with other involved stakeholder groups. (See list below.)

[View Springs Coast Steering Committee Meeting Info »](#)  
[View Springs Coast Steering Committee Members »](#)

[View Springs Coast Management Committee Meeting Info »](#)  
[View Springs Coast Management Committee Members »](#)

[View Springs Coast Technical Work Group Meeting Info »](#)  
[View Technical Work Group Participants \(Invited\) »](#)

**Springs Dashboards**  
View at-a-glance data on the first magnitude springs:

- [Weeki Wachee Springs](#)
- [Chassahowitzka Springs](#)
- [Kings Bay Springs](#)
- [Rainbow Springs](#)
- [Homosassa Springs](#)

[Sign up for Our Springs Newsletter »](#)

**Contact Info**  
For more information, [email the Springs Team](#) »



<http://www.swfwmd.state.fl.us/springs/springs-coast/>

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

Home Page → Projects & Programs → SWIM



## About SWIM

In 1987 the Florida Legislature created the **Surface Water Improvement and Management (SWIM) Act** to protect, restore and maintain Florida's highly threatened surface water bodies. Under this act, the state's five water management districts identify a list of priority water bodies within their authority and implement plans to improve them.

### The District's SWIM Program

The Southwest Florida Water Management District's Surface Water Improvement and Management Program is administered through the Natural Systems & Restoration Bureau, which is responsible for many of the District's water quality and natural systems



### SWIM Navigation

[About SWIM »](#)

**Priority Water Bodies**

- [Tampa Bay »](#)
- [Rainbow River »](#)
- [Crystal River/Kings Bay »](#)
- [Lake Panasoffkee »](#)
- [Charlotte Harbor »](#)
- [Lake Tarpon »](#)
- [Lake Thonotosassa »](#)
- [Winter Haven Chain of Lakes »](#)
- [Sarasota Bay »](#)
- [Weeki Wachee River »](#)
- [Chassahowitzka River »](#)
- [Homosassa River »](#)

### Related Documents

- [Rainbow River SWIM Plan - Draft 3, August 2015](#)
- [Annual Report - 2014](#)
- [Rainbow River Fact Sheet - 2009](#)
- [Rainbow River Project Timeline - 2009](#)
- [Charlotte Harbor - SWIM Plan - 2000](#)
- [Crystal River/Kings Bay - SWIM Plan - 2000](#)
- [Crystal River/Kings Bay - Fact Sheet - November 2004](#)
- [Crystal River/Kings Bay - Time Line - November 2004](#)
- [Lake Panasoffkee - SWIM Plan - 2000](#)

<http://www.swfwmd.state.fl.us/projects/swim/>



**Veronica Craw**

**352-796-7211 ext. 4267**

**[veronica.craw@watermatters.org](mailto:veronica.craw@watermatters.org)**

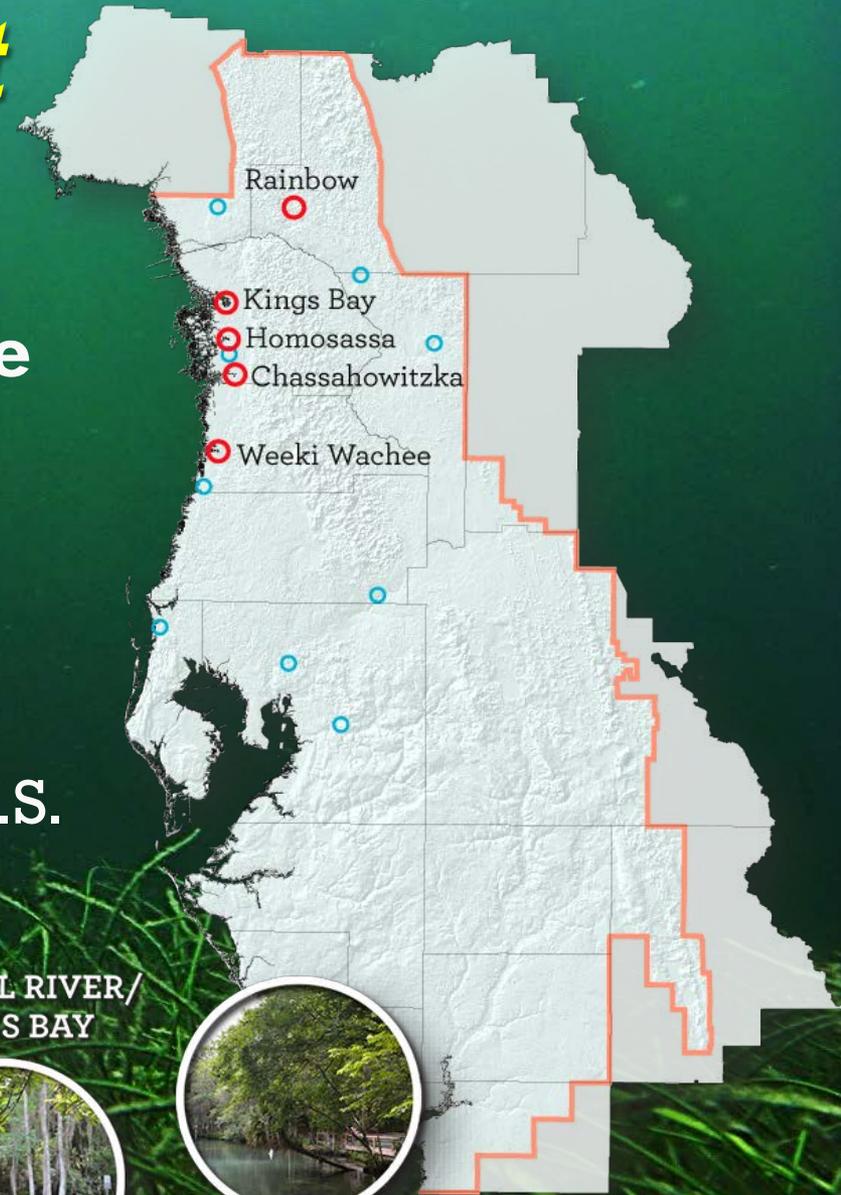


Southwest Florida  
*Water Management District*



# *The Springs Coast*

- **>150 springs District-wide**
- **16 Spring Groups**
- **5 First-magnitude groups**
  - ~ 1 billion gallons/day
  - 2nd largest seagrass area in U.S.



WEEKI WACHEE  
SPRINGS

CHASSAHOWITZKA  
SPRINGS



RAINBOW  
SPRINGS

CRYSTAL RIVER/  
KINGS BAY



HOMOSASSA  
SPRINGS

**RESOLUTION NO. 15-R-\_\_\_**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, SUPPORTING THE RAINBOW RIVER SWIM PLAN PRESENTED BY THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT.**

**WHEREAS**, the Rainbow River in southwestern Marion County is a first-magnitude spring system with clear waters and an abundance of fish and wildlife; and

**WHEREAS**, the river contains numerous spring vents and represents the fourth largest spring system in Florida; and

**WHEREAS**, because of its natural beauty and aesthetics, the Rainbow River was designated an Aquatic Preserve in 1986 and an Outstanding Florida Waterway in 1987; and

**WHEREAS**, recognizing the need to place additional emphasis on restoration, protection, and management of the surface water resources of the State, the Florida Legislature, through the Surface Water Improvement and Management (SWIM) Act of 1987, directed the State's water management districts to "design and implement plans and programs for the improvement and management of surface water"; and

**WHEREAS**, this plan is considered an update of the 2004 Rainbow River SWIM plan; and

**WHEREAS**, Marion County participated within the framework of the Springs Coast Steering Committee (SCSC) Springs Coast Management Committee (SCMC) and Technical Working Group (TWG); and

**WHEREAS**, we recognize that one entity alone cannot do it all, the most important element of this plan is the consensus and partnerships that came together to ensure that this plan takes a much broader approach by identifying management actions and projects from a wide variety of stakeholders; and

**WHEREAS**, this plan is a living document with adaptive management at its core and as such, this plan will be revised periodically to assess overall progress in meeting the quantifiable objectives; and

**WHEREAS**, the primary goal of this SWIM plan is to identify and implement management actions and projects that will address the major issues the system faces and that will restore, maintain, and preserve the ecological balance of the Rainbow River.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Marion County, Florida that;

**Section 1.** The Board of County Commissioners of Marion County, Florida hereby supports the **RAINBOW RIVER SWIM PLAN**, a stakeholder developed, comprehensive plan for the restoration, protection, and management of the ecological balance of the Rainbow River.

**Section 2.** The Board of County Commissioners commends the diverse teams of the Springs Coast Steering Committee, Springs Coast Management Committee, and the Technical Working Group for development of the **RAINBOW RIVER SWIM PLAN** and their commitment to the preservation of this natural treasure.

**DULY RESOLVED** this 1<sup>st</sup> day of **DECEMBER, 2015**.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF MARION COUNTY, FLORIDA

---

DAVID R. ELLSPERMANN, CLERK

---

KATHY BRYANT, CHAIRMAN

**CITY OF DUNNELLON  
CITY COUNCIL WORKSHOP**

DATE: February 03, 2016  
TIME: 5:30 p.m.  
PLACE: City Hall  
20750 River Dr., Dunnellon, FL 34431

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Whitt called the meeting to order at approximately 5:37 p.m. and led the Council in the Pledge of Allegiance. He asked if any invitee or volunteer was present to open with prayer. Marilyn Welch provided the invocation. Councilman Green announced Dr. Richard Knall, a lifelong resident had passed away.

**ROLL CALL**

The following members answered present at roll call:  
Nathan Whitt, Mayor, Seat 1  
Dennis Evans, Vice-Mayor, Seat 2  
Chuck Dillon, Councilman, Seat 3  
Walter Green, Councilman, Seat 4

**COUNCIL MEMBERS ABSENT**

Penny Fleegeer, Councilwoman, Seat 5

**STAFF PRESENT**

Eddie Esch, City Manager  
Dawn Bowne, City Clerk  
Lt. Spicher, MCSO  
Troy Slattery, Interim Fire Chief  
Lynn Wyland, Staff Assistant

**LEGAL COUNSEL**

Andrew Hand  
Shepard, Smith & Cassady

**PROOF OF PUBLICATION**

Mrs. Bowne announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Friday, January 29, 2016. Mrs. Bowne stated the agenda was amended to revise Item #5.

**AGENDA ITEM NO. 1 – BOARD REPORTS**

Councilman Dillon reported on the 125 Anniversary Committee meeting. He requested Council's approval to allow staff to explore grants. He reported on the groundbreaking for the proposed park. Council agreed to place the request on the consent agenda.

**AGENDA ITEM NO. 2 – DUNNELLON BUSINESS ASSOCIATION REPORT**

Mathew Baillargeon reported on the following:

- Ribbon cutting for Dunnellon Jewelry and Pawn on February 26, 2016 at 12:00 p.m. at their new location, 11941 Bostick Street, Dunnellon
- New brochures have arrived
- New organization multi-marketing in the Brooksville, Inverness and Floral City areas
- Dunnellon Little League opening day, March 5, 2016. Parade starts at 8:00 a.m. and opening ceremony at the complex at 9:00 a.m.

Council and staff engaged in brief discussion regarding the large pontoon boat docking at Swampy's Bar & Grill restaurant.

**AGENDA ITEM NO. 3 – CHAMBER OF COMMERCE REPORT**

Penny Lofton provided her report on past and future events. She said they are in their 2<sup>nd</sup> printing of the "Hike It, Like It" brochures.

**AGENDA ITEM NO. 4 – RESOLUTION #RES2016-04, SOUTH LEVY RECREATIONAL AREA – MAYOR WHITT**

Mayor Whitt discussed the Tri-County coalition. He stated Resolution 2016-04 expresses Council's support and approval of the concept. He emphasized the coalition is not asking for funding; they want to include the City of Dunnellon as a partner.

**AGENDA ITEM NO. 5 – RESOLUTION #RES2016-05 – SURPLUS PROPERTY (REVISED)**

Mr. Esch explained the proposed resolution and the list of items provided. He said the City typically uses Week's Auction.

Councilman Dillon asked Mr. Esch if the dollars from the surplus are earmarked for the department the items came from. Mr. Esch stated "yes".

Council agreed to place this item on the regular agenda.

**AGENDA ITEM NO. 6 – REQUEST APPOINTMENTS TO PLANNING COMMISSION AND HISTORIC BOARD**

Mrs. Malmberg stated the following Board/Commission Worksheet outlines a "new" application for Planning Commission, 2<sup>nd</sup> alternate vacancy. She said the worksheet also includes reappointments/renewals for members in good standing as follows: one (1) Planning Commission current member and two (2) Historic Board current members.



**BOARD / COMMISSION  
 APPOINTMENT WORKSHEET**

Council Workshop Date: 02/03/2016 Regular Meeting Date: 02/8/2016

App	Name	Address	Current/ Recent Board Member	Applied for Multiple Board Vacancies	Resi- dent	Business Owner # Yrs	Recommended Action
1	William Maguire	20202 Quail Run Drive Dunnellon, FL 34432	N	N	Y	N/A	Appoint to <b>PLANNING COMMISSION</b> to fill 2 <sup>nd</sup> Alternate unexpired term effective 1/8/2016 thru 10/11/2016 Application Attached
2	Wilbur Vanwyck	21465 SW Honeysuckle St., Dunnellon, FL 34431	Current	N	N	Y>3yrs	Reappoint to <b>PLANNING COMMISSION</b> to renew term effective 1/14/2016 thru 1/16/2019
3	Linda Fernandez	12499 Water Way Dunnellon, FL 34433	Current	N	N	Y>3yrs	Reappoint to <b>HISTORIC BOARD</b> to renew term effective 1/14/2016 thru 1/16/2019
4	Dane Myers	10925 SW 186 <sup>th</sup> Circle Dunnellon, FL 34432	Current	N	N	Y>3yrs	Reappoint to <b>HISTORIC BOARD</b> to renew term effective 1/14/2016 thru 1/16/2019

*Planning Commission Only: The city planning commission consists of five members plus two alternate members, appointed by the city council. A maximum of two members and one alternate may be non-resident property owners and/or non-resident business owners. Non-resident property owners and/or non-resident business owners must have owned property and/or owned a business within the city for three years prior to being eligible for said appointment.*

Council agreed to place this item on the consent agenda.

**AGENDA ITEM NO. 7 – ORDINANCE #ORD2016-01 – CHICKENS IN RESIDENTIAL AREA**

Mr. Esch explained the draft Ordinance was reviewed on January 6, 2016 by Council and changes were recommended. Council referred the Ordinance back to the Planning Commission for review of consistency with the City’s Comprehensive Plan. On January 19, 2016, the Planning Commission voted and approved to continue review and consideration of the ordinance to a special meeting on February 2, 2016.

Mrs. Bowne explained the requirements and process for the first and second readings and the public hearings.

Council and staff engaged in brief discussion and reviewed the process.

**AGENDA ITEM NO. 8 – RESIGNATION OF VICE-MAYOR EVANS EFFECTIVE 1/31/2016**

Council and staff engaged in lengthy discussion regarding Councilman Evan’s resignation and how to proceed. They agreed they wanted to appoint a replacement per the City’s Charter. It was noted that the applicant must have been a City resident for at least six (6) months.

Mrs. Bowne stated the new member would hold office until the next general or special election and would then have the opportunity to run for the seat.

Councilman Dillon asked Mrs. Bowne to provide him with the date of the next ethics training.

Mrs. Bowne stated she would research and provide.

He also requested when the council applications/resumes are received, they be emailed to Council members immediately.

Mrs. Bowne stated she would prepare packets for applicants. She said a special City Council meeting can be scheduled after the special workshop on February 17, 2016.

#### **AGENDA ITEM NO. 9 – COUNCIL COMMENTS**

Councilman Green discussed the Tiger Girls basketball play-offs and the Little League opening day.

Mathew Baillargeon, 22637 SW Surf Blvd, Ocala, provided updates for the opening day for the Little League.

Mayor Whitt commented on several events he attended:

- Ribbon cutting for Comfort Suites
- Firefighter of the year award for Marion County
- Dunnellon High School Tiger Week
- Dunnellon Chamber of Commerce annual dinner
- Tri-County meetings with the cities to the west
- Ribbon cutting for the Heart of Florida Health Center

Mayor Whitt stated the Marion County's TPO will provide a presentation at the special workshop scheduled for February 17, 2016, at 4:00 p.m.

Interim Fire Chief Slattery provided a report on meetings with Marion County Fire Rescue.

#### **AGENDA ITEM NO. 10 – CITY MANAGER COMMENTS**

Mr. Esch thanked the Community Thrift Shop for their \$2,600 donation for the purchase of tires for the fire truck.

Mr. Esch provided his report on the following:

- DEO approved the CDBG grant for the water main extension
- Update regarding the Police Chief applications
- 125 Anniversary Park, working on water main
- Graffiti on the Masonic building
- Close out documents for the Rio Vista project
- Plan to provide more of a medical-based fire department vs. a fire-fighter department
- Rainbow Springs refunds

Council and staff engaged in brief discussion regarding BB&T. Councilman Dillon requested Mr. Esch speak with a broker.

Councilman Dillon requested Mr. Esch contact Sherry Spiers from DEO regarding the Competitive Florida Partnership Grant, which helps to provide assistance for economic development that was discussed at her presentation during the workshop held on March 4, 2015.

Councilman Dillon asked Mr. Esch for the status of Florida Cable and asked if they are being evicted and if the City has been receiving any lease payments.

Mayor Whitt asked if anyone had anything further to provide.

Interim Fire Chief Slattery discussed the concept of implementing ALS Services. He explained the department has been searching for a smaller style fire truck for this purpose. He said tomorrow night, at the fire department volunteer meeting, he has a company bringing one in for them to examine, and assist in creating specification.

Councilman Green asked Mr. Esch when he would be ready to make a decision regarding the Fire Chief's position.

Mr. Esch replied once staff gets through hiring a Police Chief.

#### **AGENDA ITEM NO. 11– PUBLIC COMMENTS**

Public Comments were received by the following:

Kathryn Taubert, 19436 SW 101<sup>st</sup> Place Rd., Rainbow Springs, extended a personal invitation to attend a new educational program developed by the Tri-County Working Group of the Suwannee St. Johns Sierra Club. She proceeded to explain the program.

Joan Duggins, 19687 SW 88<sup>th</sup> Loop, Rainbow Springs, commented on the City's website calendar, phone call to utility billing, Police Chief interviews and the City's list of surplus items.

Joel Pafford, 20781 Park Ave, asked whether the public would be able to view the changes to the ordinance regarding chickens.

Mrs. Bowne explained the public may view the ordinance and the changes on the City's website by going to the agenda and the item number, and clicking on the links.

The meeting was adjourned at approximately 7:25 p.m.

City of Dunnellon  
City Council Workshop  
February 3, 2016  
Page 6

Attest:

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Dawn Bowne, MMC  
City Clerk

---

Nathan Whitt, Mayor

P:\minutes council ws\20160203doc

**CITY OF DUNNELLON  
CITY COUNCIL MEETING**

DATE: December 14, 2015  
TIME: 5:30 p.m.  
PLACE: City Hall  
20750 River Dr., Dunnellon, FL 34431

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Whitt called the meeting to order at approximately 5:41 p.m. and led the Council in the Pledge of Allegiance. He asked if any invitee or volunteer was present to open with prayer. Marilyn Welch provided the invocation.

**ROLL CALL**

The following members answered present at roll call:

Nathan Whitt, Mayor, Seat 1  
Dennis Evans, Vice-Mayor, Seat 2  
Chuck Dillon, Councilman, Seat 3  
Walter Green, Councilman, Seat 4

**COUNCIL ABSENT**

Penny Fleegeer, Councilwoman, Seat 5  
Arrived at 5:58 p.m.

**STAFF PRESENT**

Eddie Esch, City Manager  
Dawn Bowne, City Clerk  
Lt. Todd Spicher, MCSO  
Troy Slattery, Interim Fire Chief  
Lynn Wyland, Staff Assistant

**LEGAL COUNSEL**

Virginia Cassady  
Shepard, Smith & Cassady

**PROOF OF PUBLICATION**

Mrs. Bowne announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Friday, December 11, 2015.

**Chairman's Comments Regarding Agenda**

Mayor Whitt read the following handout he provided to Council and staff:

### Dunnellon Leadership, Healing, and Forgiveness

When I was elected three years ago I knew very clearly my main goal going forward was to provide solid leadership throughout all the turmoil I had knowingly stepped into. Admittedly, I was new to the role and new to being on City Council, but I understood that my leadership role was specifically going to involve working towards HEALING our City all the while asking for FORGIVENESS from those who had been alienated by the City.

To be a leader tonight, I feel my duty is to point out the unfortunate irony of tonight's agenda and do what I can to deal with it. If you have looked at the consent agenda we are approving the plans for building a 125th anniversary park, all the while in agenda item 12, one of our Councilmen is asking to go to a ballot initiative for potentially abolishing both the Fire and Police Departments, Professional Management, and abolishing our City! In my opinion, these notions are short-sighted and rooted in personal animosities, not facts. The 125th Anniversary Park should empower our community to move forward, not remind us of what might have been. With no professional City Manager in charge, no Police or Fire Departments, and no hope for the future, we would be just a series of unelected Councils doing their best to make a few meetings from time to time.

This Council should be so proud after the arduous task of hashing through a very tough budget process and I credit Mr. Green and Mr. Dillon for their attention to detail and urge to find solutions. However, I would ask who would have done the herculean task of compiling all of the information and intricately knowing the needs of every department? If it weren't for Mr. Esch, or another City Manager, working diligently with City staff to find solutions and ways to cut the budget, down to every last roll of toilet paper and print cartridge, down to every line item, it would have been solely up to us; four of us who ran unopposed and myself who fought to be elected by our citizens.

Again, we should be PROUD to have finally found a budget that the City can live with at current funding levels that keeps our Police and Fire Departments in tact, and remember this Council and Manager have come up with some innovative ideas to generate revenue going forward. These are the things that we should be debating, not trying to do away with any of our departments that we all cherish and are privileged to have in the city.

I for one have no interest in doing away with our wonderful Police Department, Fire Department or Professional Management for the City of Dunnellon, only stabilizing them. Let alone that never in my wildest dreams would I even consider dissolving our fair city. I was truly heartsick and embarrassed by both of last weeks meetings. Our City cannot move forward with the continued personal attacks on the City Manager and constant desire to dissolve our Fire Department. I would ask that we turn our focus to things we can agree on. For instance, the

debate over the capital improvement side of the Fire Department is key to the department's future and the results of the Fire Assessment Study this council has approved should help us understand it better. Unfortunately, we may not even get a chance to review the study. To that end, I have been in contact with Marion County administration who have said they would be willing to surplus trucks and equipment to the City. We must reach out and foster these alliances and partnerships. They only strengthen us and our entire area going forward.

In regards to abolishing your current City Manager, I would point out that it was Mr. Esch in Tallahassee in the Governors office keeping our city from bankruptcy, striking an outside-the-box deal with Regions Bank, settling the lawsuit with Rainbow Springs, working overtime to get every penny out of our hard-sought grant funding, and working out a deal to get out of the million dollar lease with the leasing company. To refresh your memory, Mr. Esch inherited three lawsuits and has gotten us out of all of them and kept us from any others. He has been vital to turning the city around throughout, arguably, the worst period in our City's history.

Remember, you can get rid of your City Manager, but then you're going to need to hire a Public Works Director. Your current Manager does both jobs and does his best to juggle both of them, all the while facing constant grilling, finger-pointing, and accusations just short of congressional-type-hearings from a few on this council. I would challenge any of you to follow him around for one day and then report to this Council that he is not necessary.

I am asking this council to think long and hard about the motions they are proposing tonight and if any of you feel that abolishing this city is even an option after our proud 125 year history, I and many others in this City would suggest that you leave your personal feelings at the door. We need Council members who want to work with Professional Management, who want their Fire Department, who want their Police Department, and who want their City moving forward.

Every Council member needs to seriously consider what you are proposing remembering one important fact: You can find 10% of any population to vote for just about anything and once it's on the ballot, those who would love to see this City wiped away will be working overtime to campaign for that very thing. This is dangerous and irresponsible for the future of our city, our police and fire departments, and our professional management. If you are in any way shape or form interested in abolishing this city after our 125 proud years, please step down!

I know there are folks in the crowd tonight that feel the same way, and I hope they will come forward and stand up for your departments, your professional management, and your City. Leadership is vital at this time in our city's history and admittedly, even when I fall short, I am always striving to be a better leader. What I do know is that we can HEAL this City. We can embrace and ask for FORGIVENESS and we are PROUD to live in the City of Dunnellon!

**Public Comments**

Joan Duggins, 19687 SW 88<sup>th</sup> Loop, Rainbow Springs, questioned why Sergeant Webb has not been reinstated to the Lieutenant position. She also addressed Agenda Item # 12.

Virginia Saalman, 11540 Camp Drive, discussed the Christmas Parade and thanked all and said she is proud of the city of Dunnellon.

Mathew Baillargeon, 22637 SW Surf Blvd, Ocala, thanked the volunteers for their help with the Christmas Parade.

Blake Fugate, attorney in Williston, asked Council if they had any question regarding his bid for City Attorney.

Mary Ann Hilton, 12078 Palmetto Ct., commented on the parade and Agenda Item #12. She discussed the upcoming City Attorney. She said she prefers a local attorney vs. a large firm.

Louise Kenny, 19970 Ibis Ct., discussed Agenda Item #12 and suggested tabling this item and she supports the Mayor's comments regarding this agenda.

Paul Marraffino, 19544 SW 82<sup>nd</sup> Place Rd., commented that Dunnellon is his community and he has lived here for 8 years and he supports the City.

Brenda D'Arville, 11661 Camp Dr., thanked the Mayor for his opening remarks and supports the dedication of all.

Tom Golden, Pastor from First Assembly of God stated he supports Mayor Whitt's opening comments.

Jon Kudiak, 20553 Audubon Ave., discussed Agenda Item #12 and asked to rescind this item.

Mr. Esch addressed Agenda Item No. #3, the 125 Anniversary Park. He said the plans are only conceptual plans to build as best we can. He explained there is a possibility that some of the park fixtures may require to be moved a little due to aged, existing waterlines.

Council and staff engaged in discussion regarding the existing, active waterlines and the costs.

Mr. Esch explained it would be best to replace the oldest waterlines that may be a problem in the future. He said maintenance and repair funds are built into the budget every year for this type of change out projects.

## **CONSENT AGENDA**

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

1. APPROVE PROCLAMATION 2015-07, CENSURE COUNCILWOMAN FLEEGER
2. APPOINT VIRGINIA SAALMAN TO A TWO-YEAR TERM AS A RESIDENT TRUSTEE TO THE POLICE OFFICERS AND FIREFIGHTERS PENSION BOARD TERM EFFECTIVE 12/14/2015 – 12/14/2017
3. APPROVE “125<sup>TH</sup> ANNIVERSARY PARK” AS THE NAME FOR THE PARK THAT WILL BE DEVELOPED AT THE SITE OF THE OLD WATER TOWER. ADDITIONALLY THE PARK WILL BE DEDICATED TO BARBARA KELLY SPITZNOGLE
4. APPROVE THE 11-15-15 SITE PLAN AND DESIGN PROPOSED FOR THE 125<sup>TH</sup> ANNIVERSARY PARK

## **CONSENT AGENDA APPROVAL**

Councilman Dillon moved the consent agenda be approved as presented. Councilman Green seconded the motion.

Councilman Fleeger said she had a statement to read into the record.

Council and staff engaged in discussion regarding the Consent Agenda and Agenda Item No. 1. After brief discussion, it was agreed to leave the motion as is, with Councilwoman Fleeger abstaining. She said she would read her statement later in the meeting. (Note: Councilwoman Fleeger did not at any point read a statement into the record.”

The vote was taken and all were in favor. The motion passed 4-0. Councilwoman Fleeger abstained from voting.

Councilwoman Fleeger’s completed and signed the following *Form 8B Memorandum of Voting conflict for County, Municipal, and Other Local Public Officers*:

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>FLEEGER PERCLOPE L.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City Council, Dunnellon</i>
MAILING ADDRESS <i>117 35 E. BLUE LOVE DRIVE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Dunnellon</i>	NAME OF POLITICAL SUBDIVISION: <i>Dunnellon</i>
COUNTY <i>Marion</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED <i>Dec. 8, 2015; Dec. 14, 2015</i>	

RECEIVED  
 DEC 14 2015  
 City of Dunnellon

**WHO MUST FILE FORM 8B**

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Penelope L. Fleeger, hereby disclose that on Dec. 8 and Dec. 14, 20 15:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Proposed proclamation for my censuresship since I receive a stipend as an elected official.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

12-14-15  
Date Filed

Penelope L. Fleeger  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

## **REGULAR AGENDA**

Mayor Whitt discussed Agenda Item No. 12 and the straw ballot. He stated the proposed motion # 1 gives the Council the ability to do what the straw poll would ask Council to consider, but motions #2, #3 and #4 do not. He said he would make a motion to strike the entire motion. He asked for a second. He explained if you read closely, it gives City Council the consideration to abolish the Fire Department. He said numbers 2, 3 & 4 do not, they go to Charter amendment, and he said this gives him pause.

Council and staff engaged in discussion and agreed to continue to Agenda Item No. 5, and then move to Agenda Item No. 12 for discussion.

### **AGENDA ITEM NO. 5 - SPECIAL PRESENTATION BY DUNNELLO CITY COUNCIL TO CHIEF JOE CAMPFIELD**

Mayor Whitt made a presentation to Chief Campfield. He stated, "With our utmost gratitude we thank you for 23 years of dedicated service to the residents of our City. Your passion to serve this community is truly commendable and will forever be cherished. From June 15, 1992 to November 27, 2015. Presented by the City Council today, December 14, 2015."

Mr. Esch introduced Lt. Spicher from the Marion County Sheriff's Office. Lt. Spicher provided his background and commented on the City and the Police Department.

Mayor Whitt asked if there is a motion to move Agenda Item No. 12 on the agenda. Councilman Dillon made motion to move to Agenda Item No. 12. Councilman Green seconded the motion.

Mayor Whitt asked for discussion. There was none.

The vote was taken and all were in favor. The vote was 5-0.

### **AGENDA ITEM NO. 12 - CONSIDERATION OF MOVING FORWARD WITH A STRAW POLL OF REGISTERED VOTERS – COUNCILMAN DILLON**

Councilman Dillon stated his only purpose in proposing these amendments was because the City cannot afford to continue to fund the Fire and Police Departments. He said we need to either raise taxes or something to provide the opportunity to have a first rate Fire Department and a first rate Police Department. Councilman Dillon said he was not able to make his fellow Council members understand that. He said because he could not make them understand that, he will not be able to make the citizens understand it and he is prepared to withdraw the proposal. Councilman Dillon stated he was never for getting rid of anything. He stated our people have not had raises for so long, and in order to support the Fire Department we are going to have to infuse additional tax dollars. He said the City Council members received a memo stating if the Police Department didn't have at least ten (10) members, the suggestion was to do away with the Police Department and go with the

Sheriff's Department. He said he didn't think the residents want to do that, but would support the Police Department and additional funding. However, the residents need to make that decision. He said he is not a divisive person; he works for this City and anyone that knows him in the thirty (30) years he has lived here will tell you that. He said for someone to accuse him of wanting to close the City down, get rid of the Fire and Police Departments, is incredible to him. So, he said he is withdrawing this item. He stated he is a big enough man to know when he made a mistake, but he wanted everyone to know what he was looking for. He said he was not looking to dissolve the Fire or the Police Department. He said he was looking for citizen input and asking specifically whether or not they wanted to pay for the services that they have.

Vice-Mayor Evans explained the process and the information required to a straw poll. He said he used the *Florida Municipal Officials Manual*. He stated if we would ever try to do this again, he feels the Council would need to form a special board and appoint citizens to gather information.

Councilman Green stated what has driven a lot of concern for the past year from the business owners and the citizens of Dunnellon, is that we must live within our means. He said for the last three (3) years, our city has spent thousands of dollars of reserve funds, supplementing the operation of this city daily.

Councilman Dillon moved to remove Item #12 from the agenda. Councilman Green seconded the motion.

Mayor Whitt asked if any further discussion. There was none.

The vote was taken and all were in favor. The vote was 5-0.

**AGENDA ITEM NO. 6 - QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516-002 FOR 12078 PALMETTO CT**

Mayor Whitt gavelled down and stated, "It is now 6:44 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Mr. and Mrs. Hilton, property owners of 12078 Palmetto Ct. Dunnellon, Florida, Parcel 3381-006-019, has requested authorization to remove 1 Heritage Water Oak Tree.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Testimony will be limited to 3 minutes per witness unless the applicant, staff, or affected person requests an extension of time. A request for extension of time will be considered by the Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

Public input is valued by the Council. However, in order to foster mutual respect, personal comments should not be directed toward Council members, or staff. Members of the public shall refrain from interrupting the speaker at the podium.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether to approve the application for Tree Removal.

All witnesses will be sworn in and will testify under oath. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by Council.

After each witness testifies, any Council member can ask the witness questions. The owner is entitled to cross-examine each witness after his or her testimony and shall do so by asking questions of the witness, or can rebut the witness's testimony by presenting contrary testimony or documents after a witness testifies."

Mayor Whitt asked the City Attorney to swear in the witnesses.

Attorney Cassady asked all who wish to present evidence to stand at the same time and she administered the oath. She then asked Council members for any disclosure of contact, ex-parte communications or other evidence. All Council members said no except Councilman Dillon. He stated he spoke to Mrs. Hilton regarding the tree. Attorney Cassady asked Councilman Dillon if any communication he had with Mrs. Hilton and her husband would prejudice him from considering the evidence presented during this hearing in making a fair and impartial decision. Councilman Dillon replied no.

Mr. Esch stated the application for removal of a Heritage Tree was heard by the Tree Board on November 24, 2015. He said the tree is a Water Oak of Heritage size, 34.39 D.B.H. He said the tree represented as being a danger to property, both owner and neighbor's property. He said Mr. Vibbert, who has a B.S. in Plant Sciences/Forestry, inspected the tree and noted in his report that due to the extreme size and multiple split boles, the tree presents a safety hazard. Mr. Esch said the Tree Board unanimously recommended approval to remove the tree.

Mr. and Mrs. Hilton were present to answer questions.

Council and staff engaged in discussion.

Mayor Whitt gaveled down and said, "It is now 6:52 p.m. I close this quasi-judicial hearing, and now reopen the December 14, 2015 City Council Meeting."

**AGENDA ITEM NO. 7 - CONSIDERATION OF TREE REMOVAL PERMIT  
#PZ1516-002, 12078 PALMETTO CT**

Vice-Mayor Evans stated he would not vote "no" for any tree removal on a residential piece of property where the homeowner believes that his welfare, safety and property is in danger from a fallen tree or a limb. He discussed the River Corridor Protection Ordinance, Comp

Plan and Tree Ordinance. He stated based his understanding the Tree Ordinance should not affect or impact lots of records that are smaller than two or three acres. He stated the ordinance was designed to prevent things that happened at the Rainbow River Ranch. He said he does not believe that this Council and this City should tell people that a tree on their property cannot be removed if they feel it is unsafe and a hazard to their health and welfare.

Mr. Esch stated Mr. Marraffino and the Tree Board began rewriting the Tree Ordinance and have called upon Attorney Cassady for legal review.

Councilwoman Fleeger moved permit #PZ1516-002 be approved. Councilman Dillon seconded the motion.

Council and staff engaged in brief discussion regarding waiving the residential fee. Staff agreed to research the language of the resolution which gives the City Manager authority to waive fees.

The vote was taken and all were in favor. The vote was 5-0.

**AGENDA ITEM NO. 8 - QUASI-JUDICIAL HEARING – TREE REMOVAL PERMIT APPLICATION #PZ1516—014 FOR 11535 E. BLUE COVE DR.**

Mayor Whitt gavelled down and stated, “It is now 7:07 p.m. and I close the regular meeting and open this quasi-judicial hearing:

Chris Haigh with CMH Landclearing, representing property owners of 11535 E. Blue Cove Dr. Dunnellon, Florida, Parcel 3453-001-001, has requested authorization to remove 1 Heritage Live Oak Tree.

All witnesses addressing City Council in this matter will be asked to limit their comments to the specific subject being addressed. Testimony will be limited to 3 minutes per witness unless the applicant, staff, or affected person requests an extension of time. A request for extension of time will be considered by the Council to assure all parties have a full and fair opportunity to participate without undue repetition and delay.

Public input is valued by the Council. However, in order to foster mutual respect, personal comments should not be directed toward Council members, or staff. Members of the public shall refrain from interrupting the speaker at the podium.

At the conclusion of this hearing, the City Council of the City of Dunnellon will make a decision whether to approve the application for Tree Removal.

All witnesses will be sworn in and will testify under oath. All persons presenting evidence will state their name and residence address for the record. All documentary evidence will be marked as an exhibit and maintained as a part of the record if accepted by Council.

After each witness testifies, any Council member can ask the witness questions. The owner is entitled to cross-examine each witness after his or her testimony and shall do so by asking questions of the witness, or can rebut the witness's testimony by presenting contrary testimony or documents after a witness testifies."

Mayor Whitt asked the City Attorney to swear in the witnesses.

Attorney Cassady asked all who wish to present evidence to stand at the same time and she administered the oath.

Attorney Cassady asked Council members for any disclosure of contact, ex-parte communications or other evidence. All replied no except for Vice-Mayor Evans. He stated he drove by the property and saw two trees and both should be removed. Attorney Cassady asked Vice-Mayor Evans if there was anything he saw that would prejudice him in making a fair and impartial decision.

Vice-Mayor Evans replied yes, he already decided that he can remove both of the trees.

Mr. Esch stated this was handled through Community Development. He stated there is a possibility the applicant applied for removal of two trees, but only one falls under the Heritage size limit, which requires this process.

Mr. Esch stated Chris Haigh, from CMH Landclearing and Hauling, submitted PZ1516-014 application for a permit to remove a Heritage Live Oak that is 22" D.B.H. The tree is presented as leaning and showing some signs of rot and poses a threat to property due to proximity to home and driveway. He said the Tree Board recommends Council approve the application to remove the tree

Mr. Marraffino, Chair of Tree Board, said the Board unanimously recommended approval of this permit and it is their observation that the trees represent a hazard and therefore, should be given permission to be removed. He also stated there are a number of trees on this site and therefore did not recommend "replacement trees".

Mr. Esch clarified why only the Live Oak is on the application. He said the Water Oak is 19.5" D.B.H. and does not require a permit to remove.

The applicant was not present.

Mayor Whitt asked if there was any public presentation. There was none.

Mayor Whitt gaveled down and stated, "It is now 7:14 p.m. I close this quasi-judicial hearing, and now reopen the December 14, 2015 City Council Meeting."

**AGENDA ITEM NO. 9 - CONSIDERATION OF TREE REMOVAL PERMIT #PZ1516-015, 11535 E. BLUE COVE DR.**

Councilman Dillon moved permit #PZ1516-014 be approved. Councilwoman Fleeger seconded the motion. Mayor Whitt called for discussion.

Vice-Mayor Evans recommended refunding the fee of \$75.00.

Mayor Whitt stated this was up to Mr. Esch's to decide.

The vote was taken and all were in favor. The vote was 5-0.

**AGENDA ITEM NO. 10 - AWARD RFP #BID2015-07 FOR LEGAL SERVICES**

Councilman Dillon moved RFP #BID2015-07 for legal services be awarded to Andrew Hand of Shepard, Smith & Cassidy, P.A. Vice-Mayor Evans seconded the motion.

Mayor Whitt called for discussion.

Council and staff engaged in brief discussion regarding the proposals. Councilman Dillon commented on Mr. Fugate's comment regarding the Comp Plan. He stated that he doesn't think it would be fair to re-negotiate the contract at this point.

Councilman Green expressed his desire to hire a local attorney who has deep connections to the community and said he feels that Mr. Fugate is the better choice.

The vote was taken and all were in favor except for Councilman Green who opposed. The vote was 4-1.

**AGENDA ITEM NO. 11 - RESOLUTION #RES2015-37, SUBLEASE APPLICATION WITH STATE OF FLORIDA FOR LITTLE LEAGUE BALL FIELD PROPERTY**

Mr. Esch stated this is a lease with the State, which has expired and slipped through the cracks. He said because this has been expired for a number of years, the State is requiring the City to re-apply. He explained part of the requirement is a resolution authorizing Mr. Esch to make this application on behalf of the City.

Councilman Dillon moved Resolution #RES2015-37 be read by title only. Councilwoman Fleeger seconded the motion. The vote was taken and all were in favor. The vote was 5-0.

Mrs. Bowne read the following into the record:

“RESOLUTION #RES2015-37

A RESOLUTION OF THE CITY COUNCIL OF DUNNELLON,  
FLORIDA, REQUESTING TO SUBLEASE A PARCEL VESTED IN

THE STATE OF FLORIDA BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND; DIRECTING CITY MANAGER OR DESIGNEE TO SUBMIT A COMPLETED SUBLEASE APPLICATION TO THE STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.”

Councilman Dillon moved Resolution #RES2015-37 be approved. Councilman Green seconded the motion. Mayor Whitt called for discussion. There was none. The vote was taken and all were in favor. The vote was 5-0.

**AGENDA ITEM NO. 13 - COUNCIL LIAISON REPORTS AND COMMENTS**

Councilman Dillon stated he is requesting clarification regarding the purchasing and signing of documents on behalf of the City Council. He stated the City has entered into a contract with the Sheriff’s Office for \$7,300. He then read sections from the City’s Purchasing Policy in the Charter.

Councilman Dillon stated he saw a contract that was signed by Mr. Esch and Mayor Whitt. He said his question is, if the Mayor can contractually make Council responsible for something without it going before Council, he would like to know that. He said the contract was signed and dated Wednesday, December 9, 2015 and Council had a workshop meeting Wednesday evening but nothing was mentioned about the contract. He stated there was a discussion about moving forward with the Sheriff’s office but nothing said about the Mayor and City Manager having already signed a contract. Councilman Dillon stated he was informed about the decision when the newspapers were notified.

Mr. Esch apologized and stated it was not his intention to notify the press before Council. He stated there was a misunderstanding on “sole source” and he thought he had authorization up to \$15,000, based on the purchasing approval process. He stated the contract is a “monthly” contract, not a three (3) month, it has a three (3) month time limit.

Councilman Dillon stated he just wants clarification as to whether or not the Mayor can sign a contract without Council’s approval. He said the Charter says he can’t sign anything without Councils approval. He stated it’s a simple a lack of communication.

Mr. Esch explained he didn’t know the contract required the Mayor’s signature until later that evening and he hurriedly put it in front of the Mayor for signature. He said he had direction from Sheriff Blair to have it signed and immediately sent back to him. Mr. Esch said Monday morning he had questions about the contract, but when he went to get the copy off his desk, it was missing the signature page and the back half of it. He said that raises a whole other question.

Councilman Dillon stated it’s the process he’s talking about. He said we have a process and he is requesting we all follow the process. He said it is very frustrating.

Mrs. Bowne asked Councilman Dillon to clarify his statement for the record, because Mr. Esch made a comment alluding to the fact that he is concerned that something went missing from his office. She said Mr. Esch approached her and staff members, asking if anyone had something to do the missing pages. Mrs. Bowne stated no one enters his office, typically, unless he knows we are looking for something. She said no one on her staff had any idea about what he was referring to. She stated for the record, that she and her staff were not aware of this contract until Councilman Dillon brought a copy to City Hall on Thursday afternoon.

Councilman Dillon stated Mrs. Bowne's office did not provide him anything. He said he got a copy of it and when he read it and saw signatures, he went to the Charter and the Purchasing Policy. He stated Mrs. Bowne had absolutely nothing to do with this.

Councilman Dillon said he would appreciate Council having a "heads up" because it's very frustrating when he's out working and a resident calls and ask if he knows about "this" and he has no knowledge of it.

Mr. Esch asked in return, when he does send things to Council that he get some kind of response back. He said he sends numerous things and receives no response.

Attorney Cassady commented on the Purchasing Policies, and if Mr. Esch went under "sole source" or "emergency", because one does require Council approval and the other just an "after-the-fact" report. She discussed the possibility of Mr. Esch providing a report and placing it on the next agenda, thus fulfilling the obligations of the Purchasing Policy. She asked Councilman Dillon if that would satisfy his request.

Councilman Dillon said he is satisfied.

#### **AGENDA ITEM NO. 14 - CITY MANAGER'S REPORT**

Mr. Esch commented on the following:

- Letter to Hotel Development Group
- Commented on a Fire/Rescue incident Interim Chief Slattery attended prior to meeting
- Firefighter of the Year Luncheon, January 20, 2016, 11:30 a.m.-2:00 p.m. at the train depot, held by Restoration Specialist to honor Firefighter of the year, Matt Pudio
- The Christmas Parade
- City Manger Goals Monthly Update 11/14/15 – 12/14/15
- Public presentation regarding the trails

Councilman Dillon asked Mr. Esch to contact FDOT regarding the status of the Crossing/Crosswalk near City Hall and the Blue Gator restaurant. Mr. Esch stated this project is still in process.

Mr. Esch said FDOT conducted a speed study on East and West Pennsylvania Avenue. They concluded the current speed of 35 miles per hour on East Pennsylvania Avenue is still a sufficient and adequate speed, while the speed limit on the West Pennsylvania should be reduced to 30 miles per hour due to the shops and businesses.

**AGENDA ITEM NO. 15 - CITY ATTORNEY'S REPORT**

Attorney Cassady stated she had nothing new to report. She said the Court had not set a date on the Oral Argument.

**AGENDA ITEM NO. 16 - ADJOURN**

At approximately 8:00 p.m. Councilman Dillon moved the December 14, 2015 City Council meeting be adjourned. Councilman Green seconded. All members voted in favor. The motion passed 5-0.

Attest:

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Dawn Bowne, MMC  
City Clerk

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Nathan Whitt, Mayor



**PROCLAMATION #PRO2016-03  
DUNNELLO HIGH SCHOOL**

**STUDENT SUPPORT FOUNDATION**

**WHEREAS**, In 2003 the first Student Support Foundation (SSF) club was opened at Olympia High School in Orlando, Florida. The Student Support Foundation operates as a youth philanthropy club in high schools and universities; and

**WHEREAS**, the club must decide what the need is in their own school community. They are responsible for creating and following their own bylaws and must decide on three main areas of funding. Once funding is received from the Morgridge Family Foundation, it is the club members' and sponsors' responsibility to receive grant requests from clubs, individuals, teachers and school staff. The club must decide whether the grant request meets their funding focus and decide if the grant should be funded. Each club is 100% responsible for their own grants, correspondence and meetings. Each club is expected to keep a detailed budget and not distribute more than what is in the SSF checking account. Each club is expected to fundraise at least \$250.00 annually in addition to the annual \$4,000 contribution from the Morgridge Family Foundation; and

**WHEREAS**, Dunnellon High School Intensive Reading and AP World History Teacher and DHS Golden Apple Teacher of the Year, Barry Carrus discovered the SSF opportunity provided by Ms. Carrie Morgridge, President of the Student Support Foundation, who is dedicated to advancing education in the U.S.; and

**WHEREAS**, after a phone interview with Ms. Morgridge herself, Dunnellon High School became one of only 11 high schools in the nation to be awarded an SSF chapter designation and a \$4,000 grant to carry out the Association's mission; and

**WHEREAS**, the Dunnellon City Council would like to sincerely thank and acknowledge Sponsor and Co-Sponsor Barry Carrus and Kim Williams, and the following students for their devotion to this foundation: Tiana Banda, Shemar Davenport, Joseph Dolloff, Brandie Kirkwood, Darby Langworthy, Michael Nelson, Quinnan Piestrup, Cameron Pike, Taylor Powell, Luis Quijano, Rebecca Ray, Nelmarie Santiago, Claire Sensibaugh, Kaylah Starks, Savannah Thompson and Cheyenne Youngblood.

**NOW, THEREFORE**, be it proclaimed that the Dunnellon City Council recognizes the Dunnellon High School Student Support Foundation and sponsors for their commitment to this program, their school and an impressive allegiance to an elevated level of education.

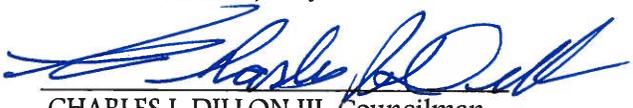
PASSED and PROCLAIMED this 14th day of March 2016.

ATTEST:

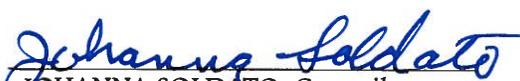
  
DAWN M. BOWNE, MMC  
City Clerk, City of Dunnellon

DUNNELLO CITY COUNCIL

  
NATHAN WHITT, Mayor

  
CHARLES J. DILLON III, Councilman

  
WALTER GREEN, Councilman

  
JOHANNA SOLDATO, Councilwoman

  
RICHARD D. HANCOCK, Councilman

**PROCLAMATION #PRO2016-04**  
**IN HONOR OF**  
**DUNNELLOM BOOMTOWN DAYS**

**WHEREAS**, this is a City rich in historical background and has a heritage that connects our country's earliest days as a frontier to the vigorous pulse of the present; and

**WHEREAS**, the Dunnellon Area Chamber of Commerce is planning a festival of Boomtown Days in the great City of Dunnellon; and

**WHEREAS**, the festivities will start off early with the Boomtown BBQ on Tuesday, April 12<sup>th</sup> from 6:00 to 7:30 p.m. and the annual Boomtown Days Flapjack Breakfast from 7:30 to 8:30 a.m. Friday, April 15<sup>th</sup> at Dunnellon's Historic Train Depot where the final count for the position of Boomtown Mayor and Boomtown Sheriff will be determined; and

**WHEREAS**, the festivities will continue on Saturday, April 16<sup>th</sup> from 9:00 a.m. until 9:00 p.m. During this celebration there will be many activities such as: a Wild West Boomtown with Six Gun Territory and Can-Can Dancers, cowboys and gunslingers, interactive activities, frontier craftspeople, musical entertainment all day long, a varied arts and crafts festival, business and food vendors, Boomtown Saloon, the Boomtown Jail & Bail, Shotgun Wedding Chapel and photography; and

**WHEREAS**, special entertainment throughout the day is planned, featuring Baby Boomtown Pageants, Little Mister and Miss Dunnellon Pageant and the Rainbow Royalty Pageants including Jr. Princess of the Rainbow, Princess of the Rainbow and the Queen of the Rainbow; and

**WHEREAS**, the Dunnellon City Council is deeply grateful to the many committees, civic groups, clubs and volunteers for their efforts in preserving the memories of the past and making them a part of the living present for all of us.

**NOW THEREFORE**, I, Nathan Whitt, Mayor of the City of Dunnellon, do hereby proclaim April 12<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>, 2016 as **Boomtown Days** in Dunnellon. The Dunnellon City Council urges all of our citizens to enjoy themselves by attending these festivities.

**Attest:**

**DUNNELLOM CITY COUNCIL**

\_\_\_\_\_  
DAWN M. BOWNE, MMC  
City Clerk, City of Dunnellon

\_\_\_\_\_  
NATHAN WHITT, Mayor

\_\_\_\_\_  
WALTER GREEN, Vice-Mayor

\_\_\_\_\_  
CHARLES J. DILLON III, Councilman

\_\_\_\_\_  
JOHANNA SOLDATO, Councilwoman

\_\_\_\_\_  
RICHARD D. HANCOCK, Councilman



**VOLUNTARY COOPERATION/OPERATIONAL  
ASSISTANCE AGREEMENT**

**WHEREAS**, it is the intent of this agreement that because of existing and continuing law enforcement problems and intensive situations, especially those that cross jurisdictional lines, and in order to insure that the preparation of law enforcement will be adequate to deal with such activity, protect the public peace and safety, and preserve the lives and property of the people; and

**WHEREAS**, the subscribed law enforcement agencies are so located in relation to each other that it is to the advantage of each to receive and extend mutual aid in the for of law enforcement services in both intensive situations including emergencies under Section 252.34(2), Florida Statutes, and routine services including but not limited to follow-up investigation into criminal activity, backup services during patrol activities and inter-agency task forces;

**NOW, THEREFORE**, the parties agree as follows:

**SECTION I:** In the event that a party to this agreement is in need of assistance as set forth above, they shall notify the agency or agencies from whom assistance is required. The agency head whose assistance is sought shall evaluate the situation and his available resources, and will respond in a manner he deems appropriate. Where investigative priorities arising during a law enforcement operation require crossing of jurisdictional lines, it is the intent of the parties to this agreement that approval to cross jurisdictional lines is presumed at all times unless expressly stated to the contrary. Each party agrees to notify the agency head or his designees of the agency involved as soon as is practical in the event of a major investigation or if an intensive situation develops.

**SECTION II:** Each party agrees to furnish necessary equipment, resources and facilities and to render aid and services to each and every other party to the agreement as set forth above; provided however, that no party shall be required to unreasonably deplete its own equipment, resources, facilities and services in furnishing such mutual aid.

- (a) **MASS ARRESTS** – In the event it becomes necessary to effect mass arrests resulting from any intensive situation, including but not limited to those aforementioned, unless circumstances make it impractical or impossible, the procedure shall be as follows:
  - 1. **IDENTIFICATION:** The Dunnellon Police Department and the Citrus County Sheriff's Office shall designate qualified personnel to process identification all persons taken into custody in any mass arrest situation. That personnel will be responsible for photographing and preparing a log of all arrested persons and the respective arresting officers, as well as for supervising the collection and preservation of any and all evidence related to or associated with the incident necessitating the arrest, or that may be required for effective prosecution.
  - 2. **TRANSPORTATION:** Transportation of any arrested person shall be the responsibility of the arresting agency unless the number of persons arrested is greater than fifteen (15). In the event that the number of persons arrested is greater than fifteen (15), the transportation shall be by the Citrus County Sheriff's Office. In the event the resources of the Citrus County Sheriff's Office are inadequate to meet the transportation requirements, additional vehicles for transportation may be obtained from the Florida Correctional Institution, Lowell, Florida.
  - 3. **BOOKING AND DETENTION:** Booking of arrested persons shall be by the Citrus County Sheriff's Office, for those arrested in Citrus County, at the Citrus County Jail. Whenever

possible, advance notice of mass arrests, or anticipated mass arrests, shall be given to the on-duty supervisor at the Citrus County Jail in order that adequate arrangements may be made for orderly, efficient, and safe processing of all arrested persons.

**SECTION III:** The party that furnishes any equipment pursuant to this agreement shall bear the loss or damage to such equipment and shall pay any expense incurred in the operation and maintenance thereof. The party furnishing aid pursuant to this part shall compensate its employees while they are rendering such aid, including any amounts paid or due for compensation due to personal injury or death while such employees are engaged in rendering such aid unless otherwise provided. Nothing herein shall prevent the requesting agency requesting supplemental appropriations from the governing authority having budgetary jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

**SECTION IV:** Each agency will bear the liability arising from acts undertaken by its personnel pursuant to this agreement. All of the privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits which apply to the activity of such officers, agents, or employees of any such agency when performing their respective functions within the territorial limits of their respective agencies shall apply to them to the same degree, manner, and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this mutual aid agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and auxiliary employees.

**SECTION V:** Each party shall provide satisfactory proof of police professional liability insurance including general liability insurance with minimum limits of \$200,000.00 for a single claim and \$300,000.00 for multiple claims arising out of the same incident or occurrence, or that it is a self-insured entity for purposes of Chapter 768.28(5) of the Florida Statutes. Should the coverage of any party be cancelled or undergo material change, that party shall notify all parties to this agreement of such change within ten (10) days of their receipt of notice of such change.

**SECTION VI:** The resources or facilities that are assigned by the assisting agency shall be under the immediate command of a supervising officer designated by the assisting agency. Such supervising officer shall be under the direct supervision and command of the agency head or his designee of the agency requesting assistance. However, neither entity shall send personnel into the others jurisdiction without authorization from the receiving entity which will be determined on a case by case basis.

**SECTION VII:** In accordance with Chapter 23.127, Florida Statutes, whenever the employees of any law enforcement agency are rendering aid outside its jurisdiction and pursuant to the authority contained in or to any written agreement entered under this part, such employees shall have the same powers, duties, rights, privileges and immunities as if they were performing their duties in the political subdivision in which they are normally employed or appointed.

**SECTION VIII:** Nothing in this agreement is intended or is to be construed as any transfer or contracting away of the powers or functions of one agency to the other.

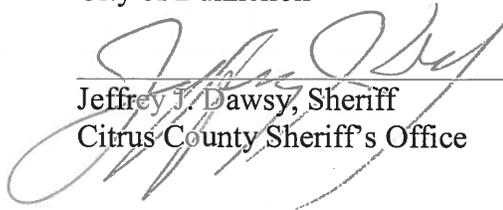
**SECTION IX:** This agreement shall be deemed renewed from year to year automatically unless either party gives notice to the other party at least ninety (90) days in advance of an anniversary date of its intention not to renew.

**IN WITNESS WHEREOF,** the agencies hereto cause the duly authorized signatures to be affixed.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Nathan Whitt, Mayor (date)  
City of Dunnellon

\_\_\_\_\_  
Witness

 2-29-14  
\_\_\_\_\_  
Jeffrey J. Dawsy, Sheriff (date)  
Citrus County Sheriff's Office

\_\_\_\_\_  
City Attorney (date)

\_\_\_\_\_  
Nathan Whitt (date)  
Mayor

This Agreement prepared by:  
Dunnellon Police Department



Meeting Date: 3/9/2016

From (Dept): Information Technology

Signature: [Signature] 3/4/16  
Department Director

Approved for  
Agenda: [Signature]  
City Manager

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBJECT:** Purchase six(6) new computer workstations  
(4) for the Clerk dept and (2) for Finance  
**Request For Approval:**

**SUMMARY EXPLANATION & BACKGROUND:**

The purchase is for replacement computers. The current computers have Windows XP operating systems and this is no longer supported by Microsoft (expired in April 2014). Additionally these PC's are no longer covered by the Dell hardware warranty which only extends to 5 yrs. The six that are being replaced were originally purchased in 2009 and only covered until 2014.

Our Munis Financial software is no longer able to work as it should due to the fact that the XP operating system can only support up to Internet Explorer version 8 which is incompatible with the latest Munis versions.

The computers selected are mid to high end workstations with adequate memory and sufficient hard drive capacity. They are also covered by a three(3) year warranty.

**FISCAL INFORMATION:** The above purchase request is currently budgeted for this fiscal year.

**PROCUREMENT METHOD:** DELL Direct using state contract pricing 43211500-WSCA-15-ACS  
**PURCHASE REQUISITION NUMBER:** PO# 2016067

**RECOMMENDED ACTION:** Recommend approval of computer package purchase

Initiated by: LS



# Quote 1022842713888.1

## CITY OF DUNNELLON

Salesperson	Quote Details	Billing Details
<b>Salesperson Name</b> Bill Murray	<b>Quote Date</b> 03/01/2016	<b>Company Name</b> CITY OF DUNNELLON
<b>Salesperson Email</b> Bill_Murray@Dell.com	<b>Quote Validity</b> 03/31/2016	<b>Customer Number</b> 11011380
<b>Salesperson Phone</b> 18009993355	<b>Solution ID</b> -	<b>Phone Number</b> 1 (352) 4892423
<b>Salesperson Extension</b> 7252773		<b>Address</b> 20750 RIVER DR DUNNELLON FL 34431-6744 US

### Price Summary

Description	Quantity	Unit Price	Subtotal Price
OptiPlex 3040 SFF	6	\$1,120.13	\$6,720.78
		<b>Subtotal</b>	\$6,720.78
		<b>Tax</b>	\$0.00
		<b>Shipping and Handling</b>	\$0.00
		<b>Environmental Fee</b>	\$0.00
		<b>Total</b>	<b>\$6,720.78</b>

Note: All tax quoted above is an estimate; final taxes will be listed on the invoice.

Dear Customer,

Your quote is detailed below; please review the quote for product and information accuracy. If you find errors or desire changes, please contact me as soon as possible.

Regards,  
Bill Murray

Order this quote easily online through your [Premier page](#), or if you do not have Premier, using [Quote to Order](#)

## Product Details by Shipment

Shipping Group 1

Shipping Contact:	LONNIE SMITH	Subtotal	\$6,720.78
Shipping Phone No:	1 (352) 3222555	Tax	\$0.00
Shipping via:	Standard Ground	Shipping and Handling	\$0.00
Shipping Address:	20804 W PENNSYLVANIA AVE DUNNELLON FL 34431-6716 US	Environmental Fee	\$0.00
		Total	\$6,720.78

Description	Quantity	Unit Price	Subtotal Price
<b>OptiPlex 3040 SFF</b>	6	\$1,120.13	\$6,720.78

Estimated Delivery Date: 03/15/2016  
 Contract Code: WN08AGW  
 Customer Agreement No: 43211500-WSCA-15-ACS

210-AFXK	OptiPlex 3040 Small Form Factor XCTO	6	-	-
338-BHUF	Intel Core i5-6500 Processor (Quad Core, 6MB, 4T, 3.2GHz, 65W)	6	-	-
412-AAGQ	Small Form Factor Processor Heatsink 65 Watt	6	-	-
619-AIKN	W10P-DG7 DT 64 ENG/FRE/SPN	6	-	-
634-BEZR	Microsoft Office Professional 2016	6	-	-
954-3465	No DDPE Encryption Software	6	-	-
370-ACLY	8GB (1x8GB) 1600MHz DDR3L Memory	6	-	-
400-AIOY	3.5 inch 1TB 7200rpm Hard Disk Drive	6	-	-
490-BBFG	Intel Integrated Graphics, Dell OptiPlex	6	-	-
325-BBRJ	DVD+/-RW Bezel, Small Form Factor	6	-	-
429-AAJV	Tray load DVD Drive (Reads and Writes to DVD/CD)	6	-	-
385-BBCR	No Media Card Reader	6	-	-
555-BBFO	No Wireless	6	-	-
555-BBFO	No Wireless	6	-	-
321-BBXP	OptiPlex 3040 SFF with 180W Standard Power Supply (APFC)	6	-	-

480-AAJX	Display Not Included	6	-	-
470-AAJL	NO ADAPTER	6	-	-
580-ADJC	Dell KB216 Wired Multi-Media Keyboard English Black	6	-	-
275-BBBW	Dell MS116 Wired Mouse, Black	6	-	-
631-AAWD	non-vPro MOD Consumer - Manageability	6	-	-
340-ADEP	Microsoft Royalty info mod, 100% tie to Win7 and Win8 OS	6	-	-
422-0008	Dell Data Protection System Tools Digital Delivery/DT	6	-	-
637-AAAS	Dell Backup and Recovery Basic	6	-	-
640-BBDF	Adobe Reader 11	6	-	-
640-BBEV	Dell Data Protection   Protected Workspace	6	-	-
640-BBLW	Dell(TM) Digital Delivery Cirrus Client	6	-	-
658-BBMR	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps),OptiPlex	6	-	-
658-BBVM	MY DELL	6	-	-
620-AAYW	Windows 10 OS Professional Recovery 64bit - DVD	6	-	-
525-0052	Adobe Acrobat Standard DC	6	-	-
387-BBCG	No ESTAR	6	-	-
817-BBBB	No FGA	6	-	-
450-AAOJ	System Power Cord (Philipine/TH/US)	6	-	-
340-AGIK	Safety/Environment and Regulatory Guide (English/French/Dutch)	6	-	-
389-BCGW	No UPC Label	6	-	-
340-ARRM	Shipping Material for System, Small Form Factor, DAO	6	-	-
389-BBUU	Shipping Label for DAO	6	-	-
632-BBBJ	PowerDVD Software not included	6	-	-
389-BHIB	Intel Core i5 Processor Label	6	-	-
800-BBIO	Desktop BTO Standard shipment	6	-	-
340-ABJI	No Diagnostic/Recovery CD media	6	-	-
340-ABKW	No Quick Reference Guide	6	-	-
551-BBBJ	No Intel Responsive	6	-	-
389-BIHJ	MOD,LBL,REG,SFF,MEX,APFC,3040	6	-	-
634-BENZ	No DDP ESS Software	6	-	-
329-BBJL	TPM Enabled	6	-	-
461-AABF	No CompuTrace	6	-	-
332-1286	US Order	6	-	-
803-8583	Dell Limited Hardware Warranty Plus Service	6	-	-
803-8774	ProSupport Plus: Accidental Damage Service, 3 Years	6	-	-
803-8802	ProSupport Plus: Keep Your Hard Drive, 3 Years	6	-	-
803-8830	ProSupport Plus: Next Business Day Onsite, 3 Years	6	-	-
803-8886	ProSupport Plus: 7x24 Technical Support, 3 Years	6	-	-
997-8367	Thank you for choosing Dell ProSupport Plus. For tech support, visit <a href="http://www.dell.com/contactdell">www.dell.com/contactdell</a> or call 1-866-516-3115	6	-	-
817-BBBC	Not Selected in this Configuration	6	-	-
330-2915	DisplayPort to DVI (1920x1200) Adapter for Dell Systems OptiPlex,Customer Install	6	-	-

## Important Notes

### Terms of Sale

This quote is valid for 30 days unless otherwise stated. Unless you have a separate written agreement with Dell that specifically applies to this order, your order will be subject to and governed by the following agreements, each of which are incorporated herein by reference and available in hardcopy from Dell at your request:

If this purchase is for your internal use only: Dell's Commercial Terms of Sale (<http://www.dell.com/CTS>), which incorporate Dell's U.S. Return Policy ([www.dell.com/returnpolicy](http://www.dell.com/returnpolicy)) and Warranty ([www.dell.com/warrantyterms](http://www.dell.com/warrantyterms)).

If this purchase is intended for resale: Dell's Reseller Terms of Sale ([www.dell.com/resellerterms](http://www.dell.com/resellerterms)).

If this purchase includes services: in addition to the foregoing applicable terms, Dell's service contracts and related service terms ([www.dell.com/servicecontracts/global](http://www.dell.com/servicecontracts/global)).

If this purchase includes software: in addition to the foregoing applicable terms, your use of the software is subject to the license terms accompanying the software, and in the absence of such terms, then use of the Dell-branded application software is subject to the Dell End User License Agreement - A Version ([www.dell.com/AEULA](http://www.dell.com/AEULA)) and use of the Dell-branded system software is subject to the Dell End User License Agreement - S Version ([www.dell.com/SEULA](http://www.dell.com/SEULA)).

You acknowledge having read and agree to be bound by the foregoing applicable terms in their entirety. Any terms and conditions set forth in your purchase order or any other correspondence that are in addition to, inconsistent or in conflict with, the foregoing applicable online terms will be of no force or effect unless specifically agreed to in a writing signed by Dell that expressly references such terms.

### Pricing, Taxes, and Additional Information

All product, pricing, and other information is valid for U.S. customers and U.S. addresses only, and is based on the latest information available and may be subject to change. Dell reserves the right to cancel quotes and orders arising from pricing or other errors. Please indicate any tax-exempt status on your PO, and fax your exemption certificate, including your Customer Number, to the Dell Tax Department at 800-433-9023. Please ensure that your tax-exemption certificate reflects the correct Dell entity name: **Dell Marketing L.P.** Note: All tax quoted above is an estimate; final taxes will be listed on the invoice. If you have any questions regarding tax please send an e-mail to [Tax\\_Department@dell.com](mailto:Tax_Department@dell.com).

For certain products shipped to end-users in California, a State Environmental Fee will be applied to your invoice. Dell encourages customers to dispose of electronic equipment properly.



Meeting Date: March 9, 2016  
From (Dept): Community Development  
Signature: [Signature]  
Department Director  
Approved for: [Signature]  
Agenda: [Signature]  
City Manager

**Official Use Only**  
Reviewed by \_\_\_\_\_  
City Attorney: \_\_\_\_\_  
Council Action: \_\_\_\_\_  
Date: \_\_\_\_\_

**SUBJECT:** Boomtown Day April 16, 2016

**REQUEST FOR APPROVAL:** Permission for event service and consumption of alcoholic beverages

**SUMMARY EXPLANATION & BACKGROUND:**  
In accordance Code Sec. 6.8 Waivers for Festival Events, Boomtown Days event organizers are requesting a waiver for sale and consumption of alcoholic beverages during the event within the barricaded areas as shown on the attached map. The organizer for the event must seek City Council permission which is then presented to the State Division of Alcoholic Beverages & Tobacco for authorization of sale and consumption.

P21516-043

**FISCAL INFORMATION:**  
\_\_\_\_\_

**PROCUREMENT METHOD:** \_\_\_\_\_

**PURCHASE REQUISITION NUMBER:** \_\_\_\_\_

**RECOMMENDED ACTION:** Recommend approval

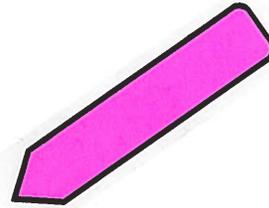
Initiated by: tam [Signature]

# Alcohol Waiver Map

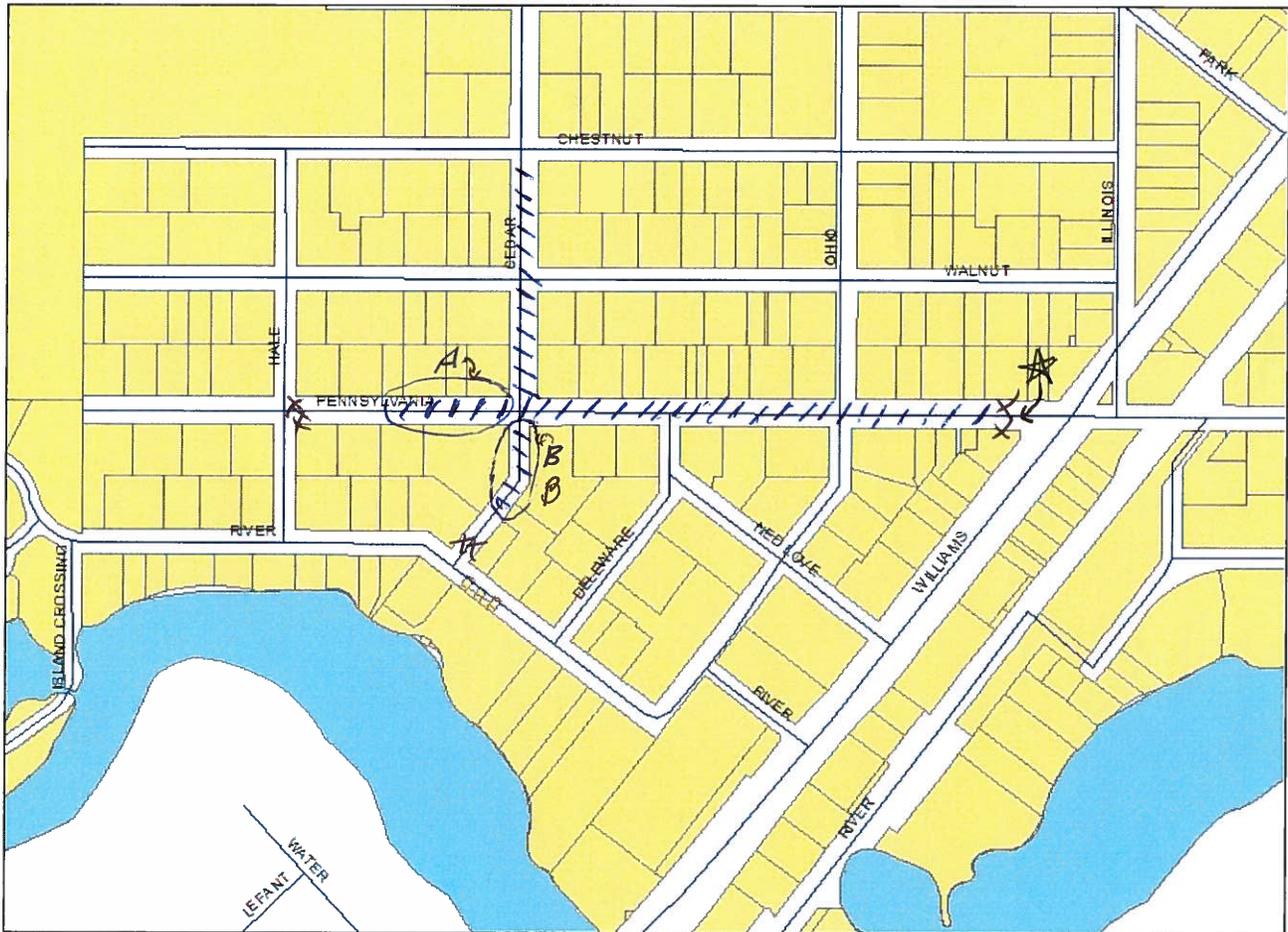
Boomtown Days  
April 16, 2016



Special Event Map  
W. Pennsylvania Avenue



 - Alcohol - Waiver Area



A - Proposed area for Special event.  
B - Proposed area for Special event.

\* Volunteer - No Alcohol in or Out

xx Barricades

# NOTICE OF PUBLIC HEARING AMENDMENTS TO THE ZONING CODE

The City of Dunnellon proposes to adopt the following ordinance:

## ORDINANCE #ORD2016-01

AN ORDINANCE OF THE CITY OF DUNNELLO, FLORIDA, AMENDING THE DUNNELLO 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.

A public hearing on the proposed Ordinance will be held on March 14, 2016, beginning at 5:30 p.m., or soon thereafter, before the City Council, as part of its regular meeting, regarding amendments to the regulations within the City's Single Family Residential Zoning Code. The Public Hearing will be held in the City Council Chambers, Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431. 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.

Interested parties may submit written comments at or before the Public Hearing, or provide oral comments at the Public Hearing, regarding the amendments to the Land Use and Development Code.

The public may inspect the Ordinance during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall.

APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the City Council 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.

**PROOF OF PUBLICATION**

**STAR-BANNER**

**Published—Daily**

**OCALA, MARION COUNTY, FLORIDA**

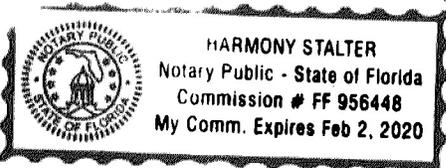
STATE OF FLORIDA,  
COUNTY OF MARION

Before the undersigned authority personally appeared Mikesha Beam, who on oath says that she is 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 of Public Hearing Amendments to the Zoning Code #ORD2016-01 . 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 purpose of securing this advertisement for publication in the said newspaper.

Mikesha Beam

Sworn to and subscribed before me this 4 Day of March, 2016

Harmony Stalter  
Notary Public



HARMONY STALTER  
(Print, Type or Stamp Name of Notary Public)

# Proof of Publication

from the  
**RIVERLAND NEWS**  
Dunnellon, Marion County, Florida  
**PUBLISHED WEEKLY**

STATE OF FLORIDA  
COUNTY OF MARION

Before the undersigned authority personally appeared

Mary Ann Naczi and/or Theresa J. Savery and/or  
Mishayla Coffas

Of the Riverland News, a newspaper published weekly at  
Dunnellon, in Marion County, Florida, that the attached  
copy of advertisement being a public notice in the matter of  
the

**Insertion Order: 000NEMR**  
**Legal number: 469-0303 RIV**  
**Description: City of Dunnellon, Ordinance**  
**2016-01**  
**Display Advertisement: to run 1 time(s)**

Court, was published in said newspaper in the issue of  
**Date of publication: March 3, 2016.**

Affiant further says that the Riverland News is a  
Newspaper published at Dunnellon in said Marion County,  
Florida, and that the said newspaper has heretofore been  
continuously published in Marion County, Florida, each  
week and has been entered as second class mail matter at  
the post office in Dunnellon 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/she has neither paid nor  
promised any person, firm or corporation any discount,  
rebate, commission or refund for the purpose of securing  
this advertisement for publication in the said newspaper.

Mary Ann Naczi  
The forgoing instrument was acknowledged before me

This 3<sup>rd</sup> day of March, 2016

By: Mary Ann Naczi and/or Theresa J. Savery and/or  
Mishayla Coffas

who is personally known to me and who did take an oath.

Mishayla Coffas  
Notary Public

cc: Sue  
Terese  
Dawn

16. He will begin shoot- The positions will be main open until filled.

469-0303 RIV

## NOTICE OF PUBLIC HEARING AMENDMENTS TO THE ZONING CODE

The City of Dunnellon proposes to adopt the following ordinance:

**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.**

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Interested parties may submit written comments at or before the Public Hearing, or provide oral comments at the Public Hearing, regarding the amendments to the Land Use and Development Code.

The public may inspect the Ordinance during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall.

**APPEAL: NECESSITY OF RECORD.** Notice is given that if any person desires to appeal any action taken by the City Council 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.

DOONEAR

# MASTER

1  
2  
3

## ORDINANCE #ORD2016-01

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

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

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

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

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

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

41 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
42 Dunnellon City Code and Zoning Code, ~~strike through~~ constitutes deletions from the original, and  
43 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
44 unchanged.

45  
46 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Dunnellon,  
47 that:

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

50 **SECTION 2.** Sections 14-2 and 14-3 of Chapter 14, "Animals," of the City's Code of  
51 Ordinances are amended to read as follows:

52 **Sec. 14-2. - Definitions.**

53  
54 The following words, terms and phrases, when used in this chapter, shall have the meanings  
55 ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

66 Dangerous dog means any dog that has:

- 67 (1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human  
68 being on public or private property;
- 69 (2) More than once severely injured or killed a domestic animal while off the property of  
70 the owner;

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

76 \*\*\*

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

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

85 \*\*\*

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

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

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

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

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

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

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

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

109

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

Ordinance #ORD2016-01 Chickens in Residential Area

- 112 (b) The city may enforce this chapter through the special magistrate established in Ordinance  
113 No. 2009-10.
- 114 (c) The city, at its option and as an additional enforcement remedy, may refer any violation of  
115 this chapter to the code enforcement board of the city for enforcement and imposition of  
116 fines.
- 117 (d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may  
118 result in fines. Imposition of a fine shall take place upon a finding by the special magistrate  
119 or code enforcement board that an owner has violated the requirements of Section 14-37.

120

121 **SECTION 3.** Article II Animal Control of Chapter 14, “Animals,” is amended to read as  
122 follows:

123

124 \*\*\*

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

126

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

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

137 \*\*\*

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

139

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

- 153            a. The maximum size of the coop and pen area shall be one hundred (100) square feet.
- 154            b. The maximum height of a coop and the pen fence around the coop shall be eight (8)  
155            feet, as measured from the existing grade to the highest part of the coop or fence.
- 156            c. The coop and pen area shall be located in the rear yard of the single-family  
157            detached residence and a minimum of twenty-five (25) feet from any side street.  
158            The coop and fenced pen area shall comply with all other Zoning District setback  
159            requirements, so long as the coop and pen area shall be at least twenty (20) feet  
160            from any residential structure on an adjoining lot.
- 161            d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is  
162            required. The coop and pen must be constructed in a way that establishes a clean,  
163            safe and pleasant environment free of odor, vermin, noise, and disease.
- 164            1. All enclosures for the keeping of chickens shall be so constructed and  
165            maintained as to prevent rodents or other pests from being harbored  
166            underneath, within, or within the walls of the enclosure. Chicken coops must  
167            be impermeable to rodents, wild birds, predators and weather, including all  
168            openings, ventilation holes, doors and gates. Enclosures shall be kept in neat  
169            condition, including provision of clean, dry bedding materials and regular  
170            removal of waste materials, so as to not create an odor.
- 171            e. The space per bird in the coop shall not be less than three (3) square feet.
- 172            f. All chicken feed shall be kept in a secured and covered metal or plastic container,  
173            or otherwise protected so as to prevent rodents and other pests from gaining access  
174            to it.
- 175            g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.
- 176
- 177            (2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-  
178            family residence.
- 179            (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except  
180            that they may be removed from the coop or fenced pen area by a resident or visitor of  
181            the home, provided the resident keeps them under his or her continuous custody and  
182            control while they are outside the coop or fenced pen area.
- 183            (4) Chickens must be secured within the chicken coop or fenced pen area during non-  
184            daylight hours (from dusk to dawn).
- 185            (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be  
186            released or set free at any time.
- 187            (6) Chickens are allowed to be kept in single-family residential areas for noncommercial  
188            purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized  
189            for commercial purposes.
- 190            (7) Chickens shall not be bred or slaughtered on the premises.
- 191            (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of  
192            expiring.

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

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

197  
198 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby  
199 amended to read as follows:

200  
201 **Section 3.12. - Accessory uses and structures.**

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

211 \*\*\*  
212 **Section 7.1. - Table of permitted uses.**

213  
214 The following table identifies what uses are permitted without special exception, permitted  
215 with conditions, and permitted by special exception in the various zoning districts. The uses are  
216 listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific  
217 use is not listed on the table below, the use shall be considered a prohibited use unless and until  
218 an applicant applies for and receives a similar and compatible use permit consistent with this  
219 Code; provided, however, if a use, device, business, or activity is prohibited by these land  
220 development regulations, the Code of Ordinances, or Florida law, an owner may not seek a  
221 similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X"  
222 signify a permitted use. Cells containing an "SE" signify a use permitted by special exception.  
223 Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with  
224 conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a  
225 number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the  
226 number is associated with a section number (e.g., section \_\_\_\_\_) in the legend; and the  
227 section number refers to a location in this chapter (appendix) that contains the conditions  
228 associated with the permitted use or special exception.

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

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

**TABLE OF PERMITTED USES**

Ordinance #ORD2016-01 Chickens in Residential Area

RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PU D See Note	RO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
<u>Chicken-keeping – accessory use</u>		X2	X2		X2														
Home Occupation	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																

234

\*\*\*

235

X Permitted use

236

SE Allowed with special exception

237

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

238

X3S:

239

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

240

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

241

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

Ordinance #ORD2016-01 Chickens in Residential Area

242 R2 Maximum of 6 unrelated residents per single-family dwelling

243 R3A Not allowed

244 R3 Not allowed

245 X:

246 1: Home occupation allowed in residential district

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

252 2: Reserved—Chicken-keeping, defined in Section 7.2, is an accessory use permitted in  
253 certain residential districts under conditions as set forth in Chapter 14, Section 14-  
254 37, Subpart A, General Ordinances.

255 3: Reserved

256 \*\*\*\*\*

257 **Section 7.2. - District uses definitions.**

258

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

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

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

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

275 \*\*\*

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

281

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

287

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

290

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

293

294 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
295 reading after the public hearing on the 14th day of March, 2016.

296

297 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
298 the second and final reading and public hearing on the 11<sup>th</sup> day of April, 2016.

299

300 Ordinance Posted on the City's website on February 17, 2016. The schedule for the 1<sup>st</sup>  
301 and 2<sup>nd</sup> public hearings were advertised on the City's website on February 17, 2016. The 1<sup>st</sup>  
302 public hearing was advertised in the Ocala Star Banner and Riverland News on March 3, 2016.  
303 The 2<sup>nd</sup> and final public hearing was advertised in the Ocala Star Banner and Riverland News on  
304 March 31, 2016.

305

306

307 ATTEST:

**CITY OF DUNNELLON**

308

309

310 \_\_\_\_\_  
Dawn M. Bowne, M.M.C.

310 \_\_\_\_\_  
Nathan Whitt, Mayor

311 City Clerk

312

313 Approved as to Form and Legal Sufficiency:

314

315

316 \_\_\_\_\_  
Andrew J. Hand, City Attorney

317

318 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall,  
319 the Chamber of Commerce, Dunnellon Business Center and the Dunnellon Library, in the City of  
320 Dunnellon, Florida, and on the City's Official Website this 16th day of February 2016.

321

322

323 \_\_\_\_\_  
Dawn M. Bowne M.M.C.

324 City Clerk

1  
2  
3

**ORDINANCE #ORD2016-01**

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

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

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

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

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

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

41 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
42 Dunnellon City Code and Zoning Code, ~~strike through~~ constitutes deletions from the original, and  
43 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
44 unchanged.

45  
46 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Dunnellon,  
47 that:

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

50 **SECTION 2.** Sections 14-2 and 14-3 of Chapter 14, "Animals," of the City's Code of  
51 Ordinances are amended to read as follows:

52 **Sec. 14-2. - Definitions.**

53  
54 The following words, terms and phrases, when used in this chapter, shall have the meanings  
55 ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

66 Dangerous dog means any dog that has:

- 67 (1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human  
68 being on public or private property;
- 69 (2) More than once severely injured or killed a domestic animal while off the property of  
70 the owner;

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

76 \*\*\*

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

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

85 \*\*\*

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

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

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

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

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

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

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

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

109  
110 (a) Penalties for violations of this chapter shall be set forth in a resolution approved by the city  
111 council, which shall be amended from time to time at the discretion of council.

Ordinance #ORD2016-01 Chickens in Residential Area

- 112 (b) The city may enforce this chapter through the special magistrate established in Ordinance  
113 No. 2009-10.
- 114 (c) The city, at its option and as an additional enforcement remedy, may refer any violation of  
115 this chapter to the code enforcement board of the city for enforcement and imposition of  
116 fines.
- 117 (d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may  
118 result in fines. Imposition of a fine shall take place upon a finding by the special magistrate  
119 or code enforcement board that an owner has violated the requirements of Section 14-37.

120  
121 **SECTION 3.** Article II Animal Control of Chapter 14, “Animals,” is amended to read as  
122 follows:

123  
124 \*\*\*

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

- 126  
127 (a) Dogs and cats. It shall be unlawful for keepers of dogs or cats within the city to allow the  
128 animals to be upon the public thoroughfares, streets, avenues or alleys of the city, or in  
129 public places such as restaurants, public stores and the like, or upon property other than the  
130 property belonging to the animal's owner, unless the animal shall be fastened to a suitable  
131 leash of dependable strength not to exceed six feet in length, or otherwise and under the  
132 control of the owner.
- 133 (b) Livestock. It shall be unlawful for the owner of any hogs, cattle, cows, steer, bulls, swine,  
134 donkey, ostrich, emu, llamas, lambs, hens, chickens, roosters, rabbits, turkeys, geese, ducks,  
135 or other fowl, horses, mules, sheep and goats or other similar domesticated “farm animals”  
136 within the city to suffer or permit such animals to wander, forage, or run at large in the city.

137 \*\*\*

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

- 139  
140 (a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include  
141 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry  
142 or fowl. Chicken-keeping is a permitted accessory use within single-family residential  
143 zoning designations of R-1 (One-Family Dwelling), R-1A (Single Family Residential), and  
144 R-3A (Residential Medium Density) where the lot or parcel is occupied by a single-family  
145 detached residence. Chickens shall not be permitted at residential property with a  
146 townhome, duplex, condominium, apartment, or other multi-family residential unit.  
147 Chicken-keeping in all other zoning districts is also prohibited, except that poultry is  
148 permitted on farms in the agricultural zoning district (A-1).
- 149 (b) Chicken-keeping within the city limits shall be subject to the following standards and  
150 conditions:
- 151 (1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and  
152 fenced pen area shall meet the following requirements:

Ordinance #ORD2016-01 Chickens in Residential Area

- 153           a. The maximum size of the coop and pen area shall be one hundred (100) square feet.  
154           b. The maximum height of a coop and the pen fence around the coop shall be eight (8)  
155           feet, as measured from the existing grade to the highest part of the coop or fence.  
156           c. The coop and pen area shall be located in the rear yard of the single-family  
157           detached residence and a minimum of twenty-five (25) feet from any side street.  
158           The coop and fenced pen area shall comply with all other Zoning District setback  
159           requirements, so long as the coop and pen area shall be at least twenty (20) feet  
160           from any residential structure on an adjoining lot.  
161           d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is  
162           required. The coop and pen must be constructed in a way that establishes a clean,  
163           safe and pleasant environment free of odor, vermin, noise, and disease.  
164           1. ~~All enclosures for the keeping of chickens shall be so constructed and~~  
165           ~~maintained as to prevent rodents or other pests from being harbored~~  
166           ~~underneath, within, or within the walls of the enclosure. Chicken coops must~~  
167           ~~be impermeable to rodents, wild birds, predators and weather, including all~~  
168           ~~openings, ventilation holes, doors and gates.~~ Enclosures shall be kept in neat  
169           condition, including provision of clean, dry bedding materials and regular  
170           removal of waste materials, so as to not create an odor.  
171           e. The space per bird in the coop shall not be less than three (3) square feet.  
172           f. All chicken feed shall be kept in a secured and covered metal or plastic container,  
173           or otherwise protected so as to prevent rodents and other pests from gaining access  
174           to it.  
175           g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.  
176  
177           (2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-  
178           family residence.  
179           (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except  
180           that they may be removed from the coop or fenced pen area by a resident or visitor of  
181           the home, provided the resident keeps them under his or her continuous custody and  
182           control while they are outside the coop or fenced pen area.  
183           (4) Chickens must be secured within the chicken coop ~~or fenced pen area~~ during non-  
184           daylight hours (from dusk to dawn).  
185           (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be  
186           released or set free at any time.  
187           (6) Chickens are allowed to be kept in single-family residential areas for noncommercial  
188           purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized  
189           for commercial purposes.  
190           (7) Chickens shall not be bred or slaughtered on the premises.  
191           (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of  
192           expiring.

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

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

197  
198 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby  
199 amended to read as follows:

200  
201 **Section 3.12. - Accessory uses and structures.**

- 202
- 203 1. In residential districts all accessory buildings and uses shall be located only in the rear yard  
204 except that parking may be located in a side yard.
  - 205 2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least  
206 eight feet from any plot line, at least 25 feet from any street, and at least five feet from any  
207 main building. Accessory buildings and structures shall not exceed two stories or 24 feet in  
208 height. In case of rear alleys, private garages not over one story in height may be located on  
209 the rear alley line—and, in the case of chicken coops allowed under Sec. 14-37 of the City's  
210 Code, the maximum height shall be 8 feet.

211 \*\*\*

212 **Section 7.1. - Table of permitted uses.**

213  
214 The following table identifies what uses are permitted without special exception, permitted  
215 with conditions, and permitted by special exception in the various zoning districts. The uses are  
216 listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific  
217 use is not listed on the table below, the use shall be considered a prohibited use unless and until  
218 an applicant applies for and receives a similar and compatible use permit consistent with this  
219 Code; provided, however, if a use, device, business, or activity is prohibited by these land  
220 development regulations, the Code of Ordinances, or Florida law, an owner may not seek a  
221 similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X"  
222 signify a permitted use. Cells containing an "SE" signify a use permitted by special exception.  
223 Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with  
224 conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a  
225 number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the  
226 number is associated with a section number (e.g., section \_\_\_\_\_) in the legend, and the  
227 section number refers to a location in this chapter (appendix) that contains the conditions  
228 associated with the permitted use or special exception.

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

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

TABLE OF PERMITTED USES
-------------------------

Ordinance #ORD2016-01 Chickens in Residential Area

RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PU D See Note	RO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
<u>Chicken-keeping – accessory use</u>		X2	X2		X2														
Home Occupation	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																

234 \*\*\*

235 X Permitted use

236 SE Allowed with special exception

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

238 X3S:

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

242 R2 Maximum of 6 unrelated residents per single-family dwelling

243 R3A Not allowed

244 R3 Not allowed

245 X:

246 1: Home occupation allowed in residential district

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

252 2: ~~Reserved~~ Chicken-keeping, defined in Section 7.2, is an accessory use permitted in  
253 certain residential districts under conditions as set forth in Chapter 14, Section 14-  
254 37, Subpart A, General Ordinances.

255 3: Reserved

256 \*\*\*\*\*

257 **Section 7.2. - District uses definitions.**

258

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

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

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

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

275 \*\*\*

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

281  
282 **SECTION 6. Inclusion in the Code.** It is the intention of the City Council, and it is  
283 hereby ordained that the provisions of this Ordinance shall become and be made a part of the  
284 Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or  
285 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to  
286 "Section" or other appropriate word.

287  
288 **SECTION 7. Repeal of Inconsistent Ordinances.** Any Ordinance in conflict with this  
289 Ordinance is hereby repealed.

290  
291 **SECTION 8. Effective Date.** This Ordinance shall be effective immediately upon adoption at  
292 the second public hearing.

293  
294 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
295 reading on the \_\_\_\_ day of \_\_\_\_\_, 2016.

296  
297 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
298 the second and final reading and public hearing on the \_\_\_\_ day of \_\_\_\_\_, 2016.

299  
300 Ordinance Posted on the City's website on \_\_\_\_\_, 2016. Public hearing  
301 advertised on \_\_\_\_\_, 2016 in the Riverland News and on the City's website.

302  
303  
304 ATTEST: **CITY OF DUNNELLON**

305  
306  
307 \_\_\_\_\_  
308 Dawn M. Bowne, M.M.C. \_\_\_\_\_  
309 City Clerk Nathan Whitt, Mayor

310  
311 Approved as to Form and Legal Sufficiency:  
312  
313 \_\_\_\_\_  
314 Andrew J. Hand, City Attorney

315  
316  
317  
318 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall,  
319 the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on  
320 the City's Official Website this \_\_\_\_ day of \_\_\_\_\_ 2016.

321  
322 \_\_\_\_\_  
323 Dawn M. Bowne M.M.C.  
324 City Clerk

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED ORDINANCE 2016-01, SAID ORDINANCE BEING ATTACHED TO THIS RESOLUTION; FINDING THAT THE PROPOSED ORDINANCE IS INTERNALLY CONSISTENT WITH THE CITY'S LAND DEVELOPMENT REGULATIONS AND IS CONSISTENT WITH THE COMPREHEHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon Planning Commission held public meetings to consider amending Chapter 14 of the City of Dunnellon, Code of Ordinances; and

**WHEREAS**, the Planning Commission reviewed proposed Ordinance 2016-01; and

**WHEREAS**, the Planning Commission has determined that Ordinance 2016-01 attached to this Resolution is consistent with Dunnellon's Land Development Code; and

**WHEREAS**, the Planning Commission, sitting as the local planning agency, finds that Ordinance 2016-01 is consistent with the City's Comprehensive Plan.

**NOW THEREFORE BE IT RESOLVED** by the City of Dunnellon Planning Commission that:

A recommendation of approval of Ordinance 2016-01 will be forwarded to the City Council for their consideration.

**BE IT, FURTHER, RESOLVED** that this Resolution shall be effective immediately upon adoption.

**Upon motion duly made and carried**, the foregoing Resolution was approved this 2nd day of February, 2016 by the Planning Commission upon a motion by Commissioner Sheffield and seconded by Commissioner Hilton and upon being put to a vote, the result was as follows;

Chairwoman Brenda D'Arville	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vice-Chairwoman Lisa Sheffield	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Tracy Fero	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Wilbur Vanwyck	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Paul Cowan	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Maryann Hilton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vacant, Alternate	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote

Attested by:  
**PLANNING COMMISSION**

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

Approved as to Legal Form and Legality  
For use and reliance by the City of Dunnellon,  
Florida

BY: Andrew J. Hand  
Andrew J. Hand  
City Attorney

This 2nd day of February, 2016.

This 2nd day of February, 2016.

1  
2  
3

**ORDINANCE #ORD2016-01**

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

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

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

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

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

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

41 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
42 Dunnellon City Code and Zoning Code, ~~striketrough~~ constitutes deletions from the original, and  
43 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
44 unchanged.

45  
46 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Dunnellon,  
47 that:

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

50 **SECTION 2.** Sections 14-2 and 14-3 of Chapter 14, "Animals," of the City's Code of  
51 Ordinances are amended to read as follows:

52 **Sec. 14-2. - Definitions.**

53  
54 The following words, terms and phrases, when used in this chapter, shall have the meanings  
55 ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

66 Dangerous dog means any dog that has:

- 67 (1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human  
68 being on public or private property;
- 69 (2) More than once severely injured or killed a domestic animal while off the property of  
70 the owner;

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

76 \*\*\*

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

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

85 \*\*\*

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

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

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

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

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

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

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

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

109  
110 (a) Penalties for violations of this chapter shall be set forth in a resolution approved by the city  
111 council, which shall be amended from time to time at the discretion of council.

Ordinance #ORD2016-01 Chickens in Residential Area

- 112 (b) The city may enforce this chapter through the special magistrate established in Ordinance  
113 No. 2009-10.
- 114 (c) The city, at its option and as an additional enforcement remedy, may refer any violation of  
115 this chapter to the code enforcement board of the city for enforcement and imposition of  
116 fines.
- 117 (d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may  
118 result in fines. Imposition of a fine shall take place upon a finding by the special magistrate  
119 or code enforcement board that an owner has violated the requirements of Section 14-37.

120  
121 **SECTION 3.** Article II Animal Control of Chapter 14, “Animals,” is amended to read as  
122 follows:

123  
124 \*\*\*

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

- 126  
127 (a) Dogs and cats. It shall be unlawful for keepers of dogs or cats within the city to allow the  
128 animals to be upon the public thoroughfares, streets, avenues or alleys of the city, or in  
129 public places such as restaurants, public stores and the like, or upon property other than the  
130 property belonging to the animal's owner, unless the animal shall be fastened to a suitable  
131 leash of dependable strength not to exceed six feet in length, or otherwise and under the  
132 control of the owner.
- 133 (b) Livestock. It shall be unlawful for the owner of any hogs, cattle, cows, steer, bulls, swine,  
134 donkey, ostrich, emu, llamas, lambs, hens, chickens, roosters, rabbits, turkeys, geese, ducks,  
135 or other fowl, horses, mules, sheep and goats or other similar domesticated “farm animals”  
136 within the city to suffer or permit such animals to wander, forage, or run at large in the city.

137 \*\*\*

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

- 139  
140 (a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include  
141 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry  
142 or fowl. Chicken-keeping is a permitted accessory use within single-family residential  
143 zoning designations of R-1 (One-Family Dwelling), R-1A (Single Family Residential), and  
144 R-3A (Residential Medium Density) where the lot or parcel is occupied by a single-family  
145 detached residence. Chickens shall not be permitted at residential property with a  
146 townhome, duplex, condominium, apartment, or other multi-family residential unit.  
147 Chicken-keeping in all other zoning districts is also prohibited, except that poultry is  
148 permitted on farms in the agricultural zoning district (A-1).
- 149 (b) Chicken-keeping within the city limits shall be subject to the following standards and  
150 conditions:
- 151 (1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and  
152 fenced pen area shall meet the following requirements:

Ordinance #ORD2016-01 Chickens in Residential Area

- 153           a. The maximum size of the coop and pen area shall be one hundred (100) square feet.  
154           b. The maximum height of a coop and the pen fence around the coop shall be eight (8)  
155           feet, as measured from the existing grade to the highest part of the coop or fence.  
156           c. The coop and pen area shall be located in the rear yard of the single-family  
157           detached residence and a minimum of twenty-five (25) feet from any side street.  
158           The coop and fenced pen area shall comply with all other Zoning District setback  
159           requirements, so long as the coop and pen area shall be at least twenty (20) feet  
160           from any residential structure on an adjoining lot.  
161           d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is  
162           required. The coop and pen must be constructed in a way that establishes a clean,  
163           safe and pleasant environment free of odor, vermin, noise, and disease.  
164           1. ~~All enclosures for the keeping of chickens shall be so constructed and~~  
165           ~~maintained as to prevent rodents or other pests from being harbored~~  
166           ~~underneath, within, or within the walls of the enclosure. Chicken coops must~~  
167           ~~be impermeable to rodents, wild birds, predators and weather, including all~~  
168           ~~openings, ventilation holes, doors and gates.~~ Enclosures shall be kept in neat  
169           condition, including provision of clean, dry bedding materials and regular  
170           removal of waste materials, so as to not create an odor.  
171           e. The space per bird in the coop shall not be less than three (3) square feet.  
172           f. All chicken feed shall be kept in a secured and covered metal or plastic container,  
173           or otherwise protected so as to prevent rodents and other pests from gaining access  
174           to it.  
175           g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.  
176  
177           (2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-  
178           family residence.  
179           (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except  
180           that they may be removed from the coop or fenced pen area by a resident or visitor of  
181           the home, provided the resident keeps them under his or her continuous custody and  
182           control while they are outside the coop or fenced pen area.  
183           (4) Chickens must be secured within the chicken coop ~~or fenced pen area~~ during non-  
184           daylight hours (from dusk to dawn).  
185           (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be  
186           released or set free at any time.  
187           (6) Chickens are allowed to be kept in single-family residential areas for noncommercial  
188           purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized  
189           for commercial purposes.  
190           (7) Chickens shall not be bred or slaughtered on the premises.  
191           (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of  
192           expiring.

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

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

197  
198 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby  
199 amended to read as follows:

200  
201 **Section 3.12. - Accessory uses and structures.**

- 202
- 203 1. In residential districts all accessory buildings and uses shall be located only in the rear yard
- 204 except that parking may be located in a side yard.
- 205 2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least
- 206 eight feet from any plot line, at least 25 feet from any street, and at least five feet from any
- 207 main building. Accessory buildings and structures shall not exceed two stories or 24 feet in
- 208 height. In case of rear alleys, private garages not over one story in height may be located on
- 209 the rear alley line—and, in the case of chicken coops allowed under Sec. 14-37 of the City’s
- 210 Code, the maximum height shall be 8 feet.

211 \*\*\*

212 **Section 7.1. - Table of permitted uses.**

213  
214 The following table identifies what uses are permitted without special exception, permitted  
215 with conditions, and permitted by special exception in the various zoning districts. The uses are  
216 listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific  
217 use is not listed on the table below, the use shall be considered a prohibited use unless and until  
218 an applicant applies for and receives a similar and compatible use permit consistent with this  
219 Code; provided, however, if a use, device, business, or activity is prohibited by these land  
220 development regulations, the Code of Ordinances, or Florida law, an owner may not seek a  
221 similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X"  
222 signify a permitted use. Cells containing an "SE" signify a use permitted by special exception.  
223 Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with  
224 conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a  
225 number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the  
226 number is associated with a section number (e.g., section \_\_\_\_\_) in the legend, and the  
227 section number refers to a location in this chapter (appendix) that contains the conditions  
228 associated with the permitted use or special exception.

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

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

TABLE OF PERMITTED USES
-------------------------

Ordinance #ORD2016-01 Chickens in Residential Area

RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PU D See Note	RO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
<u>Chicken-keeping – accessory use</u>		X2	X2		X2														
Home Occupation	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																

234 \*\*\*

235 X Permitted use

236 SE Allowed with special exception

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

238 X3S:

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

242 R2 Maximum of 6 unrelated residents per single-family dwelling

243 R3A Not allowed

244 R3 Not allowed

245 X:

246 1: Home occupation allowed in residential district

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

252 2: ~~Reserved~~ Chicken-keeping, defined in Section 7.2, is an accessory use permitted in  
253 certain residential districts under conditions as set forth in Chapter 14, Section 14-  
254 37, Subpart A, General Ordinances.

255 3: Reserved

256 \*\*\*\*\*

257 **Section 7.2. - District uses definitions.**

258

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

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

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

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

275 \*\*\*

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

281  
282 **SECTION 6. Inclusion in the Code.** It is the intention of the City Council, and it is  
283 hereby ordained that the provisions of this Ordinance shall become and be made a part of the  
284 Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or  
285 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to  
286 "Section" or other appropriate word.

287  
288 **SECTION 7. Repeal of Inconsistent Ordinances.** Any Ordinance in conflict with this  
289 Ordinance is hereby repealed.

290  
291 **SECTION 8. Effective Date.** This Ordinance shall be effective immediately upon adoption at  
292 the second public hearing.

293  
294 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
295 reading after the public hearing on the 14th day of March, 2016.

296  
297 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
298 the second and final reading and public hearing on the 11<sup>th</sup> day of April, 2016.

299  
300 Ordinance Posted on the City's website on February 17, 2016. The schedule for the 1<sup>st</sup>  
301 and 2<sup>nd</sup> public hearings were advertised on the City's website on February 17, 2016. The 1<sup>st</sup>  
302 public hearing was advertised in the Ocala Star Banner and Riverland News on March 3, 2016.  
303 The 2<sup>nd</sup> and final public hearing was advertised in the Ocala Star Banner and Riverland News on  
304 March 31, 2016.

305  
306  
307 ATTEST: **CITY OF DUNNELLON**

308  
309 \_\_\_\_\_  
310 Dawn M. Bowne, M.M.C. \_\_\_\_\_  
311 City Clerk Nathan Whitt, Mayor

312  
313 Approved as to Form and Legal Sufficiency:  
314  
315 \_\_\_\_\_  
316 Andrew J. Hand, City Attorney

317  
318 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall,  
319 the Chamber of Commerce, Dunnellon Business Center and the Dunnellon Library, in the City of  
320 Dunnellon, Florida, and on the City's Official Website this 16th day of February 2016.

321  
322 \_\_\_\_\_  
323 Dawn M. Bowne M.M.C.  
324 City Clerk



Meeting Date: Feb 3, 2016

From (Dept.): Community Development

Signature: [Signature]  
Department Director

Approved for  
Agenda: [Signature]  
City Manager

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Subject:** Ordinance to change Chapter 14 Animals to allow Chicken-Keeping in certain Residential Single Family Zones

**Request for Approval:**

**Summary Explanation and Background:**

Draft ordinance was reviewed on January 6, 2016, by Council, changes were recommended, and ordinance was referred to the Planning Commission for review, consistency and recommendation. On January 19, 2016, the Planning Commission motioned and approved to continue review and consideration of the ordinance to a special meeting on February 2, 2016. This would allow time for a staff report to be prepared and members to become more knowledgeable on the matter. The Planning Commission will consider and make recommendation on 2/2/2016, which will be provided to Council at the workshop.

**Fiscal Information:**

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Project No.  
(If applicable)

**Amount:** \_\_\_\_\_

**Procurement Method:** \_\_\_\_\_

**Purchase Requisition Number:** \_\_\_\_\_

**Recommended Action:** Pending Resolution by the Planning Commission.

Initiated by: TAM / LS

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

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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 16<sup>th</sup> Planning Commission meeting, the ordinance was revised and then reviewed by the Attorney for legal sufficiency.

### **REVIEW OF APPLICATION:**

### **DUNNELTON 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).**

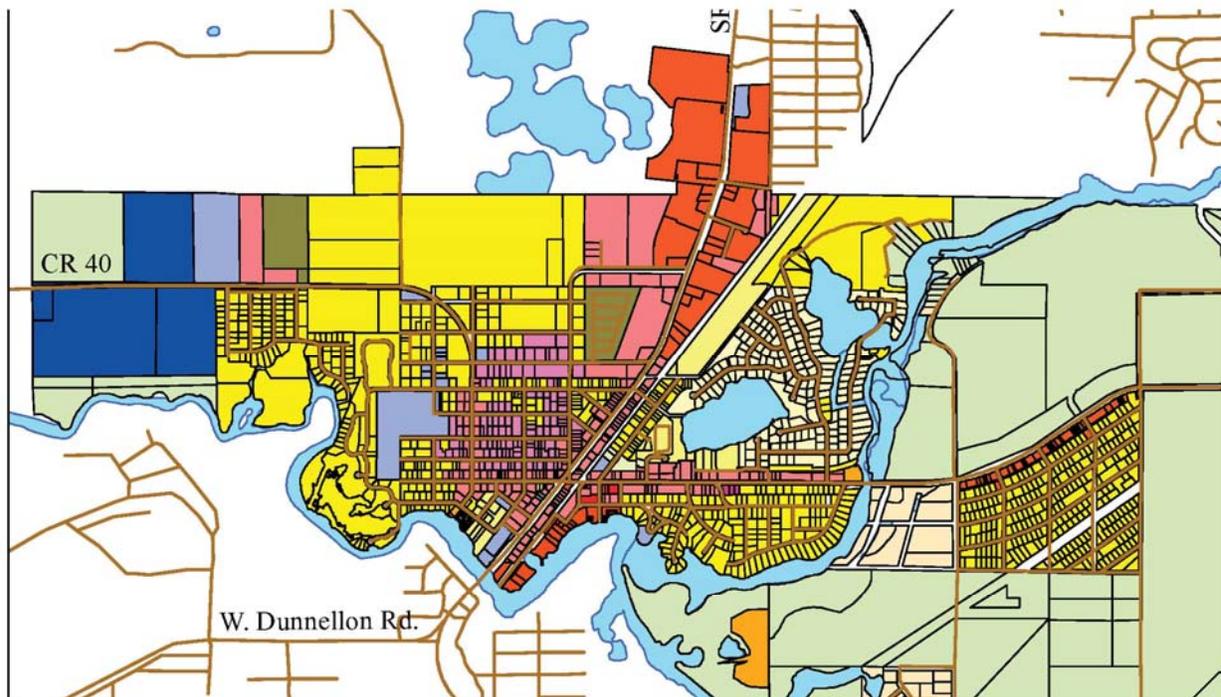
This district is a more intense zoning district than the R-1 district. Other than a distinction as to lot area, width and density, the nature of the use of property is the same as in the R-1 zoning district. The R-1A district is permitted only in the low density residential land use category. Densities 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.

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**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

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

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

41 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of  
42 Dunnellon City Code and Zoning Code, ~~strike through~~ constitutes deletions from the original, and  
43 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
44 unchanged.

45  
46 **NOW THEREFORE, BE IT ENACTED** by the City Council of the City of Dunnellon,  
47 that:

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

50 **SECTION 2.** Sections 14-2 and 14-3 of Chapter 14, "Animals," of the City's Code of  
51 Ordinances are amended to read as follows:

52 **Sec. 14-2. - Definitions.**

53  
54 The following words, terms and phrases, when used in this chapter, shall have the meanings  
55 ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

66 Dangerous dog means any dog that has:

- 67 (1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human  
68 being on public or private property;
- 69 (2) More than once severely injured or killed a domestic animal while off the property of  
70 the owner;

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

76 \*\*\*

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

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

85 \*\*\*

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

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

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

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

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

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

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

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

109  
110 (a) Penalties for violations of this chapter shall be set forth in a resolution approved by the city  
111 council, which shall be amended from time to time at the discretion of council.

Ordinance #ORD2016-01 Chickens in Residential Area

- 112 (b) The city may enforce this chapter through the special magistrate established in Ordinance  
113 No. 2009-10.
- 114 (c) The city, at its option and as an additional enforcement remedy, may refer any violation of  
115 this chapter to the code enforcement board of the city for enforcement and imposition of  
116 fines.
- 117 (d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may  
118 result in fines. Imposition of a fine shall take place upon a finding by the special magistrate  
119 or code enforcement board that an owner has violated the requirements of Section 14-37.

120  
121 **SECTION 3.** Article II Animal Control of Chapter 14, “Animals,” is amended to read as  
122 follows:

123  
124 \*\*\*

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

- 126  
127 (a) Dogs and cats. It shall be unlawful for keepers of dogs or cats within the city to allow the  
128 animals to be upon the public thoroughfares, streets, avenues or alleys of the city, or in  
129 public places such as restaurants, public stores and the like, or upon property other than the  
130 property belonging to the animal's owner, unless the animal shall be fastened to a suitable  
131 leash of dependable strength not to exceed six feet in length, or otherwise and under the  
132 control of the owner.
- 133 (b) Livestock. It shall be unlawful for the owner of any hogs, cattle, cows, steer, bulls, swine,  
134 donkey, ostrich, emu, llamas, lambs, hens, chickens, roosters, rabbits, turkeys, geese, ducks,  
135 or other fowl, horses, mules, sheep and goats or other similar domesticated “farm animals”  
136 within the city to suffer or permit such animals to wander, forage, or run at large in the city.

137 \*\*\*

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

- 139  
140 (a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include  
141 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry  
142 or fowl. Chicken-keeping is a permitted accessory use within single-family residential  
143 zoning designations of R-1 (One-Family Dwelling), R-1A (Single Family Residential), and  
144 R-3A (Residential Medium Density) where the lot or parcel is occupied by a single-family  
145 detached residence. Chickens shall not be permitted at residential property with a  
146 townhome, duplex, condominium, apartment, or other multi-family residential unit.  
147 Chicken-keeping in all other zoning districts is also prohibited, except that poultry is  
148 permitted on farms in the agricultural zoning district (A-1).
- 149 (b) Chicken-keeping within the city limits shall be subject to the following standards and  
150 conditions:
- 151 (1) Chickens shall be kept in a chicken coop and fenced pen area. The chicken coop and  
152 fenced pen area shall meet the following requirements:

Ordinance #ORD2016-01 Chickens in Residential Area

- 153           a. The maximum size of the coop and pen area shall be one hundred (100) square feet.  
154           b. The maximum height of a coop and the pen fence around the coop shall be eight (8)  
155           feet, as measured from the existing grade to the highest part of the coop or fence.  
156           c. The coop and pen area shall be located in the rear yard of the single-family  
157           detached residence and a minimum of twenty-five (25) feet from any side street.  
158           The coop and fenced pen area shall comply with all other Zoning District setback  
159           requirements, so long as the coop and pen area shall be at least twenty (20) feet  
160           from any residential structure on an adjoining lot.  
161           d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is  
162           required. The coop and pen must be constructed in a way that establishes a clean,  
163           safe and pleasant environment free of odor, vermin, noise, and disease.  
164           1. All enclosures for the keeping of chickens shall be so constructed and  
165           maintained as to prevent rodents or other pests from being harbored  
166           underneath, within, or within the walls of the enclosure. Chicken coops must  
167           be impermeable to rodents, wild birds, predators and weather, including all  
168           openings, ventilation holes, doors and gates. Enclosures shall be kept in neat  
169           condition, including provision of clean, dry bedding materials and regular  
170           removal of waste materials, so as to not create an odor.  
171           e. The space per bird in the coop shall not be less than three (3) square feet.  
172           f. All chicken feed shall be kept in a secured and covered metal or plastic container,  
173           or otherwise protected so as to prevent rodents and other pests from gaining access  
174           to it.  
175           g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.  
176  
177           (2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-  
178           family residence.  
179           (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except  
180           that they may be removed from the coop or fenced pen area by a resident or visitor of  
181           the home, provided the resident keeps them under his or her continuous custody and  
182           control while they are outside the coop or fenced pen area.  
183           (4) Chickens must be secured within the chicken coop during non-daylight hours (from  
184           dusk to dawn).  
185           (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be  
186           released or set free at any time.  
187           (6) Chickens are allowed to be kept in single-family residential areas for noncommercial  
188           purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized  
189           for commercial purposes.  
190           (7) Chickens shall not be bred or slaughtered on the premises.  
191           (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of  
192           expiring.

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

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

197  
198 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby  
199 amended to read as follows:

200  
201 **Section 3.12. - Accessory uses and structures.**

- 202
- 203 1. In residential districts all accessory buildings and uses shall be located only in the rear yard  
204 except that parking may be located in a side yard.
  - 205 2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least  
206 eight feet from any plot line, at least 25 feet from any street, and at least five feet from any  
207 main building. Accessory buildings and structures shall not exceed two stories or 24 feet in  
208 height. In case of rear alleys, private garages not over one story in height may be located on  
209 the rear alley line—and, in the case of chicken coops allowed under Sec. 14-37 of the City's  
210 Code, the maximum height shall be 8 feet.

211 \*\*\*

212 **Section 7.1. - Table of permitted uses.**

213  
214 The following table identifies what uses are permitted without special exception, permitted  
215 with conditions, and permitted by special exception in the various zoning districts. The uses are  
216 listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific  
217 use is not listed on the table below, the use shall be considered a prohibited use unless and until  
218 an applicant applies for and receives a similar and compatible use permit consistent with this  
219 Code; provided, however, if a use, device, business, or activity is prohibited by these land  
220 development regulations, the Code of Ordinances, or Florida law, an owner may not seek a  
221 similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X"  
222 signify a permitted use. Cells containing an "SE" signify a use permitted by special exception.  
223 Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with  
224 conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a  
225 number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the  
226 number is associated with a section number (e.g., section \_\_\_\_\_) in the legend, and the  
227 section number refers to a location in this chapter (appendix) that contains the conditions  
228 associated with the permitted use or special exception.

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

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

<b>TABLE OF PERMITTED USES</b>
--------------------------------

Ordinance #ORD2016-01 Chickens in Residential Area

RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PU D See Note	RO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
<u>Chicken-keeping – accessory use</u>		X2	X2		X2														
Home Occupation	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																

234 \*\*\*

235 X Permitted use

236 SE Allowed with special exception

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

238 X3S:

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

242 R2 Maximum of 6 unrelated residents per single-family dwelling

243 R3A Not allowed

244 R3 Not allowed

245 X:

246 1: Home occupation allowed in residential district

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

252 2: ~~Reserved~~ Chicken-keeping, defined in Section 7.2, is an accessory use permitted in  
253 certain residential districts under conditions as set forth in Chapter 14, Section 14-  
254 37, Subpart A, General Ordinances.

255 3: Reserved

256 \*\*\*\*\*

257 **Section 7.2. - District uses definitions.**

258

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

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

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

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

275 \*\*\*

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

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

281  
282 **SECTION 6. Inclusion in the Code.** It is the intention of the City Council, and it is  
283 hereby ordained that the provisions of this Ordinance shall become and be made a part of the  
284 Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or  
285 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to  
286 "Section" or other appropriate word.

287  
288 **SECTION 7. Repeal of Inconsistent Ordinances.** Any Ordinance in conflict with this  
289 Ordinance is hereby repealed.

290  
291 **SECTION 8. Effective Date.** This Ordinance shall be effective immediately upon adoption at  
292 the second public hearing.

293  
294 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first  
295 reading on the \_\_\_\_ day of \_\_\_\_\_, 2016.

296  
297 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon  
298 the second and final reading and public hearing on the \_\_\_\_ day of \_\_\_\_\_, 2016.

299  
300 Ordinance Posted on the City's website on \_\_\_\_\_, 2016. Public hearing  
301 advertised on \_\_\_\_\_, 2016 in the Riverland News and on the City's website.

302  
303  
304 ATTEST: **CITY OF DUNNELLO**  
305  
306  
307 \_\_\_\_\_  
308 Dawn M. Bowne, M.M.C. Nathan Whitt, Mayor  
309 City Clerk

310  
311 Approved as to Form and Legal Sufficiency:  
312  
313 \_\_\_\_\_  
314 Andrew J. Hand, City Attorney

315  
316  
317  
318 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall,  
319 the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on  
320 the City's Official Website this \_\_\_\_ day of \_\_\_\_\_ 2016.

321  
322 \_\_\_\_\_  
323 Dawn M. Bowne M.M.C.  
324 City Clerk

Ordinance #ORD2016-01 Chickens in Residential Area

325

326

327

1P  
1D

# NOTICE OF PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENTS #CPA2016-01

The City of Dunnellon proposes to make changes to its Comprehensive Plan in accordance with Chapter 163, Florida Statutes. The proposed changes would amend text of the Dunnellon Comprehensive Plan.

## ORDINANCE #ORD2016-03

AN ORDINANCE AMENDING VARIOUS ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY OF DUNNELLON, FLORIDA, TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT PURSUANT TO THE SECTION 163.3191, FLORIDA STATUTES, AND THE CITY'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES CONSISTENT THERETO; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEW AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on the proposed amendments to the Comprehensive Plan will be held on Monday, March 14, 2016, beginning at 5:30 p.m., or soon thereafter, before the City Council, for the purpose of taking public comment and considering the Planning Commission's recommendations. This hearing will be held for the purpose of transmitting the proposed Plan amendments and Ordinance to the Department of Economic Opportunity and other reviewing agencies. The public hearing will be held in the City Council Chambers, Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431. 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. Interested parties may submit written comments at or before the public hearing, or provide oral comments at the public hearing, regarding the Comprehensive Plan amendments. The failure of a person to submit oral or written comment before final adoption of the amendments may preclude the ability of such person to contest the amendments at a later date. The public may inspect the Plan amendments during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. APPEAL: NECESSITY OF RECORD. Notice is given that if any person desires to appeal any action taken by the City Council 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.

**PROOF OF PUBLICATION**

**STAR-BANNER**

**Published—Daily**

**OCALA, MARION COUNTY, FLORIDA**

STATE OF FLORIDA,  
COUNTY OF MARION

Before the undersigned authority personally appeared Mikesha Beam, who on oath says that she is 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 of Public Hearing Comprehensive Plan Amendments # ORD2016-03 . 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 purpose of securing this advertisement for publication in the said newspaper.

Mikesha Beam

Sworn to and subscribed before me this 4 Day of March, 2016

 HARMONY STALTER  
Notary Public State of Florida  
Commission # FF 956448  
My Comm. Expires Feb 2, 2020  
Harmony Stalter  
**HARMONY STALTER**  
(Print, Type or Stamp Name of Notary Public)

**ORDINANCE #ORD2016-03**

**AN ORDINANCE AMENDING VARIOUS ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY OF DUNNELLON, FLORIDA, TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT PURSUANT TO THE SECTION 163.3191, FLORIDA STATUTES, AND THE CITY'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES CONSISTENT THERETO; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEW AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

**WHEREAS**, pursuant to Section 163.3191, Fla. Statutes, the City timely prepared and Council approved an evaluation and appraisal notification letter and transmitted the letter to the Department of Economic Opportunity; and

**WHEREAS**, consistent with the Community Planning Act and its evaluation and notification letter, the City has prepared amendments to the elements of the Comprehensive Plan, which reflect changes in state law; and

**WHEREAS**, the Planning Commission, sitting as the Local Planning Agency of the City of Dunnellon, held a public hearing on this Ordinance which was advertised in accordance with State law; and

**WHEREAS**, the public hearings for this Ordinance have been advertised as required by State law; and

**WHEREAS**, the City Council of the City of Dunnellon hereby finds and determines that the plan amendments are internally consistent and consistent with the City's Comprehensive Plan; and

**WHEREAS**, it is in the best interests of the City of Dunnellon to amend the Comprehensive Plan for the City of Dunnellon as set forth herein.

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

Section 1: Legislative Findings.

The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Dunnellon.

Section 2: Comprehensive Plan Amendments. Attached hereto and incorporated herein by reference are amendments to all elements of the City’s Comprehensive Plan.

NOTE: Words ~~stricken~~ are deletions; words underlined are additions.

Section 3. Data and Analysis. The supporting data and analysis shall be transmitted by the City to the Department of Economic Opportunity and the review agencies with the Comprehensive Plan Amendments, but the data and analysis is not adopted by this Ordinance.

Section 4. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Directions to City Clerk or designee. Within ten (10) days after the first public hearing, the City Clerk or designee shall transmit a paper copy of this Ordinance, the Comprehensive Plan amendments and supporting data and analysis and two electronic copies thereof on a CD ROM in PDF format to the Department of Economic Opportunity; and one paper copy shall be transmitted to and the North Central Florida Regional Planning Council, the Southwest Florida Water Management District, the St. John’s River Water Management District, the Department of Environmental Protection, the Department of State, the Department of Transportation, Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon, Florida.

Section 6. Effective Date. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

Ordinance Posted on the City’s website on March 7, 2016. The first public hearing was advertised on the City’s website on March 4, 2016. The 1<sup>st</sup> public hearing was advertised in the Ocala Star Banner and on March 4, 2016.

**PUBLIC HEARING AND FIRST READING** on the 14<sup>th</sup> day of March, 2016.

**ADOPTED AND ENACTED** on second reading: the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

**CITY OF DUNNELLON**

---

Nathan Whitt, Mayor

ATTEST:

---

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

Approved as to Form and Legal Sufficiency:

---

Andrew 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 7th day of March 2016.

---

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



Meeting Date: Mar 9, 2016

From (Dept.): Community Development

Signature: *[Signature]*  
Department Director

Approved for  
Agenda: *[Signature]*  
City Manager

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**Subject:** PROPOSED ORDINANCE #ORD2016-03, EAR-BASED COMPREHENSIVE PLAN AMENDMENTS (CPA)

**Request for Approval:**

**Summary Explanation and Background:**  
The 2016 EAR-based CPAs Volume I, Supplemental Data, Appendix & Strike-thru/Underline format w/accompanying maps follows. Additional background data sets can be found on the City's website at [www.dunnellon.org](http://www.dunnellon.org), Departments, Community Development, Comprehensive Plan, 2016 EAR-based Amendments by Ken Metcalf. The file included w/this package is very large, and will need time to download. To see all, go to website as described above. The Planning Comm. met 2/19/2016, and recommended Council approval. Under the DEO Grant, transmittal is statutorily required before moving forward with new or additional amendments to the Comprehensive Plan.

**Fiscal Information:**

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Project No.  
(if applicable)

**Amount:** \_\_\_\_\_

**Procurement Method:** \_\_\_\_\_

**Purchase Requisition Number:** \_\_\_\_\_

**Recommended Action:** Staff / Planning Commission Recommends Approval

Initiated by: tam / LS

**ORDINANCE #ORD2016-03**

**AN ORDINANCE AMENDING VARIOUS ELEMENTS OF THE COMPREHENSIVE PLAN OF THE CITY OF DUNNELLON, FLORIDA, TO REFLECT CHANGES REQUIRED BY THE COMMUNITY PLANNING ACT PURSUANT TO THE SECTION 163.3191, FLORIDA STATUTES, AND THE CITY'S EVALUATION AND APPRAISAL NOTIFICATION LETTER TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AMENDING GOALS, OBJECTIVES, AND POLICIES CONSISTENT THERETO; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEW AGENCIES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

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**PUBLIC HEARING AND FIRST READING** on the 14<sup>th</sup> day of March, 2016.

**ADOPTED AND ENACTED** on second reading: the \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

**CITY OF DUNNELLON**

---

Nathan Whitt, Mayor

ATTEST:

---

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

Approved as to Form and Legal Sufficiency:

---

Andrew 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 7th day of March 2016.

---

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

STEARNS WEAVER MILLER  
WEISSLER ALHADEFF & SITTERSON, P.A.

MEMORANDUM

**TO:** City Council  
City of Dunnellon

**FROM:** Kenneth B. Metcalf, AICP *KBM*

**RE:** City of Dunnellon Draft Comprehensive Plan Amendments

**DATE:** March 1, 2016

---

The City of Dunnellon (City) engaged Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A. (Stearns Weaver) to prepare draft Comprehensive Plan amendments in accordance with the requirements of the Grant Agreement (#2015-22) executed between the City and the Florida Department of Economic Opportunity (DEO). The primary purpose of the Grant Agreement is to ensure that the City expeditiously moves forward with the preparation and eventual adoption of Comprehensive Plan Amendments in order to comply with the requirements of s. 163.3190, Florida Statutes. This statute requires that the City:

- 1) Evaluate whether comprehensive plan amendments are necessary in response to changes in state laws. The City submitted an Evaluation Notice letter, dated November 19, 2014 to DEO, which specified the types of plan amendments that should be adopted. These types of comprehensive plan amendments are sometimes referred to as "evaluation-based" amendments.
- 2) Adopt evaluation-based comprehensive plan amendments within one year of submitting the Evaluation Notice letter. Due to the grant schedule, this was not possible, which resulted in a prohibition on the adoption of other types of plan amendments until such time as the City adopts the required evaluation-based plan amendments.

These scheduling requirements were reviewed at the December 9, 2015 Planning Workshop held with the City Council. As required by the Grant Agreement, Stearns Weaver worked with City staff to refine the Evaluation Notice letter, prepare the draft evaluation-based amendments and present the draft amendments to the Dunnellon Planning Commission (the City's Local Planning Agency) on February 19, 2016.

The City Council "transmittal hearing" is scheduled for March 14, 2016. Ken Metcalf, Planning Director for Stearns Weaver, will present the draft plan amendments, as revised based on the

recommendations of the City's Local Planning Agency. The purpose of the "transmittal hearing" is for the City Council to consider the recommendations of the Local Planning Agency, obtain public input on the proposed plan amendments, consider whether to further revise any of the proposed amendments and vote to "transmit" the proposed plan amendments to the state for review in accordance with the terms of the Grant Agreement. The transmittal hearing is not held for the purpose of adopting the amendments. Stearns Weaver recommends that the City Council vote on May 14<sup>th</sup> to transmit the proposed amendments, as may be revised by City Council at the hearing, in order to remain on schedule per the Grant Agreement requirements.

Following transmittal of the proposed amendments from the City, DEO will have 60 days to complete its review and submit an "Objections, Recommendations and Comments" (ORC) report or may decide to not issue an ORC report. As discussed at the workshop and at the Local Planning Agency hearing, the City will have up to 180 days to adopt the proposed amendments following review by the state, which will afford the opportunity to hold additional workshops on the plan amendments, if desired. I will go over the process again at the City Council transmittal hearing.

#### **Local Planning Agency (LPA) Hearing**

The LPA recommended that the City Council transmit the proposed amendments to the State with two revisions, as follows:

- 1) Revise the proposed policies to opt out of transportation concurrency.

This recommendation is based on Stearns Weaver's analysis, which confirmed that the City's population decreased during the 2000-2010 period, and which determined that the implementation of transportation concurrency would continue to act as an obstacle for future growth in the City due to the inability to widen US 41. This situation places the City at a competitive disadvantage to other jurisdictions, including unincorporated Marion County and Citrus County, and would tend to encourage urban sprawl.

- 2) Revise proposed Capital Improvements Policy 1.4 to allow for additional flexibility to prioritize infrastructure to serve non-urban infill areas where the developer executes a service agreement with the City to contribute funding to advance the improvement.

This recommendation is based on an option presented by Ken Metcalf to include additional language to support the ability to negotiate development agreements or service agreements as a means to secure developer contributions toward the improvements. This approach is commonly

implemented by local governments and is already contemplated by the adopted Comprehensive Plan.

The proposed amendments are revised to implement these two recommendations. In addition, LPA members suggested that an executive summary should be provided. While the technical document provides a summary of the proposed amendments, the City Council may find the following summary to be helpful.

### **Summary of Amendments**

The proposed amendments include four types of changes based on the Evaluation Notice letter:

- 1) Minor amendments to delete outdated statutory and rule references, update policies with outdated target years and similar changes;
- 2) Minor amendments to reorganize the elements to improve readability and reduce redundancy;
- 3) Minor amendments to resolve internal conflicts and correct other provisions in accordance with previous statutory requirements;
- 4) Amendments to respond to statutory changes set forth in the Community Planning Act.

Based on statutory changes as referenced by the Evaluation Notice letter, the proposed amendments include only a handful of new policies. These are summarized and set forth below along with two proposed policy changes relating to transportation and recreation/parks concurrency:

- 1) **Establish Planning Periods.** Policy 6.1 below is proposed to define 2035 as the long range planning period, which is utilized for determining long term population projections, growth needs and infrastructure planning. **See Volume I Supplement (p. 8) for more detailed discussion and background.**

#### **FLUE Policy 6.1:**

The City of Dunnellon adopts two planning periods for the purposes set forth in the Comprehensive Plan. The short term planning period shall be five years, and the long range planning period shall be approximately twenty years, allowing for adjustment to coincide with decade or mid-decade years (i.e., 2035, 2040, etc.) to maximize coordination with other agency plan updates. The short term planning period shall be utilized primarily for capital improvements planning to meet the immediate needs for the community as addressed in the Capital Improvements Element. The long range planning

period shall be utilized to determine land use allocations based on population demand and other community needs and to appropriately plan for associated long term transportation, infrastructure and schools needs in coordination with Marion County, the Florida Department of Transportation, the Southwest Florida Water Management District and the Marion County School District. Population projections shall be updated at a minimum during each evaluation-based, comprehensive plan amendment cycle pursuant to Section 163.3191, Florida Statutes.

- 2) **Land Use Allocation Policy.** Policy 6.2 below is proposed to broaden the basis for considering “land use need” in determining whether to approve future land use map amendments and other comprehensive plan amendments affecting how much development can occur based on the land use categories. The Community Planning Act allows for consideration of broader community needs, such as “job creation, economic diversification and capital investment” rather than only population demand. **See Volume I Supplement (p. 17) for more detailed discussion and background.**

**FLUE Policy 6.2:**

The City of Dunnellon shall allocate sufficient residential and non-residential land uses to support community needs through the 20-year planning period. The population projections shall be based on the medium population projections published by the Office of Economic and Demographic Research for Marion County and shall allocate, at a minimum, a proportionate share of countywide population growth to the City, taking into account historic growth trends and potential alternative growth scenarios. In evaluating long term community needs, the City recognizes the following guiding principles:

- A. Support a diversity of residential housing types and products and allow for the operation of real estate markets as set forth in Section 163.3177(6)(a), Florida Statutes.
  - B. Encourage job creation, economic diversification and capital investment from the private sector to achieve and sustain a healthy local economy.
  - C. Provide opportunities for diverse growth within the City to discourage urban sprawl beyond the City corporate boundaries.
- 3) **Urban Sprawl Policy.** Policy 5.1 below recognizes that many plan amendments may involve urban infill sites that should not require an analysis of urban sprawl criteria, while other plan amendment sites, such as annexation sites at significant distance from urban development and urban services, should require an analysis by the applicant to demonstrate that the proposed amendment will discourage urban sprawl. To encourage infill development, this policy essentially exempts such sites from the requirement to

conduct the urban sprawl analysis. **See Volume I Supplement (p. 20) for more detailed discussion and background.**

**FLUE Policy 5.1:**

Applicants for large scale-future land use map amendments shall submit an evaluation to demonstrate that the proposed amendment discourages urban sprawl, based on the criteria set forth in Chapter 163, Florida Statutes, when any of the following conditions occur:

- A. The property is not contiguous on at least 50% of its boundary to parcels with existing residential, commercial or industrial development;
- B. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity on adjacent developed parcels;
- C. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity allowed by the Future Land Use Map designation on adjacent developed parcels;
- D. The property is not served by central water or sewer at time of application and its nearest boundary is more than a half-mile from existing water or existing sewer;
- E. The property requires capacity improvements or other capital improvements to achieve adequate water or sewer service.

An application that exhibits one or more of the conditions above does not necessarily mean that it fails to discourage urban sprawl, but rather that it warrants more comprehensive review to demonstrate that it discourages urban sprawl. An applicant can demonstrate that an amendment discourages urban sprawl by analyzing the extent to which the applicant triggers the 13 indicators of urban sprawl set forth in Section 163.3177(6)(a)9.a, Florida Statutes, taking into account the context of the area. An applicant can also demonstrate that the plan amendment discourages urban sprawl based on the criteria set forth in Section 163.3177(6)(a)9.b, Florida Statutes. The City shall review the Application and make finding of facts determining whether the plan amendment discourages urban sprawl. At its discretion, the City may also conduct an evaluation of a plan amendment application which does not trigger an evaluation by the applicant based on the criteria in this policy.

- 4) **Capital Improvement Priorities Policy.** Policies CIE 1.4 and FLUE Policy 5.3 below are intended to work in conjunction with the urban sprawl policy to more effectively prioritize capital improvements to support urban infill and protect natural resources,

while providing the flexibility to service annexed properties, provided that the annexation property can demonstrate that the future land use category will discourage urban sprawl and provided that the owners execute a service agreement to contribute toward the required improvements, as recommended by the Local Planning Agency. **See Volume I Supplement (p. 39) for more detailed discussion and background.**

**CIE Policy 1.4:**

In order to discourage urban sprawl, the City shall prioritize capital improvement expenditures for water, sewer and drainage based on the following order:

- A. Correcting existing system deficiencies, including replacement or upgrade of existing system components, with the highest priority given to correcting known health or safety deficiencies;
- B. Extension of lines or provision of other infrastructure upgrades to serve existing infill developments where deemed necessary due to known performance problems with existing water or sewer lines, private wells, septic systems, stormwater conveyance or treatment facilities or where a concentration of septic systems occur within an area identified as a risk to groundwater quality.
- C. Existing system improvements to meet adopted level of service standards.
- D. Extension of lines or provision of other infrastructure upgrades to serve existing infill developments or vacant infill properties where such service is deemed fiscally prudent based on the policies of the Capital Improvements Element.
- E. Extension of lines or provision of other infrastructure upgrades to serve existing, non-infill developments deemed necessary due to known performance problems with existing water or sewer lines, private wells, septic systems, stormwater conveyance or treatment facilities or where a concentration of septic systems occur within an area identified as a risk to groundwater quality.
- F. Extension of lines or provision of other infrastructure upgrades not meeting the above criteria and consistent with Future Land Use Policy 5.1.

For the purpose of this policy, infill is defined as an existing development at a density over two units per acre or higher or non-residential development with sewage flows greater than 1,500 gallons per acre, or a vacant parcel with a future land use category meeting the same criteria, where the existing development or vacant parcel is located within a quarter mile of a water or sewer line or is contiguous to other parcels served by water or sewer. In applying this policy, the City shall have the flexibility to prioritize provision of infrastructure to serve new development as specified in Policy 1.4.F, in

situations where the developer executes a service agreement, which the City deems sufficient to advance the improvement.

**FLUE Policy 5.3:**

Extension of services within the Dunnellon City Limits shall be consistent with the prioritization policies set forth in the Capital Improvement Element. Service agreements shall be required in order to extend services to unincorporated areas or proposed annexation areas and shall demonstrate they will be fiscally advantageous to the City and will discourage urban sprawl. This does not prohibit extension of services to unincorporated areas where needed to ensure protection of public health and safety.

- 5) **Airport Compatibility Objective and Policies.** Objective 8 and the set of policies below are required as a result of the City annexing land adjacent to the airport. The proposed amendments define coordination policies regarding the airport, and land use policies to ensure compatibility of land uses within the City based on safety hazard zones, clear zones and noise zones. **See Volume I Supplement (p. 39) for more detailed discussion and background.**

**FLUE Objective 8:**

The City of Dunnellon shall prohibit land uses and development that are defined as incompatible with normal airport operations at the Dunnellon Airport.

**FLUE Policy 8.1:**

The City of Dunnellon shall coordinate with Marion County to execute an interlocal agreement or formulate a Joint Airport Zoning Board by January 1, 2017 to ensure that decision-making by both jurisdictions are adequately coordinated regarding Marion County airport planning and Dunnellon land use and transportation planning.

**FLUE Policy 8.2:**

The City of Dunnellon shall prohibit public education facilities and residential uses and development within noise compatibility zones, as defined by 333.03(2)(c) and (d), Florida Statutes, as applicable. The City shall confirm the extent of existing noise compatibility zones with Marion County, and the potential extent of future noise compatibility zones based on any runway modifications that may be considered by Marion County.

**FLUE Policy 8.3:**

The City of Dunnellon shall prohibit the following uses within clear zones, as defined by 333.03(3), Florida Statutes:

- A. Public and private education schools.
- B. Uses encouraging or requiring a concentration of people, such as auditoriums, arenas, large-scale multifamily development and large-scale office uses.
- C. Industrial uses which emit smoke and uses which emit light that could potentially pose a hazard to aircraft operations.

**FLUE Policy 8.4:**

The City of Dunnellon shall not allow obstructions, such as buildings, structures, poles and trees to penetrate airport hazard zone surfaces occurring within its jurisdiction. The City limits building height to 40' within all future land use categories. Prior to considering any future amendment to the 40' building height standard, the City shall document that any proposed building height standard would not penetrate applicable airport hazard zones and surfaces, as defined by the Federal Aviation Administration.

**FLUE Policy 8.5:**

The City of Dunnellon shall adopt an airport zoning overlay by January 1, 2017 to implement land development regulations based on Objective 8 and its implementing policies.

- 6) **Transportation Concurrency.** Policy 1.1 below change deletes reference to an adopted Level of Service (LOS) standard for concurrency purposes and instead recognizes LOS C as a general guideline. The City does not have the ability to widen U.S. 41. The current policy adopts the LOS "C" standard and a designation of backlogged, which effectively prevents economic development in the City. The Community Planning Act made concurrency optional so that local governments could achieve economic growth, particularly in situations where it is not physically possible to widen roadways to maintain the adopted LOS standard. **See Volume I Supplement (p. 30) for more detailed discussion and background.**

**TCE Policy 1.1:** The City shall utilize level of service (LOS) "C" as a general guide for the purpose of coordinating with the TPO on short and long range transportation improvements. In order to encourage urban infill and economic development, the City shall not implement transportation concurrency or adopt LOS standards for regulatory

purposes. This policy does not limit the City's ability to consider legislative decision in approving or denying comprehensive plan amendments.

- 7) **Recreation/Parks Level of Service Standard/Concurrency.** The changes in Objective 1 and Policies 1.1 and 1.2 below are required in order to clarify that only public parks can be counted toward satisfying the adopted LOS standard. Private facilities cannot be counted toward compliance with the adopted LOS standard. See Volume I Supplement (p. 36) for more detailed discussion and background.

**ROSE Objective 1:**

~~Coordinate public and private resources in order to provide~~ Provide land, recreational facilities and parks to meet adopted level of service standards.

**ROSE Policy 1.1:**

The City shall maintain a level of service standard of 2 acres per 1,000 population for its neighborhood parks, defined as fewer than five (5) acres.

**ROSE Policy 1.2:**

The City shall maintain a level of service standard of 2 acres per 1,000 ~~persons~~ population for its community parks, defined as five (5) acres or more.

These are the primary policy changes in response to statutory changes. The balance of the proposed amendments involves minor amendments that are non-substantive in nature. Please note that some members of the public expressed concern at the LPA hearing that the proposed amendments do not establish a vision for Dunnellon or otherwise address other significant policy issues, such as development setbacks along the river. Those issues are not within the scope of the EAR-based amendments identified in the City Evaluation Notice letter and are not identified as changes to be included in this set of amendments as summarized by the DEO grant. As discussed at the December 9, 2015 workshop, the City is prohibited from adopting other types of plan amendments until such time as the EAR-based amendments are adopted and submitted to DEO.

I look forward to presenting the amendments at the City Council public hearing on March 14, 2016.

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**CITY OF DUNNELLOH**  
**COMPREHENSIVE PLAN**



**VOLUME I**

**SUPPLEMENTAL  
DATA AND ANALYSIS**

## 1. Dunnellon Comprehensive Plan Update Process

The Dunnellon Comprehensive Plan consists of two volumes. Volume I is the technical support document and is not an adopted component of the Dunnellon Comprehensive Plan. This *Volume I Supplemental Data and Analysis* supplements the existing Volume I, which is outdated. This Volume I Supplement provides updated data sets, analysis, tables and maps, as referenced in this document and set forth in the accompanying Appendix. Volume II consists of the goals, objectives and policies, the Future Land Use Map series (Maps 1-6) and the Future Traffic Circulation Map (Map 7). Volume II is the adopted component of the Dunnellon Comprehensive Plan and must be amended by adoption of an ordinance pursuant to the notice requirements and procedures set forth in Section 163.3184, Florida Statutes. Volume II is supported by the data and analysis provided in this Volume I Supplement.

The City of Dunnellon initially adopted Volume II of the Dunnellon Comprehensive Plan in 1991 and has adopted numerous amendments to the adopted Comprehensive Plan from 1992 through 2015. In order to provide a more user-friendly document for City officials and the community, the City of Dunnellon undertook an administrative exercise in 2015 to consolidate all the various comprehensive plan amendments into a single document, referred to as the Consolidated Comprehensive Plan. Utilizing grant funding provided by the Florida Department of Economic Opportunity (DEO), the City retained a consultant, Stearns Weaver Miller Weissler, Alhadeff & Sitterson, P.A. (Stearns Weaver), to conduct the research required to consolidate the previously adopted comprehensive plan amendments into a single, integrated, consolidated Volume II. Stearns Weaver held an informal workshop with the Dunnellon City Council on December 9, 2015 to review the consolidation process. As noted at the workshop, the administrative exercise to consolidate Volume II did not make any changes to the adopted components of Volume II. The Consolidated Comprehensive Plan was submitted to the City in December 2015 and is posted on the City's website.

The DEO grant (**Appendix A.1**) also calls for the City to prepare comprehensive plan amendments to update Volume II (adopted component) based on statutory changes. This update process is described by Section 163.3191, Florida Statutes, which requires that local governments evaluate the comprehensive plan periodically to determine whether amendments are necessary in response to statutory changes. Local governments must submit a letter to DEO, confirming whether the local government intends to amend its comprehensive plan based on its evaluation. The City of Dunnellon submitted a letter, dated November 19, 2014 to DEO, confirming its intent to adopt comprehensive plan amendments to update the comprehensive plan. This letter is referred to as an Evaluation Notice Letter (**Appendix A.2**). The DEO grant references the Evaluation Notice Letter and calls for the City to:

- Revise the Evaluation Notice letter to further refine the scope of comprehensive plan amendments that will be adopted in response to statutory changes. The revised Evaluation Notice letter was submitted to DEO on February 4, 2016.
- Prepare comprehensive plan amendments (Volume II) based on the proposed changes listed in the Evaluation Notice letter, which is sometimes referred as an Evaluation and Appraisal Report (EAR). These types of comprehensive plan amendments are referred to as EAR-based comprehensive plan amendments because they are based on the Evaluation Notice letter.
- Prepare supplemental data and analysis (Volume I) to support the proposed Volume II comprehensive plan amendments.

Based on the DEO grant, Stearns Weaver has prepared each of the required documents. The following schedule summarizes the update process based on the terms of the grant:

- DEO Grant executed on **September 29, 2015**.
- Stearns Weaver prepared Consolidated Dunnellon Comprehensive Plan. Again, this was a reformatting exercise and did not make any changes to the adopted text and maps of the Dunnellon Comprehensive Plan. However, the Future Land Use map series was modernized using Geographic Information Systems (GIS) software.
- City Council workshop held on **December 9, 2015** to review the grant process. (See **Appendix A.3** for documentation on workshop).
- Consolidated Comprehensive Plan submitted to the City on December 22, 2015.
- Stearns Weaver prepared the draft Volume II amendments and draft Volume I Supplement (this document).
- Planning Commission (Local Planning Agency) public hearing was held on February 19, 2016 to review the Volume I Supplement (this document) and proposed Volume II amendments, obtain public input and provide recommendations to the City Council.
- City Council “transmittal” public hearing to be held on March 14, 2016. This is a public hearing to review the Volume I Supplement (this document) and proposed Volume II amendments, obtain public input, and consider the recommendations of the Local Planning Agency and vote on whether to transmit the proposed Volume I Supplement and Volume II amendments to DEO for state review as required by s. 163.3184(4), Florida Statutes.
- If the City Council votes to transmit the proposed comprehensive plan amendments, staff will prepare the package and transmit the Volume I Supplement and proposed Volume II amendments to DEO for review.
- DEO will conduct the “State Coordinated Review” process, which requires that DEO obtain comments from the various review agencies listed in s. 163.3184(2), Florida Statutes, and then DEO will either issue a letter transmitting an *Objections, Recommendations and Comments Report* to the City or a letter indicating that it has no

comments on the proposed amendments. DEO has up to 60 days to issue its letter following receipt of the transmitted package from the City.

- Section 163.3184, F.S., allows the City up to 180 days following its receipt of the DEO letter to adopt the proposed Volume II amendments.

## **1.1 Statutory Framework Governing Comprehensive Planning**

Chapter 163, Part II, Florida Statutes, requires that local governments in Florida adopt a comprehensive plan in order to guide planning, growth and development within the community. This statutory requirement was enacted in 1985 as the Local Government Comprehensive Planning and Land Development Regulation Act (1985 Act). The Legislature substantially amended Chapter 163, Part II, in 2011 by passage of House Bill No. 7207 (Chapter 2011-139, Laws of Florida), which changed the title to the *Community Planning Act* and incorporated several new concepts as further discussed in this Volume I Supplement. In addition, HB 7207 repealed Rule 9J-5, Florida Administrative Code (F.A.C.). This was the administrative rule adopted in conjunction with the 1985 Act to further define the content requirements for comprehensive plans. Based on the passage of the Community Planning Act and the repeal of Rule 9J-5, F.A.C., the minimum content requirements for the Dunnellon Comprehensive Plan are now governed only by the Community Planning Act.

The Community Planning Act made significant changes to Chapter 163, Part II, relating to both procedural and substantive content requirements for comprehensive plans. Many of the procedural changes relate to the State’s review process and the procedures for affected parties to challenge comprehensive plan amendments. Those procedural changes don’t generally affect how the local government prepares and adopts comprehensive plan amendments, except for the evaluation and appraisal process as previously reviewed. The substantive content changes are generally intended to grant local governments more discretion in planning for community needs and supporting economic development. These changes include:

- Discretion to not adopt concurrency for transportation, schools and parks;
- Flexibility to address capital improvement planning and financial feasibility requirements beyond five years;
- Ability to define the land use “needs” of the community from a broader economic development perspective rather than strictly based on historic demand levels; and
- Simplified criteria for determining whether comprehensive plan amendments discourage urban sprawl.

This Volume I Supplement further explains these policy options. In that regard, the Community Planning Act maintains the important role of the Dunnellon Comprehensive Plan as a policy setting document. As the Courts have described, the comprehensive plan is akin to the community’s “Constitution” for planning for the future growth of the community. In Florida, the

comprehensive plan is elevated in terms of its legal status and enforceability. Importantly, the Community Planning Act does not change that fundamental requirement in Chapter 163, Part II, known as the “consistency” requirements:

Section 163.3194 requires that all development and development orders must be consistent with the adopted local government comprehensive plan; and

Section 163.3202 requires that local governments must adopt land development regulations that are “consistent with and implement their adopted comprehensive plan.”

The Dunnellon Comprehensive Plan remains an important public policy document to guide further growth, and it retains its legal status as described above under the Community Planning Act.

## **1.2 Overview of Volume I Supplement**

This Volume 1 Supplement provides updated data, maps and analysis to support the proposed comprehensive plan amendments set forth in Volume II. The current Volume I was prepared in 1991 in support of the initial adoption of Volume II in 1991. The City has also periodically prepared data and analysis for various comprehensive plan amendments adopted over the past 25 years. At this point, most of these data sets and related analyses are now outdated, and technological advancements, such as GIS spatial analysis, allow for more accurate and varied types of analysis. This Volume I Supplement provides additional data sets and related analysis to the extent appropriate to support the proposed comprehensive plan amendments set forth in Volume II. As such, this is a supplement and does not comprehensively revise Volume 1. It is anticipated that another round of grant funding may provide support to undertake a comprehensive update of Volume 1 and additional revisions to Volume II to address policies issues that are considered high priority, such as riverine protection, but were not identified as EAR-based amendments based on statutory changes.

This Volume I Supplement includes the following updates:

### **Future Land Use Element**

- Revised population and seasonal projections and housing projections;
- Revised existing conditions data sets and maps;
- Revised vacant land analysis;
- Evaluation of land use needs based on the updated population projections and vacant land analysis;
- Evaluation of revised statutory criteria and basis for proposed policy revisions;

- Evaluation of revised statutory criteria for discouraging urban sprawl and applicability to Dunnellon and basis for proposed policy revisions;
- Evaluation of school concurrency as option;
- Evaluation of airport compatibility criteria set forth in statute and basis for proposed policy revision;
- Incorporates the following supporting maps as set forth in the Appendix: Existing Land Use Map (**Appendix Map S-1**), Vacant Florida Land Use Classification and Cover Map (**Appendix Map S-2**), Vacant Lands Utility Overlay (**Appendix Map S-3**), FLUM Map with Utility Overlay (**Appendix Map S-4**), Schools Map (**Appendix Map S-5**), Airport Compatibility Map (**Appendix Map S-6**);

#### Transportation Element

- Revised data sets providing roadway characteristics;
- Revised data sets providing existing and projected level of service conditions on roadways based on the Marion County Transportation Planning Organization 2035 Long Range Transportation Plan;
- Analyzed transportation concurrency option;
- Incorporates Existing Traffic Circulation Map documenting roadway network (**Appendix Map S-7**);

#### Infrastructure Element

- Eliminated as it serves the same statutory purpose as the Public Facilities Element;

#### Public Facilities Element

- Revised data sets describing existing and planned water and sewer facilities based on the 2012 Water and Sewer Master Plan;
- Revised to incorporate provisions from Infrastructure Element where not redundant;

#### Aquifer Recharge Protection Element

- Recognizes proposed adoption of new element, as previously drafted by City staff;
- Incorporates provisions from other elements, as appropriate;
- Includes Aquifer Recharge Map (**Appendix Map S-8**);

#### Housing Element

- Revised housing need projections;

- Revised census data sets;
- Incorporates Housing Site Map (**Appendix Map S-9**);

#### Historic Preservation Element

- Recognizes proposed adoption of new element, as previously drafted by City staff;
- Revised to incorporate provisions from other elements, as appropriate;

#### Conservation Element

- Revised habitat maps;
- Revised data sets providing updated habitat acreages;

#### Recreation and Open Space Element

- Revised parks inventory;
- Revised data sets providing existing and projected level of service conditions;
- Evaluates Recreation/Parks concurrency options;
- Incorporates Parks Map (**Appendix Map S-10**);

#### Capital Improvements Element

- Revised tables summarizing LOS standards;
- Evaluates prioritization process and relationship to urban sprawl objective;
- Revised financial feasibility analysis.

## 2. Supporting Data and Analysis

Chapter 163, Part II, includes several general requirements regarding data and analysis as related to comprehensive plans and plan amendments:

- Section 163.3177(1)(f) states that plan amendments shall be based upon relevant and appropriate data and analysis available at the time of adoption and may rely on surveys, studies and similar types of data;
- Section 163.3177(1)(f) states that to be “based on data” means to “react to it an appropriate way and to the extent necessary indicated by the data...”
- Section 163.3177(1)(f) was amended by the Community Planning Act to also specify that that “community goals and vision” are appropriate data to be considered;
- Section 163.3177(1)(f)1 states that data “may not be deemed a part of the comprehensive plan unless adopted as part of it,” and that data are not subject to the compliance review, but shall be utilized as an aid in determining compliance and consistency between elements;
- Section 163.3177(2) states that data must be taken from professionally accepted sources and that methodologies must be “professionally accepted”; and
- Section 163.3177(2) emphasizes that coordination of the elements shall be a major objective of the planning process and that consistent data shall be used for the elements;

The data and analyses prepared for the proposed comprehensive plan amendments are consistent with these general requirements. As previously noted, the previous effort under the grant to integrate and consolidate the originally adopted comprehensive plan and the comprehensive plan amendments applied only to Volume II, which is the adopted part of the comprehensive plan. Like nearly all local governments in Florida, Dunnellon originally adopted only the goals, objectives and policies, the related future land use map series and the future transportation map, and adopted plan amendments only to Volume II. This is appropriate, as compliance is determined based on only the adopted Volume II, and this approach allows Dunnellon to update the supporting data and analysis as needed whether a plan amendment is proposed or not. However, when plan amendments are proposed, then the supporting data and analysis must be submitted to the review agencies along with the proposed plan amendment.

**Recommendation:** Based on review of the City’s previous adoption ordinances, the following recommendations are provided:

- Ordinances should always reference the “adoption” of Volume II comprehensive plan amendments, while referencing “approval” of supporting data and analysis. This will avoid any confusion regarding the scope of the adopted plan amendment.
- Ordinances should always include the adopted component as one distinct exhibit, and the supporting data and analysis as a different exhibit.

- One copy of the ordinance should be maintained in City records with the exhibits attached.

The statute also specifies data and analysis requirements for each element of the Comprehensive Plan. The following data summaries and related analysis are presented by element. The elements requiring the most significant supplemental data and analysis for the proposed EAR-based Comprehensive Plan Amendments are the Future Land Use Element, Transportation Element and Capital Improvements Element.

## **2.1 Future Land Use Element**

The Future Land Use Element defines land use policy for Dunnellon in terms of the location, intensity and form of development within the City. As such, it guides the physical development of the City, and should reflect the community's vision of how it would like to grow and develop. It can also be considered the organizing element, which ties all of the other elements together to provide a coherent policy framework; that is, to ensure that the City's vision, planning and development strategies are consistent across all of the elements as required by the statute and good planning in general. This means that the Transportation, Infrastructure and Capital Improvements elements should support the Future Land Use Element by directing improvements in a manner that is consistent with the planned densities and intensities set forth in the Future Land Use Element. Equally important, the future land use categories should direct growth and control densities and intensities in a manner that implements policy direction from the Conservation element to protect natural resources.

### **2.1.1 Planning Periods**

Section 163.3177(5)(a), F.S., requires that:

Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period.

Proposed FLUE Policy 6.1 defines the short term (5-year) and long term (approximately 20 years) planning periods with an allowance for adjusting the long range year to conform to decade or mid-decade years to ensure greater consistency with various agency plans. The plan amendment update establishes 2035 as the long range plan horizon, which is a 19-year planning period, assuming adoption in 2016.

## 2.1.2 Population Projections

Section 163.3177(1)(f)3, F.S. requires that:

The comprehensive plan shall be based upon permanent and seasonal population estimates and projections, which shall either be those published by the Office of Economic and Demographic Research or generated by the local government based upon a professionally acceptable methodology. The plan must be based on at least the minimum amount of land required to accommodate the medium projections as published by the Office of Economic and Demographic Research for at least a 10-year planning... Absent physical limitations on population growth, population projections for each municipality and the unincorporated area within a county must, at a minimum, be reflective of each area's proportional share of the total county population and the total county population growth.

The Office of Economic and Demographic Research (EDR) publishes population estimates and population projections at the County level. EDR does not publish population projections for cities. The methodology utilized for preparing the Dunnellon population projections utilizes the EDR population projections for Marion County as a starting point and then evaluates two scenarios for forecasting the City's share of countywide population growth.

Scenario 1. This scenario forecasts that the City's population will continue to increase in a manner generally similar to historic growth trends. The City's population growth was relatively linear from 1970 through 2000, but that trend changed from 2000 to 2010 as shown by Table 1. The City's population declined by 165 persons from 2000 to 2010 as compared to increases ranging from 197 to 274 in the previous two decades. This recent downward trend makes population projections based on trend growth inherently challenging, given that the City has not experienced consistent linear growth. The obvious question in projecting population is whether the City will continue to experience population loss, rebound to its pre-2000 moderate growth rates, or experience even higher growth rates.

**Table 1. Dunnellon Long Term Population Trend and Share of Countywide Population**

	1970	1980	1990	2000	2010
Dunnellon	1,146	1,427	1,624	1,898	1,733
Marion County	69,030	122,488	194,833	258,916	331,298
Dunnellon Share of Countywide Population	1.66%	1.17%	0.83%	0.73%	0.52%
Dunnellon Population Change from Previous Census		281	197	274	-165
Dunnellon Share of Population Growth from Previous Census		0.53%	0.27%	0.43%	0%

Source: US Census

As Table 1 indicates, Dunnellon’s share of countywide population has declined over time as would be expected due to the more intensive growth occurring in the suburban areas surrounding Ocala. However the 2000-2010 population loss in Dunnellon resulted in a much lower share at .52% than would be expected based on the trend from 1980 to 2000, particular recognizing that the City’s share declined by only .1 percentage point from 1990 to 2000. If this trend had continued through 2000-2010, the City share would have been closer to .63%.

**Table 2. Dunnellon Share of Countywide Population: 2010-2014 (EDR Estimate)**

	<b>April 1, 2010</b>	<b>July 1, 2011</b>	<b>July 1, 2012</b>	<b>July 1, 2013</b>	<b>July 1, 2014</b>	<b>July 1, 2015</b>
Dunnellon	1,733	1,737	1,740	1,754	1,770	1,771
Marion County	331,298	331,745	332,989	335,008	337,455	341,205
Dunnellon Share of Countywide Pop.	0.52%	0.52%	0.52%	0.52%	0.52%	0.52%
Dunnellon Share of Countywide Population Growth 2010-2015 = .38%						

*Source: EDR Population Estimates*

Table 2 shows EDR’s population estimates for Dunnellon and Marion County for 2011-2015, following the April 1, 2010 census population figures. EDRs population estimates are based on review of building permit records, utility information and homestead exemptions to estimate the number of permanently occupied housing units from 2010 to 2015. EDR then applies the persons per household rate from the 2010 census to estimate the population of those households. This figure is then added to the 2010 population to estimate the population for years 2011-2015. The US Census Population Estimates program also utilizes building records but not utility records or homestead exemption. Instead, the US Census obtains permit records from 2010 to 2014, assumes a 6 month period between issuance of a permit and final construction and assumes a certain rate of housing loss based on the age of the housing stock to estimate constructed housing from 2010 to 2014. Both of these statistics (time lag and housing loss) are from national surveys. The 2010-2014 housing estimate is then added to the 2010 housing count to obtain 2014 housing. It then applies the occupancy rate and persons per household data from the 2010 census to obtain the 2014 uncontrolled population, which is then adjusted for all cities and subareas on a proportionate basis to match the control total population of the County. Both the Census and the EDR also account for population in group quarters, but this is not a factor in Dunnellon.

Table 3 provides the US Census Estimates, which are available only through 2014, and are for July 1 of each year.

**Table 3. Dunnellon Share of Countywide Population: 2010-2014 (Census Estimate)**

	<b>April 1, 2010</b>	<b>July 1, 2011</b>	<b>July 1, 2012</b>	<b>July 1, 2013</b>	<b>July 1, 2014</b>
Dunnellon	1,733	1,737	1,745	1,748	1,762
Marion County	331,298	332,507	334,495	336,159	339,167
Dunnellon Share of Countywide Pop.	0.52%	0.52%	0.52%	0.52%	0.52%
Dunnellon Share of Countywide Population Growth 2010-2014 = .37%					

*Source: Census Population Estimates, Vintage 2014 (2015 not available).*

The US Census estimates higher population for Marion County as compared to the EDR population estimates, but slightly lower estimates for the population of Dunnellon. However, the differences are not significant, and result in the same .52% city share of countywide population for each year. In addition, the City’s shares of countywide population growth for the two time periods are comparable at .37% and .36%, respectively.

The 2000-2010 decade was unusual in that tremendous growth occurred followed by the Great Recession. While economic cycles typically occur in each decade, the 2000-2010 decade was more severe than typical. Therefore, it would not be appropriate to forecast a continued reduction in population, given that the economy has recovered. It is more likely that Dunnellon will return to at least the moderate growth experienced during the previous decades. This is supported by several factors affecting population growth. First, EDR projects that Marion County will continue to experience significant population growth. Second, the southwest quadrant of Marion County has experienced significant growth in the vicinity of the City. Third, the City has significant vacant land that is served by central water and sewer.

Occupancy rates account for some of the City’s decline in population during the 2000-2010 decade. Table 4 documents that the vacant rate for existing housing increased from 15.76% in 2000 to 24.57% by 2010. Assuming two persons per household, the additional vacated units accounts for roughly 72 persons.

**Table 4. City of Dunnellon Housing Vacancy Rates (2000, 2010, and 2014)**

	<b>2000</b>	<b>2010</b>	<b>2014</b>	<b>2014 Margin of Error</b>
Occupied	950	878	946	165+/-
Vacant	178	286	369	154+/-
Total	1128	1164	1315	114+/-
% Vacant	15.78%	24.57%	28.06%	

*Source: US Census 2000 and 2010 and American Community Survey (5 Year Survey)*

The 2014 vacancy rate represents the average vacancy rate over a 5-year period (2010-2014). While it indicates an increased vacancy rate as compared to 2010, several points must be considered in understanding the data. The American Community Survey is based on a sample of

the Dunnellon housing, and is subject to sampling error. Thus, in considering the margin of error calculated by the US Census, the vacancy rate would be expected from a statistical perspective to fall within a range from 16.35% to 39.77%. However, as the population estimates provided by EDR and the US Census show population growth during 2010-2014, it is likely that the vacancy rate has declined.

Table 5 also helps to understand the type of vacancy occurring within the City and how that differed in 2000 versus 2010. The vacancy rate in 2010 occurred primarily as a result of a significant increase in vacant rental housing and “other” as compared to the 2000 vacancy. Seasonal vacancy had also declined significantly. Conversely, vacant units resulting from seasonal usage declined, as a percentage of all vacant units, significantly in 2010 versus 2000. Based on the types of vacancy rate, it is reasonable to assume that multifamily occupancy will improve over time.

**Table 5. Vacancy Status**

	2000	Percent	2010	Percent
For rent	26	14.61%	60	20.98%
For sale	16	8.99%	34	11.89%
Rented or Sold, not Occupied	7	3.93%	12	4.20%
Seasonal	98	55.06%	106	37.06%
Other	31	17.42%	74	25.87%
Total	178	100.00%	286	100.00%

*Source: US Census 2000 and 2010 and American Community Survey (5 Year Survey)*

Based on the preceding analysis, Table 6 presents the moderate growth population projection, which assumes that the City would maintain its .52% share of countywide population from 2015-2035. This forecast is consistent with Section 163.3177(1)(f)3, F.S. which requires that population projections “be reflective... of the proportional share of the total county population and the total county population growth.”

**Table 6. Moderate Growth Population Projection**

	2015	2020	2025	2030	2035
Marion County (EDR)	341,205	373,809	405,002	434,725	463,073
Marion County (Census)	Not Available	372,258	401,110	427,129	451,427
Dunnellon Projected Share		0.52%	0.52%	0.52%	0.52%
Dunnellon Projected Population	1,771	1,936	2,086	2,221	2,347
Increase over previous 10 years			315	285	262
Marion County Population Change from Previous Census		42,511	31,193	29,723	28,348
Dunnellon Share of Countywide Population Growth (2015-2035) = .47%					

As shown, the population projections yield absolute growth over ten year periods that is comparable to that experienced during the 1990s. This represents an increase in the City’s capture of countywide growth from .37% estimated by BEBR to .47%, to be more consistent with the capture of countywide population *growth* as occurred in the 1990’s.

Population Projection Scenario #2.

The second scenario is based on moderate-high growth that could potentially occur if the City were in a position to significantly expand the water and sewer system to serve annexed areas near the airport or future annexed areas. Based on the investment required for maintenance and improvements of the existing system, and the distance required to serve previously annexed or future annexed areas, this scenario is less likely to occur than the moderate growth scenario, particularly in the near future. Table 7 provides the same calculation as the moderate, but increases the capture rate of countywide population growth from .47 to .52 starting in 2020, .53 in 2025 and .54 in 2030.

**Table 7. Moderate-High Population Projection**

	2015	2020	2025	2030	2035
Marion County (EDR)	341,205	373,809	405,002	434,725	463,073
Marion County (Census)	Not Available	372,258	401,110	427,129	451,427
Dunnellon Projected Share		0.5200%	0.5200%	0.5188%	0.5201%
Dunnellon Projected Population	1,771	1,936	2,098	2,255	2,409
Marion County Population Change from Previous Census		373,809	31,193	29,723	28,348

It is important to recognize that population projections are inherently subject to some degree of “error” as compared to actual population growth. This is particularly true for small area projections, where a consistent trend has not occurred. Growth will be influenced by many factors, including the policy decisions of the City, Marion County, the TPO, FDOT and other agencies. The TPO has programmed for widening to four lanes by 2020 US 41 from S.W. 111<sup>th</sup> Place to SR 40. This will make the area more attractive for growth in general, as households make decisions to move in part on the trade-off between commuting distance versus the lower cost of land. Households also consider other factors, including the quality of schools and neighborhoods. Spillover growth can also occur from other counties, such as Citrus County. These projections result in a range that is reasonable, given the circumstances. However, the City should periodically update population projections during the EAR-based amendment process, and a new policy is proposed to implement this recommendation. In addition, the City should continue to monitor trends, including its building permit activity and resulting EDR and Census estimates.

### 2.1.3 Seasonal Population Projections

As indicated by Table 5, the Census documents seasonal housing units, which account for 55% of total vacant units in 2000 and 37% in 2010. While this represents a significant difference as a percentage, the difference is not as significant when compared to the total number of housing units. Seasonal units accounted for 8.69% of all housing units in 2000 and 9.11% in 2010. It is reasonable to assume that seasonal units would be occupied by the same number of persons on average as permanent units. This results in seasonal population calculating to 9.11% of the permanent population based on the 2010 data. Table 8 provides the seasonal population projection based on the moderate and moderate-high population scenarios and applying the factors described above.

**Table 8. Seasonal Population Projections**

	2015	2020	2025	2030	2035
Dunnellon Moderate Projection	1,771	1,936	2,086	2,221	2,347
Dunnellon Moderate-High Projection	1,771	1,936	2,098	2,255	2,409
Seasonal Moderate Projection	161	176	190	202	214
Seasonal Moderate-High Projection	161	176	191	205	219

### 2.1.4 Existing Conditions

This supplement provides an update on existing land use conditions within the City. This is necessary in order to evaluate the City’s potential to accommodate the projected population and to accommodate other community needs, such as commercial, public uses, and recreational lands. The existing conditions analysis also provides a summary of vacant land conditions to generally determine the relative suitability of lands for development and to show how future land use designations correspond with existing conditions.

The methodology utilizes Geographic Information Systems software to create a Master Data Set (**Appendix A.4** – CD only) that is parcel-based, using the Department of Revenue (DOR) data base, which documents existing land use based on DOR codes (**Appendix A.5**) and is referenced by the Existing Land Use Map (**Appendix Map S-1**). The Master Data Set provides the following key information for each of parcels in the City based on the DOR records: existing land use, number of structures, number of residential units and non-residential floor area. In addition, the City’s existing water and sewer transmission system was utilized as a GIS layer to identify parcels where water and sewer are available along the frontage of the parcel or within 500’ linear feet of the parcel. 500’ was utilized based on the City’s code, which requires parcels to connect to water and sewer where lines are “available,” which is defined as within 500’ of a parcel. For vacant parcels, the Master Data Set also identifies the existing land use classification based on the Florida Land Use Cover and Classification System (FLUCCS), which classifies vacant land based on habitat type, where applicable. These data sets allow for an analysis of

existing conditions to identify vacant and underutilized parcels that are in the best position to develop during the planning period. The following sections summarize the existing conditions within the City based on these data sets.

#### 2.1.4.1 DOR Classifications

DOR codes classify land use in broad classes, such as residential and commercial, which are further classified into more discreet classifications, such as single family, multifamily, etc., for residential, and retail stores, restaurants, etc., for commercial. Table 9 summarizes the major DOR land use categories by acreage and percentage of total City acreage. Agriculture comprises over 60% of the City total acreage due to the annexations of large tracts. The table provides the percentage breakdown with and without agriculture.

**Table 9. Existing Land Use Based on DOR Codes**

<b>DOR Land Use</b>	<b>Acreage</b>	<b>% (with Agriculture included in total)</b>	<b>% (without including Agriculture)</b>
<b>Residential</b>	<b>527.96</b>	<b>10.11%</b>	<b>26.63%</b>
-Vacant	144.26	27.32% (of Residential)	27.32% (of residential)
-Single Family	315.85	58.82% (of Residential)	58.82% (of residential)
-Multifamily	50.06	9.48% (of Residential)	9.48% (of residential)
-Mobile Home	1.10	.21% (of Residential)	.21% (of residential)
-Other	1.31	.25% (of Residential)	.25% (of residential)
<b>Commercial</b>	<b>207.78</b>	<b>3.98%</b>	<b>10.48%</b>
-Vacant	40.88	19.67% (of Commercial)	19.67% (of Commercial)
Retail/Shopping Center	69.40	33.40% (of Commercial)	33.40% (of Commercial)
Offices	34.46	16.58% (of Commercial)	16.58% (of Commercial)
Services	17.90	8.61% (of Commercial)	8.61% (of Commercial)
Other	45.14	21.72% (of Commercial)	21.72% (of Commercial)
<b>Institutional</b>	<b>50.04</b>	<b>.96%</b>	<b>2.52%</b>
<b>Industrial</b>	<b>1.41</b>	<b>.03%</b>	<b>.07%</b>
<b>Government</b>	<b>1,009.99</b>	<b>19.35%</b>	<b>50.94%</b>
<b>Other</b>	<b>174.51</b>	<b>3.34%</b>	<b>8.80%</b>
<b>Other Vacant</b>	<b>11.13</b>	<b>.21%</b>	<b>.56%</b>
<b>Agriculture</b>	<b>3,237.33</b>	<b>62.02%</b>	<b>N/A</b>
<b>Total Without Agriculture</b>	<b>1,982.81</b>	<b>N/A</b>	<b>100%</b>
<b>Total With Agriculture<sup>1</sup></b>	<b>5,220.14</b>	<b>100%</b>	<b>N/A</b>

1. This figure will deviate slightly from total acreage within corporate boundary due to parcel boundaries not consistently extending to the ordinary high water line.

The far right column confirms that about 78% of the developed portion of the City is comprised of government and residential use, while commercial accounts for about 10%. For more detail, please refer to **Appendix A.6**), which provides a detailed breakdown of DOR use codes and acreage in each category.

The DOR use code provides a good profile of developed land uses, but is not a good data source for evaluating the condition of vacant lands. The DOR codes classify 196.27 acres as vacant, but this figure does not include agriculture, which is classified separately, and does not include open spaces included under Government. In addition, DOR classifies a parcel as developed, even where most of the parcel is undeveloped.

#### 2.1.4.2. FLUCCS

It is appropriate to also consider the FLUCCS designations assigned to property within the City. FLUCCS is a database maintained by the SJRWMD. While the categories do not consistently match DOR classifications, the data provide a more refined analysis of vacant lands.

**Table 10. FLUCCS by FLUM Categories**

DOR Class	Ag/Rural	Res. (low-high)	Comm./Specialized	TN/MU	Cons.	Public	Total Acres	% of Total
Uplands	115.94	415.70	26.80	28.20	17.30	0	<b>603.94</b>	<b>17.63%</b>
Wetlands	28.98	14.83	0	17.62	140.37	0	<b>201.80</b>	<b>5.89%</b>
Agriculture	1,249.04	470.79	178.99	341.91	56.01	1.42	<b>2,298.16</b>	<b>67.09%</b>
Low Intensity Urban	11.54	58.16	15.79	5.80	0	.63	<b>91.92</b>	<b>2.68%</b>
High Intensity Urban	.5	31.29	21.24	11.87	0	.54	<b>65.44</b>	<b>1.91%</b>
Rural	10.84	49.92	16.79	5.67	0	0	<b>83.22</b>	<b>2.43%</b>
Transp., Extractive, Bare Soil	4.89	71.22	2.49	2.01	.24	.08	<b>80.93</b>	<b>2.36%</b>
<b>Total Acres</b>	<b>1421.73</b>	<b>1111.91</b>	<b>262.10</b>	<b>413.08</b>	<b>213.92</b>	<b>2.67</b>	<b>3,425.41</b>	<b>100%</b>
<b>% of Total</b>	<b>41.51%</b>	<b>32.46%</b>	<b>7.65%</b>	<b>12.06%</b>	<b>6.25%</b>	<b>.08%</b>	<b>100%</b>	

For convenience, this table combines certain FLUM categories, such as the residential categories, commercial categories and mixed use categories, which include the Traditional Neighborhood categories. See **Appendix A.7** for a more discreet breakdown and the Vacant Land by FLUCCS Map (**Appendix Map S-2**). The analysis confirms several important points in considering the development potential based on the FLUM categories. Most of the development categories have very low percentages of wetlands, which are otherwise designated as Conservation. Significant agricultural use occurs in the residential, commercial and mixed use/TN categories, although the Specialized Commerce contains most of that acreage for the

commercial categories. The results are fairly comparable to the DOR analysis in that agricultural/rural uses and residential uses comprise almost 75% of the vacant acreage. Again, like the DOR finding, these figures are skewed somewhat by the annexation lands.

### **2.1.5 Land Use Allocations**

Section 163.3177(6)(a)2, F.S. provides that that the future land use plan and plan amendments shall be based on data regarding:

- The amount of land required to accommodate anticipated growth.
- The projected permanent and seasonal population of the area.
- The character of undeveloped land.
- The availability of water supplies, public facilities, and services.
- The need for redevelopment, including the renewal of blighted areas and the elimination of nonconforming uses which are inconsistent with the character of the community.

As previously noted, the Master Data Set provides the documentation required to evaluate these conditions in conjunction with the population projections to determine whether comprehensive plan amendments are necessary to accommodate anticipated growth and population demand, services available for that growth and the suitability of land if additional urban land use allocations are recommended. In addition, the Community Planning Act specifies that land use allocations shall consider the need to:

- support job creation, capital investment, and economic development that will strengthen and diversify the community's economy;
- modify land uses and development patterns within antiquated subdivision;
- achieve a balance of uses that foster vibrant, viable communities and economic development opportunities; and
- allow the operation of real estate markets to provide adequate choices for permanent and seasonal residents and business.

The Future Land Use Element must accommodate the medium population projections from EDR for at least a 10-year period, but this broader recognition of community needs allows for land use allocations that are not simply limited by population projections. This flexibility is important for Dunnellon, considering the population loss sustained during the past decade.

The residential land use need methodology included the following steps:

- Population projections are provided for the 2015-2035 planning period as previously reviewed.
- The projected population is converted to housing demand by dividing the population by persons per household to obtain housing units.

- Projected housing units are divided by (100% - seasonal vacancy rate) to account for seasonal demand. This figure is then divided by 90% to account for a 10% vacancy rate that can reasonably be expected to occur on a sustained basis. This assumes that occupancy will increase as compared to the current estimate reported by the ACS.
- The projected housing demand is then compared to the capacity of future residential development as determined based on the Future Land Use categories that are planned for urban residential development – Residential Low, Residential Medium and Residential High; Mixed Use and Traditional Neighborhood.
- In calculating FLUM development capacity, market conditions have been taken into account by calculating the average build out rate within the listed FLUM categories. This is important in considering how much development will likely occur on the vacant lands. In addition, redevelopment capacity has been calculated, which accounts for underutilized parcels, defined as parcels developing at less than 20% of the maximum development capacity.

In considering the potential for future development, the availability of public utilities is a key factor that will impact the timing and potential intensity of development. Two maps are provided that demonstrate the availability of utilities to serve vacant lands and the relationship with the Future Land Use Map. These include the Vacant Lands Utility Overlay (**Appendix Map S-3**) and FLUM Utility Overlay Map (**Appendix Map S-4**).

Commercial demand was calculated based on the assumption that developed commercial square footage should increase in proportion to future population growth. This methodology calculates the developed commercial square footage per person and then multiplies that ratio by the additional population projected through 2035 to estimate the additional commercial development required by 2035. This acreage is then compared to the total commercial acreage included on the FLUM to determine if additional commercial acreage is needed to serve the additional population demand.

The following tables provide the results from the methodology as summarized above.

**Table 11. Projected Housing Demand**

	2020	2025	2030	2035
Dunnellon Moderate-High Projection	1,936	2,098	2,255	2,409
Persons Per Household	2.00	2.00	2.00	2.00
Occupied Permanent Units	968	1,049	1,128	1,204
Sustained Occupancy	10%	10%	10%	10%
Total Permanent Units	1,065	1,154	1,241	1,325
Seasonal Units	88	96	103	110
Total Housing Units	1153	1249	1343	1434

**Table 12. Vacant Residential Development Capacity**

<b>Future Land Use</b>	<b>Acres</b>	<b>Density (DU/Ac)</b>	<b>% Residential</b>	<b>Maximum Units</b>	<b>Trend Build Out %</b>	<b>Trend Units</b>
Residential Low	998.1	2.5	100%	2,486	75%	1,865
Residential Medium	111.3	5	100%	490	70%	343
Residential High	3.1	12	100%	34	55%	19
TND 8	13.2	8	100%	93	40%	37
TND 12	3.51	12	100%	39	20%	8
TND > 5 acres	78.76	12	90%	851	20%	170
Mixed Use	313.35		80%	3,008	20%	602
<b>Total</b>	<b>1,521.32</b>			<b>7,001</b>		<b>3,043</b>

1. Maximum Unit has been calculated at the parcel level and then summed. Decimals at the parcel level are reduced to the next lowest whole number. For this reason, maximum units cannot be calculated by multiplying acres x density as shown in the table.
2. TND parcels identified as “commercial vacant” by the DOR code are not included.

The FLUM provides substantially greater residential supply than required for the projected housing demand, based on just vacant acreage. However, it would be prudent to undertake additional analysis to determine whether additional locations should be identified for multi-family housing and to ensure that available sites are not limited to only a few locations under common ownership. Diverse housing options will help the City achieve more consistent and sustained growth as addressed by proposed Future Land Use Element Policy 6.2.

**Table 13. Vacant Commercial Development Capacity**

<b>Future Land Use</b>	<b>Acres</b>	<b>Maximum FAR</b>	<b>% Commercial</b>	<b>Maximum Square Feet</b>	<b>Trend Build Out %</b>	<b>Trend Square Feet</b>
Commercial	42.10	.4	100%	733,509	44%	322,744
TND 8	3.51	.3	100%	30,560	52%	16,031
TND 12	2.41	.3	100%	31,490	64%	20,154
TND > 5 acres	78.76	.3	10%	102,926	64%	65,872
Mixed Use	313.35	.3	10%	409,491	64%	262,074
<b>Total</b>	<b>440.11</b>			<b>1,307,976</b>		<b>686,875</b>

**Table 14. Commercial Need**

<b>2015 Population</b>	<b>2015 Commercial Square Feet</b>	<b>Commercial S.F./Person</b>	<b>2035 Population</b>	<b>2035 Commercial Square Feet Demand Based on Population</b>	<b>2035 Commercial Square Feet Capacity (existing plus projected trend vacant)</b>
1,771	861,138	486 S.F	2,409	1,170,774	1,548,013

The FLUM allocates sufficient commercial capacity to meet the needs of the projected 2035 population.

**2.1.6 Discouraging Urban Sprawl**

The Community Planning Act revised Section 163.3177(9) to provide a “safe harbor” test for urban sprawl. Due to the complexity in applying the 13 indicators of urban sprawl listed in this section, the statute was amended to add eight additional criteria and to specify that if four of the eight are achieved, then a plan amendment will be deemed to discourage urban sprawl. The Dunnellon Comprehensive Plan was already found in compliance, including with regard to discouraging urban sprawl. The proposed amendment does not include any proposed land use changes, and does not otherwise include any proposed policy changes that would weaken the existing policy framework regarding urban sprawl. However, a new Future Land Use Policy 5.1 has been added, which specifies the types of plan amendments that would require an analysis by the applicant. This policy is designed to support urban infill and to recognize that such development discourages urban sprawl. Proposed amendments that are not defined as urban infill, are not contiguous to existing urban development or urban land use categories, or that require extension of services trigger the requirement for the urban sprawl analysis. In addition, policies have been added to the Public Facility Element and the Capital Improvements Schedule to require consideration of this policy in prioritizing capital improvements.

**2.1.7 School Planning and Concurrency**

The Dunnellon Comprehensive Plan includes required siting and coordination policies for schools. The proposed amendment clarifies the siting policies to provide greater emphasis on siting schools near neighborhoods, but otherwise does not propose changes as related to school planning.

The Dunnellon Comprehensive Plan pre-dates the former requirement for mandatory school concurrency. The Community Planning Act repealed mandatory concurrency. Section 163.3180, Florida Statutes, now provides that local governments have the option to adopt concurrency for public facilities other than potable water, sanitary sewer, drainage and solid waste.

Dunnellon Middle School is the only public school located within the City; however, Dunnellon Elementary School and Dunnellon High School are located just to the north of the City on US 41. The Schools Map (**Appendix Map S-5**) identifies these locations. The Marion County School District Five Year Work Program (**Appendix A.8**) indicates that sufficient capacity is

available at the three schools for the five year planning period based on state enrollment projections (COFTE). Table 15 summarizes the enrollment and capacity projections. Additional coordination should occur with the Marion County School District in regard to long term student demands. However, it is likely that such demands will occur primarily from development outside of the City. In addition, the City's objective is to encourage economic growth within the City and discourage urban sprawl. School concurrency would act as a disincentive for growth within the City, particularly if other jurisdictions have not adopted school concurrency. At this time, school concurrency is not recommended for the City of Dunnellon.

**Table 15. School Enrollment and Capacity Projections**

Location	2015 - 2016 Satis. Stu. Sta.	Actual 2015 -2016 FISH Capacity	Actual 2014 - 2015 COFTE	# Class Rooms	Actual Average 2015 - 2016 Class Size	Actual 2015 -2016 Utilization	New Stu. Capacity	New Rooms to be Added/Removed	Projected 2019 -2020 COFTE	Projected 2019 -2020 Utilization	Projected 2019 -2020 Class Size
<b>DUNNELLON SENIOR HIGH</b>	1,271	1,143	995	52	19	87%	-24	0	951	85%	18
<b>DUNNELLON ELEMENTARY</b>	648	648	674	36	19	104%	0	0	554	85%	15
<b>DUNNELLON MIDDLE</b>	1143	1028	646	52	12	63%	-59	-3	657	68%	13

Source: Marion County School District Five Year Work Plan

### **2.1.8 Airport Compatibility**

The purpose of this analysis is to evaluate the compatibility of land uses within the City of Dunnellon in the vicinity of the Marion County Airport (X35), which is located immediately east of the City of Dunnellon as shown on the Future Land Use Map, and is owned and operated by Marion County. Prior to annexations occurring over the past few years, the City of Dunnellon's nearest corporate limits were roughly two miles to the west of the airport. The annexations resulted in the incorporation of lands between the former City boundary and the airport, such that the City boundary is now contiguous to the west side of the airport. Federal and state regulations require that the City regulate land uses within its jurisdictional boundaries to ensure compatible land uses in the vicinity of the airport. This analysis summarizes those requirements and recommends an appropriate policy framework to be adopted in the Dunnellon Comprehensive Plan to implement those requirements.

#### **Statutory Requirements**

Several statutory provisions address compatibility requirements. §163.3177(6)(a)2.g., F.S., provides that the future land use plan and plan amendments shall be based upon surveys, studies and data regarding the area, as applicable, including

“the compatibility of uses on lands adjacent to an airport as defined in s. 330.35, F.S. and s. 333.02, F.S.

§333.02(1) finds that airport hazards, including obstructions, endanger lives and properties, limit maneuverability and may impair the utility of the airport. It also finds that certain activities and uses as enumerated in s. 333.03(2), F.S., are not compatible with normal airport operations. These enumerated land uses include landfills, residential and educational uses within certain distances. Residential and educational uses are the primary uses that warrant evaluation for the City of Dunnellon, and compatibility is determined in terms of preventing obstructions within defined air spaces/surfaces and in terms of limiting noise impacts.

§333.03(2)(c) and (d) addresses noise impacts. These provisions prohibit residential and educational uses, as defined in Chapter 1013, F.S., within any noise contour defined as incompatible through a noise study conducted pursuant to 14 C.F.R., part 150. If a study has not been completed then residential and education uses are not permitted “within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.”

§333.03(3) specifies land use restrictions within the airport clear zones. Educational facilities are prohibited within “an area which extends 5 miles in a direct line along the centerline of the runway, and which has a width measuring one-half the length of the runway.” In addition, this

subsection requires airport zoning regulations which “restrict new incompatible land uses... within runway clear zones, including uses, activities, or construction which are incompatible with normal airport operations or endanger public health, safety, and welfare by resulting in congregations of people, emissions of light or smoke, or attraction of birds.”

§333.03(1)(a), F.S., requires that “every political subdivision having an airport hazard area within its territorial limits shall,, adopt, administer, and enforce... airport zoning regulations for such airport hazard area,” and § 333.03(1)(b), F.S., addresses the specific situation in Dunnellon where one jurisdiction owns and operates the airport (i.e., Marion County), and the airport hazard areas occur in the adjacent jurisdiction (i.e., Dunnellon); in that situation, the two local governments must either execute an interlocal agreement or form a joint airport zoning board to comply with the requirements of s. 333.03(1)(a), F.S.

### **Marion County Airport Master Plan**

As owner and operator of the airport, Marion County commissioned the *Marion County Airport Master Plan*, which was completed in January 2010. The Master Plan provides detailed information regarding the planning, design and operations of the airport and is the primary data source for the information summarized in this analysis. Section 5.3 reviews the “Airspace Surfaces” required by Federal Aviation Regulations, (FAR) Part 77, “Objects Affecting Navigable Airspace.” The Master Plan states:

This Federal criterion has been established for use by local planning and land use jurisdictions to control the height of objects in the vicinity of the airport. The Specific imaginary surfaces, which shall be protected from obstructions, include:

#### ***Primary Surface***

A rectangular area symmetrically located about each runway centerline and extending a distance of 200 feet beyond each threshold, when the runway is paved. Width of the Primary Surface is based on the most sophisticated approach procedure a runway has, while the elevation follows, and is the same as that of the runway centerline, along all points. For Runway 05-23 this width is 1,000 feet and for Runway 09-27 the width is 500 feet.

#### ***Horizontal Surface***

An oval-shaped area situated 150 feet above the established airport elevation, extending 5,000 or 10,000 feet outward, depending on the runway category and approach procedure available. Both Runway 05-23 and Runway 09-27 will require a 10,000 foot Horizontal Surface radius at an elevation of 216 feet above mean sea level (AMSL).

### ***Conical Surface***

Extends outward for a distance of 4,000 feet beginning at the outer edge of the Horizontal Surface, and sloping upward at a ratio of 20:1. For the Marion County Airport the Conical Surface protects airspace up to 416 feet AMSL.

### ***Approach Surfaces***

These surfaces begin at the end of the Primary Surface and slope upward at a ratio determined by the runway category and type of instrument approach available to the individual runway ends. The width and elevation of the inner end conforms to that of the Primary Surface while Approach Surface width and length to the outer end are also governed by the runway category and instrument approach procedure available. For the ultimate precision instrument approach planned to Runway 23 a surface that extends out 10,000 feet at a slope of 50:1 and then out another 40,000 feet at a slope of 40:1 with an outer width of 16,000 feet. For Runway 05 and both ends of Runway 09-27, the ultimate non-precision instrument approaches require a surface that extends out 10,000 feet at a slope of 34:1 to an outer width of 3,500 feet.

### ***Transitional Surface***

A sloping area beginning at the edges of the Primary and Approach Surfaces that extend upward and outward at a 7:1 ratio.

The Master Plan also states:

Current height restrictions and compatible land use zoning for the area surrounding the airport are included in the 2008 Marion County Comprehensive Plan...the transportation element outlines the County's policies and regulations related to tall structures, airport overlay zoning ordinance, and adjacent land uses.

Marion County has also adopted an Airport Zoning Overlay set forth in the County Code, which regulates the type, location and height of structures, trees and other potential obstructions within the defined airport hazard zones. However, the Airport Zoning Overlay is not applicable within incorporated areas, which is the reason that the statute calls for coordination between Marion County and Dunnellon so that Dunnellon can appropriately plan for land uses and regulate obstructions within the airport hazard areas occurring within the City.

The Airport Master Plan contemplates various scenarios for future airport development and alternative runways. Based on existing conditions and all alternative future runways, the Primary Zone lies entirely within the airport boundaries, while the Approach, Horizontal and Conical zones extend over the City. Of these three hazard zones, the Approach zone occurs at the lowest altitude. The Airport Layout Plan Drawing Set, which is incorporated into the Airport Master Plan, indicates that the Approach Zone over lands within Dunnellon occurs at an altitude much higher than the City's current, maximum building height limit of 40' and higher than any trees could potentially reach. However, this finding should be verified by Marion County, and

an exhibit should be prepared, for zoning purposes, which documents the altitude of the Approach, Horizontal and Conical Zones over Dunnellon air space or at least the lowest altitude of the Approach Zone over Dunnellon air space.

The City must also coordinate with Marion County on any special uses, such as cellular towers, that could potentially penetrate the hazard zones. While the 40' building height does not require revisions, an interlocal agreement should be executed with Marion County to address cell towers. Future cellular towers within the City could potentially occur as obstructions within one of more of these hazard zones unless "surface planes" are defined over Dunnellon airspace.

Drawing #2 of the Airport Layout Drawings confirms that Runway 05-23 is the longest existing runway measuring 4,921' and is planned for a future extension to 6,200' to accommodate additional, small jet aircraft. The Airport Master Plan does not indicate that a noise study has been completed. Therefore, pursuant to s. 333.03(2)(d), F.S., residential and educational uses are not permitted within 2,461' from the end and both sides of each runway, and would not be permitted within 3,100' from the end and both sides of future runways. The Airport Compatibility Map (**Appendix Map S-6**) is the Future Land Use Map with the existing noise compatibility identified, which extends into properties currently designated as Residential Low Density and Rural on the Future Land Use Map. This exhibit also identifies the additional lands that would be encompassed within the noise zone if the runways are extended as discussed above. The Dunnellon Future Land Use Map was amended in 2010 and 2012 as a result of annexations. Pursuant to Ordinance 2010-11, the Residential Low Density land use category was assigned when those properties were annexed by the City. Similarly, pursuant to Ordinance 2012-07, the County's Rural land use category was assigned when that property was annexed into the City.

The Rural land use category should be changed to a City FLUM category as soon as possible in another round of amendments following the adoption of the EAR-based amendments. Those portions of the property occurring within the noise compatibility zones should be designated as Agricultural. If the City would like to consider a more intensive land use category, it should work with Marion County to determine whether an airport noise study could be completed, which may potentially reduce the size of the noise zone otherwise required by statute. The Specialized Commerce land use category is near the airport, but is not subject to restrictions, except as may be necessary to limit uses that would allow a congregation of people within the clear zone. The Specialized Commerce category is a County designation and should be changed to a City land use category as soon as possible following adoption of the EAR-based amendments.

**Appendix Map S-6** also defines the clear zones based on the existing runways at the airport. Pursuant to s. 330.03(3), F.S., new public education facilities are defined as an incompatible use within the clear zone, as well as uses that result in congregations of people, emissions of light

and smoke, or attraction of birds. As shown, the clear zone does not currently encompass any schools; however, any extension of Runway 09-27 would potentially extend the clear zone to encompass the Dunnellon Middle School.

### **Proposed Comprehensive Plan Amendments**

The Comprehensive Plan does not currently address airport compatibility directly, but does include two coordination policies:

Traffic Circulation Policy 3.4: Monitor plans for the Dunnellon Airport to ensure that impacts on the City's transportation system resulting from airport improvements are properly planned for.

Intergovernmental Coordination Policy 1.7: The City Council designee shall coordinate with Marion County, FDOT and the Transportation Planning Organization to ensure that impacts of future expansion of the Dunnellon Airport are coordinated with the City's Future Land Use and Traffic Circulation Element.

The Future Land Use Element should be amended to include airport compatibility policies based on the statutory requirements specified above. The following objective and associated policies are proposed:

Objective 8. The City of Dunnellon shall prohibit land uses and development that are defined as incompatible with normal airport operations at the Dunnellon Airport.

Policy 8.1. The City of Dunnellon shall coordinate with Marion County to execute an interlocal agreement or formulate a Joint Airport Zoning Board by January 1, 2017 to ensure that decision-making by both jurisdictions are adequately coordinated regarding Marion County airport planning and Dunnellon land use and transportation planning.

Policy 8.2. The City of Dunnellon shall prohibit public education facilities and residential uses and development within noise compatibility zones, as defined by 333.03(2)(c) and (d), Florida Statutes, as applicable. The City shall confirm the extent of existing noise compatibility zones with Marion County, and the potential extent of future noise compatibility zones based on any runway modifications that may be considered by Marion County.

Policy 8.3. The City of Dunnellon shall prohibit the following uses within clear zones, as defined by 333.03(3), Florida Statutes:

A. Public and private education schools.

- B. Uses encouraging or requiring a concentration of people, such as auditoriums, arenas, large-scale multifamily development and large-scale office uses.
- C. Industrial uses which emit smoke and uses which emit light that could potentially pose a hazard to aircraft operations.

Policy 8.4. The City of Dunnellon shall not allow obstructions, such as buildings, structures, poles and trees to penetrate airport hazard zone surfaces occurring within its jurisdiction. The City limits building height to 40' within all future land use categories. Prior to considering any future amendment to the 40' building height standard, the City shall document that any proposed building height standard would not penetrate applicable airport hazard zones and surfaces, as defined by the Federal Aviation Administration.

Policy 8.5. The City of Dunnellon shall adopt an airport zoning overlay by January 1, 2017 to implement land development regulations based on Objective 8 and its implementing policies.

## **2.2 Transportation Element**

The future land use element must be coordinated with planning for future roadway needs. Dunnellon is served by the following arterial and collector roads:

- US 41 - primary north-south route;
- CR 484 – primary east route; and
- CR 40 – primary west route.

The Existing Transportation Map (**Appendix Map S-7**) identifies these roads and their functional classification as determined by FDOT. In addition, Dunnellon was originally planned on a traditional, grid system of local roads, which continues to serve the City, providing interconnectivity between neighborhoods and minimizing the need for the use of arterials and collectors for local trips.

### **2.2.1. Roadway Characteristics**

The GIS data set includes FDOT's "roadway characteristics" for the major roadways in the City.

### **2.2.2. Traffic Counts**

The City of Dunnellon relies on traffic count data provided by FDOT and the Marion County Transportation Planning Organization (TPO). Tables 16 and 17 provide a summary of the traffic counts available for 2009-2014.

### **2.2.3 TPO Plans**

The TPO is currently in the process of updating the Marion County Long Range Transportation Plan (LRTP) for Year 2040. The 2035 LRTP is currently in effect, but will be superseded by the 2040 TRTP upon adoption this year. The purpose of the LRTP is to forecast future transportation "needs" based primarily on forecasted population and employment growth, and to

adopt a “cost feasible” plan for prioritized needs that can be funded. The “Needs Plan” identifies the improvements required in order to achieve and maintain an acceptable level of service on all major roads through the LRTP horizon. Due to funding constraints, the Needs Plan typically identifies “unfunded needs,” which means that adequate funding is not available to achieve acceptable LOS conditions for certain roadway segments during the LRTP planning period. The Cost Feasible Plan identifies roadway improvements that the TPO anticipates will be implemented based on projected revenue.

The TPO adopts the 5-Year Transportation Improvement Program (TIP) each year. The TIP programs funding for transportation studies, roadway design, right of way acquisition, construction and other transportation improvements, such as Intelligent Transportation System components. The TIP essentially implements the Cost Feasible Plan in five year increments and is similar to local government Capital Improvement Schedules and FDOT’s Five Year Work Plan.

The 2035 LRTP and the pending 2040 LRTP identify only one improvement within the City of Dunnellon - US 41 will be widened to four lanes from S.W. 111<sup>th</sup> Place to SR 40. This improvement is scheduled for construction in the TIP for 2020. This is a significant capacity improvement that is projected to maintain LOS C on this segment of US 41 through 2040. The 2035 LRTP identifies the future widening of CR 484 to four lanes as an unfunded need (i.e., it was not included in the Cost Feasible Plan) and forecasts this segment will degrade below LOS C by 2035. The 2035 LRTP does not provide interim forecasts to identify when CR 484 would be projected to degrade below LOS C during the planning period. By comparison, the 2040 LRTP does not identify CR 484 as a long term need and forecasts that the roadway will not be congested in 2040. The reason for this difference is that the 2035 LRTP relied on 2005 as the base year, and projected much higher population and employment growth based on the pre-recession economic boon still in progress at that time. The 2040 LRTP has been prepared using 2010 as the base year, resulting in significantly lower population and employment forecasts with corresponding reductions in forecasted traffic volumes.

#### 2.2.4 Existing and Projected Levels of Service

Table 16 presents the existing and projected traffic volumes for roadways within Dunnellon as determined by the 2035 LRTP and the 2040 LRTP.

**Table 16. 2040 LRTP Summary**

Road	Segment	Capacity	2013 PSWADT	2013 Volume/ Capacity	2040 E+C Projected Volume	2040 E+C Projected V/C	2040 V/C @ 1% Annual Growth	2040 V/C @ 1.5% Annual Growth
US 41	Citrus County Line to S.W. 111 <sup>th</sup> Place	32,400	21,546	.67	39,750	1.23	.87	.99
C.R. 484	US 41 to SR 200	24,200	8,041	.33	11,685	.48	.43	.50

Neither the 2035 LRTP nor the 2040 LRTP provide existing and projected level of service conditions for all collectors and arterial roadways in the City of Dunnellon. Moreover, as previously noted, the TPO does not record traffic counts on all collector and arterial segments within the City. This is a significant data deficiency for the City in terms of effectively planning for long term transportation needs and implementation of transportation concurrency.

Table 17 provides a 5-year summary of traffic volumes based on linear regression (i.e., trend growth) and confirms negative trends for all but two of the roadways.

**Table 17. Five Year Growth Rate 2010-2014**

Road	Location	2010	2014	5-year Annual Growth Rate
US 41	1.027 Miles North of CR 484	18,800	18,100	-.93%
US 41	.55 Miles North of CR 484	24,000	23,000	-.96%
Us 41	.01 Miles North of Citrus County line.	18,000	18,700	1.19%
CR 40	West of US 41	4,400	3,200	-6.47%
C.R. 484	US 41 to SR 200	11,300	8,300	-6.00%
Powell Road	US 41 to Cedar Street	3,300	3,600	2.89%
SW 180 <sup>th</sup> Avenue	CR 484 to SW 102 Street Road	3,200	2,400	-6.80%

*Source: TPO 2010-2014 Traffic Counts and Trends Manual*

### 2.2.5 Transportation Concurrency

Section 163.3180, Florida Statutes, defines transportation concurrency as optional. However, if a local government implements transportation concurrency, certain minimum requirements must be met. Most fundamentally, transportation concurrency requires the long term ability to achieve and maintain the adopted LOS standards. The Dunnellon Comprehensive Plan defines US 41 within the City limits as a constrained facility, and allows only a 5% degradation below the adopted LOS C standard. This approach is outdated and generally not utilized by local governments. Rather, in the situation where a LOS standard cannot be achieved and maintained, many local governments opt to either establish a transportation concurrency exception district or opt to repeal transportation concurrency.

The City of Dunnellon must make a policy decision as to whether to continue or repeal transportation concurrency. From an economic development perspective, it would be preferable to repeal transportation concurrency, as the City does not have the ability to maintain the adopted LOS C standard on US 41, and other roadways have significant capacity available. If the City chooses to continue transportation concurrency, then it should consider either reducing the LOS standard to at least LOS D or possibly to LOS E+50%. From a mobility perspective, the City is in an ideal position to continue supporting alternatives, including car-pooling, bicycling and walking. The ACS survey data indicate that the City benefits from fairly high use of these alternatives with single use automobile trips accounting for only 80% of all trips.

From a fiscal perspective, there are other options for generating funding for transportation improvements. Impact fees are commonly utilized as an alternative and have the advantage of generating fees from all residential units and commercial development. However, impact fees require a study to set the fee schedule and involve other expenses to implement. Transportation concurrency is not as equitable in that it typically charges only the developer or development that exhausts the remaining capacity. Other developers utilizing available capacity are not required to pay proportionate share fees. The City's transportation policies currently require proportionate share payments, but do not provide a long term strategy for encouraging economic development. Given that many of the trips on US 41 occur as trips passing through the City and are unrelated to new development impacts within the City, continued reliance on concurrency with no physical ability to increase capacity on US 41 will act as a disincentive for growth within City, and will place the City at a competitive disadvantage to its neighbors.

It is recommended that the City repeal transportation concurrency. In addition to the policy issues as discussed above, the City does not have staffing and funding to maintain adequate traffic counts, to properly review transportation studies and to implement other requirements of transportation concurrency.

## **2.3 Public Facilities Element**

Section 163.3177(6)(c) requires that the Dunnellon Comprehensive Plan include a "general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element." The City had previously adopted an Infrastructure Element and Public Facilities Element as presented in the Consolidated Comprehensive Plan previously submitted to the City. These two elements essentially serve the same planning function in complying with this statutory requirement and included redundant provisions. The proposed amendments delete the Infrastructure Element and relocate some of those objectives and policies to the Public Facilities Element where not otherwise redundant. The City had also drafted an Aquifer Protection Element, but had not adopted the element. The proposed amendments include the Aquifer Protection Element for adoption.

### **2.3.1 Potable Water and Wastewater**

The City retained Kimley Horn to prepare the 2012 Potable Water and Wastewater Master Plan (2012 Master Plan). This document is included as **Appendix A-9** (on CD only). The existing water and wastewater system maps presented in this Volume I Supplement utilize GIS layers provided by Kimley Horn. The 2012 Master Plan identifies numerous system improvements to correct existing deficiencies, improve system redundancy, service additional existing developed neighborhoods, service undeveloped areas in the City, and to potentially serve the annexed areas near the airport. Table 18 provides a list of improvements implemented by the City during the past five years based on the Master Plan and previous planning efforts.

Table 18.

**ENGINEER'S OPINION OF PROBABLE COST  
CITY OF DUNNELLON - UTILITY CAPITAL IMPROVEMENTS**

ITEM	PROJECT	DESCRIPTION OF WORK	AMOUNT	2013	2014	2015	Beyond
<b>Water System Improvements</b>							
1	New Generator for Rainbow Springs WTP	Replace Rainbow Springs WTP Backup Generator (Use Juliette Falls and Replace)	\$60,000	\$60,000	Complete		-
2	Water Meter Replacement	Replace Existing Meters with Radio Read Meters	\$754,000	\$73,382	\$21,502	\$18,906	\$640,210
3	Rainbow Springs Fire Hydrant Program	Construct 96 Fire Hydrants (some with WM extensions) in Rainbow Springs	\$1,731,000	-	-	-	\$1,731,000
4	Watermain Replacement Program	Comprehensive Line Replacement Program for AC, Pit Cast, and Ductile Pipes	\$150,000 / year	\$20,000 (est)	\$20,000 (est)	\$20,000 (est)	\$150,000
5	Rainbow Springs Service Line Replacement	As Needed Replacement of Poly-Butylene Service Lines in Rainbow Springs	\$92,400	\$10,000 (est)	\$10,000 (est)	\$10,000 (est)	\$62,400
6	Rainbow Springs/City of Dunnellon Interconnect	Construct 12" Watermain to Connect RBS and City Systems (w/ Chatmire Extension)	\$650,000 (rev)	\$0	\$0	\$60,000 (est)	\$590,000
7	City of Dunnellon CRA Fire Hydrant Program	Construct 21 Fire Hydrants (some with WM extensions) in City Limits	\$546,000	\$0	\$0	\$0	\$546,000
8	CR 484 12" Watermain Extension	Construct 12" Watermain to connect Dunnellon Airport	\$1,480,000	\$0	-	-	-
9	New Water Treatment Plant - Phase 1	Design and Construct New WTP East of City	\$1,050,000	\$0	\$0	-	-
10	E. McKinney Interconnect	Construct 12" Watermain Underneath CSX Railroad	\$139,000	\$0	\$0	\$139,000	Complete
11	Pennsylvania Ave. Watermain Replacement	Construct 8" Watermain to Replace Existing 8" Watermain	\$322,000	-	-	-	\$322,000
12	Powell Road 6" Watermain Extension	Construct 6" Watermain East of Illinois Street	\$39,000	-	-	\$0	\$39,000
13	West McKinney Watermain Extension	Extend Existing 6" Watermain to West and South to Connect unknown Road	\$73,000	-	\$0	\$0	\$73,000
14	South Ohio Street 6" WM Extension	Extend Existing 6" Watermain from Datesman Ave. to Hwy 40	\$74,000	-	\$0	\$74,000	Complete
15	Brooks Street Watermain Extension	Construct 6" Watermain Underneath CSX Railroad	\$121,000	-	-	-	-
16	SR 41 Watermain Replacement	Construct 12" Replacement Watermain along SR 41 and Illinois Street	\$227,000	\$0	\$0	\$550,613	Complete
17	Well #1 Chlorine Contact Time	Improvements Required to Correct Chlorine Contact Time Issue at City WTP	\$50,000	\$50,000	Complete	-	-
18	Isolation Valve Program	Construct Valves to Enable Isolation of Existing Fire Hydrants (4 per year)	\$28,000.00 / year	\$0	\$0	\$5,000	\$28,000
19	Rolling Hills Road 6" to 8" WM Upgrade	Construct 8" Watermain along Rolling Hills Road North of Hwy. 40	\$155,000	-	-	-	\$155,000
20	Hytovick Watermain Relocation	Relocate 6" Watermain currently on Hytovick Property	\$114,000	\$0	\$0	-	-
21	The Granada Watermain Extension	Extend 6" Watermain on the Granada to Palmetto Way	\$97,000	-	\$97,000	-	-
22	Rio Vista / Rainbow Springs Interconnect	Construct 8" Watermain to Connect Rio Vista and Rainbow Springs	\$65,000	\$65,000	-	-	-
<b>Sanitary Sewer Improvements</b>							
1	Rainbow Springs Lift Station Improvements	Safety and Operational Improvements for Lift Stations in Rainbow Springs	\$500,300	\$15,000 (est)	\$75,000 (est)	\$10,000 (est)	-
2	Infiltration and Inflow Study	Investigation into I&I Through Testing and Video	\$67,500	-	\$0		-
3	Infiltration and Inflow Repairs	Repair damage found by Infiltration and Inflow Study	Annual TBD	Annual TBD	Annual TBD	Annual TBD	Annual TBD
4	Rio Vista WWTF Decommissioning	FM Construction, Lift Station Retrofit, Repair I&I sections, and Plant Decommission	\$1,294,269	\$80,000 (est)	\$80,000 (est)	\$1,134,269	Complete
<b>System-wide Improvements</b>							
1	S.C.A.D.A System Phase 1	SCADA system for Water Treatment Plants	\$206,000	\$0	-	-	\$206,000
2	S.C.A.D.A System Phase 2	SCADA system for Wastewater Treatment Plants	\$160,000	\$0	-	-	\$160,000
3	S.C.A.D.A System Phase 3	SCADA system for Lift Stations	\$370,000	-	\$0	\$0	\$370,000
<b>Grand Total</b>			<b>\$10,615,469.00</b>	<b>\$373,382</b>	<b>\$303,502</b>	<b>\$2,021,788</b>	<b>\$5,072,610</b>
<p><i>The Engineer has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable costs provided herein are based on the information known to Engineer at this time and represent only the Engineer's judgment as a design professional familiar with the construction industry. The Engineer cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from its opinions of probable costs.</i></p>							

Based on the findings of the 2012 Master Plan, the proposed amendments do not incorporate any recommended changes to the adopted LOS standards. However, Public Facilities Element Policy 5.1.2 included an outdated reference to a wastewater LOS standard that conflicts with the adopted LOS policies in the Capital Improvements Element. The proposed amendments delete this outdated policy. The most significant policy issue facing the City is whether and when to extend potable water and wastewater to the annexed area. The Comprehensive Plan includes conflicting policy language in this regard. While Public Facilities Policy 2.1.2 recognizes that septic tanks may be permitted in accordance with Department of Health regulations, Public Facilities Policy 1.1.5 states that all development within the City must be served by central facilities. The proposed amendments clarify Policy 1.1.5 to indicate that all development must connect to central facilities when available.

The Comprehensive Plan includes several policies, which prioritize capital improvements and require correction of deficiencies and serving developed areas prior to expansion of the system for development. The proposed amendments further refine this approach as previously discussed in Section 2.1.6 regarding urban sprawl to differentiate infill development versus expansion to non-infill properties.

The City relies on contracted solid waste services to comply with the adopted LOS standard – 5.316/person per day. No proposed amendments are identified in regard to Solid Waste. The drainage LOS standard is set forth in Public Facilities Policy 4.1.1. No proposed amendments are identified in regard to the drainage LOS standard.

## **2.4 Aquifer Protection Element**

The proposed Aquifer Protection Element includes policies to protect the quantity and quality of groundwater resources in conjunction with the Public Facilities Element and the development standards set forth in the Future Land Use Element. The City had previously drafted this element, but did not adopt the element. The proposed amendments transfer various policies from the Public Facilities Element, which are focused on aquifer protection. Based on the City's impervious coverage limitation of 65%, the proposed amendments also revise open space requirements from 30% to 35% to be consistent with this standard. Otherwise, no additional amendments are proposed. The recharge rates in the City are depicted by the Aquifer Recharge Map (**Appendix Map S-8**) based on modeling conducted by the Florida Geologic Survey. While the City has relatively high recharge rates, the SJRWMD has not yet designated any prime recharge areas.

## **2.5 Housing**

Section 2.1.4 evaluated the need for additional land use allocations to meet projected housing needs and confirmed that the future land use map allocates sufficient acreage in the Residential land use categories, and Traditional Neighborhood land use categories to accommodate projected housing demands. These categories allow single family units at 2.5 DUA (low density) and 5 DUA (medium density), single family and multi-family at 8 DUA (Traditional Neighborhood) and up to 12 DUA (Traditional Neighborhood). Mobile homes are also an allowable use within these land use categories.

The 2014 ACS provides documentation regarding the City’s housing stock and is the most comprehensive data set available. The ACS will continue to annually conduct surveys in the City of Dunnellon and will produce additional data sets that will supplement certain data sets from the decennial census. In addition, the ACS publishes 5-year estimates for Dunnellon. The annual surveys sample a smaller population, and are subject to greater sampling error, while the 5-year surveys sample a larger population set on fewer questions, but achieve less sampling error than the annual data sets.

The proposed amendments do not include any future land use map amendments, and the Community Planning Act does not establish any new policy requirements regarding the housing element. The primary purpose of the housing element is to define housing needs. In addition to the review of land use categories to determine the types of residential units allowed by the Future Land Use categories, the housing element typically addresses housing affordability and substandard housing problems.

Section 163.3164(3), F.S., defines “affordable” as:

“Affordable” means monthly rents or monthly mortgage payments including taxes, insurance, and utilities do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income [MAGAI] for the households...

This definition cross-references to statutory definitions for households qualifying based on MAGAI not exceeding the following percentages of the median income of households within the County: extremely low income (30%), low income (80%) and moderate income (120%). Marion County’s median household income is estimated by the ACS as 39,339, which establishes the following income thresholds. The ACS does not provide MAGAI, but does provide an estimate of households, by income brackets, expending more than 30% of household income on housing costs. The income brackets do not correspond exactly to the thresholds above. However, the income brackets provide a general indication of relative affordability in Dunnellon. Based on these data sets, it can be inferred that the extremely low income group experiences the most significant affordability challenge, as would be expected.

**Table 19. Affordable Housing Demand**

<b>Marion County Median Household Income</b>	<b>Extremely Low Income Household MAGAI Threshold (30%)</b>	<b>Low Income Household MAGAI Threshold (80%)</b>	<b>Moderate Income Household MAGAI Threshold</b>
\$39,339	\$11,802	\$31,472	\$47,207
Income Brackets	% of Households in Income Bracket Spending > 30% on Housing Costs	% of Households in Income Bracket Spending > 30% on Housing Costs	% of Households in Income Bracket Spending > 30% on Housing Costs
< \$20,000	31.1%	N/A	
\$20,000-\$34,999		3.9%	
\$35,000-\$49,999			2.7%

Source: ACS 2009-2013 Survey and ACS 2014, Table S503

Additional data will be required in order for the City to conduct an affordable housing needs assessment based on MAGAI and the specific thresholds for the three household groups. While this analysis is not required for the proposed amendments, the City could consider obtaining technical assistance from the State to develop the data sets in the future to more accurately determine affordable housing needs. The Housing Map (**Appendix Map S-9**) identifies multifamily and mobile home sites that currently provide options for lower income households in addition to the vacant lands designated for higher density on the FLUM.

The ACS does not provide data to determine substandard housing conditions. However, ACS table S2504 estimates from sample survey that 100% of the housing stock has complete plumbing and complete kitchens and that 97% are served by electric utilities. While this analysis is not required for the proposed amendments, the City could consider obtaining technical assistance from the State to develop the data sets in the future. This is typically performed manually by a windshield survey and/or through the use of some type of survey (i.e., mail, phone calls, etc.).

## **2.6 Historic Preservation Element**

The City had previously drafted, but not adopted the Historic Preservation Element. The proposed amendments include the Historic Preservation Element for adoption. The primary supporting data set for this element is the National Register of Historic Places application and existing Volume 1. The City designated a Historic District with the National Register in 1987, which identifies “contributing” historic structures and “non-contributing” historic structures. The City has also adopted an Historic Preservation Ordinance and prepared an Historic Preservation design guidelines to assist landowners and contractors in understanding the requirements of the program and potential design options.

The adopted Future Land Use map series identifies the Dunnellon Historic District and the contributing and non-contributing structures.

## **2.7 Conservation Element**

The Conservation Element works in conjunction with the Future Land Use Element, Public Facilities Element and Aquifer Protection Element to establish objectives and policies to protect the natural resources within the City. The proposed amendment includes the following updated maps to be adopted as part of the Future Land Use map series that support the Conservation Element:

- Lakes, Rivers and Wetlands
- Existing Cone of Influence for Wellfields
- Floodplain Hazard Zones
- NRCS Soils Map

Other than the updated maps, the proposed amendment does not include any significant amendments to the Conservation Element. The Community Planning Act did not establish any new requirements regarding the Conservation Element, except incorporating those that were previously required by former Rule 9J-5, F.A.C.

As mentioned in the Public Facilities Element, the 10-year Water Supply Plan must be prepared within 18 months following the adoption of the Southwest Florida Regional Water Supply Plan.

## **2.8 Recreation and Open Space Element**

Section 163.3177(6)(e), F.S., provides that the recreation element shall address a “comprehensive system of public and private sites for recreation, including, but not limited to, natural reservations, parks and playgrounds, parkways, beaches and public access to beaches, open spaces, waterways, and other recreational facilities.” The Recreation and Open Space Element addresses public parks as well as opportunities for private recreation. In addition, the element calls for the protection of the Withlacoochee and Rainbow rivers, conservation lands, wetlands, wellfield protection areas, areas that will protect the quality of natural springs and open space areas owned by the State of Florida.

### **2.8.1 Recreation/Parks Concurrency**

The Community Planning Act does not require concurrency for parks, but does allow a local government to establish concurrency for “public facilities.” While s. 163.3177(6)(e) calls for a comprehensive system of sites for recreation, including private sites, s. 163.3180(1) limits the applicability of optional concurrency to only “public facilities.” The proposed amendment revises Objective 1 to apply concurrency to only public parks. The Recreation and Open Space Element adopts two acres/1000 population as the adopted LOS standard for neighborhood and community parks:

Policy 1.1: The City shall maintain a level of service standard of 2 acres per 1,000 population for its neighborhood parks.

Policy 1.2: The City shall maintain a level of service standard of 2 acres per 1,000 population for its community parks.

However, the Recreation Element does not adopt a definition for neighborhood or community parks. The proposed amendments include a new policy to define neighborhood parks as public parks with less than five acres and to define community parks as public parks with five or more acres. These standards are generally consistent with accepted thresholds for these parks, although it is not uncommon to see neighborhood parks defined based on up to 10 acres. It should also be noted that the Future Land Use element includes policies that require private developments to provide parks as a means to satisfy concurrency. The proposed amendments revise those policies to delete requirements for private park space, as a means to satisfying concurrency. However, the City can require private developments to provide minimum open space for the development.

Table 20 provides an inventory of the neighborhood and community parks in the City based on the proposed definitions:

**Table 20. Parks Inventory**

NAME	TYPE	±AC
BLUE RUN OF DUNNELLOM PARK & CANOE TAKE OUT POINT	COMMUNITY PARK	31.78
DUNNELLOM RECREATIONAL AREA	COMMUNITY PARK	42.21
CENTENNIAL PARK AND DUNNELLOM BOAT RAMP	NATURE PARK / BOAT RAMP	0.85
DUNNELLOM CITY BEACH PARK	NEIGHBORHOOD PARK / PLAYGROUND	1.04
ERNIE MILLS PARK	NEIGHBORHOOD PARK / PLAYGROUND	2.22
L O ROBINSON PARK	NEIGHBORHOOD PARK / PLAYGROUND	0.99
<b>TOTAL:</b>		<b>79.09</b>

Based on the moderate-high population forecast, the 2035 projected population (2,409 acres) requires a minimum of 4.82 acres of neighborhood parks and 4.82 acres of community parks. The City’s existing park inventory includes adequate park acreage for both types of parks to meet the LOS standards through 2035. The Parks Map (**Appendix Map S-10**) identifies the location of the City’s parks.

**2.8.2. Alternatives to Optional Park Concurrency**

Concurrency inherently charges more to the final developer or development that exhausts available capacity and causes the LOS to be deficient. As such, concurrency is not as equitable as impact fees in that only certain developments pay concurrency, while all new development pays impact fees. However, the advantage of concurrency is that it can be applied to new subdivisions that cause a LOS deficiency, while impact fees are applied to proposed dwelling units at building permit issuance. Thus, one advantage of concurrency is that funding can be collected in advance of the impacts, but this is also the very reason that concurrency acts as a disincentive for growth and incites development to locate outside of the City to avoid concurrency constraints and/or concurrency payments. As such, concurrency can encourage urban sprawl, particularly if the adjacent jurisdiction does not apply concurrency or the City does not have sufficient capacity. However, Dunnellon has sufficient capacity in terms of its recreational LOS standards.

As previously reviewed for optional transportation, the City has four basic options in regard to planning and funding park needs:

- 1) Continue parks concurrency. Unlike transportation, the City can readily monitor its park acreage to ensure that it is properly planning for park needs and properly implementing concurrency. The proposed amendment defines neighborhood parks based on acreage only. However, neighborhood parks are also often defined in terms of accessibility to neighborhoods based on a service range. For example, neighborhood parks often have a service range of 1-2 miles, while community parks serve the greater community with a range of 3-5 miles. The City could consider a different LOS standard that accounts for accessibility, but that would result in potential deficits, as the neighborhood parks are located only certain neighborhoods.

- 2) Discontinue concurrency, but establish impact fees. This approach would require an impact fee study by a qualified consultant. The downside of impact fees is that they can serve as a disincentive for new growth. Impact fees are subject to specific standards resulting from judicial review. For example, the “dual rational nexus” test requires that the impact fee must be rationally based on the impact of the development and that the impact fee must be utilized to provide a benefit to the unit is proportionate to the fee that is charged. Impact fees can only be charged for the impacts of new growth and cannot be charged for existing deficiencies, and are typically charged and utilized for capital improvements, and not maintenance and operational costs. Like concurrency, impact fees can be charged only for impacts and benefits related to public parks and not private parks. There are many additional legal requirements that must be met by an impact fee program. These requirements also apply to exactions. However, the City can require residential developments to provide open space.
- 3) Discontinue concurrency, but rely on user fees. This approach directly charges the person using the park or particular facilities, such as a boat ramp within a park.
- 4) Discontinue concurrency and rely on tax revenue. This approach could also be combined with impact fees and/or user fees, as well as grant funding.

Optional concurrency is a policy choice for the City. Based on the acreage available in the City and the projected population, the current LOS standards are financially feasible through the five year planning period and sustainable through the 2035 plan horizon.

## **2.9 Intergovernmental Coordination Element**

The Intergovernmental Coordination Element does not require any additional supporting data and analysis based on the changes from the Community Planning Act. The proposed amendments to the Intergovernmental Coordination Element are minor in scope.

## **2.10 Capital Improvements Element**

The Capital Improvements Element serves several important purposes:

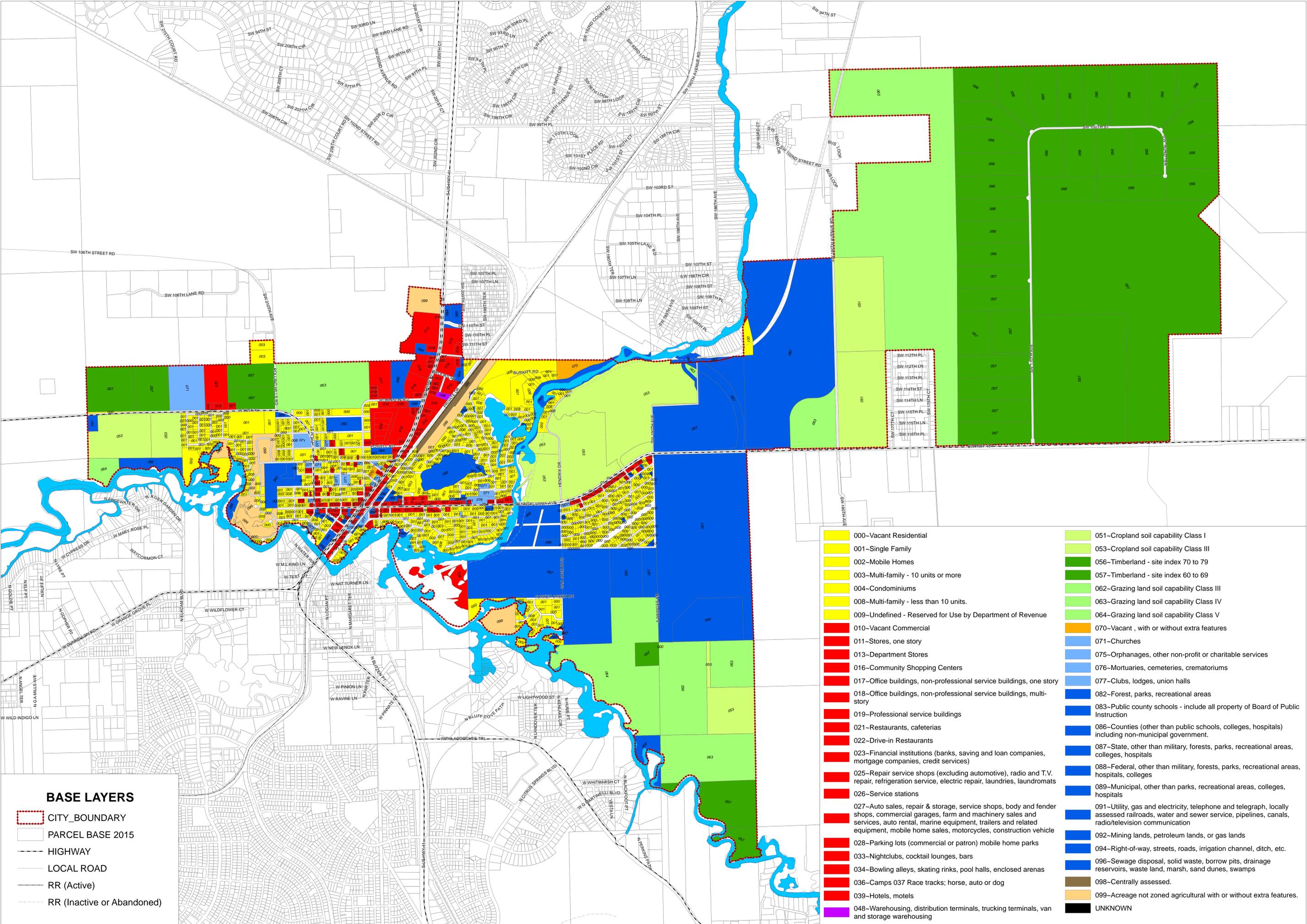
- 1) Prioritizes capital improvements that the City will undertake during the five year planning period and through the long range planning period;
- 2) Establishes fiscal policies to ensure that the City’s debt obligations and other measures are within acceptable ranges;
- 3) Recognizes the LOS standards established by the other elements and establishes funding strategies and priorities to ensure that LOS standards will be achieved and maintained;
- 4) Requires the adoption of a five-year capital improvements schedule to fund capital improvement projects required to improve or replace obsolete or deficient facilities, serve existing development and support new growth based on the adopted LOS standards.

The proposed amendments include revised policies as follows:

- provide additional policies to further prioritize capital improvements to discourage urban sprawl;
- adopt the TPO Five-Year Transportation Improvement Plan by reference;

- specify that the City has the option to adopt the Capital Improvements Schedule by ordinance rather than as a plan amendment; and
- indicate that the City has the option to include improvements in the 4<sup>th</sup> and 5<sup>th</sup> year of the Capital Improvements Schedule as unfunded or partially funded with the expectation that additional funding will be established as the projects move into years 1-3 of the program.

If the City chooses to repeal transportation concurrency, then the transportation related policy amendments would not be required. No additional changes are required based on the requirements of the Community Planning Act.

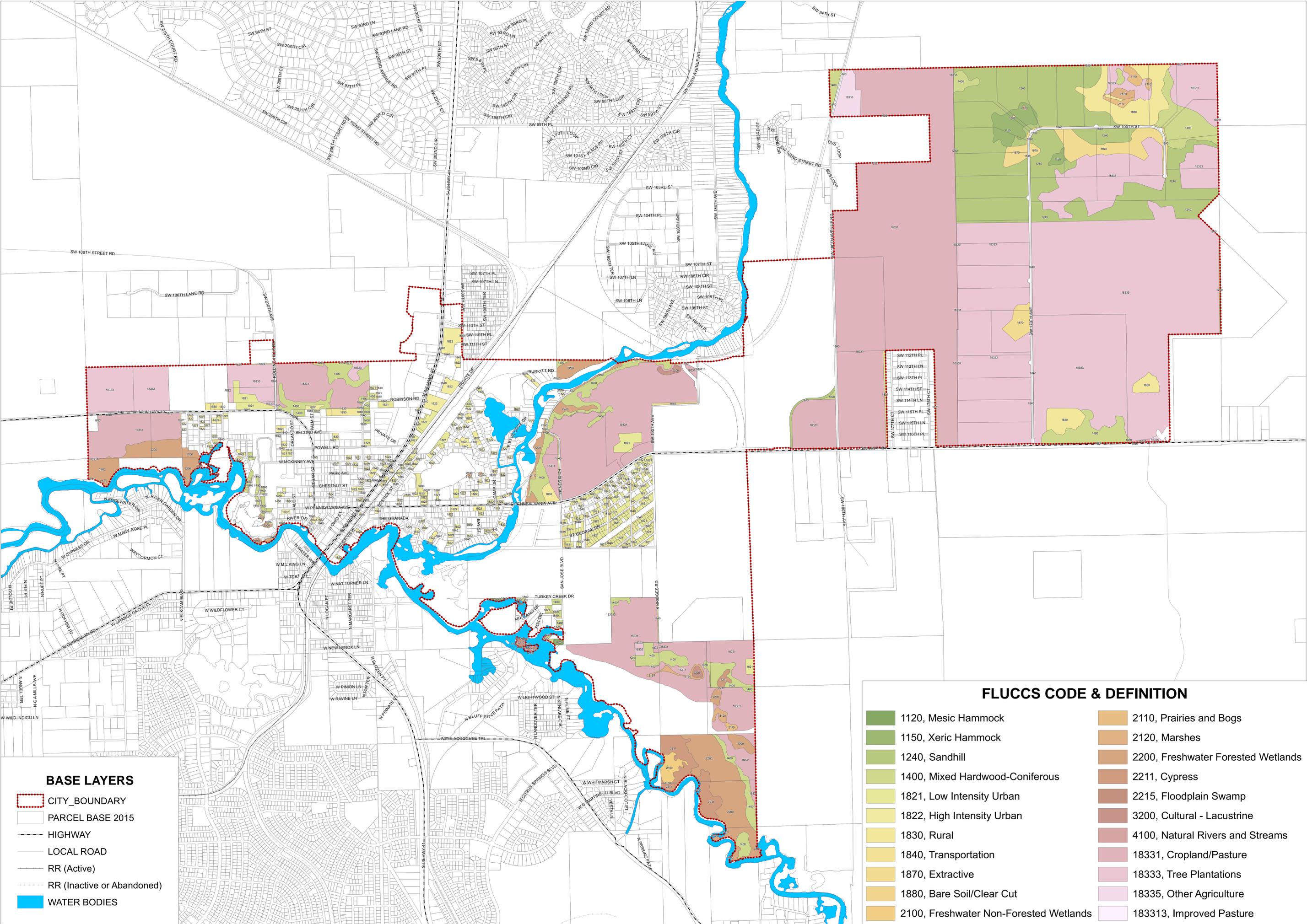


**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)

- 000-Vacant Residential
- 001-Single Family
- 002-Mobile Homes
- 003-Multi-family - 10 units or more
- 004-Condominiums
- 008-Multi-family - less than 10 units.
- 009-Undefined - Reserved for Use by Department of Revenue
- 010-Vacant Commercial
- 011-Stores, one story
- 013-Department Stores
- 016-Community Shopping Centers
- 017-Office buildings, non-professional service buildings, one story
- 018-Office buildings, non-professional service buildings, multi-story
- 019-Professional service buildings
- 021-Restaurants, cafeterias
- 022-Drive-in Restaurants
- 023-Financial institutions (banks, saving and loan companies, mortgage companies, credit services)
- 025-Repair service shops (excluding automotive), radio and T.V. repair, refrigeration service, electric repair, laundries, laundromats
- 026-Service stations
- 027-Auto sales, repair & storage, service shops, body and fender shops, commercial garages, farm and machinery sales and services, auto rental, marine equipment, trailers and related equipment, mobile home sales, motorcycles, construction vehicle
- 028-Parking lots (commercial or patron) mobile home parks
- 033-Nightclubs, cocktail lounges, bars
- 034-Bowling alleys, skating rinks, pool halls, enclosed arenas
- 036-Camps 037 Race tracks; horse, auto or dog
- 039-Hotels, motels
- 048-Warehousing, distribution terminals, trucking terminals, van and storage warehousing
- 051-Cropland soil capability Class I
- 053-Cropland soil capability Class III
- 056-Timberland - site index 70 to 79
- 057-Timberland - site index 60 to 69
- 062-Grazing land soil capability Class III
- 063-Grazing land soil capability Class IV
- 064-Grazing land soil capability Class V
- 070-Vacant , with or without extra features
- 071-Churches
- 075-Orphanages, other non-profit or charitable services
- 076-Mortuaries, cemeteries, crematoriums
- 077-Clubs, lodges, union halls
- 082-Forest, parks, recreational areas
- 083-Public county schools - include all property of Board of Public Instruction
- 086-Counties (other than public schools, colleges, hospitals) including non-municipal government.
- 087-State, other than military, forests, parks, recreational areas, colleges, hospitals
- 088-Federal, other than military, forests, parks, recreational areas, hospitals, colleges
- 089-Municipal, other than parks, recreational areas, colleges, hospitals
- 091-Utility, gas and electricity, telephone and telegraph, locally assessed railroads, water and sewer service, pipelines, canals, radio/television communication
- 092-Mining lands, petroleum lands, or gas lands
- 094-Right-of-way, streets, roads, irrigation channel, ditch, etc.
- 096-Sewage disposal, solid waste, borrow pits, drainage reservoirs, waste land, marsh, sand dunes, swamps
- 098-Centrally assessed.
- 099-Acreeage not zoned agricultural with or without extra features.
- UNKNOWN





**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)
- WATER BODIES

**FLUCCS CODE & DEFINITION**

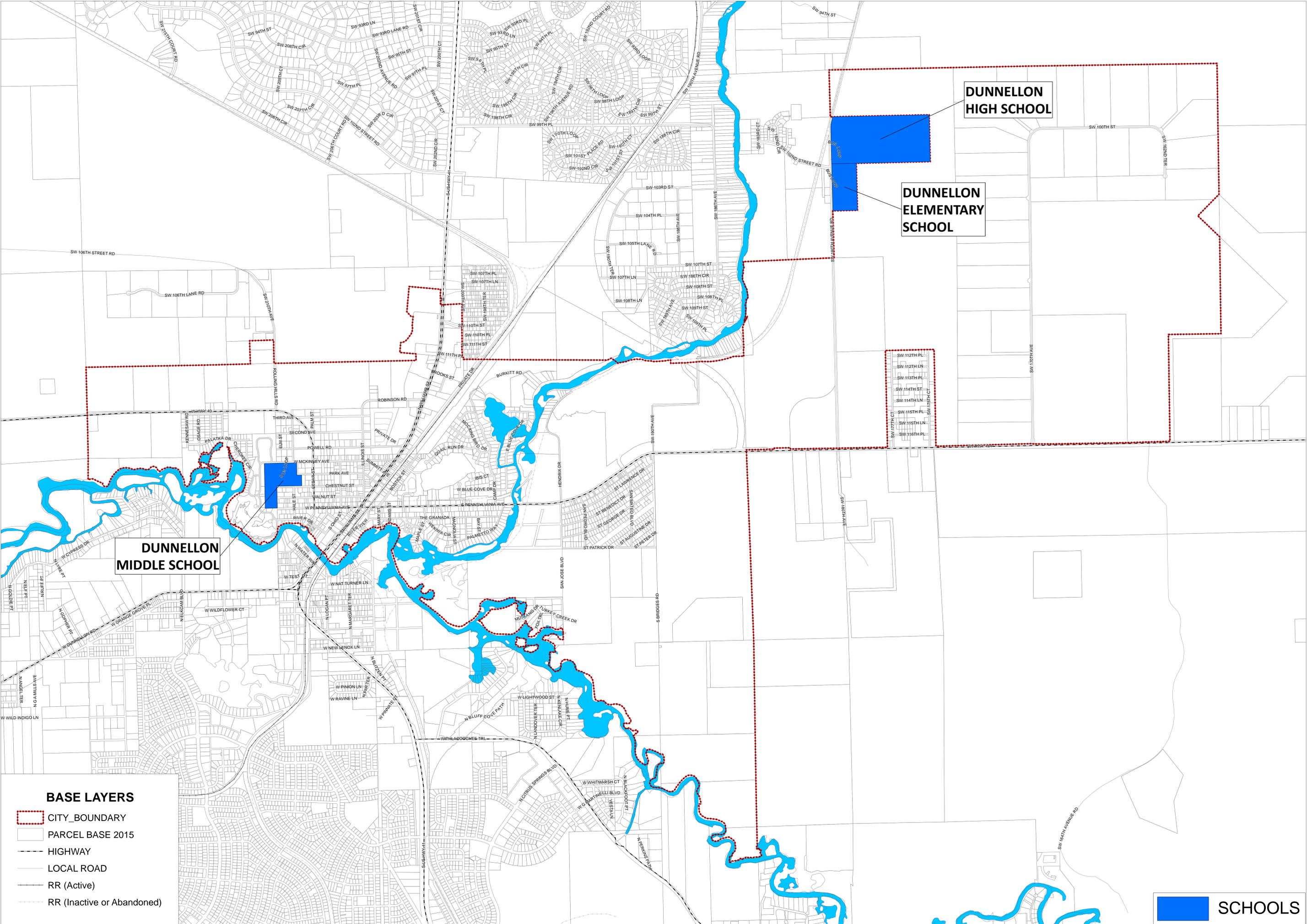
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**GIS DATA SOURCES:**

Florida Fish and Wildlife Conservation Commission: Florida Land Cover Classification System, 09/16/2015  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.  
 This map should not be used for legal purposes. It is intended for general reference use only.







**DUNNELLO  
HIGH SCHOOL**

**DUNNELLO  
ELEMENTARY  
SCHOOL**

**DUNNELLO  
MIDDLE SCHOOL**

- BASE LAYERS**
- CITY\_BOUNDARY
  - PARCEL\_BASE\_2015
  - HIGHWAY
  - LOCAL\_ROAD
  - RR (Active)
  - RR (Inactive or Abandoned)

**SCHOOLS**

MAP: **S-5**

TITLE: **SCHOOLS**

DATE: **Feb-10-2016**

BY: **CP Smith**  
STEARNS WEAVER MILLER

N

1:10,000

0 0.25 0.5 1  
Miles

0 500 1,000 2,000  
Feet

PROJECT:

# CITY OF DUNNELLO

Marion County, Florida

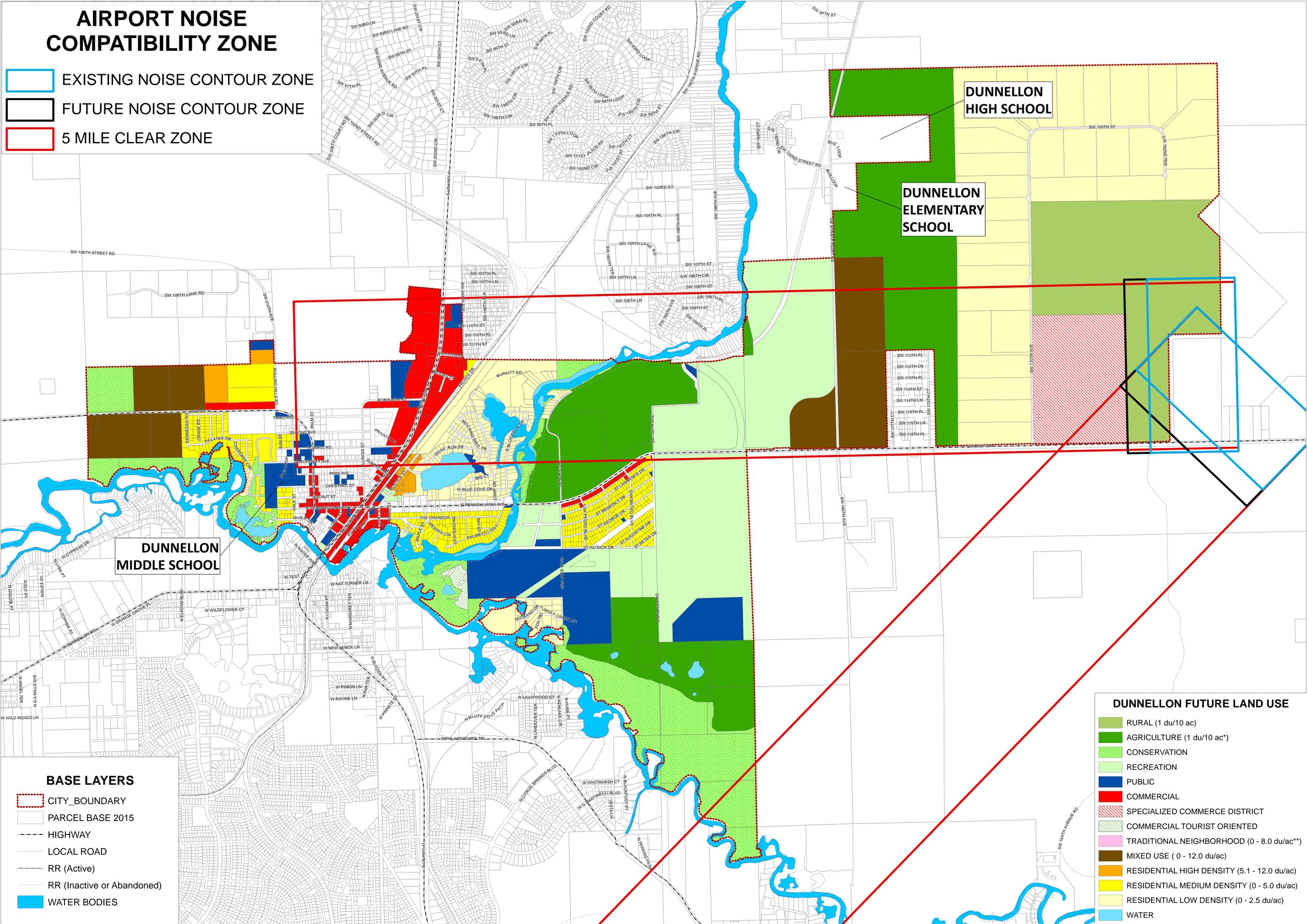
**GIS DATA SOURCES:**  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.



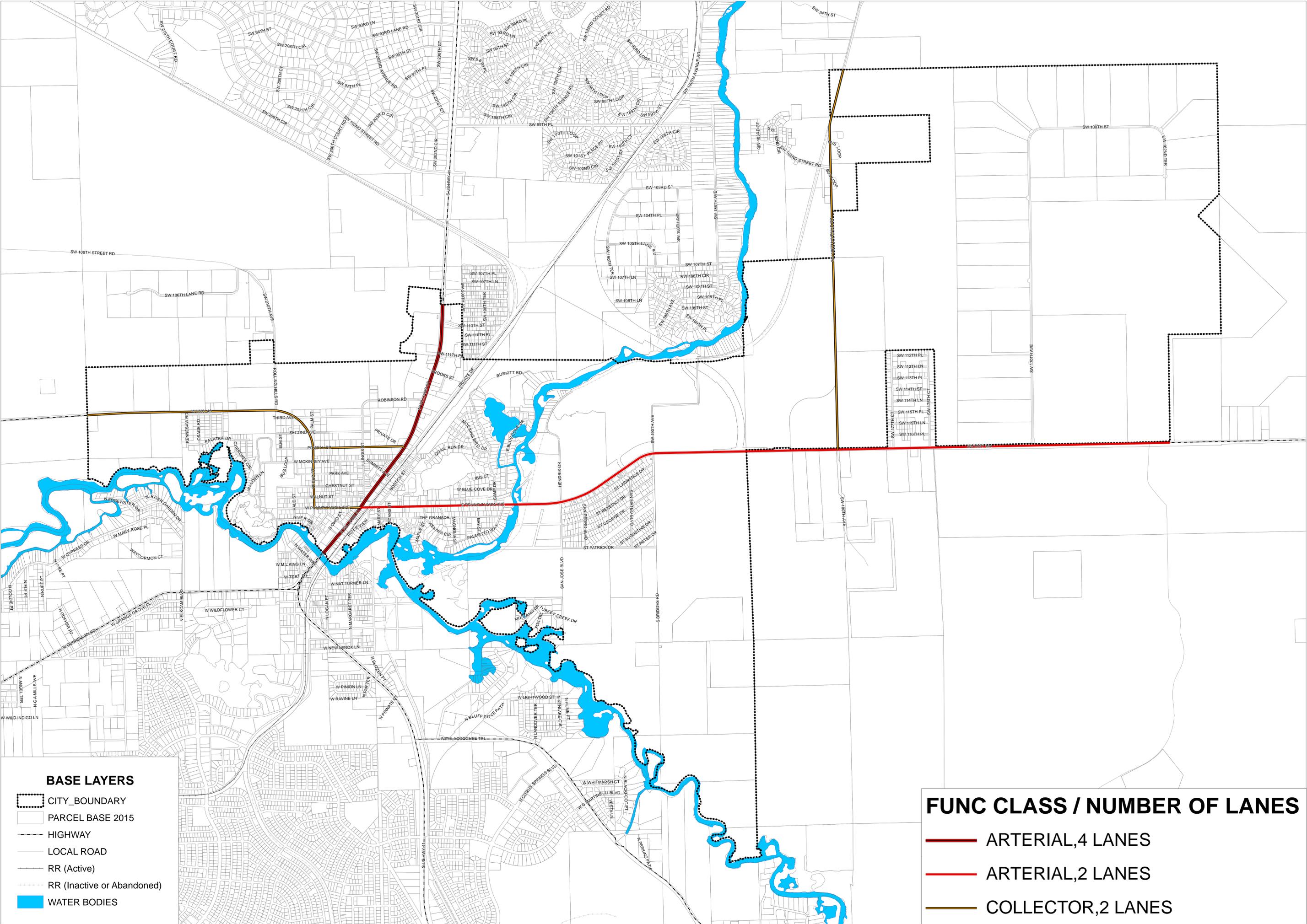
# AIRPORT NOISE COMPATIBILITY ZONE

-  EXISTING NOISE CONTOUR ZONE
-  FUTURE NOISE CONTOUR ZONE
-  5 MILE CLEAR ZONE



- ### DUNNELLON FUTURE LAND USE
-  RURAL (1 du/10 ac)
  -  AGRICULTURE (1 du/10 ac\*)
  -  CONSERVATION
  -  RECREATION
  -  PUBLIC
  -  COMMERCIAL
  -  SPECIALIZED COMMERCE DISTRICT
  -  COMMERCIAL TOURIST ORIENTED
  -  TRADITIONAL NEIGHBORHOOD (0 - 8.0 du/ac\*\*)
  -  MIXED USE (0 - 12.0 du/ac)
  -  RESIDENTIAL HIGH DENSITY (5.1 - 12.0 du/ac)
  -  RESIDENTIAL MEDIUM DENSITY (0 - 5.0 du/ac)
  -  RESIDENTIAL LOW DENSITY (0 - 2.5 du/ac)
  -  WATER

- ### BASE LAYERS
-  CITY BOUNDARY
  -  PARCEL BASE 2015
  -  HIGHWAY
  -  LOCAL ROAD
  -  RR (Active)
  -  RR (Inactive or Abandoned)
  -  WATER BODIES



**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)
- WATER BODIES

**FUNC CLASS / NUMBER OF LANES**

- ARTERIAL, 4 LANES
- ARTERIAL, 2 LANES
- COLLECTOR, 2 LANES

MAP: **S-7**

TITLE: **2016 EXISTING TRAFFIC CIRCULATION MAP**

DATE: **Feb-10-2016**

BY: **CP Smith**  
STEARNS WEAVER MILLER

N

1:10,000

0 0.25 0.5 1  
Miles

0 500 1,000 2,000  
Feet

PROJECT:

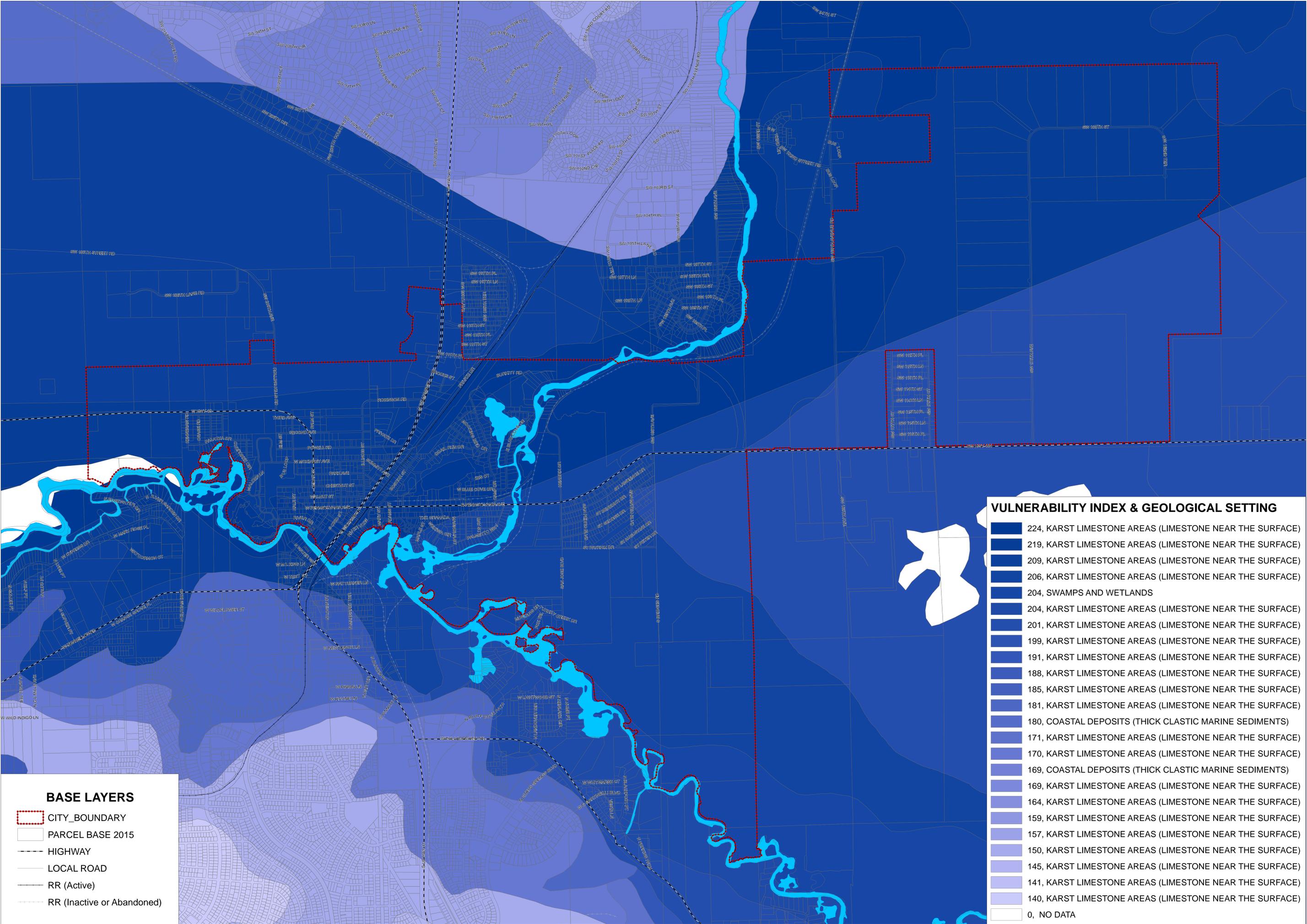
CITY OF DUNNELLON

Marion County, Florida

**GIS DATA SOURCES:**

FDOT: Functional Classification Roadways, 01/16/2016  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.



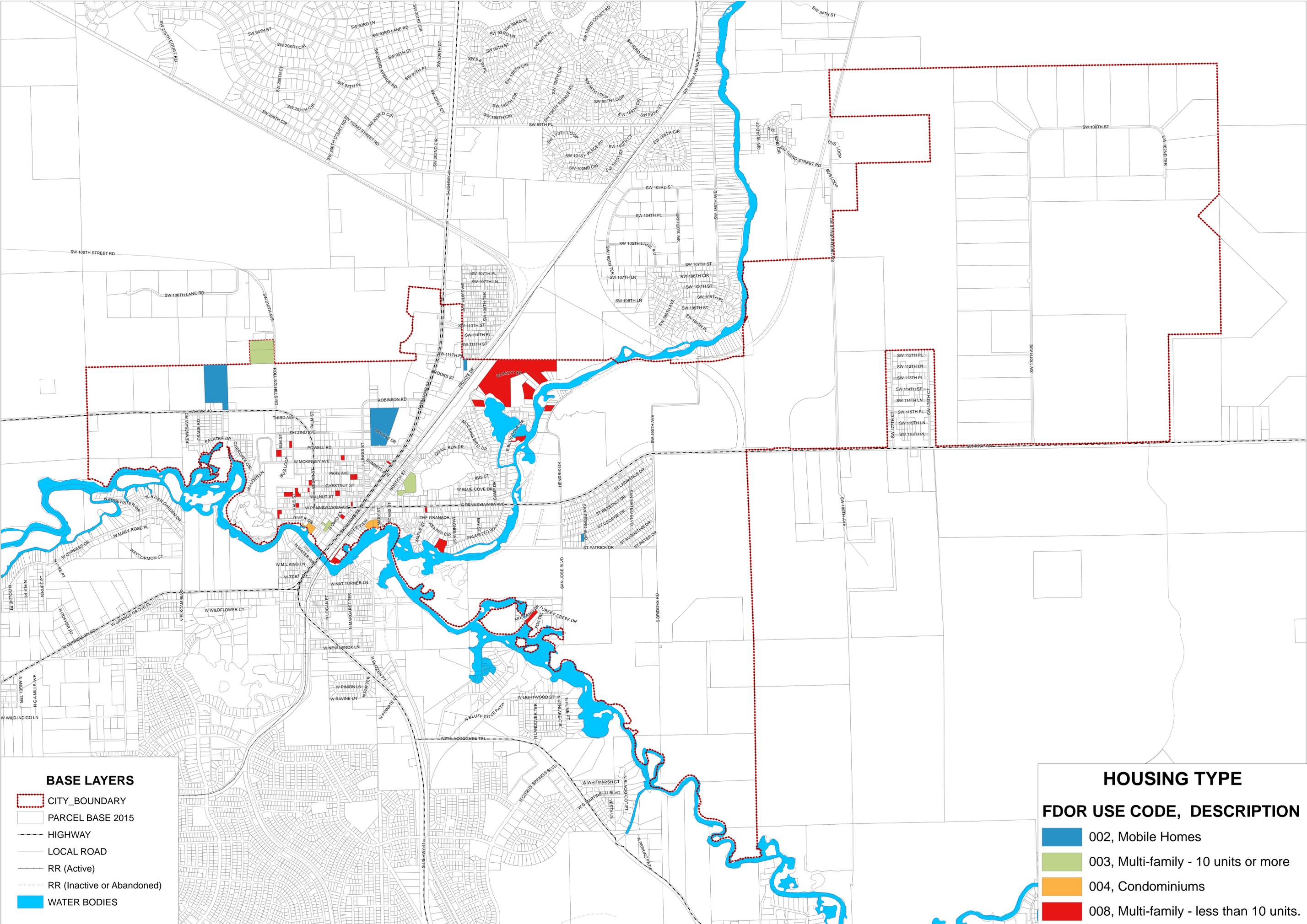
**VULNERABILITY INDEX & GEOLOGICAL SETTING**

224	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
219	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
209	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
206	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
204	SWAMPS AND WETLANDS
204	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
201	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
199	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
191	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
188	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
185	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
181	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
180	COASTAL DEPOSITS (THICK CLASTIC MARINE SEDIMENTS)
171	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
170	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
169	COASTAL DEPOSITS (THICK CLASTIC MARINE SEDIMENTS)
169	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
164	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
159	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
157	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
150	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
145	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
141	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
140	KARST LIMESTONE AREAS (LIMESTONE NEAR THE SURFACE)
0	NO DATA

**BASE LAYERS**

	CITY_BOUNDARY
	PARCEL BASE 2015
	HIGHWAY
	LOCAL ROAD
	RR (Active)
	RR (Inactive or Abandoned)

<p>MAP:</p> <h1>S-8</h1>	<p>TITLE:</p> <h2>AQUIFER RECHARGE</h2> <p>DATE: <b>Feb-10-2016</b></p> <p>BY: <b>CP Smith</b> STEARNS WEAVER MILLER</p>	<p>1:10,000</p>	<p>PROJECT:</p> <h1>CITY OF DUNNELLO</h1> <h2>Marion County, Florida</h2>	<p><b>GIS DATA SOURCES:</b>          Florida Dept. Environmental Protection: DRASTIC vulnerability Areas of the Floridan Aquifer System, 04/01/1998.          Florida Department of Revenue: Parcel GIS, 2015.          Marion County GIS: Road Centerlines, 04/16/2015.          This map should not be used for legal purposes. It is intended for general reference use only.</p>	
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**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)
- WATER BODIES

**HOUSING TYPE**

- FDOR USE CODE, DESCRIPTION**
- 002, Mobile Homes
  - 003, Multi-family - 10 units or more
  - 004, Condominiums
  - 008, Multi-family - less than 10 units.

MAP: **S-9**

TITLE: **HOUSING MAP**

DATE: **Feb-10-2016**

BY: **CP Smith**  
STEARNS WEAVER MILLER

Scale: 1:10,000

0 0.25 0.5 1 Miles

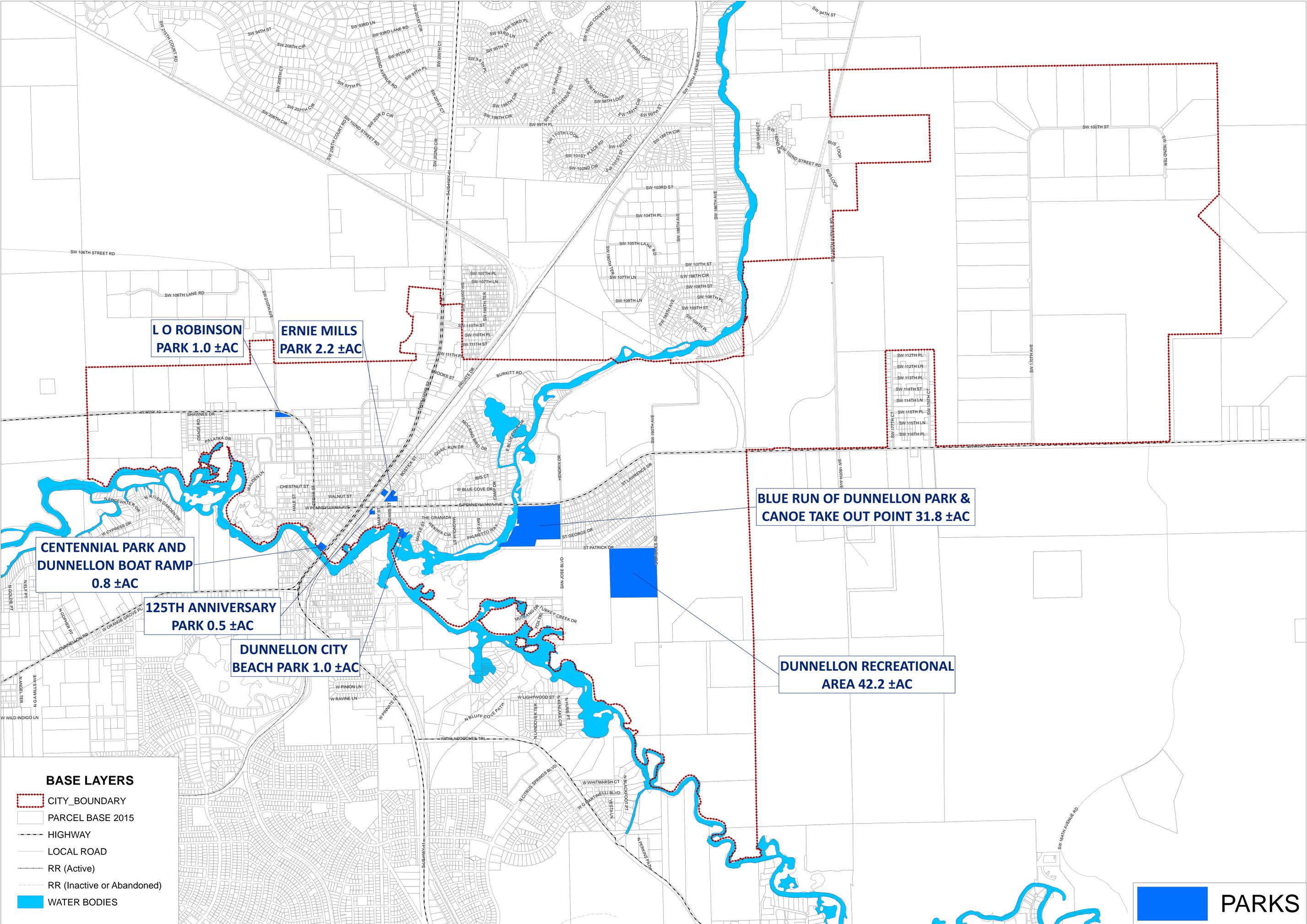
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PROJECT: **CITY OF DUNNELLO**  
**Marion County, Florida**

**GIS DATA SOURCES:**  
 Florida Department of Revenue: Name-Address-Legal (NAL) Assessment Roll, 2015.  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.





**L O ROBINSON  
PARK 1.0 ± AC**

**ERNIE MILLS  
PARK 2.2 ± AC**

**CENTENNIAL PARK AND  
DUNNELLOAN BOAT RAMP  
0.8 ± AC**

**125TH ANNIVERSARY  
PARK 0.5 ± AC**

**DUNNELLOAN CITY  
BEACH PARK 1.0 ± AC**

**BLUE RUN OF DUNNELLOAN PARK &  
CANOE TAKE OUT POINT 31.8 ± AC**

**DUNNELLOAN RECREATIONAL  
AREA 42.2 ± AC**

**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)
- WATER BODIES

**PARKS**

MAP: **S-10**

TITLE: **PARKS**

DATE: **Feb-10-2016**

BY: **CP Smith**  
STEARNS WEAVER MILLER

Scale: 1:10,000

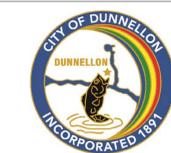
0 0.25 0.5 1 Miles

0 500 1,000 2,000 Feet

PROJECT: **CITY OF DUNNELLOAN**  
Marion County, Florida

**GIS DATA SOURCES:**  
Florida Department of Revenue: Parcel GIS, 2015.  
Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.



**TABLE OF CONTENTS  
GOALS, OBJECTIVES AND POLICIES**

**SECTIONS**

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## **FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES**

### **GOAL**

Through the provision of appropriate land uses, promote, protect and improve the public health, safety, and welfare of Dunnellon's residents, while maximizing economic benefits and minimizing threats to natural and man-made resources.

### **Objective 1:**

The Future Land Use Map (FLUM) depicts the land use categories that are permissible in the City. The following policies establish the uses, densities, and intensities that are depicted on the FLUM. The City specifically intends that all development shall be consistent with the uses, densities, and intensities described below and shown on the FLUM.

### **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 [gross](#) 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 [gross](#) acre. The maximum impervious surface is fifty (50) percent. Buildings shall not exceed forty (40) feet in height.

### **Policy 1.3:**

The high-density residential land use category allows multifamily dwelling units and customary residential accessory uses. Multifamily structures shall have at least two dwelling units per building. The minimum density is 5.1 dwelling units per [gross](#) acre and the maximum density is 12.0 units per [gross](#) acre. The maximum impervious surface is fifty (50) percent. Buildings shall not exceed forty (40) feet in height. Multifamily development shall be located to provide direct access to a collector road [where available](#).

### **Policy 1.4:**

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.
- D. Approval shall be only by special exception.
- E. 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.
- F. Recreational vehicle parks shall be subject to special design standards to ensure compatibility and safe layout of the vehicle sites and park amenities.
- G. 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.

**Policy 1.5:**

The traditional neighborhood land use category includes the following uses: residential, neighborhood scale commercial, neighborhood scale office, artisan uses, personal service, civic, cultural, transient lodging, bed and breakfast establishments, religious facilities, and financial services. The following location and design standards apply:

- A. A single platted lot may be developed for a single use.
- B. A single platted lot may contain a nonresidential use and one dwelling unit, provided that the dwelling unit is located on a second floor or to the rear or side of the business use, either attached or detached from the principal building.
- C. A development proposed for two (2) or more lots may contain a single use or a mixture of uses. When mixed uses are proposed, no more than fifty (50) percent of the development acreage shall be devoted to residential uses. When residential uses are proposed, either single-family or multifamily is acceptable. Density shall not exceed eight (8) units per gross residential acre.
- D. Transient lodging and bed and breakfast uses shall be limited to an equivalent of eight (8) units per gross acre. Each guest bedroom shall be considered a unit.
- E. Uses which have frontage on West Pennsylvania Avenue or Cedar Street may have up to twelve (12) dwelling units per gross acre.
- F. The maximum impervious surface for all sites is sixty-five (65) percent.
- G. Parcels with five (5) or more acres shall contain at least two (2) different uses. Single-use development is not permissible. Residential uses shall not exceed sixty-five (65) percent of the development site.
- H. When an amendment to the Future Land Use Map is proposed to apply the traditional neighborhood land use category, a minimum of five (5) acres is required.
- I. Where neighborhood scale development is proposed, no individual building shall exceed a total of 3,000 square feet of floor area.
- J. The maximum height for buildings development is forty (40) feet.
- K. Parking lots within the traditional neighborhood land use district shall be designed to ensure that no tier of parking includes more than ten (10) cars.
- L. All uses, including accessory structures, mechanical and service equipment, and utility structures shall be integrated with the design of the principle building. Mechanical, service, and utility equipment shall be screened.
- M. Nonresidential land uses within the traditional neighborhood district shall be limited to uses with a trip generation of 100 trips per day per 1,000 square feet of building, per fuel station, or comparable unit of measure. The trip generation calculation shall be based on

the Institute of Transportation Engineers trip generation book or a similar, professionally acceptable source.

**Policy 1.6:**

The mixed-use land use category includes the following uses: residential, neighborhood scale commercial, ~~neighborhood scale office, artisan uses, personal service, civic, cultural~~/office uses (includes retail, financial services, professional services, personal services, restaurants, transient lodging, and bed and breakfast establishments), and institutional uses (including schools, civic, cultural, ~~religious facilities and similar uses~~), recreational vehicle parks. The following location and design standards apply:

- A. A development shall contain at least three (3) of the permissible uses within the following ranges measured by acreage: Residential uses or recreational vehicle parks (40-80%), commercial uses (10-50%) and institutional (5-10%).
- B. A development site with ten (10) or more acres may have community scale commercial or office uses.
- C. Where neighborhood scale development is proposed, no individual building shall exceed 3,000 square feet. The maximum height for buildings used for neighborhood scale development is forty (40) feet.
- D. Where community scale development is proposed, no individual building shall exceed 30,000 square feet.
- E. The maximum residential density is twelve (12) units per gross acre.
- F. The maximum impervious surface in a mixed-use development is sixty-five (65) percent.
- G. All development shall be designed to ensure compatibility with adjacent development, based on concepts such as transition of building height, buffering, building orientation, and location and design of site features such as parking, outdoor lighting, and equipment.
- H. All uses, including accessory structures, mechanical and service equipment, and utility structures shall be integrated with the design of the principle building. Mechanical, service, and utility equipment shall be screened.
- I. When an amendment to the Future Land Use Map is proposed to apply the mixed-use land use category, a minimum of ~~ten (10)~~five (5) acres is required.
- J. A recreational vehicle park shall be subject to specific design standards to ensure compatibility and safe layout of vehicle sites and amenities. The maximum density of RV sites within a park is twelve (12) sites per gross acre.

**Policy 1.7:**

The public land use category includes ~~public~~ schools, government offices, public works buildings and yards, community centers, and similar uses typically owned or operated by public agencies. The maximum building height is forty (40) feet.

**Policy 1.8:**

The agriculture land use category includes agricultural and silvicultural activities. Residential dwelling units are permissible at a density of one (1) unit per ten (10) acres, except where a conservation subdivision is proposed. A conservation subdivision design allows a density of one (1) unit per five (5) acres, and requires clustering. The minimum lot area in a conservation subdivision design development is two (2) acres. A conservation subdivision shall meet the design standards set forth in Policy 1.11. The maximum building height is forty (40) feet.

**Policy 1.9:**

The recreation land use category includes active or passive parks, community centers, and areas for recreational activities such as picnicking, jogging, cycling, hiking, golf courses, playgrounds, ball fields, ball courts, stables, swimming pools or beaches, and water related or water dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses, public or private. No other uses are permissible. The maximum impervious surface is forty (40) percent. The maximum building height is forty (40) feet.

**Policy 1.10:**

The conservation land use category is intended to protect sites that should have extremely limited development. Wetlands, designated habitats, river islands, and water bodies shall be designated in the conservation land use category. Permissible development is limited to passive recreation, such as unpaved jogging or walking trails, picnic areas without pavilions, boardwalks, or viewing platforms. No buildings are permissible, except public restrooms. Parking areas shall be subject to the following design requirements: unless porous paving materials are used, only access aisles and handicapped parking spaces are allowed to be paved. Clearing on any sites designated as conservation land use shall be limited to the minimum needed to provide access, trails, or play areas, and in no case shall exceed ten (10) percent of a site. In no instance shall clearing of native vegetation or vegetation necessary to ensure the viability of a designated habitat be permissible.

- A. The following parcels listed by tax parcel identification numbers, which were designated as Conservation on the Future Land Use Map by Ordinance 2007-25, may be developed consistent with Medium Density Residential as previously depicted on the Future Land Use Map prior to Ordinance 2007-25, subject to all requirements of applicable laws: Tax Parcel identification numbers **33757-003-09, 33757-003-07, 33757-003-06, and 33757-003-05.**

**Policy 1.11:**

Conservation subdivisions shall meet the following requirements:

- A. Clustering of units is required. A conservation subdivision on land designated for agricultural use may have lots of two (2) or more acres.
- B. Required open space is at least fifty (50) percent of the site, with at least fifty (50) percent of the open space in one (1) contiguous parcel.
- C. All open spaces shall be connected to the maximum extent feasible. Whenever possible, required open space shall be adjacent to open space on adjacent parcels.
- D. No more than twenty (20) percent of the open space shall be devoted to stormwater facilities.
- E. Open space should be located on the most vulnerable portion of the site. There shall be no chemical applications permissible on required open space land.
- F. Required open spaces shall be protected in perpetuity through recorded easements.
- G. Central water and sewer treatment facilities are available.
- H. Development shall be located in such a manner as to minimize the length of new roads and drives from existing public streets to the development.
- I. Development shall be sited as far away as possible from water bodies, rivers, wetlands, or other environmentally fragile features.
- J. Development shall be designed to minimize site disturbance to the minimum area necessary to accomplish development. This shall include minimizing soil compaction by delineating the smallest disturbance area feasible.
- K. Existing native vegetation shall be protected, whether within the designated open space or on the developed portion of a site.

**Policy 1.12:**

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through the following techniques. Not all techniques may be required to accomplish the requirement to minimize connections of impervious surfaces:

- A. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- B. Directing flows from paved areas to vegetated areas;
- C. Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- D. Breaking up flow directions from large paved surfaces.

**Policy 1.13:**

Porous pavement materials, such as pervious concrete, pervious asphalt, or other pervious or porous materials shall be used to minimize the amount of impervious surface within all development.

**Policy 1.14:**

All golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the *Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002)* as may be amended by city code to conform to other policies of this Comprehensive Plan and to city needs and characteristics. All golf courses shall use reclaimed water for irrigation.

**Policy 1.15:**

Maintain and enforce land development regulations which implement the adopted comprehensive plan, including:

- A. Regulation of use and subdivision of land, in consideration of adjacent land uses, natural and historic resources, open space and environmental constraints such as flood prone areas, soil suitability, drainage, surface and groundwater quality and stormwater management.
- B. Protect wetlands, potable water well fields, natural aquifer recharge areas, endangered species, intact ecological systems, air and water quality, consistent with the requirements of the Conservation Element.
- C. Regulate setbacks, landscaping, on-site parking and traffic flow, signage, and pedestrian access and other impacts which protect natural and historical resources and promote quality of life.
- D. Provide that development orders and permits shall not be issued which result in a reduction in the level of services of public facilities adopted in this plan.
- E. Implement site design standards for residential development of varying densities and commercial uses as designated in the Future Land Use Element and on the Future Land Use Map.
- F. Protect property against wildfire and implement Best Management Practices.
- G. Provide site design standards for large-scale discount, commercial, or "big box" establishments.

**Policy 1.16:**

The land development code shall include requirements that new development in areas of elevated radon emissions use appropriate radon resistant construction techniques, as recommended by the State of Florida.

**Policy 1.17:**

Public schools shall be an allowable use in all residential land use categories [and the traditional neighborhood development category.](#)

**Policy 1.18:**

All residential and nonresidential development shall be subject to site plan review procedures.

**Policy 1.19:**

The City of Dunnellon relies on the definitions in Chapter 163, Florida Statutes, and in the land development regulations in the City Code of Ordinances. In addition, the following terms are defined for application to the Dunnellon Comprehensive Plan:

*Best Management Practices (BMPs)* means practice or combination of practices, including non-structural and structural improvements, based on sound science and professional judgment to be the most effective and practicable means of carrying out the specified activity. BMPs may be promulgated by government agencies such as the Florida Department of Agriculture and Consumer Services, and the Florida Department of Environmental Protection.

*Naturalized plant species* means vegetation that, while not native, has naturally adapted to the soils and climate of the area without direct or indirect human intervention. Acceptable species are found on the Florida-friendly plant database from the University of Florida Institute of Food and Agricultural Sciences or other similar database.

*Wetlands* means those areas that are saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Wetlands are identified by the uniform methodology adopted in [§ Section 373.421](#), Florida Statutes and by a certified wetlands delineator.

**~~OBJECTIVE~~ Objective 2:**

The City shall ensure the availability of suitable land for placement of utilities and facilities necessary to support proposed development, and coordinate future land use with availability of services and facilities.

**Policy 2.1:**

New residential developments, including subdivisions, multifamily developments, or mobile home developments shall be required to provide land to meet the recreation and park needs of the residents. The amount of land to be provided shall be based upon the maximum density of the development and the City's adopted level of service standards for recreation land. Single-family and duplex structures on lots platted on or before the date of adoption of this comprehensive plan and residential development proposed within the designated historic district are not required to provide land for recreation needs.

**Policy 2.2:**

The City shall establish incentives for all new water front residential development to reserve a portion of the total development acreage to provide public access to the river. This acreage may count as part of the development's share of providing recreation facilities.

**Policy 2.3:**

All development orders and permits for future development and redevelopment shall be issued only if public facilities necessary to meet level of service standards adopted as part of the Capital Improvement Element are available concurrently with the impacts of the proposed development.

**Policy 2.4:**

All waterfront development shall connect to the City wastewater treatment system. Waterfront property is property which borders the Rainbow River, Withlacoochee River, prairie ponds, borrow pits, wetlands, lakes, and other water bodies.

**Policy 2.5:**

When development is proposed, other than waterfront development, where the wastewater treatment system has not yet been extended, a septic system may be permissible, provided that the system is a performance-based system.

**Policy 2.6:**

Existing development, at any density or in land use category, shall be required to connect to the City wastewater treatment system in accordance with § [Section 381.00655, Florida Statutes](#) and when sewer services is available as defined by the city's codes.

**~~OBJECTIVE~~ [Objective 3:](#)**

The City will continue to prevent blight and eliminate any instances of existing blight through code enforcement, enforcement of building and housing codes, and implementation of a Community Redevelopment Plan.

**Policy 3.1:**

The land development regulations and codes shall be enforced for all property within Dunnellon.

**Policy 3.2:**

The land development regulations shall maintain minimum housing codes, providing for conservation, demolition, and rehabilitation techniques of residential structures.

**Policy 3.3:**

Land development regulations shall be enforced as one means to ensure structural and aesthetic integrity of housing stock.

**Policy 3.4:**

The City shall continue to coordinate with property owners concerning the availability of tax benefits and other incentives available for renovation and improvements of historic structures.

**Policy 3.5:**

The City shall continue to coordinate with the private sector in order to encourage rehabilitation of both residential and nonresidential structures, through continued application for CDBG and other grant programs which fund rehabilitation efforts and through establishment of partnerships with the private sector for construction and other services upon which the City relies on the private sector.

**Policy 3.6:**

The City shall coordinate with Marion County, the Department of Economic Opportunity, the Florida Department of Rehabilitative Services and US Department of Housing and Urban Development concerning various alternatives available towards the rehabilitation of substandard housing within the City.

**~~OBJECTIVE~~ Objective 4:**

The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both uses which are nonconforming with the Future Land Use Map or zoning map and structures which are nonconforming with this Comprehensive Plan or land development regulations. The City shall revise its land development regulations, to make provisions for development on existing substandard sized platted lots in older subdivisions.

**Policy 4.1:**

The City shall revise its land development regulations to provide specific provisions necessary to implement the following policies regarding nonconformities.

- A. Lawfully existing nonconforming structures and structures devoted to nonconforming uses shall not be expanded.
- B. If the cost to reconstruct or repair a lawfully existing nonconforming structure, or a structure devoted to a nonconforming use, will exceed 50 percent of the property appraiser's assessed value prior to reconstruction or repair, the structure must be built or repaired in compliance with current codes, and the structure loses its nonconforming status.
  - 1. Structures within the riverfront corridor protection area, on lots of record recorded on or before October 27, 2008 that are less than 150 feet from the ordinary high water line of rivers, navigable coves, and abutting wetlands, as established by this Comprehensive Plan, are exempt from this Policy 4.1.B.

- C. Lawfully existing nonconforming structures, and structures devoted to nonconforming uses, which are involuntarily damaged by terrorist acts, accidental fires, or natural disasters may be rebuilt to their original nonconforming condition, even if damages exceed 50 percent of the property appraiser's assessed value prior to reconstruction or repair.
- D. Properties subject to the floodplain regulations shall adhere to those regulations.

**Policy 4.2:**

A legal nonconforming use may continue, or be resumed if destroyed, if it is not enlarged, increased, or extended to occupy a greater area. A legal nonconforming use that is voluntarily abandoned for a specific period of time set by the land development regulations shall lost its nonconforming status, and any future use of the property must be in conformity with this Plan and the land development regulations.

**Objective 5:**

It is the City of Dunnellon's objective to ~~control~~ discourage urban sprawl, through its comprehensive plan, amendments to the comprehensive plan, ~~and~~ implementation of land development regulations, which provide specific criteria for development, ~~such criteria shall encourage infill and redevelopment within the city and ensure provision of adequate urban services within the city to meet adopted levels of service standards concurrent with the impacts of development. Additional actions towards reduction of urban sprawl shall include: Interlocal agreements with Marion County on annexation areas and adjacent development approved by the county.~~ , and through interlocal agreement and other coordination mechanisms with Marion County.

**Policy 5.1:**

Applicants for large scale-future land use map amendments shall submit an evaluation to demonstrate that the proposed amendment discourages urban sprawl, based on the criteria set forth in Chapter 163, Florida Statutes, when any of the following conditions occur:

- A. The property is not contiguous on at least 50% of its boundary to parcels with existing residential, commercial or industrial development;
- B. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity on adjacent developed parcels;
- C. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity allowed by the Future Land Use Map designation on adjacent developed parcels;
- D. The property is not served by central water or sewer at time of application and its nearest boundary is more than a half-mile from existing water or existing sewer; o

- E. The property requires capacity improvements or other capital improvements to achieve adequate water or sewer service.

An application that exhibits one or more of the conditions above does not necessarily mean that it fails to discourage urban sprawl, but rather that it warrants more comprehensive review to demonstrate that it discourages urban sprawl. An applicant can demonstrate that an amendment discourages urban sprawl by analyzing the extent to which the applicant triggers the 13 indicators of urban sprawl set forth in Section 163.3177(6)(a)9.a, Florida Statutes, taking into account the context of the area. An applicant can also demonstrate that the plan amendment discourages urban sprawl based on the criteria set forth in Section 163.3177(6)(a)9.b, Florida Statutes. The City shall review the Application and make finding of facts determining whether the plan amendment discourages urban sprawl. At its discretion, the City may also conduct an evaluation of a plan amendment application which does not trigger an evaluation by the applicant based on the criteria in this policy.

**Policy 5.2:**

Proposed plan amendments for land uses which are more intense than those designated on the adopted Future Land Use Map shall be required to ~~provide urban services~~ extend water and sewer service and sewer service at adopted levels of service at the developer's expense, in addition to demonstrating consistency with the adopted comprehensive plan, as required by ~~s-~~ Section 163.3194, F.S. Florida Statutes.

**Policy ~~5.2~~ 5.3:**

Extension of services within the Dunnellon City Limits shall be consistent with the prioritization policies set forth in the Capital Improvements Element. Service agreements shall be required in order to extend services to unincorporated areas or proposed annexation areas and shall demonstrate the will be fiscally advantageous to the City and will discourage urban sprawl. This does not prohibit extension of services to unincorporated areas where needed to ensure protection of public health and safety.

**Policy 5.3:**

~~The City shall implement specific annexation policies which ensure annexation does not contribute to urban sprawl, including requiring that city services provide service to existing developed areas within the City prior to extension of services outside the city to discourage leapfrog development. Annexation proposals shall not be approved unless consistent with adjacent land use within the city, availability of public facilities and preventing leapfrog development.~~

**Policy 5.4:**

The City shall continue to seek and implement coordinating mechanisms with Marion County in order to control urban sprawl outside City limits. Such coordination shall include Interlocal agreements for: joint development review of proposals outside city limits, including DRIs, which impact roadway level of service, future land use designations for adjacent lands, and proposed road improvement plans for US 41 and the extension of sewer on the Rainbow River.

**Policy 5.5:**

Develop an Interlocal agreement with Marion County to increase coordination during subsequent updates of ~~the~~ both comprehensive plans in order that the City play an increasing role in the planning of areas directly outside City limits, and which hold potential for annexation.

**Policy 5.6:**

The land development regulations shall contain design standards to control and minimize the negative impacts of strip commercial development.

**Objective 6:**

Designate land use categories on the Future Land Use Map to meet the short term and long term needs of the community in a manner consistent with the policy direction set forth in the elements of the Comprehensive Plan. All proposed amendments to the comprehensive plan, including amendments to the Future Land Use Map, shall meet the criteria in the following policies.

**Policy 6.1:**

The City of Dunnellon adopts two planning periods for the purposes set forth in the Comprehensive Plan. The short term planning period shall be five years, and the long range planning period shall be approximately twenty years, allowing for adjustment to coincide with decade or mid-decade years (i.e., 2035, 2040, etc) to maximize coordination with other agency plan updates. The short term planning period shall be utilized primarily for capital improvements planning to meet the immediate needs for the community as addressed in the Capital Improvements Element. The long range planning period shall be utilized to determine land use allocations based on population demand and other community needs and to appropriately plan for associated long term transportation, infrastructure and schools needs in coordination with Marion County, the Florida Department of Transportation, the Southwest Florida Water Management District and the Marion County School District. Population projections shall be updated at a minimum during each evaluation-based, comprehensive plan amendment cycle pursuant to Section 163.3191, Florida Statutes.

**Policy 6.2:**

The City of Dunnellon shall allocate sufficient residential and non-residential land uses to support community needs through the 20-year planning period. The population projections shall be based on the medium population projections published by the Office of Economic and

Demographic Research for Marion County and shall consider scenarios to achieve an In evaluating long term community needs, the City recognizes the following guiding principles:

- A. Support a diversity of residential housing types and products and allow for the operation of real estate markets as set forth in Section 163.3177(6)(a), Florida Statutes.
- B. Encourage job creation, economic diversification and capital investment from the private sector to achieve and sustain a healthy local economy.
- C. Provide opportunities for diverse growth within the City to discourage urban sprawl beyond the City corporate boundaries.

### **Policy 6.3**

Demonstrate that the proposed uses ~~are appropriate~~ as allowed by the land use category are suitable for the property, considering potential impacts on natural resources and environmentally sensitive lands. If an amendment is proposed for land within 500 feet of a wetland, shoreline, sinkhole, or geologic feature, the amendment shall be accompanied by a geophysical analysis with at least the following information: the characteristics of on-site soils; locations of geologic features including sinkholes, depressions, and swallets; depth of the water table; location of the Floridian Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer.

### **Policy ~~6.2~~ 6.4:**

Where a geophysical analysis confirms a direct connection to the aquifer, a comparative nitrate loading analysis shall be prepared by a licensed professional geologist using professionally acceptable methodology based on the designation on the Future Land Use Map at the time of the proposed amendment versus the proposed land use designation, considering the maximum intensity possible under the proposed land use designation. The analysis must demonstrate that there is no measurable net increase in nitrate loading to groundwater.

### **Policy 6.3 6.5:**

Demonstrate that the uses permissible in the proposed land use category are able to be developed consistent with the city's codes implementing applicable Best Management Practices and the specific requirements set forth in the Conservation Element.

### **Policy 6.4:**

~~Demonstrate that the proposed land use category is the least intensive category that will meet a clearly demonstrated need for the use.~~

### **Objective 7:**

~~The following policies are retained in the Future Land Use Element until the remainder of the comprehensive plan is updated. At such time as the remainder of the comprehensive plan is updated, the policies will be relocated and revised as needed.~~

Siting of public uses shall be coordinated in a manner consistent with the policy direction set forth in the elements of the Comprehensive Plan and in accordance with state and federal regulations, to the extent applicable.

~~Recommended for inclusion in the Public School Facilities Element when it is adopted.~~

**Policy 7.1:**

Future siting of public facilities and services shall maximize efficiency, while minimizing financial costs. Soil suitability, sinkhole potential and setbacks from wetlands shall determine approval or denial of all future public facilities and services.

~~Recommended for relocation to the Infrastructure Element when it is updated.~~

**Policy 7.2:**

The City of Dunnellon shall encourage to the extent possible the location of schools based on the following criteria:

- A. proximity to urban residential areas, particularly for elementary schools;
- B. proximity to existing or planned public facilities, such as parks, libraries, and community centers;
- C. ~~Location~~location of elementary schools along local or collector streets;
- D. ~~Location~~location of middle and senior high schools near arterial streets;
- E. ~~Location~~location of lands contiguous to existing school sites;
- F. ~~Avoidance~~avoidance of school siting in environmentally sensitive areas;
- G. ~~Avoidance~~avoidance of school siting in any area where the nature of existing or proposed adjacent land uses would endanger the safety of students or decrease the effective provision of education; and
- H. ~~Avoidance~~avoidance of school siting in any area where the proposed school facility would be incompatible with surrounding land uses-, including but not limited to, airport hazard zones, airport clear zones and airport noise compatibility zones.

**Objective 8:**

The City of Dunnellon shall prohibit land uses and development that are defined as incompatible with normal airport operations at the Dunnellon Airport.

**Policy 8.1:**

The City of Dunnellon shall coordinate with Marion County to execute an interlocal agreement or formulate a Joint Airport Zoning Board by January 1, 2017 to ensure that decision-making by both jurisdictions are adequately coordinated regarding Marion County airport planning and Dunnellon land use and transportation planning.

*Recommended for relocation to a Historic Preservation Element during further updates to the comprehensive plan. Other policies pertaining to historic preservation should be consolidated into a new Historic Preservation Element.*

**Policy 7.3:**

~~In order to protect its historic structures, the City has recently had its Historic District nominated to the National Register of Historic Places. However, this nomination only limits alterations to structures, which are receiving federal and state funds. Therefore, the City shall enforce an historic preservation ordinance which:~~

~~Provides for an historical preservation board, with the responsibility to direct and supervise development of the Historic District and any additional individual buildings with historical status. The Board shall also be responsible for coordinating with the State Division of Historic Resources, as well as providing property owners with information, such as federal taxes and other benefits available under National Register status.~~

~~Provides criteria for redesign, maintenance, alteration, demolition, and relocation of historical buildings so that historic character is not diminished.~~

~~Provides a sign ordinance specific to the historic district.~~

~~Regulates replacement of physical features such as streetlights, street signs, fences, and utility poles to promote compatibility with the historic district.~~

~~Administers enforcement procedures and public hearings for review.~~

~~Contains procedures for establishing new boundaries and monitoring construction in the existing district.~~

~~Protects archaeological sites from disturbance and destruction, by prohibition of development on or in such close proximity to archaeological site 8MR95 as to destroy its substance or character, and requires that archaeologically significant sites that might be discovered in the future in Dunnellon be left intact and immediately reported to the City administration to initiate the preservation process. (MOVED TO HISTORIC PRESERVATION)~~

**Policy 7.4:**

~~The City shall review and amend the land development regulations to eliminate zoning or other conflict with the historic preservation ordinance.~~

**Policy 7.58.2:**

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~~The conservation and rehabilitation of substandard housing of historical significance shall be in accordance with the standards of the Division of Historic Resources and the City's local historical ordinance, when adopted. (MOVED TO HISTORIC PRESERVATION)~~ The City of Dunnellon shall prohibit public education facilities and residential uses and development within noise compatibility zones, as defined by 333.03(2)(c) and (d), Florida Statutes, as applicable. The City shall confirm the extent of existing noise compatibility zones with Marion County, and the potential extent of future noise compatibility zones based on any runway modifications that may be considered by Marion County.

**Policy 7.68.3:**

~~The City shall provide design guidelines for new construction and renovation of non-historic buildings within the district. (MOVED TO HISTORIC PRESERVATION)~~

The City of Dunnellon shall prohibit the following uses within clear zones, as defined by 333.03(3), Florida Statutes:

- A. Public and private education schools.
- B. Uses encouraging or requiring a concentration of people, such as auditoriums, arenas, large-scale multifamily development and large-scale office uses.
- C. Industrial uses which emit smoke and uses which emit light that could potentially pose a hazard to aircraft operations.

**Policy 7.78.4:**

~~The City shall promote the reuse of historic buildings within the district, by allowing innovative incentives and techniques whereby owners of historic properties who cannot justify the renovation of buildings as residential units shall meet standards for renovation as commercial, office, or a mix of commercial/office and residential. Such innovative incentives and techniques may include tax credits and conservation easements as stipulated in the land development regulations. The applicant shall be required to meet the standards for renovation and site design consistent with the historical district ordinance. (MOVED TO HISTORIC PRESERVATION)~~ The City of Dunnellon shall not allow obstructions, such as buildings, structures, poles and trees to penetrate airport hazard zone surfaces occurring within its jurisdiction. The City limits building height to 40' within all future land use categories. Prior to considering any future amendment to the 40' building height standard, the City shall document that any proposed building height standard would not penetrate applicable airport hazard zones and surfaces, as defined by the Federal Aviation Administration.

**Policy 7.88.5:**

~~The City shall promote development of educational programs to achieve a higher level of public awareness of local historic resources. (MOVED TO HISTORIC PRESERVATION)~~

~~**Policy 7.9:** The City shall offer public recognition incentives for active conservation of locally significant historic resources to encourage public and private participation in preservation. (MOVED TO HISTORIC PRESERVATION)~~ The City of Dunnellon shall adopt an airport zoning

overlay by January 1, 2017 to implement land development regulations based on Objective 8 and its implementing policies.

## TRAFFIC CIRCULATION ELEMENT GOALS, OBJECTIVES AND POLICIES

### GOAL

The goal of transportation planning for the City of Dunnellon is to provide a safe, convenient, and efficient traffic circulation system for both resident and visitors.

### Objective 1:

Throughout the planning period, the City will enforce requirements as set forth in the Land Development Code to support the establishment of a safe, efficient transportation network for motorized and non-motorized vehicles and for pedestrians.

~~**Policy 1.1:** The following peak hour level of service standards are adopted to ensure adequate traffic flow in Dunnellon:~~

~~The City shall utilize level of service (LOS) "C" as a general guide for the purpose of coordinating with the TPO on short and long range transportation improvements. In order to encourage urban infill and economic development, the City shall not implement transportation concurrency or adopt LOS standards for regulatory purposes. This policy does not limit the City's ability to consider legislative decision in approving or denying comprehensive plan amendments.~~

~~US 41 from Powell Rd. to North City Limits—Maintain & Improve (Backlogged)  
Other principal arterials and collector roads—LOS-C~~

~~**Policy 1.2:** In order to ensure that the FDOT standards for the backlogged facility are met, the City's concurrency management system shall be designed to ensure that development permits issued upon the adoption of this plan maintain operating conditions. Maintaining operating conditions shall be defined as: a peak hour increase in traffic of 5 percent or a decrease in average speed of 1 mph.~~

~~**Policy 1.3:** Upon adoption of this plan, the City shall send a letter to Marion County, FDOT and Citrus County to notify them of this limitation on the facility, and ensure that all DRIs and other development approved that impact this facility meet the backlogged standard. The letter shall seek an interlocal agreement with Marion County, the WRPC and Citrus County to ensure that Dunnellon's concerns are addressed prior to approval of any DRI or other large development that impacts facilities within the City.~~

~~**Policy 1.4:** By December 1991, the City shall send a letter to the Ocala MPO to request that the backlogged facility become an MPO priority in its six year Traffic Improvement Program. A copy of this letter shall be sent to FDOT to notify the Department of the City's desire for FDOT to modify its five year work program to include upgrading the facility.~~

**Policy 1.2:**

~~Policy 1.5:~~ Coordinate with Marion County and the ~~MPO-TPO~~ to ensure expansion of CR 484 is prioritized within the Traffic Improvement Program so that its expansion corresponds with future growth in the City and its environs.

~~Policy 1.6: — Coordinate with Marion County and the MPO to ensure reclassification of CR 484 and CR 40 from Major and Minor Collectors to Principal Arterials by the Year 2010.~~

**Objective 2:**

Ensure that transportation system needs are coordinated with the type and intensity of land use. Review of all development proposals and plans should include appropriate consideration of transportation impacts. Provisions to ensure such consideration should be included in the land development regulations to be adopted by statutory deadline.

**Policy 2.1:**

Proposed amendments to the ~~Dunnellon Comprehensive Plan, especially amendments involving changes in designated land uses on the~~ Future Land Use Map, ~~shall consider~~ and to Future Land Use Categories shall be evaluated to determine the associated impact on the transportation system.

**Policy 2.2:**

The Land Development Code shall contain provisions regulating site design, including on-site vehicular and pedestrian circulation and parking, and subdivision layout, including street pattern, consistent with the density, intensity, and character of the district, as defined in the Future Land Use Element.

**Policy 2.3:**

The Land Development Code shall include standards for access drives, number and location of roadways connections, and the need for and location of bicycle and pedestrian ways within or necessary to serve the site.

**Policy 2.4:**

The following access management alternative techniques will be employed on US 41 and CR 484 in an effort to control access and preserve level of service:

- A. limit access to roads consistent with the standards and guidelines as set by Chapters 14-96 and 14-97, F.A.C., by controlling the number and location of site access driveways and other intersecting roads;
- B. cross-access easement of adjacent properties where feasible; and
- C. use of frontage or backlot parallel access roads where feasible.

**Objective 3:**

Continuing transportation planning for Dunnellon shall consider and be coordinated with appropriate local and state agencies throughout the planning period.

**Policy 3.1:**

Through implementation of policies adopted in the Intergovernmental Coordination Element, continue and maintain coordination among Dunnellon, Marion County, Citrus County, Levy County, the Turnpike Authority, and the Florida Department of Transportation for future transportation needs within or adjacent to Dunnellon.

**Policy 3.2:**

Monitor land development activities and land use plans in Marion County to ensure that impacts of activities near the City are properly planned for and that such activities do not result in a lowering of the adopted level of service for Dunnellon.

**Policy 3.3:**

Monitor transportation plans for limited access facilities in the Dunnellon area to ensure that related impacts on the City transportation system are properly planned for.

**Policy 3.4:**

Monitor plans for the Dunnellon Airport to ensure that impacts on the City transportation system resulting from airport improvements are properly planned for.

**Objective 4:**

Ensure that current and future rights-of-way are protected from encroachment by structures or ancillary uses inconsistent with the designation as a right-of-way. This will be accomplished by appropriate provisions in the land development code to be adopted by the statutory deadline.

**Policy 4.1:**

-Adopt ~~provisions~~ land development regulations to protect existing rights-of-way by limiting use and/or encroachment by structures or ancillary uses.

**Policy 4.2:**

-Adopt ~~provisions~~ land development regulations to ensure the availability of future rights-of-way, based upon the Future Traffic Circulation Map.

## HOUSING ELEMENT GOALS, OBJECTIVES AND POLICIES

### ~~HOUSING ELEMENT GOAL~~

Provide affordable housing which is decent, safe and sanitary to Dunnellon's existing and projected population, while upholding the residential quality of the town's neighborhoods.

#### **Objective 1:**

Assist the private sector through policy and regulatory means and formulation of implementation programs in providing affordable, safe, sanitary and adequate housing units in a wide variety of income ranges to meet the specific housing needs of the City's existing and projected population ~~by the year 2010. To meet the needs of the projected population, approximately 60 dwelling units shall be provided annually through the year 1996; approximately 28 dwelling units shall be provided annually between 1997-2001; and 29 dwelling units shall be provided annually between 2001-2010.~~ (OUTDATED)

#### **Policy 1-1:**

Coordinate partnerships between the City, non-profits and the private sector to ensure the provision of adequate affordable housing, through such techniques as:

- A. utilizing federal and state subsidy programs;
- B. allowing accessory housing (granny flats);
- C. creating a citizen-based affordable housing task force to make specific recommendations to City Council; and/or
- D. allowing small minimum house size and floor space.

#### **Policy 1-2:**

Compile information on the populations needs, including households with special housing needs, and make such information available to the private sector.

#### **Policy 1-3:**

Coordinate with Marion County, the ~~Department of Community Affairs~~ [State Land Planning Agency](#), the Florida Department of Rehabilitative Services and US Department of Housing and Urban Development, and other agencies to obtain information on and make application for or assist in application for funding low and moderate income housing production.

#### **Policy 1-4:**

Establish from the City of Dunnellon Historic Preservation ~~plan~~ [Element](#) a list of historic resources that are suitable for housing and include approximate locations. The purpose of this

policy is to create the opportunity for the private sector to rehabilitate rather than demolish certain historic resources formerly not in residential use.

**Objective 2:**

The ~~housing conditions survey determined there are 27 substandard houses in the City. The City will establish appropriate techniques by May 1992 to~~ City will eliminate its substandard housing, provide relocation housing where appropriate, and maintain the structural and aesthetic integrity of the City's housing stock.

**Policy 2-1:**

Continue to implement procedures to obtain and ~~administrate~~ administer CDBG grants for the rehabilitation of ~~27~~ substandard homes.

**Policy 2-2:**

Coordinate with Marion County, the ~~Department of Community Affairs~~ State Land Planning Agency, the Florida Department of Rehabilitative Services and US Department of Housing and Urban Development for application of additional funding programs for rehabilitation of standard housing.

**Policy 2-3:**

Establish strategies to guide ~~demolition~~ decisions for demolition for homes in which rehabilitation is not feasible.

**Policy 2-4:**

When demolition or rehabilitation requires replacement of housing, the City will ensure such programs provide for relocation housing.

**Policy 2-5:**

The City will require that rehabilitation programs are coordinated with the Division of Historic Resources for the conservation and rehabilitation of substandard housing of historical significance.

**Policy 2-6:**

Strengthen land development regulations and minimum housing codes, to ensure structural and aesthetic integrity of housing stock.

**Objective 3:**

Provide adequate sites with available infrastructure within areas of residential character for low and moderate income families, and others with special housing needs, group homes and foster care facilities.

**Policy 3-1:**

Coordinate with the FMHA, Marion County, the ~~Department of Community Affairs~~[State Land Planning Agency](#), the Florida Department of Health and Rehabilitative Services, US Department of Housing and Urban Development, and other agencies to maintain existing and develop new programs throughout the planning timeframe, consistent with housing need projections, for the location and provision of housing for low and moderate income households.

**Policy 3-2:**

Through the land development regulations, establish standards for protection of residential areas from inconsistent uses which threaten the residential quality or stability of neighborhoods.

**Policy 3-3:**

Housing for special needs groups, including group homes, foster care facilities and rural and farm-worker households shall be allowed in single-family residential areas, consistent with ~~Section-Chapter~~ 419, ~~F.S~~[Florida Statutes](#); the development of residential alternatives to institutionalization shall be encouraged.

**Policy 3-4:**

Location of low and moderate income housing, manufactured housing, elderly, group and foster care homes, and other special needs groups, throughout the planning timeframe, shall be approved, based upon federal safety guidelines, consistency with the Future Land Use Map and densities, on the basis of safety, land use compatibility, accessibility, convenience and the availability of public facilities and infrastructure. Group homes shall continue to be allowed in all multi-family districts; group homes of six or fewer residents, which otherwise meet the definition of a community residential home, shall be allowed in single-family districts, provided that such homes are not located within a radius of 1,000 feet of another existing such home of six or fewer residents, consistent with Chapter 419, ~~F.S~~[Florida Statutes](#). Specific non-discriminatory regulations that implement these criteria shall be included in the land development regulations; ~~which are to be adopted by May 1, 1992.~~

**Policy 3-5:**

Allow new residential development only at locations where City facilities and services are currently provided, or are financially feasible for the City to provide, unless such services can be provided to the site by the private sector.

**Policy 3-6:**

~~Pursuant to Florida Statutes 553.38(2) and 320.8285(5), all residential land use categories delineated on the Future Land Use Map shall allow mobile home or manufactured home placements. Provisions to be incorporated in the Land Development Regulations by May 1, 1992, shall create zones within these categories that control minimum floor area, structural and~~

~~architectural design, foundations, buffer and screening requirements, or other building requirements to discourage mobile home placement in existing or proposed residential neighborhoods whose desired character would be disrupted upon the introduction of incompatible structures. Such regulations shall not be so restrictive as to prohibit mobile homes from locating in any particular residential future land use category or from accommodating an equitable share of sites for residential development.~~

**Objective 4:**

~~The City has completed a Historic Preservation Plan to identify and preserve the historic and archaeological resources of the City. The objective of the City is to provide for the identification, protection and conservation of all historically significant housing within its corporate limits, consistent with the recommendations of the Historic Preservation Plan provided as an appendix to the Housing Element.~~

**Policy 4-1:**

~~Continue coordination with the Division of Historic Resources, Bureau of Historic Preservation, Historic Preservation Advisory Council and other agencies in identifying historic housing, and options available for maintenance or preservation of historically significant housing. (MOVED TO HISTORIC PRESERVATION ELEMENT)~~

**Policy 4-2:**

~~As recommended by the Historic Preservation Plan, continue the updating and maintenance of the Master Site File for the remaining area of the City.~~

**Policy 4-3:**

~~Assist interested property owners in seeking state and federal technical and economic assistance for the conservation, improvement and rehabilitation of the community's housing, particularly historically significant housing. (MOVED TO HISTORIC PRESERVATION ELEMENT)~~

**Policy 4-4:**

~~Principles to guide conservation, rehabilitation and demolition techniques shall be consistent with the Historic Preservation Plan and Division of Historic Resources.~~

**Policy 4-5:**

~~The rehabilitation of historic resources for housing opportunities shall be consistent with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.~~

**Policy 4-6:**

~~The land development regulations, to be written by May 1, 1992, will require new housing development within or adjacent to historic or archaeological resources to be consistent with the neighborhood character intended by the Historic Preservation Plan or provide buffering to protect the historic character of such resources. (MOVED TO HISTORIC PRESERVATION ELEMENT)~~

**Policy 4-7:**

~~Provide information and technical assistance on the location of historic housing opportunities, financial techniques, and proper preservation standards to the general public.~~ **(MOVED TO HISTORIC PRESERVATION ELEMENT)**

**Policy 4-8:**

~~The City shall adopt an ordinance for the conservation and rehabilitation of substandard housing and other buildings of historical significance in accordance with the standards of the Division of Historical Resources.~~

**Policy 4-9:**

~~In an effort to aid in the stabilization of neighborhoods, the City will continue to enforce zoning regulations, the historical preservation ordinance, once adopted, CDBG programs for housing rehabilitation, and shall require adherence to construction standards established in the Standard Building Code to ensure structural integrity. Zoning variances may be granted to protect the historical value of a resource, as long as personal safety is not compromised.~~ **(MOVED TO HISTORIC PRESERVATION ELEMENT)**

Pursuant to Section 553.382, Florida Statutes, any certified, residential manufactured building, including mobile homes, may be placed on a mobile home lot in a mobile home park, recreational vehicle park, or mobile home condominium, cooperative, or subdivision.

## **HISTORIC PRESERVATION ELEMENT** **GOALS, OBJECTIVES, AND POLICIES**

### **GOAL 1:**

Locate, identify, and evaluate those sites, buildings, structures, districts and objects that are associated with the archaeological, historical and architectural development of the City of Dunnellon.

### **Objective 1.1:**

Maintain the Florida Master Site File inventory for the City of Dunnellon.

### **Policy 1.1.1:**

Systematically update the Florida Master Site File inventory by adding newly discovered sites, buildings or districts, and noting changes that have occurred to the resources since first identified.

### **Policy 1.1.2:**

Transmit to the Bureau of Historic Preservation revisions or new Florida Master Site File forms on a regular basis.

### **Objective 1.2:**

Expand the Florida Master Site File through further survey and investigation.

### **Policy 1.2 .1:**

Priority areas for survey and historic research shall include the Vogt Springs Area as well as Withlacoochee River and Rainbow River.

### **Objective 1.3:**

Merge historic data into tax roll database of Marion County.

### **Policy 1.3.1:**

Study the feasibility of incorporating historical data from the Florida Master Site File inventory into an automated database shared by other departments of the City and County governments.

### **Objective 1.4:**

Evaluate the significance of historic resources of the City of Dunnellon according to adopted criteria.

**Policy 1.4.1:**

Define and adopt criteria determination of significance for recording historic properties on the Florida Master Site File and nomination to the Local Register of Historic Places.

**GOAL 2:**

To officially recognize those historic resources that have been determined significant to the community.

**Objective 2.1:**

Increase the number of historic resources listed and recognized by historic registers.

**Policy 2.1.1:**

Create a Local Register of Historic Places to list those historic resources that are eligible for listing, according to an adopted set of criteria.

**Policy 2.1.2:**

Nominate those eligible sites, buildings or districts to the National Register of Historic Places.

**GOAL 3:**

To provide for the stabilization, maintenance, protection, preservation, and rehabilitation of archaeological and historic resources, both publicly and privately owned.

**Objective 3.1:**

Protect historic resources through a local review authority.

**Policy 3.1.1:**

In order to protect its historic structures, the City has recently had its Historic District nominated to the National Register of Historic Places. However, this nomination only limits alterations to structures, which are receiving federal and state funds. Therefore, the City shall enforce an historic preservation ordinance which:

- A. Provides for an historical preservation board, with the responsibility to direct and supervise development of the Historic District and any additional individual buildings with historical status. The Board shall also be responsible for coordinating with the State Division of Historic Resources, as well as providing property owners with information, such as federal taxes and other benefits available under National Register status.
- B. Provides criteria for redesign, maintenance, alteration, demolition, and relocation of historical buildings so that historic character is not diminished.

- C. Provides a sign ordinance specific to the historic district.
- D. Regulates replacement of physical features such as streetlights, street signs, fences, and utility poles to promote compatibility with the historic district.
- E. Administers enforcement procedures and public hearings for review.
- F. Contains procedures for establishing new boundaries and monitoring construction in the existing district.
- G. Protects archaeological sites from disturbance and destruction, by prohibition of development on or in such close proximity to archaeological site 8MR95 as to destroy its substance or character, and requires that archaeologically significant sites that might be discovered in the future in Dunnellon be left intact and immediately reported to the City administration to initiate the preservation process. (MOVED FROM FUTURE LAND USE ELEMENT)

**Policy 3.1.2:**

Organize an administrative review system where all applications for site plan, rezoning, or other land development petition contain information on the location of historic resources, including known archaeological sites. Where resources exist, the potential impact and mitigative actions to be taken shall be presented.

**Policy 3.1.3:**

When a proposed development will impact an archaeological site, require a field inspection and analysis by a qualified archeologist to determine significance of site, impact of project to resource, and appropriate mitigative actions, which shall include as a priority avoiding destruction of the site.

**Policy 3.1.4:**

Adopt as part of the administrative review system and proposed historic preservation enabling ordinance the U.S. Secretary of the Interior's Standards for Protection, Stabilization, Maintenance, Rehabilitation, Restoration, and Reconstruction.

**Objective 3.2:**

Provide a land development regulatory framework that encourages and promotes the preservation of historic resources, including archaeological sites.

**Policy 3.2.1**

Amend the City of Dunnellon Zoning Code to provide incentives for conducting historic preservation activities. This shall include removing any disincentives.

**Policy 3.2.2:**

Provide exemption status for designated buildings from the Florida Building Code pursuant to Section 101.5 of the Code.

**Policy 3.2.3:**

Seriously consider the use of Transfer of Development Rights in cases where the destruction of historic resources is proposed.

**Policy 3.2.4:**

In an effort to aid in the stabilization of neighborhoods, the City will continue to enforce zoning regulations, the historical preservation ordinance, once adopted, CDBG programs for housing rehabilitation, and shall require adherence to construction standards established in the Florida Building Code to ensure structural integrity. Zoning variances may be granted to protect the historical value of a resource, as long as personal safety is not compromised. (MOVED FROM HOUSING ELEMENT)

**Objective 3.3:**

Provide for the use of a variety of legal techniques that will encourage and facilitate the preservation of historic resources.

**Policy 3.3.1:**

Provide information and technical assistance to the public on the use of a variety of programs, techniques and methods for use in bringing about the successful preservation of historic resources.

**Policy 3.3.2:**

The City shall review and amend the land development regulations to eliminate zoning or other conflict with the historic preservation ordinance.

**Policy 3.3.3:**

The City shall promote the reuse of historic buildings within the district, by allowing innovative incentives and techniques whereby owners of historic properties who cannot justify the renovation of buildings as residential units shall meet standards for renovation as commercial, office, or a mix of commercial/office and residential. Such innovative incentives and techniques may include tax credits and conservation easements as stipulated in the land development regulations. The applicant shall be required to meet the standards for renovation and site design consistent with the historical district ordinance. (MOVED FROM FUTURE LAND USE ELEMENT)

**Policy 3.3.4:**

The conservation and rehabilitation of substandard housing of historical significance shall be in accordance with the standards of the Division of Historic Resources and the City's local historical ordinance, when adopted. ***(MOVED FROM FUTURE LAND USE ELEMENT)***

**Policy 3.3.5:**

The City shall provide design guidelines for new construction and renovation of non-historic buildings within the district. ***(MOVED FROM FUTURE LAND USE ELEMENT)***

**Policy 3.3.6:**

Assist interested property owners in seeking state and federal technical and economic assistance for the conservation, improvement and rehabilitation of the community's housing, particularly historically significant housing. ***(MOVED FROM HOUSING ELEMENT)***

**Objective 3.4:**

Consider the use of a variety of financial techniques that will encourage and facilitate the preservation of historic resources.

**Policy 3.4.1:**

Provide information and technical assistance to the public on the use of a variety of financial techniques for use in the preservation of historic resources.

**Policy 3.4.2:**

Provide information and technical assistance on the location of historic housing opportunities, financial techniques, and proper preservation standards to the general public. ***(MOVED FROM HOUSING ELEMENT)***

**Objective 3.5:**

Identify, preserve and protect historic resources that are owned by the City or its agencies, and the Marion County School Board.

**Policy 3.5.1:**

Exercise caution to assure that any archaeological or historic resources within city control are not inadvertently transferred, sold, demolished, destroyed, substantially altered, or allowed to deteriorate significantly.

**Policy 3.5.2:**

Take timely actions if a city-owned archaeological or historic resource is to be unavoidably altered. Such action shall be developed in consultation with the local historic preservation advisory board, the Florida Division of Historic Resources, or professional consultant to determine whether or not there is a feasible or prudent alternative to the proposed destruction.

**Policy 3.5.3:**

Where a city-owned or controlled archaeological or historic resource must be destroyed timely action shall be taken to conduct salvage excavation by a qualified archaeologist or to document the property by photography and if appropriate, measured drawings.

**Policy 3.5.4:**

Establish a program to locate, inventory and evaluate all archaeological or historic resources that are city owned or controlled for inclusion in the Florida Master Site File or if eligible, the National Register of Historic Places.

**Policy 3.5.5:**

Where an archaeological site is discovered in the course of construction or excavation activities, work shall stop in the vicinity of the site immediately and notification will be made to the Florida Division of Historic Resources, or a professional consultant.

**GOAL 4:**

Actively contribute to expanding public awareness of the history, resources, programs, standards, funding sources, and need for public participation in historic preservation in the City of Dunnellon.

**Objective 4.1:**

Visually mark historic resources as a means of increasing awareness and pride in Dunnellon history.

**Policy 4.1.1:**

Create a plaques program for the placement of markers on certain important buildings or in the general vicinity of secured archaeological sites.

**Policy 4.1.2:**

The City shall promote development of educational programs to achieve a higher level of public awareness of local historic resources. (MOVED FROM FUTURE LAND USE ELEMENT)

**Policy 4.1.3:**

The City shall offer public recognition incentives for active conservation of locally significant historic resources to encourage public and private participation in preservation. (MOVED FROM FUTURE LAND USE ELEMENT)

**Objective 4.2:**

Provide for the citizens and visitors of the City of Dunnellon centralized facilities for the viewing, interpretation and enjoyment of Dunnellon history.

**Policy 4.2.1:**

Support the creation of a City of Dunnellon Historical Museum.

**Objective 4.3:**

Provide a series of publications designed to increase awareness of Dunnellon's historic resources, programs, standards, funding sources and other related information to be available to the public.

**Policy 4.3.1:**

Actively support and participate in cooperation with other organizations, the creation of tour maps of various areas of the city for walking, bicycling or driving tours.

**Policy 4.3.2:**

Make available to the public, at minimal cost, publications on the technical nature of historic preservation including the U.S. Secretary of the Interior Standards for Rehabilitation, The National Trust for Historic Preservation INFORMATION series, the National Park Service HOW TO series, and other appropriate literature.

**Objective 4.4:**

Encourage the participation of citizens in historic preservation activities, hearings, and workshops.

**Policy 4.4.1:**

Actively seek a variety of media sources to publicize information on the specifics of upcoming events.

**Policy 4.4.2:**

Consider maintaining membership in local, state and national historic preservation organizations and encourage participation in events, workshops or meetings by the local historic preservation advisory board, city staff, and other interested persons.

**Objective 4.5:**

Coordinate and cooperate with other private or governmental entities involved with historic preservation.

**Policy 4.5.1:**

Establish a means of exchange of information amongst private preservation support groups, other local government, state preservation support groups, and state government.

**Policy 4.5.2:**

Consider becoming a Certified Local Government if steps are taken to adopt a historic preservation ordinance.

**Policy 4.5.3:**

Continue coordination with the Division of Historic Resources, Bureau of Historic Preservation, Historic Preservation Advisory Council and other agencies in identifying historic housing, and options available for maintenance or preservation of historically significant housing. (MOVED FROM HOUSING ELEMENT)

**Policy 4.5.4:**

Adopt land development regulations to require new housing development within or adjacent to historic or archaeological resources to be consistent with the neighborhood character or provide buffering to protect the historic character of such resources. (MOVED FROM HOUSING ELEMENT)

## **INFRASTRUCTURE ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **GOAL 1:**

~~To provide adequate and appropriate public facilities and services based upon the community's need for environmental quality and financial health.~~

### **Objective 1.1:**

~~By the statutory deadline for adoption of the land development regulations, maximize use of existing facilities, through the implementation of programs and adoption of land development regulations which reduce urban sprawl.~~

### **Policy 1.1.1:** —

~~Continue the intergovernmental agreement with Marion County to ensure that the City's adopted level of service standards for solid waste disposal can be met by the County landfill. (MOVED TO PUBLIC FACILITIES ELEMENT)~~

### **Policy 1.1.2:** —

~~Continue development and implementation of community recycling programs to reduce landfill needs in accordance with 1988 revisions to Chapter 403, F.S., "The Solid Waste Management Act."~~

### **Policy 1.1.3:** —

~~Implement the policies for conservation of potable water resources in this element and the Conservation Element.~~

### **Policy 1.1.4:** —

~~Continue the requirement that customers be connected to central facilities as they come available.~~

### **Policy 1.1.5:** —

~~Replacement, improvement or expansion of facilities shall be coordinated with adopted level of service standards, and shall incorporate peak demand coefficients when determining capacity and demand.~~

### **Policy 1.1.6:** —

~~Continue or strengthen existing maintenance programs for City-maintained water, sewer and drainage facilities.~~

### **Policy 1.1.7:** —

~~The City Clerk, Public Works, and Building department shall jointly develop procedures to update facility demand and capacity information as development orders or permits are issued. (MOVED TO PUBLIC FACILITIES ELEMENT)~~

**Policy 1.1.8:**—

~~Begin construction by January 1992 to improve the sewage treatment system, according to the plans and specifications approved by the FMHA under the grant/loan program.~~

**Objective 1.2:**

~~Adopt by the statutory deadline land development regulations, which ensure the use of adopted level of service standards as a means of controlling future uses of land. Such regulations shall ensure that existing and projected needs are met through provisions, which ensure that development orders are not issued which degrade the adopted level of service.~~

**Policy 1.2.1:**—

~~The following level of service standards are hereby adopted:~~

~~Potable Water Facilities:—125 gallons per capita per day~~

~~Sanitary Sewer Facilities:—62 gallons per capita per day~~

~~Solid Waste Facilities:—5.3 pounds per capita per day~~

~~Drainage Facilities:~~

~~The City shall enforce a 25-year frequency, 24-hour duration, design storm level of service for open basins and a 100-year, 24-hour duration level of service for closed basins as the basis for stormwater management system design for proposed new development and redevelopment projects, and for determining availability of facility capacity. Stormwater collection systems (including designs for minimum impacts to the natural water flow), transport systems, and allowable peak density rates shall meet requirements and specifications as defined in the city of Dunnellon Land Development Code. Developers will also be required to analyze the ultimate effects of stormwater disposal for all storm events, up to and including the 100-year, 24-hour duration storm event. In addition, developers will comply where applicable with the SWFWMD flood control criteria for stormwater quantity and quality [Chapters 40D-4, 40D-40, and 40C-400, F.A.C.]~~

~~The demand for stormwater facility capacity by new development shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the design storm level of service standard stated above and facility design procedures consistent with accepted engineering practice.~~

~~The City shall ameliorate the future discharge of inadequately treated stormwater runoff into waters and wetlands of the state by requiring that the first one inch of runoff be retained on site, or in the case of runoff entering any body of water designated an Outstanding Florida Water (OFW), the first one and a half inches shall conform to the standards used by SWFWMD and DEP.~~

**Policy 1.2.2:** —

~~Implement provisions through the Land Development Regulations, which ensure that development orders are not issued which lower level of service standards below adopted standards, in conformance with the concurrency requirements adopted in the Capital Improvement Element.~~(MOVED TO PUBLIC FACILITIES ELEMENT)

**Policy 1.2.3:** —

~~The City shall consider, and adopt as appropriate, a means to ensure that new development shares proportionate responsibilities in the provision of facilities and services to meet the needs of that development and maintain adopted level of service standards.~~

**Policy 1.2.4:** —

~~Coordinate with Marion County by June 1992 in the establishment of the Rainbow River Sewer Taxing District, so that Dunnellon may participate in the district, and connection of service to existing developed areas within the City along the river.~~(MOVED TO PUBLIC FACILITIES ELEMENT)

**Policy 1.2.5:** —

~~For development where the Future Land Use Map of comprehensive plan allows use of septic tanks, development orders shall not be issued prior to demonstration that appropriate permits for on-site wastewater treatment systems have been obtained from the Marion County Health Department in accordance with DHRS Chapter 10D-6, FAC, and other federal, state and local agencies.~~

**Objective 1.3:**

~~The City shall implement programs to correct existing wastewater treatment, potable water and drainage facility deficiencies according to the five-year schedule of capital improvements to ensure level of service standards are not lowered throughout the planning timeframe.~~

**Policy 1.3.1:** —

~~Follow the five-year schedule of capital improvement needs for sanitary sewer, drainage and potable water facilities and services identified in this element and adopted in the Capital Improvement Element:~~

- ~~1. Upgrade the existing plant treatment capabilities to meet compliance with federal and state standards beginning March 1992, in order that DER permits conditions shall be met;~~
- ~~2. Upgrade sewer mains and extension to unsewered areas beginning FY 1992;~~
- ~~3. Redesign lift stations beginning FY 1993;~~
- ~~4. Upgrade manholes beginning FY 1997;~~
- ~~5. Purchase property for new well and water tower. Establish Well #4 (construct well, permitting and testing) beginning FY 1992;~~

- ~~6. Upgrade water mains to meet pressure needs for fire department beginning FY 1997;~~
  - ~~7. Install isolation valves beginning FY 1997;~~
  - ~~8. Purchase generator FY 1991;~~
  - ~~9. Initiate Dunnellon Heights water assessment district FY 1991;~~
  - ~~10. New water tank—well #4, FY 1997;~~
  - ~~11. Complete stormwater management studies of the following areas to determine method and cost to correct drainage deficiencies:
    - ~~a. Flooding deficiencies:
      - ~~Improve drainage at Dunnellon Square 1993~~
      - ~~Improve drainage at Third Ave and CR 40 1993~~~~
    - ~~b. Water quality deficiencies:
      - ~~Palmetto Way outfalls 1993~~
      - ~~McKinney Ave outfalls 1994~~~~~~
- ~~All improvements shall be designed to meet adopted level of service standards for water quality and quantity.~~
- ~~12. Apply for funds beginning in June 1992 to receive Southwest Florida Water Management District SWIM program funds to assist in improvements to eliminate direct discharge of untreated stormwater into Rainbow River.~~

**Policy 1.3.2:**

~~Through intergovernmental agreements with FDOT and the County, ensure that existing drainage structures owned and maintained by those entities perform in accordance with level of service standards. The City shall send a letter by April 1992 requesting that FDOT address the stormwater level of service programs of the outfalls for which those entities have operational responsibility.~~

**Policy 1.3.3:**

~~The City shall continue the ongoing application to the Farmer's Home Administration for wastewater disposal loans and grants. Other options for funding shall also be researched and implemented if feasible, including:~~

- ~~a. Feasibility of using CDBG program monies for infrastructure improvements during the next grant cycle;~~
- ~~b. Application to Farmer's Home Administration and the DER State revolving loan fund to assist in funding of sewer or water extension;~~

- e. ~~Technical and financial assistance from the Southwest Florida Water Management District under the Surface Water Improvement and Management program or Basin Board funding to correct the direct discharge of untreated stormwater into the Rainbow River at Palmetto Way; and~~
- d. ~~Establishment of the Dunnellon Heights Water Assessment District to provide water services to the Dunnellon Heights subdivision.~~

**Policy 1.3.4:** ~~—~~

~~Expansion of sewer to unsewered areas shall be based upon the need for protection of water quality of the Rainbow River and Withlacoochee River; existing waterfront lots shall be given first priority. (MOVED TO PUBLIC FACILITIES ELEMENT)~~

**GOAL 2:**

~~Conserve the City's potable water resources, natural aquifer recharge areas and drainage features.~~

**Objective 2.1:**

~~Conserve and protect potable water resources and natural aquifer recharge areas from adverse impacts through adoption of land development regulations by the statutory deadline and establishment of coordination means with federal, state and local agencies by 1992.~~

**Policy 2.1.1:** ~~—~~

~~Establish a minimum 200-foot protection buffer zone around all potable water well fields (other than individual wells serving single uses) within which new development and redevelopment shall be limited to passive recreational use;~~

- A. ~~All new underground storage tanks within the City shall be required to provide a double lining, consistent with DER rule 17-761, FAC. All land use requests for installation of underground storage tanks shall not be issued development orders until approved by the Marion County Underground Storage Tank Program to ensure consistency with DER rules.~~
- B. ~~All existing underground storage tanks within the City shall be inspected annually in accordance with the Marion County Underground Storage Tank Program. Existing hazardous substance storage tank systems shall be required to meet performance standards of DER Rule 17-761.560, Performance Standards for Existing Hazardous Waste Storage Tank Systems.~~
- C. ~~Prior to permitting of demolition or redevelopment of land uses which contain underground storage tanks, the developer shall be required to submit closure plans consistent with DER rule 17-761.800, FAC to the Marion County Underground Storage Tank Program officials for prior approval.~~

~~D. Should the City police, fire department, public works personnel or other staff become aware of any spills throughout the City, the Public Works Director shall report the information within 24 hours to the Marion County Underground Storage Tank Program and request assistance under the program towards enforcement of cleanup procedures.~~

~~E. Above ground storage tanks systems shall meet the standards of DER Rule 17-762, FAC. (MOVED TO AQUIFER PROTECTION ELEMENT)~~

**Policy 2.1.2:—**

~~Participate in water conservation and protection programs of the SWFWMD, and seek assistance in the development of a water shortage plan, which establishes preparations for emergency water supply interruptions. Develop mechanisms to ensure appropriate procedures are followed during district declared and local emergency water supply interruptions, as required by Chapter 373.609 (MOVED TO AQUIFER PROTECTION ELEMENT), F.S. by establishing chain of command communication between the Southwest Florida Water Management District, the city clerk, public utilities director, plant operators, newspapers, law enforcement and local citizens. Information on water shortage and conservation programs shall be disseminated through the monthly billing statement.~~

**Policy 2.1.3:—**

~~Through a landscape ordinance adopted by May 1, 1992, require that at least 40 percent of all landscaping plans use native or drought tolerant vegetation and other xeriscape practices in landscaping, which requires minimum watering. (MOVED TO AQUIFER PROTECTION ELEMENT)~~

**Policy 2.1.4:—**

~~Cooperate with no watering restrictions of the county and SWFWMD during drought conditions.~~

**Policy 2.1.5:—**

~~No development shall be permitted by the City until the applicant has demonstrated that all proper state and federal permits have been obtained for stormwater treatment.~~

**Policy 2.1.6:—**

~~Coordinate with SWFWMD in the protection of aquifer recharge areas after such information on prime recharge areas is made available. As soon as such information becomes available, the City shall amend the comprehensive plan to protect prime recharge areas. As an interim measure, the following impervious surface ratios shall apply to new development and redevelopment: all new subdivisions and nonresidential development shall provide a minimum of 30 percent pervious (porous) open space or green area, except within the historic district. (MOVED TO AQUIFER PROTECTION ELEMENT)~~

**Policy 2.1.7:—**

~~All new development (other than in the agricultural district) shall utilize central sewer and water. Existing development shall hook up to central sewer within 90 days of availability. (MOVED TO PUBLIC FACILITIES ELEMENT)~~

**Policy 2.1.8:**

~~Ensure state laws requiring low volume plumbing fixtures for new construction are followed through building permit procedures.~~

**Objective 2.2:**

~~By the statutory deadline for Land Use Development Regulations, adopt procedures to ensure that existing and future land use does not adversely impact natural drainage features and functions.~~

**Policy 2.2.1:**

~~Establish minimum design and construction standards for all new development, which ensures that post development runoff rates do not exceed pre development runoff rates, with the following minimum standards:~~

- ~~1. All waterfront development shall use methods of stormwater treatment which filter the first one and a half inch of stormwater runoff of the site prior to direct discharge into surface waters, consistent with SWFWMD and DER rules for Outstanding Florida Waters. Through the site plan review process, development of single family homes on existing platted lots along the river shall be required to have the lot graded in a manner to minimize runoff. Single family lot owners shall be directed to reduce fertilizer and other pollutant runoff into the river through educational programs.~~
- ~~2. Encourage the use of pervious pavement for parking lots. Require grass or pervious turf block for deferred parking areas, including overflow and seasonal parking.~~
- ~~3. Enforce the impervious surface ratios for development and redevelopment listed in Policy 2.1.6.~~
- ~~4. Require that new development utilize appropriate techniques during construction to minimize erosion.~~
- ~~5. Require that all necessary federal, state and county permits for stormwater and surface water management are obtained prior to issuance of development orders.~~
- ~~6. Water collected in agricultural drainage systems shall be routed through vegetated areas, such as field borders or grassed swales, prior to discharge to the river. (MOVED TO PUBLIC FACILITIES ELEMENT)~~

**PUBLIC FACILITIES ELEMENT  
WASTEWATER TREATMENT  
GOALS, OBJECTIVES AND POLICIES**

**GOAL 1:**

~~The City of Dunnellon will secure adequate capacity for treatment and disposal of wastewater, install and maintain adequate wastewater collection and transmission facilities, take steps to conserve water, protect aquifers and ground water resources, provide greater environmental protection, and maintain sufficient services for the sanitary sewer customers.~~ **(MOVED WITHIN PUBLIC FACILITIES)**

The City of Dunnellon shall maintain a Capital Improvements program for water, sewer, drainage and solid wastes to service existing future development and protect natural resources.

**Objective 1.1:**

~~Maximize the~~ Prioritize capital improvements and implement concurrency management and other programs to maximize use of existing facilities, ~~through the implantation of programs and adoption of land development regulations which reduce~~ and discourage urban sprawl.

**Policy 1.1.1:**

Replacement, improvement or expansion of facilities shall be coordinated with adopted level of service standards, and shall incorporate peak demand coefficients when determining capacity and demand.

**Policy 1.1.2:**

Continue or strengthen existing maintenance programs for City-maintained water, sewer and drainage facilities.

**Policy 1.1.3:**

The City of Dunnellon will continue its current program of using reuse effluent for spray irrigation.

**Policy 1.1.4:**

~~The City shall consider, and adopt as appropriate, a means to ensure that new development shares proportionate responsibilities in the provision of facilities and services to meet the needs of that development and maintain adopted level of service standards.~~ **(MOVED FROM WITHIN PUBLIC FACILITIES)**

**Policy 1.1.5:**

All new development (other than bonafide agricultural uses) shall utilize central sewer and water when available as defined by the land developemnt regulations. Existing developed property

shall hook up to central sewer when available. (MOVED FROM WITHIN PUBLIC FACILITIES)  
All new development (other than in the agricultural district) shall utilize central sewer and water.  
Existing development shall hook up to central sewer within 90 days of availability. (MOVED FROM INFRASTRUCTURE)

**Policy 1.1.6:**

The City shall apply the criteria set forth in Future Land Use Policy 6.1 in determining the timing, extent and capacity of proposed capital improvements to extend water and sewer to service additional areas within the City and within its utility service area outside of the corporate limits of the City. The City shall ensure that new service or capacity improvements shall discourage urban sprawl based on the criteria set forth in Chapter 163, Florida Statutes.

**Policy 1.1.7:**

The City Clerk, Public Works, and Building departments shall jointly develop procedures to update facility demand and capacity information as development orders or permits are issued. (MOVED FROM INFRASTRUCTURE)

**Policy 1.1.8:**

Implement provisions through the Land Development Regulations, which ensure that development orders are not issued which lower level of service standards below adopted standards, in conformance with the concurrency requirements adopted in the Capital Improvement Element. (MOVED FROM INFRASTRUCTURE)

**Policy 1.1.9:**

The City will continue to require necessary on-site water system improvements to be completed at the expense of the property owner. (MOVED FROM WITHIN PUBLIC FACILITIES)

**GOAL 2:**

The City of Dunnellon will secure adequate capacity for treatment and disposal of wastewater, install and maintain adequate wastewater collection and transmission facilities, take steps to conserve water, protect aquifers and ground water resources, provide greater environmental protection, and maintain sufficient services for the sanitary sewer customers. (MOVED FROM WITHIN PUBLIC FACILITIES)

**Objective 1.22.1:**

The City of Dunnellon will eliminate existing deficiencies and hazards identified in the wastewater treatment facilities and add additional facilities and services to serve the future needs of the customers so that adopted LOS standards are maintained consistent with the City's adopted concurrency management system.

**Policy 1.2.12.1.1:**

The City of Dunnellon hereby adopts an existing level of service standard for wastewater of 87 gallons per day per person. Peak flow is assumed to equal 1.5 times average daily flow. Projected flows have been rounded to the nearest tenth. Replacement, improvement or expansion of facilities shall be coordinated with adopted level of service standards, and shall incorporate peak demand coefficients when determining capacity and demand.

**Policy 2.1.2:**

**~~Policy 1.2.2:~~**

-

**~~Policy 1.2.3:~~**

For development where the Future Land Use Map of the comprehensive plan allows the use of septic tanks, development orders shall not be issued prior to demonstration that appropriate permits for on-site wastewater treatment systems have been obtained from the Marion County Health Department in accordance with Chapter 10D-6, F.A.C., and other federal, state and local agencies. Private septic tanks shall be performance based septic systems with drip irrigation for effluent disposal.

**Policy 1.2.42.1.3:**

~~The City shall consider, and adopt as appropriate, a means to ensure that new development shares proportionate responsibilities in the provision of facilities and services to meet the needs of that development and maintain adopted level of service standards.~~ **(MOVED WITHIN PUBLIC FACILITIES)**

**Objective 1.3:**

The City Clerk, Public Works, and Building department shall jointly develop procedures to update facility demand and capacity information as development orders or permits are issued.

**Policy 2.1.4:**

The City shall continue to research the feasibility of reuse of water, including spray irrigation and graywater, for new public and private sewage treatment facilities and stormwater facilities. Where such uses are economically viable, physically feasible, and have the least environmental impact they shall be required. **(MOVED FROM CONSERVATION)**

**Objective 2.2:**

The City of Dunnellon will provide wastewater collection and transmission services to its residential and nonresidential customers through the expansion of the wastewater treatment

facility and lines and otherwise through the use of performance-based septic systems where required by state law.

**Policy 1.3.12.2.1:**

All new waterfront development shall utilize central sewer.

**Policy 1.3.22.2.2:** ~~All new development (other than bonafide agricultural uses) shall utilize central sewer and water. Existing developed property shall hook up to central sewer when available.~~ **(MOVED WITHIN PUBLIC FACILITIES)**

**Objective 1.4:**

Coordinate with Marion County in the establishment of the Rainbow River Sewer Taxing District, so that Dunnellon may participate in the District, and connection of service to existing developed areas within the City along the river. **(MOVED FROM INFRASTRUCTURE)**

**Policy 2.2.3:**

Expansion of sewer to unsewered areas shall be based upon the need for protection of water quality of the Rainbow River and Withlacoochee River; existing waterfront lots shall be given first priority. **(MOVED FROM INFRASTRUCTURE)**

**Objective 2.3:**

The City of Dunnellon will minimize wastewater resulting from infiltration and inflow.

**Policy 1.4.12.3.1:**

Estimates of infiltration and inflow will be made at least every five (5) years as needed. Where economically feasible, system improvements will be made to reduce these levels. Records shall be held by the Department of Public Works.

**Objective 1.52.4:**

Funded with state or federal grants and low interest loans, the City of Dunnellon will expand, replace, and rehabilitate the central sanitary sewer system.

**Policy 1.5.12.4.1:**

The City shall continue applying for wastewater disposal loans and grants. Other options for funding shall also be researched and implemented if feasible, including:

- A. Feasibility of using CDBG program monies for infrastructure improvements during the next grant cycle;
- B. Application for available grants to assist in funding of sewer or water extension;

- C. Technical and financial assistance from the Southwest Florida Water Management District under the Surface Water Improvement and Management program or Basin District under the Surface Water Improvement and Management program or Basin Board funding to correct the direct discharge of any untreated stormwater; and
- D. Records shall be held by the Department of Public Works.

**Objective 1.6:**

~~Establish priorities for the replacement of existing facility deficiencies, the correction of existing facility deficiencies, and providing for future facility needs.~~

**Policy 1.6.1:**

~~Capital improvement projects needed for replacement or correction of existing deficiencies in the sanitary sewer service area shall be given priority over providing for future facilities needs. (MOVED WITHIN PUBLIC FACILITIES) Sanitary sewer capital improvements shall be implemented each year in order of priority. Improvements required for public health shall receive the highest priority; improvements related to providing the level of service standard shall receive the second highest priority; and operational, convenience, and other improvements shall receive the third highest priority.~~

**GOAL 23:**

The City shall provide for solid waste disposal service in a sanitary, economic, and environmentally safe manner.

**Objective 2.13.1:**

Continue to ensure satisfactory and economical solid waste service for all City residents, with an emphasis on reuse and recycling.

**Policy 2.1.13.1.1:**

The City hereby establishes the following level of service standards for solid waste disposal facilities:

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	5.3 pounds per capita per day

**Policy 3.1.2:**

Continue the intergovernmental agreement with Marion County to ensure that the City's adopted level of service standards for solid waste disposal can be met by the County landfill.

**Objective 2.23.2:**

Reduce amount of solid waste disposed per capita through waste reduction strategies that include waste prevention, source reduction, reuse, and recycling.

**Policy 2.2.13.2.1:**

The City shall maximize the use of solid waste facilities through implementation of a recycling program [in accordance with the Solid Waste Management Act](#).

**Objective 2.33.3:**

The City shall prohibit the siting of solid waste and hazardous waste facilities within environmentally sensitive areas to minimize the water quality impacts from solid waste and hazardous waste facilities.

**Policy 2.3.13.3.1:**

The City shall develop design criteria for the siting of solid or hazardous waste disposal, treatment and transfer facilities within the City. The City may prohibit these facilities in areas shown to be in the unconfined area of the Floridan Aquifer, areas with surface waters, and areas with wetlands.

**GOAL 34:**

Develop and maintain a stormwater management system that minimizes flooding, protects, preserves, and enhances desirable water quality conditions, and, where possible, preserves and utilizes existing natural features.

**Objective 3.14.1:**

Ensure provision of drainage and stormwater retention through level of service standards and design requirements to minimize flooding and to protect and improve water quality.

**Policy 3.1.14.1.1:**

The City hereby establishes the following water quantity and quality level of service standards for drainage facilities:

**LEVEL OF SERVICE STANDARD**

The City shall enforce a 25-year frequency, 24-hour duration, design storm level of service for open basins and a 100-year 24 hour duration level of service for closed basins as the basis for stormwater management system design for proposed new development and redevelopment projects, and for determining availability of facility capacity. Stormwater collection systems (including designs for minimum impacts to the natural water flow), transport systems, and allowable peak density rates shall meet requirements and specifications as defined in the City of Dunnellon Land Development Code. Developers will also be required to analyze the ultimate effects of stormwater disposal for all storm events, up to and including the 100-year, 24-hour duration, storm event. In addition, developers will comply where applicable with the SWFWMD

flood control criteria for stormwater quantity and quality [Chapters 40D-4, 40D-40, and 40C-400, F.A.C.].

The demand for stormwater facility capacity by new development shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the design storm level of service standard stated above and facility design procedures consistent with accepted engineering practice.

The City shall ameliorate the future discharge of inadequately treated stormwater runoff into waters and wetlands of the state by requiring that the first one-inch of runoff be retained on-site, or in the case of runoff entering any body of water designated an Outstanding Florida Water (OFW), the first one and a half inches shall conform to the standards used by SWFWMD and DEP.

**Policy 3.1.24.1.2:**

The City shall require the construction of roads within new plats or replats to be arranged so that the grades of the streets shall conform as closely as possible to the original topography to prevent the interruption of natural drainage flows, including sheet flow and flow to isolated wetland systems.

**Policy 3.1.34.1.3:**

Establish minimum design and construction standards for all new development, which ensures that post-development runoff rates do not exceed pre-development runoff rates, with the following minimum standards:

- A. All waterfront development shall use methods of stormwater treatment which filter the first one and a half inch of stormwater runoff of the site prior to direct discharge into surface waters, consistent with SWFWMD and DEP rules for Outstanding Florida Waters. Through the site plan review process, development of single-family homes on existing platted lots along the river shall be required to have the lot graded in a manner to minimize runoff. Single-family lot owners shall be directed to reduce fertilizer and other pollutant runoff into the river through educational programs.
- B. Encourage the use of pervious pavement for parking lots. Require grass or pervious turf block for deferred parking areas, including overflow and seasonal parking.
- C. Enforce the impervious surface ratios for development and redevelopment listed in Aquifer Protection Element Policy 5.7.
- D. Require that new development utilize appropriate techniques during construction to minimize erosion.

- E. Require that all necessary federal, state and county permits for stormwater and surface water management are obtained prior to issuance of development orders.
- F. Water collected in agricultural drainage systems shall be routed through vegetated areas, such as field borders or grassed swales, prior to discharge to the river. (MOVED FROM INFRASTRUCTURE)

**Policy 4.1.4:**

The City shall require a certification, by the preparer of the permit plans, that all construction activity undertaken shall incorporate erosion and sediment controls during construction.

**Policy 4.1.5:**

Through intergovernmental agreements with FDOT and the County, ensure that existing drainage structures owned and maintained by those entities perform in accordance with level of service standards. (MOVED FROM INFRASTRUCTURE)

**Policy 4.1.6:**

Future improvements or widening of the City's roadways and drainage structures will include retrofitting for stormwater treatment. (MOVED FROM CONSERVATION)

**Policy 4.1.7:**

The City shall seek funding sources for improvement of existing stormwater outfalls, such as stormwater utility districts, or alternative methods of reducing stormwater pollution, such as street cleaners. (MOVED FROM CONSERVATION)

**Policy 4.1.8:**

The development of any new project along the rivers shall provide a stormwater management system including retention/detention areas, swales and other devices, which filter out pollutants before the stormwater enters the river. (MOVED FROM CONSERVATION)

**Policy 4.1.9:**

Water collected in agricultural drainage systems shall be routed through vegetated buffer areas, such as field borders and grassed swales, to provide treatment consistent with SWFWMD standards. (MOVED FROM CONSERVATION)

**Policy 4.1.10:**

Redevelopment plans shall include site design providing for stormwater treatment on-site. (MOVED FROM CONSERVATION)

**Objective 3.24.2:**

The City shall implement design guidelines for stormwater management facilities to promote dual use, protect natural features, and provide aesthetically pleasing facilities.

**Policy 3.2.14.2.1:**

Stormwater facility design shall incorporate Best Management Practices, including the following features, where practicable:

- A. Joint use of retention and detention basins for passive recreation, habitat and open space.
- B. Use of vegetation, such as cypress and river birch, in retention and detention basin to enhance stormwater management objectives.
- C. On-site retention and detention facilities shall be integrated with other elements of the proposed development through aesthetically sensitive design and the use of landscaping.
- D. Maintain and enhance the existing hydrological and ecological function of stream or drainage corridors or wetland areas which serve stormwater facilities.

**Objective 3.3:**

~~The City shall promote practices that minimize erosion, sedimentation, and stormwater runoff.~~

**Policy 3.3.1:—**

~~The City shall require development practices that minimize land disturbance, the clearing of vegetation and the removal of topsoil. These practices shall be based on established construction best management practices, such as the use of silt fences and sediment basins to retain sediment onsite.~~

**GOAL 45:**

Provide an adequate supply of high quality potable water to customers throughout the service area.

**Objective 4.15.1:**

Achieve and maintain acceptable levels of service for potable water quantity and quality consistent with the City's adopted concurrency management system.

**Policy 4.1.15.1.1:**

Capital improvement projects needed for replacement or correction of existing deficiencies in the community potable water service area shall be given priority over providing for future facilities needs, *(MOVED FROM WITHIN PUBLIC FACILITIES)* if they are imminently needed to

protect the public health and safety and if existing facilities are not meeting maintenance or operation level of service standards adopted herein.

**Policy 4.1.25.1.2:**

The City establishes the following level of service standards for potable water:

- A. Quality: Compliance with all applicable standards of the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection.
- B. Quantity: System-wide potable water distribution and treatment will be sufficient to provide a minimum of 125 gallons per ~~day per equivalent residential unit~~ capita per day on an average annual basis. Plant expansion shall be planned in accordance with Florida Administrative Code.

**Objective 4.2:**

~~Prioritize and execute needed system improvements in a manner which protects existing investments, promotes orderly growth, and is consistent with the Capital Improvements Element and Capital Improvements Program of this Plan.~~

**Policy 4.2.1:**

~~New urban development will only occur within areas where potable water services are available concurrent with development.~~

**Policy 4.2.2:**

~~The City will continue to require necessary on-site water system improvements to be completed at the expense of the property owner.~~ **(MOVED WITHIN PUBLIC FACILITIES)**

**Policy 4.2.3:—**

~~The City shall extend water service in a pattern consistent with the policies of the comprehensive plan, especially the Future Land Use Map and the Future Land Use Element, adhering to a compact urban growth area, promoting infill development and discouraging urban sprawl, as defined in Florida Administrative Code.~~

**Policy 4.2.4:—**

**Policy 5.1.3:**

Replacement, improvement or expansion of facilities shall be coordinated with adopted level of service standards, and shall incorporate peak demand coefficients when determining capacity and demand. **(MOVED FROM INFRASTRUCTURE)**

**Objective 5.2:**

Implement water conservation programs and strategies.

**Policy 5.2.1:**

The City will require water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots, and similar devices in all new construction and renovations, and will comply with the appropriate water management district water use restrictions.

**Policy 4.2.55.2.2:**

Use of the lowest quality water available for appropriate uses, through water storage systems (ie. rain barrels) and ~~grey~~ gray (reclaimed) water supply facilities.

**Policy 4.2.65.2.3:**

The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures.

**Policy 4.2.75.2.4:**

The City shall investigate the feasibility of the installation and use of a reclaimed water system. If investigations find the installation and use of reclaimed water to be feasible, the City shall implement a reclaimed water system.

**GOAL 5:**

~~Protect, maintain, and restore the Floridan Aquifer to ensure the quality and availability of potable water resources for present and future generations.~~ **(MOVED TO AQUIFER PROTECTION)**

**Objective 5.1:**

~~Land development regulations shall include siting requirements for land use which assist in the protection of groundwater aquifer recharge and protection of existing and future groundwater supplies.~~ **(MOVED TO AQUIFER PROTECTION)**

**Policy 5.1.1:—**

~~Well head protection area (WHPA) requirements for current and future wells will continue to be enforced within Dunnellon. These requirements will be consistent with Marion County's WHPA requirements. These guidelines will serve to protect the City's existing wellfields from contamination. Wellhead protection areas will consist of two zones which shall be defined as:~~

~~Primary Zone — For all wells within the City meeting the above criteria, the boundary of the primary zone shall be defined by a 500 foot radius from the wellhead. This area shall be a zone of exclusion for all uses except existing uses that have current functionally related to the water supply system, open space, parks, and playgrounds. No parking areas, structures, or other impervious surfaces, other than those surfaces that are accessory to existing uses, will be allowed in this zone. The above referenced allowable uses, materials, and substances shall be consistent with Chapters 62-521, 381-30, and 62-555.312, F.A.C.~~

~~Secondary Zone – The boundary of this zone shall be defined by a 1,000-foot radius from the wellhead. Existing wells, of any size or depth, must be currently permitted or properly abandoned, prior to the issuance of any development or demolition permit. Prohibited uses, materials and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C. Within this zone, any use other than low density residential, existing non-residential use, or handling, production or storage of hazardous materials and substances shall be considered non-conforming. The following uses shall also be prohibited within this zone:—~~

~~Landfills or sludge disposal sites;~~

~~Effluent spray fields;~~

~~Discharge to ground water through manmade conduits, except for septic tanks and stormwater treatment facilities;~~

~~Feedlots or other concentrated animal waste;~~

~~Stormwater facilities where recharge occurs into a potable water aquifer;~~

~~All uses specified in the Comprehensive Plan – Future Land Use Element  
(**MOVED TO AQUIFER PROTECTION**)~~

**Policy 5.1.2:—**

~~The City shall review the Southwest Florida Water Management District’s regulations regarding high-aquifer recharge areas on an annual basis. In case of changes to these regulations, amendments shall be made to the Land Development Code to reflect the new regulations set forth by the water management district. (**MOVED TO AQUIFER PROTECTION**)~~

## **AQUIFER PROTECTION ELEMENT**

### **GOAL:**

Protect, maintain, and restore the Floridian Aquifer to ensure the quality and availability of potable water resources for present and future generations. (MOVED FROM PUBLIC FACILITIES ELEMENT)

### **Objective 1:**

Land development regulations shall include siting requirements for land use which assist in the protection of groundwater aquifer recharge and protection of existing and future groundwater supplies. (MOVED FROM PUBLIC FACILITIES ELEMENT)

### **Policy 1.1:**

Wellhead protection area (WHPA) requirements for current and future wells will continue to be enforced within Dunnellon. These requirements will be consistent with Marion County's WHPA requirements. These guidelines will serve to protect the City's existing wellfields from contamination. Wellhead protection areas will consist of two zones which shall be defined as:

- A. Primary Zone - For all wells within the City meeting the above criteria, the boundary of the primary zone shall be defined by a 500 foot radius from the wellhead. This area shall be a zone of exclusion for all uses except existing uses that functionally related to the water supply system, open space, parks, and playgrounds. No parking areas, structures, or other impervious surfaces, other than those surfaces that are accessory to existing uses, will be allowed in this zone. The above referenced allowable uses, materials, and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C.
- B. Secondary Zone - The boundary of this zone shall be defined by a 1,000 foot radius from the wellhead. Existing wells, of any size or depth, must be currently permitted or properly abandoned, prior to the issuance of any development or demolition permit. Prohibited uses, materials and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C. Within this zone, any use other than low density residential, existing non-residential use, or handling, production or storage of hazardous materials and substances shall be considered non-conforming. The following uses shall also be prohibited within this zone:
  - 1. Landfills or sludge disposal sites;
  - 2. Effluent spray fields;
  - 3. Discharge to ground water through manmade conduits, except for septic tanks and stormwater treatment facilities;
  - 4. Feedlots or other concentrated animal waste;

5. Stormwater facilities where recharge occurs into a potable water aquifer; and All uses specified in the Comprehensive Plan - Future Land Use Element. (MOVED FROM PUBLIC FACILITIES ELEMENT)

**Policy 1.2:**

The City shall review the Southwest Florida Water Management District's regulations regarding high aquifer recharge areas on an annual basis. In case of changes to these regulations, amendments shall be made to the Land Development Code to reflect the new regulations set forth by the water management district. (MOVED FROM PUBLIC FACILITIES ELEMENT)

**Objective 2:**

Implement water quality protection strategies for the two springsheds that exist in Dunnellon.

**Policy 2.1:**

The City will prohibit the sale and use of fast release pesticides within city limits.

**Policy 2.2:**

The City shall provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices

**Policy 2.3:**

The City will incorporate the principles of the Florida Yards and Neighborhoods Program into local landscaping ordinances.

**Objective 3:**

Maintain reasonable and appropriate potable water usage (125 gal/person/day) consistent with the current Conservation Element amendments of the Comprehensive Plan.

**Policy 3.1:**

The City will promote water conservation through the enforcement of the adopted Florida Building Code which requires such items as low-volume commodes, water flow restrictions for showers and spigots, and similar devices in all new construction and renovations, and will comply with the appropriate water management district water use restrictions. (MOVED FROM PUBLIC FACILITIES ELEMENT)

**Policy 3.2:**

Use of the lowest quality water available for appropriate uses, through water storage systems (i.e. rain barrels) and gray (reclaimed) water supply facilities. (MOVED FROM PUBLIC FACILITIES ELEMENT)

**Policy 3.3:**

The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures. (MOVED FROM PUBLIC FACILITIES ELEMENT)

**Policy 3.4:**

Participate in water conservation and protection program of the Southwest Florida Water Management District. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.5:**

Encourage the use of native vegetation in landscaping, which reduces irrigations needs. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.6:**

Coordinate with the Southwest Florida Water Management District to ensure the City and its residents comply with the requirements for water conservation during times of water shortage. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.7:**

Maintain a water conservation program which includes: progressive rate structures; leak detection and remediation programs; and educational programs. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.8:**

Coordinate with the Southwest Florida Water Management District in development of organized procedures to be followed during emergency water supply interruptions. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.9:**

Enforce state laws requiring low volume plumbing fixtures for new construction through building permit procedures. (MOVED FROM CONSERVATION ELEMENT)

**Policy 3.10:**

Participate in water conservation and protection programs of the SWFWMD, and seek assistance in the development of a water shortage plan, which establishes preparations for emergency water supply interruptions. Develop mechanisms to ensure appropriate procedures are followed during district-declared and local emergency water supply interruptions, as required by Chapter 373.609, Florida Statutes by establishing chain-of-command communication between the Southwest Florida Water Management District, the city clerk, public utilities director, plant

operators, newspapers, law enforcement and local citizens. Information on water shortage and conservation programs shall be disseminated through the monthly billing statement. (MOVED FROM INFRASTRUCTURE ELEMENT)

**Objective 4:**

Limit the use of impervious surfaces to increase land availability for aquifer recharge.

**Policy 4.1:**

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through the following techniques. Not all techniques may be required to accomplish the requirement to minimize connections:

- A. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- B. Directing flows from paved areas to vegetated areas;
- C. Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- D. Breaking up flow directions from large paved surfaces. (MOVED FROM FUTURE LAND USE ELEMENT)

**Policy 4.2:**

Porous pavement materials, such as pervious concrete, pervious asphalt, or other pervious or porous materials shall be used to minimize the amount of impervious surface within all development. (MOVED FROM FUTURE LAND USE ELEMENT)

**Policy 4.3:**

Implement innovative site design techniques, which protect the aquifer and maintain aquifer recharge capabilities, such as cluster development, pervious pavement, green development, water and energy efficient development, and open space requirements. (MOVED FROM CONSERVATION ELEMENT)

**Policy 4.4:**

Require that at least 40 percent of all landscaping plans use native or drought-tolerant vegetation and other xeriscape practices in landscaping, which requires minimum watering. (MOVED FROM INFRASTRUCTURE ELEMENT)

**Objective 5:**

Provide for the management of hazardous waste in order to protect environmental quality, potable water supplies, and health, safety, and welfare of Dunnellon's population, through implementation of monitoring and other programs upon adoption of the plan, and through

policies for siting of new land uses involving hazardous waste. **(MOVED FROM CONSERVATION ELEMENT)**

**Policy 5.1:**

The City shall cooperate with any state, federal, or local programs concerning hazardous waste. **(MOVED FROM CONSERVATION ELEMENT)**

**Policy 5.2:**

Prior to any activity that stores, uses or produces hazardous waste, the responsible party shall:

- A. Develop an emergency response system addressing accidents involving hazardous waste.
- B. Ensure that location of the site will not degrade quality of groundwater or surface water or other natural resources.
- C. Ensure DEP standards for transfer, handling, and storage of hazardous waste are implemented by undergoing review and approval under the Marion County Storage Tank Program.
- D. Coordinate with State, Regional and County officials to demonstrate that compliance with the above requirements will satisfy all regulations and policies. **(MOVED FROM CONSERVATION ELEMENT)**

**Policy 5.3:**

Promote the collection and recycling of hazardous wastes by providing public information and programs such as Amnesty Days and the locations of approved recyclers. **(MOVED FROM CONSERVATION ELEMENT)**

**Policy 5.4:**

- A. All new underground storage tanks within the City shall be required to provide a double lining, consistent with [DEP rules](#). All land use requests for installation of underground storage tanks shall not be issued development orders until approved by the Marion County Underground Storage Tank Program to ensure consistency with [DEP rules](#).
- B. All existing underground storage tanks within the City shall be inspected annually in accordance with the Marion County Underground Storage Tank Program. Existing hazardous substance storage tank systems shall be required to meet performance standards of [DEP Rules](#).
- C. Prior to permitting of demolition or redevelopment of land uses which contain underground storage tanks, the developer shall be required to submit closure plans consistent with [DEP Rules](#). to the Marion County Underground Storage Tank Program officials for prior approval.

- D. Should the City police, fire department, public works personnel or other staff become aware of any spills throughout the City, the Public Works Director shall report the information within 24 hours to the Marion County Underground Storage Tank Program and request assistance under the program towards enforcement of cleanup procedures.
- E. Above ground storage tanks systems shall meet the standards of DEP Rules. (MOVED FROM INFRASTRUCTURE ELEMENT)

**Policy 5.5:**

Owners of existing underground storage tanks within 1000-foot radius of any public potable water well shall monitor groundwater quality and report quarterly to the City. Any tank found to be leaking shall be required to report within 24 hours to the Marion County Storage Tank Program. (MOVED FROM CONSERVATION ELEMENT)

**Policy 5.6:**

The City shall verify that adequate potable water supplies are available, consistent with adopted level of service standards, prior to issuing development orders. (MOVED FROM CONSERVATION ELEMENT)

**Policy 5.7:**

Coordinate with SWFWMD in the protection of aquifer recharge areas after such information on prime recharge areas is made available. As soon as such information becomes available, the City shall amend the comprehensive plan to protect prime recharge areas. As an interim measure, the following impervious surface ratios shall apply to new development and redevelopment: all new subdivisions and nonresidential development shall provide a minimum of 35 percent pervious (porous) open space or green area, except within the historic district. (MOVED FROM INFRASTRUCTURE ELEMENT)

## **CONSERVATION ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **GOAL**

To manage, conserve and protect Dunnellon's natural resources through a balance of man's activities with sound environmental practices.

### **AIR QUALITY**

#### **Objective 1:**

The City of Dunnellon currently enjoys good ambient air quality. However, the City recognizes air quality may be negatively affected by future land uses. Therefore, it is the City's objective to maintain existing high standards of ambient air quality within the planning timeframe.

#### **Policy 1.1:**

All proposed commercial development which may impact air quality shall undergo the site plan review process, where the following standards shall be enforced:

- A.     ∴—Any proposed industrial uses will be located in areas deemed to have the least impact on air quality standards.
- B.     ∴—The applicant shall include documentation that ambient air quality in the City will not be lowered.
- C.     The applicant shall use adequate landscaping to promote air quality and effectively reduce noise and view impacts to adjacent property.

#### **Policy 1.2:**

The City shall promote the use of alternative modes of transportation where economically feasible, including bicycle paths and walking trails.

#### **Policy 1.3:**

The City shall cooperate with any local, state, or federal agency programs, which monitor or otherwise contribute to maintenance of air quality.

### **SURFACE WATER QUALITY**

#### **Objective 2:**

The Rainbow River and Withlacoochee River are irreplaceable recreational and aesthetic resources to the City. The City shall ensure that existing and future land uses do not contribute to a decrease in surface water quality, through enforcement of the following policies and through

requirements for development and density limitations according to provision of central sewer facilities and criteria for site plan review.

**Policy 2.1:**

The surface waters of the City, including lakes, rivers and wetlands, shall be designated conservation areas. The following requirements shall apply to property along rivers, navigable coves, and abutting wetlands:

- A.     ⚡All waterfront development shall use methods of stormwater treatment which filter stormwater prior to direct discharge into surface waters, consistent with SWFWMD and DEP rules for Outstanding Florida Waters.
- B.     ⚡Minimum setbacks of not less than 150 feet from the ordinary high water line of rivers, navigable coves, and abutting wetlands shall be established for all development along the river. This area shall be known as the river corridor protection area.
- C.     ⚡All development permits shall be conditioned upon an applicant obtaining all necessary state and federal permits before commencement of the development.
- D.     ⚡No dredging or filling will be allowed in wetlands, except where prohibition would deny all reasonable use of the property; in such cases, activities meeting this standard shall replace wetlands by type, form and function according to the standard imposed by the state or federal agency.
- E.     ⚡For existing and new development, clearing of shoreline and wetland vegetation within 150 feet of the ordinary high water shall be limited to that required to provide access to the shoreline; in no case shall clearing exceed 10 percent of the total shoreline of each property.
- F.     The removal of healthy, non-nuisance trees shall be in accordance with the tree ordinance.
- G.     ⚡No hazardous, toxic, chemical, petroleum, nuclear waste, or liquid sludge shall be discharged into lakes or wetlands. No bulk hazardous wastes including septic tank effluent or liquid sludge shall be stored within 1,000 feet of the rivers' edge (ordinary high water), except those that obtain appropriate permits by DEP.
- H.     ⚡The construction of new boat ramps along the rivers shall be designed to direct runoff away from the river.
- I.     ⚡Any development adjacent to surface waters shall incorporate Best Management Practices (BMP) for stormwater treatment and for any permissible application of fertilizers and pesticides.

**Policy 2.2:**

Minimum setbacks of not less than 50 feet from water bodies and wetlands outside of the river corridor protection area shall be required for all development.

~~**Policy 2.3:** Future improvements or widening of the City's roadways and drainage structures will include retrofitting for stormwater treatment. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

**Policy 2.3:**

~~**Policy 2.4:** The City shall seek funding sources for improvement of existing stormwater outfalls, such as stormwater utility districts, or alternative methods of reducing stormwater pollution, such as street cleaners. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 2.5:**~~

The City shall coordinate with the Southwest Florida Water Management District Surface Water Management and Improvement Program (SWIM) program regarding continuing measures or funding sources available for preservation of the Rainbow River.

~~**Policy 2.6:** The development of any new project along the rivers shall provide a stormwater management system including retention/detention areas, swales and other devices, which filter out pollutants before the stormwater enters the river. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

**Policy 2.4:**

~~**Policy 2.7:** Water collected in agricultural drainage systems shall be routed through vegetated buffer areas, such as field borders and grassed swales, to provide treatment consistent with SWFWMD standards. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 2.8:**~~

The City shall prohibit the sale and use of fast-release fertilizers within the City limits.

~~**Policy 2.9** Redevelopment plans shall include site design providing for stormwater treatment on-site. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

**Policy 2.5:**

~~**Policy 2.10:** The City shall coordinate with Federal, State and local enforcement agencies to effectively enforce established regulations. [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

**Policy 2.11:**

The City shall prohibit any commercial water withdrawal or diversion of the Rainbow River, and the Withlacoochee River.

**Objective 3:**

The City of Dunnellon is enrolled in the Federal Emergency Management Agency Flood Insurance Program, which designates areas where flooding may incur hazards to public safety and property. In order to reduce such hazards, the City shall continue to enforce its existing floodplain management ordinance, and, to ensure the optimum level of enforcement of the ordinance, maintain mandatory site plan review criteria and additional requirements for development within the floodplain.

**Policy 3.1:**

All proposed development in the flood plain shall provide compensatory storage of floodwater to ensure other areas do not become flood-prone.

**Policy 3.2:**

Development meeting the criteria in Policy 3.1 shall be permitted if the finished elevation of first floor construction is at least one (1) foot above the 100-year flood elevation.

**Policy 3.3:**

Criteria for development in the floodplain shall include the use of anchoring to prevent flotation, use of piers and breakaway walls, protection of water quality and habitat functions of the floodplain, and other criteria deemed necessary by the City to protect public health and safety. Septic tanks shall be prohibited in the 100-year floodplain.

**LAND RESOURCES**

**Objective 4:**

At this time, there are no areas within the City considered suitable for extraction of minerals. However, it is the City's objective to conserve, protect and appropriately use mineral resources within the City, through enforcement of the following policy:

**Policy 4.1:**

No mining activities will be allowed within City limits.

**Objective 5:**

The soils of Dunnellon are subject to erosion problems; areas undergoing development activity are especially prone to wind erosion. It is the City's objective to protect soils through incorporation of the following requirements and criteria for site plan review.

**Policy 5.1:**

The City shall require that “Best Management Practices” be followed during development activities:

- A.     ⊖—Use of hay bales or other effective means to prevent erosion on areas of steep slope shall be required.
- B.     ⊖—Shorelines and wetlands shall be protected with filter berms or fabric screens, as appropriate to prevent siltation into water bodies and wetlands;
- C.     ⊖—All site preparation and landscaping, as shown on the site plan if required for new development, shall be completed prior to certificate of occupancy.
- D.     ⊖—Other best management practices may be required by the City where needed to reduce or eliminate erosion.

**Policy 5.2:**

All landscaping within 150 feet of the ordinary high water line of the rivers shall be native and / or naturalized that ensures the stabilization of soils. The planting of species listed on the Florida Exotic Pest Plant Council’s *Invasive Plant List* is prohibited.

**Policy 5.3:**

Stabilization of banks shall be accomplished by planting of native and / or naturalized vegetation or use of riprap, and not by seawalls; construction of new seawalls is prohibited.

**Policy 5.4:**

Existing seawalls requiring maintenance and repair shall be faced with riprap for stabilization and prevention of undercutting and erosion.

**Policy 5.5:**

The City shall require the use of best agricultural practices on agricultural land to minimize erosion and ensure compatibility with protection of natural systems according to the requirements of the applicable permitting authority.

**Policy 5.6:**

The City shall seek the assistance from the Southwest Florida Water Management District SWIM program and Marion County to remediate erosion problems at the CR 484 bridge tubing and canoe pickup site.

## **FLORAL AND FAUNAL RESOURCES**

### **Objective 6:**

Manage, conserve, and protect all natural communities and wildlife, especially species designated of special status by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish and Wildlife Service, through the following requirements and site plan review process.

### **Policy 6.1:**

Require innovative techniques for new development to protect wildlife species, through site design methods which direct development away from wildlife, such as buffering, cluster housing, and other methods.

### **Policy 6.2:**

Provide incentives for the establishment of conservation easements and preservation areas for new development of private and public lands containing endangered, threatened or species of special concern on-site.

### **Policy 6.3:**

Coordinate with Federal, State and local agencies in enforcement of regulations that pertain to endangered, threatened and species of special concern.

### **Policy 6.4:**

Ensure that development design mitigates any negative impacts through management plans which include Best Management Practices. The City shall seek assistance, as appropriate, from the Florida Fish and Wildlife Conservation Commission prior to approval of new development in areas known to be inhabited by endangered or threatened species.

### **Policy 6.5:**

Enforce regulations, which restrict disturbance of wetlands by development activity; including requiring setbacks, prohibiting dredge and fill, requiring mitigation at the rate of two (2) acres of wetlands for each one (1) acre of disturbed wetlands, unless a more strict standard is imposed by a state or federal agency, and limiting vegetation clearing.

### **Policy 6.6:**

Encourage use of native and / or naturalized species for landscaping of new development, while prohibiting planting of invasive or aggressive exotic vegetation, including Brazilian pepper, melaleuca, ear tree, and Australian pine.

**Policy 6.7:**

Enforce the tree protection ordinance, for the protection of native species, and elimination of undesirable, aggressive exotics.

**Policy 6.8:**

Implement and enforce policies in the Future Land Use Element, which limit density and intensity of development of areas, designated for conservation on the Future Land Use Map.

- A. ~~6.8.1~~—Non-jurisdictional uplands, as determined by SWFWMD, FDEP, or USACOE, shall be investigated for the possibility of plant and animal species of special concern through the databases of the Florida Fish and Wildlife Conservation Commission and the Florida Natural Areas Inventory. Should either of these data banks show a probability of listed species, the property should be ground-truthed. If evidence of listed species is found, the City shall consider an amendment to the Future Land Use Map to designate the area as “conservation” land use. A wildlife management plan consistent with Policies 6.3 and 6.4 shall be implemented.

**Policy 6.9:**

Cypress trees shall be protected and subject to removal only in extenuating circumstances which are enumerated and regulated by City ordinances.

**Policy 6.10:**

The City shall coordinate with Federal, State and local programs for the protection of the most vulnerable ecological communities, including acquisition through state and federal programs.

**Policy 6.11:**

Development projects directly adjacent to the Rainbow and Withlacoochee Rivers shall be required to provide an inventory of endangered or threatened animal species and measures to mitigate adverse impacts.

**Policy 6.12:**

The City shall maintain coordination with all agencies having natural resource management plans, including the Department of Environmental Protection (which has jurisdiction over the Rainbow River Aquatic Preserve and Outstanding Florida Waters) and Florida Freshwater Fish and Game Commission (which has jurisdiction over fisheries and endangered species), and Southwest Florida Water Management District which has nominated the Rainbow River to the Surface Water Improvement and Management Program.

**Policy 6.13:**

The City shall coordinate with Marion County, Citrus County, the Department of Community Affairs, and the Withlacoochee Regional Planning Council regarding any resource management plans initiated by those agencies.

**Policy 6.14:**

The City shall adopt land development regulations to provide development standards for protection of sandhill habitat.

**GROUNDWATER AND POTABLE WATER RESOURCES**

**Objective 7:**

~~Provide for the management of hazardous waste in order to protect environmental quality, potable water supplies, and health, safety, and welfare of Dunnellon's population, through implementation of monitoring and other programs upon adoption of the plan, and through policies for siting of new land uses involving hazardous waste.~~ **(MOVED TO AQUIFER PROTECTION ELEMENT)**

~~**Policy 7.1:** The City shall cooperate with any state, federal, or local programs concerning hazardous waste.~~ **(MOVED TO AQUIFER PROTECTION ELEMENT)**

~~**Policy 7.2:** Prior to any activity that stores, uses or produces hazardous waste, the responsible party shall:~~

~~:- Develop an emergency response system addressing accidents involving hazardous waste.~~

~~:- Ensure that location of the site will not degrade quality of groundwater or surface water or other natural resources.~~

~~:- Ensure DEP standards for transfer, handling, and storage of hazardous waste are implemented by undergoing review and approval under the Marion County Storage Tank Program.~~

~~:- Coordinate with State, Regional and County officials to demonstrate that compliance with the above requirements will satisfy all regulations and policies.~~ **(MOVED TO AQUIFER PROTECTION ELEMENT)**

~~**Policy 7.3:** Promote the collection and recycling of hazardous wastes by providing public information and programs such as Amnesty Days and the locations of approved recyclers.~~ **(MOVED TO AQUIFER PROTECTION ELEMENT)**

**Objective 8:**

~~To conserve and protect potable water resources and natural aquifer recharge areas from adverse impacts.~~

~~**Policy 8.1:** The City shall continue to research the feasibility of reuse of water, including spray irrigation and graywater, for new public and private sewage treatment facilities and stormwater facilities. Where such uses are economically viable, physically feasible, and have the least environmental impact they shall be required. (MOVED TO PUBLIC FACILITIES ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.2:** In order to protect present and future water supplies, the City shall strictly control the types of new development within a 200-foot radius to potable water wells (This does not apply to nonpotable wells or individual wells serving a single family residence). In addition, all development shall comply with the Marion County Storage Tank Program. [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.3:** Owners of existing underground storage tanks within 1000-foot radius of any public potable water well shall monitor groundwater quality and report quarterly to the City. Any tank found to be leaking shall be required to report within 24 hours to the Marion County Storage Tank Program. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.4:** Participate in water conservation and protection program of the Southwest Florida Water Management District. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.5:** Encourage the use of native vegetation in landscaping, which reduces irrigations needs. (MOVED TO AQUIFER PROTECTION ELEMENT)~~

~~**Policy 8.6:** Coordinate with the Southwest Florida Water Management District to ensure the City and its residents comply with the requirements for water conservation during times of water shortage. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.7:** Maintain a water conservation program which includes: progressive rate structures; leak detection and remediation programs; and educational programs. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.8:** Coordinate with the Southwest Florida Water Management District in development of organized procedures to be followed during emergency water supply interruptions. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.9:** Implement innovative site design techniques, which protect the aquifer and maintain aquifer recharge capabilities, such as cluster development, pervious pavement, green development, water and energy efficient development, and open space requirements. (MOVED TO AQUIFER PROTECTION ELEMENT)~~

~~**Policy 8.10:** Enforce state laws requiring low volume plumbing fixtures for new construction through building permit procedures. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.11:** The City shall verify that adequate potable water supplies are available, consistent with adopted level of service standards, prior to issuing development orders. (MOVED TO AQUIFER PROTECTION ELEMENT) [This policy may be relocated to the Infrastructure Element or Capital Improvements Element. However, until the element is updated, the policy is retained.]~~

~~**Policy 8.12:** The City shall recognize and protect sandhill habitat.~~

**Objective 9:**

Protect, maintain, and restore water quality and quantity within the springsheds of the Rainbow Springs and Kings Bay Group in order to maintain and protect environmental, economic, recreational, and natural functions of springs as fragile resources necessary for sustaining the quality of life.

**Policy 7.1:**

~~**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.~~

A. ∴ All development shall comply with the following setback standards:

**TABLE 9.1.1 7.1.1 Setback Standards from Specific Features.**

<b>Feature</b>	<b>Minimum Setback (Feet)</b>
3 <sup>rd</sup> magnitude and smaller springs	100
Spring runs and rivers	150

1. The minimum setbacks set forth in this Policy and in Policy 2.1.B [~~Reference to Policy 2.1.B is a scrivener error and is intended to reference Policy 2.1.2.~~] 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.
  - a. The setback from springs and spring runs shall be measured from the ordinary high water line.
  - b. Where a lot of record is too small to accommodate development in compliance with the setbacks set forth in Table ~~9.1.1~~7.1.1, an allowable use may be established provided that it complies with the river corridor protection standards established by the city. Standards established by the City shall incorporate the following principles:
    - The building and associated paved areas are located the maximum distance possible from the features listed in Table ~~9.1.1~~7.1.1.
    - A swale and berm are located between the development and the spring, spring run, or river, and
    - The swale and berm are designed to direct drainage away from the feature.
- B. ~~÷~~—The City shall consider and adopt as appropriate regulations to minimize potential adverse impacts of development on environmentally sensitive lands. Development applications that may impact karst features will be required to provide geophysical analysis with at least the following information: the characteristics of on-site soils, locations of geologic features including sinkholes, depressions, and swallets; depth of the water table; location of the Florida Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer.
- C. ~~÷~~—Where a geophysical analysis confirms a direct connection to the aquifer, a comparative nitrate loading analysis shall be prepared by a licensed professional geologist using professionally acceptable methodology based on the designation on the Future Land Use Map at the time of proposed development, considering the maximum intensity possible under the proposed land use designation. The analysis must demonstrate that there is no significant and measurable net increase in nitrate loading to groundwater. The analysis shall also demonstrate that there will be no stormwater discharge into any sinkholes.

**Policy ~~9.27.2~~:**

Landscaping design and maintenance practices shall be implemented that reduce impacts to land in the City.

- A. ~~÷~~—Removal of vegetation shall be limited to the minimum necessary to accommodate development. Buildings and other disturbed areas shall be located to avoid removal of native vegetation to the maximum extent feasible.

- B. ~~∴~~Native, Florida friendly or naturalized species shall be used in all landscape areas in order to avoid or minimize the use of irrigation and fertilizers.
- C. ~~∴~~The land area within the required setback set forth in Table ~~9.1~~ [7.1.1](#) is designated as a buffer and all native vegetation shall be retained, except for minimal removal necessary to provide for pedestrian paths or boardwalks. Paths and boardwalks shall not exceed four (4) feet in width except where required for compliance with the Americans with Disabilities Act and shall not be paved.
- D. ~~∴~~All landscaping for development in the City shall conform to the best management practices as stated in the *Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida Friendly Lawns and Landscapes*. (Florida Department of Environmental Protection and University of Florida, September 2, 2003.)
- E. ~~∴~~The City shall establish guidelines for managing existing and future lawns and landscapes at all City facilities using the educational guidelines contained in the University of Florida Extension’s Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles and Best Management Practices. Such guidelines shall include practices that are designed to reduce nitrate infiltration into ground and surface water.

**Policy 9.37.3:**

The City shall initiate discussion with Marion County, SWFWMD, DEP and other appropriate entities regarding preparation of a carrying capacity study for uses of the Rainbow River. When such a study is prepared, the City will amend its Comprehensive Plan and adopt implementation mechanisms consistent with the study.

**Policy 7.4:**

[Protect groundwater recharge areas and wellhead protection areas as specified in the Aquifer Protection Element.](#)

## RECREATION AND OPEN SPACE ELEMENT GOALS, OBJECTIVES, AND POLICIES

### GOAL

To provide for adequate public and private recreation facilities to meet the needs of Dunnellon residents.

#### Objective 1:

~~Coordinate public and private resources in order to provide~~ Provide land, recreational facilities and parks to meet adopted level of service standards.

#### Policy 1.1:

The City shall maintain a level of service standard of 2 acres per 1,000 population for its neighborhood parks, defined as fewer than five (5) acres.

#### Policy 1.2:

The City shall maintain a level of service standard of 2 acres per 1,000 ~~persons~~ population for its community parks, defined as five (5) acres or more.

#### Policy 1.3:

New residential developments, ~~except single family homes on existing platted lots, shall be required to provide land to meet the recreation and park needs of the residents~~ shall comply with the City's concurrency management requirements.

#### Policy 1.4:

~~The City may accept land dedication; elect to require payment of a fee in lieu of dedication, or a combination of both land and fee. The fee shall be based upon the fair market value of the land which would have been dedicated to the City for park and recreation purposes. Fees in lieu of dedication shall be used for public recreation purposes.~~  
The City will evaluate whether to adopt a Recreation/Parks impact fee.

#### Policy 1.5:

The City will research the feasibility of acquiring right-of-ways for recreational facilities such as hiking trails, greenways, and on-road biking facilities as shown on the City of Dunnellon Draft Recreational Trail Map and the Proposed Trails and Greenways Map.

#### Objective 2:

Ensure that existing public recreation facilities are available to all residents.

#### Policy 2.1:

Allocate sufficient funding in the Capital Improvements Element and annual capital and operating budget to adequately maintain existing park and recreation facilities.

**Policy 2.2:**

The City shall research various forms of funding to support land acquisition and facilities for parking, beach improvements, and provision of children’s play apparatus, including: acquisition of adjacent properties and facilities through private and public donations, fund raisers and matching grant programs.

**Policy 2.3:**

The City shall coordinate with the State and Marion County on funding for initial capital improvements, and maintaining and operating Little League Park year-round.

**Policy 2.4:**

The City shall assess the feasibility of developing improved recreational facilities at Datesman Park and Rainbow Acres Park.

**Objective 3:**

Ensure recreation sites and facilities, including freshwater beaches and shores, are accessible to all of Dunnellon’s residents.

**Policy 3.1:**

Bicycle facilities, including connections to parks and schools, shall be required of new development where the development is adjacent to or includes lands on which future bicycle facilities have been identified on the Proposed Trails and Greenways Map and Draft Recreational Trails Map.

**Policy 3.2:**

Design criteria in the land development regulations shall ensure accessibility to recreation facilities for all residents, including elderly, handicapped, and young children.

**Policy 3.3:**

Road improvement programs shall include sidewalks and bicycle facilities in order to provide access to recreation sites and facilities.

**Policy 3.4:**

Coordinate with DEP Office of Greenways and Trails to facilitate recreational access and trail connectivity.

**Policy 3.5:**

Bicycle parking facilities shall be included at all new public and private parks as part of their initial development, and at all existing parks.

**Policy 3.6:**

Continue coordination mechanisms with the Marion County Sheriff’s Department, the Florida Fish and Wildlife Conservation Commission, and other agencies to ensure enforcement of laws and regulations governing the use of the Rainbow and Withlacoochee rivers.

**Objective 4:**

The City shall regulate conservation areas identified on the Future Land Use Map and ensure the provision of open space by both public agencies and private enterprises.

**Policy 4.1:**

The City shall promote the designation of open space and natural areas through adoption of land development regulations, which require that all new multi-family and non-residential development and all new subdivisions provide a minimum of 30 percent quality, usable open space or green area, except the historical district.

**Policy 4.2:**

The City shall protect the following areas as open space amenities:

- A. The Withlacoochee and Rainbow Rivers, conservation lands, and wetlands.
- B. Areas within the wellfield protection radius of existing and future ~~well fields~~[wellfields](#).
- C. Areas owned by the State of Florida, including the Marjorie Harris Carr Cross Florida Greenway Corridor, which may be leased or acquired in the future for recreation.
- D. Areas that will protect the quality of natural springs.

**Objective 5:**

The City shall coordinate with other governments and organizations and the public to plan for recreation.

**Policy 5.1:**

The City will coordinate with Marion County to provide regional recreation facilities that will serve City residents.

**Policy 5.2:**

The City shall coordinate with Marion County Recreation Department, the Little League, schools, and other governments and organizations to provide recreation programs for children and adults in the City.

**Policy 5.3:**

The City shall coordinate with Marion County School Board and public schools in the City to allow public school facilities to be safely utilized after school hours for recreation programs and informal recreation.

**Objective 6:**

Parks and recreation facilities in the City will be developed and used in a sustainable manner.

**Policy 6.1:**

Tubing access along the Rainbow River shall be limited and monitored in order to protect wildlife, wildlife habitats, and water quality. Monitoring and limiting access shall be a cooperative effort between the City, Marion County, and DEP.

**Policy 6.2:**

Recreational access along the Rainbow River shall be limited and monitored in order to protect wildlife, wildlife habitats, and water quality. Monitoring and limiting access shall be a cooperative effort between the City, Marion County, and DEP.

**Policy 6.3:**

The City shall encourage and participate in recreational impact studies, such as carrying capacity studies, river use studies, or recreational use studies, for the Rainbow River and Withlacoochee River.

**Policy 6.4:**

If future park sites include natural resources, the parks shall be designed to ensure the protection of those resources.

## **INTERGOVERNMENTAL COORDINATION ELEMENT GOALS, OBJECTIVES AND POLICIES**

### **GOAL**

To establish processes which respond to the needs for coordination among City, local, regional, state and federal governments and private entities resulting from the implementation of Dunnellon's comprehensive plan and any incompatible goals, objectives and policies proposed in other local, regional or state plans.

### **Objective 1:**

Coordinate with the Marion County School Board and other units of local government that provide services within the City limits, but do not have regulatory authority over the use of the land.

### **Policy 1.1:**

The City shall maintain communication with state and regional agencies, including the Department of Environmental Protection, Florida Fish and Wildlife Commission, regional planning agencies, and Southwest Florida Water Management District, in order to remain informed of any resource management plans which may be initiated by those agencies.

### **Policy 1.2:**

The City shall initiate an annual meeting to coordinate with state agencies, including the Department of Environmental Protection, in the management of the Rainbow Springs Aquatic Preserve and protection of the springshed.

### **Policy 1.3:**

The City shall maintain compliance with interlocal agreements with the Office of Greenways and Trails for the use of lands for recreation and wastewater disposal.

### **Policy 1.4:**

The City shall coordinate with other governments, organizations, and the public to plan for recreation, including regional recreation facilities, recreation programs, and joint use of facilities.

### **Policy 1.5:**

The City shall coordinate development proposals that include additional residential densities with Marion County and the Marion County School Board to resolve potential conflicts between the governmental entities that provide services and facilities.

**Policy 1.6:**

When conflict between the City and adjacent jurisdictions arise over land use issues, provision of level of service facilities, or other comprehensive plan issues, and that cannot be resolved through normal negotiations, the City shall use the ~~Withlacoochee~~ North Florida Regional Planning Council’s informal dispute resolution process.

**Policy 1.7:**

~~Policy 1.7:~~—The City Council designee shall coordinate with Marion County, FDOT and the Transportation Planning Organization to ensure that impacts of future expansion of the Dunnellon Airport are coordinated with the City’s Future Land Use and Traffic Circulation Elements.

**Policy 1.8:**

The City shall work with other permitting agencies in order to receive early notice of permit applications for properties located within the City limits.

**Objective 2:**

Coordinate the impacts of development proposed in the City’s Comprehensive Plan upon development in Marion and Citrus Counties, the region, and the state.

**Policy 2.1:**

~~Policy 2.1:~~—The City shall provide information on amendments to its adopted Future Land Use Map to Marion County, ~~Withlacoochee~~ North Florida Regional Planning Council, ~~—~~ and to Citrus County to aid those governments in review of proposed developments for potential incompatibilities with the City’s plan.

**Policy 2.2:**

The City shall provide comments to the ~~Withlacoochee~~ North Florida Regional Planning Council during the review of any proposed Development of Regional Impact project which may impact the City.

**Policy 2.3:**

The City shall provide enforcement agencies with written copies of any changes to City regulations that pertain to the Withlacoochee and Rainbow Rivers. The agencies shall include, but are not limited to, the U.S. Coast Guard, Marion County Sheriff’s Office, Florida Fish and Wildlife Commission, Florida Marine Patrol and U.S. Army Corps of Engineers,

**Policy 2.4:**

The City shall maintain communication with the Southwest Florida Water Management District regarding the SWIM program for the Rainbow River.

**Policy 2.5:**

The City shall initiate quarterly meetings with Marion [County](#) and Citrus County officials and staff to discuss proposed land development activity adjacent to the City limits.

**Policy 2.6:**

The City shall initiate quarterly meetings with Marion, Citrus, and Levy Counties to discuss the impacts of regionally significant issues, such as Developments of Regional Impact, or other projects that impact Dunnellon's roads and natural resources.

**Objective 3:**

Maintain effective communication strategies between the City, Marion County, the Marion County School Board, and other governmental entities having operational and maintenance responsibilities for public facilities ~~subject to~~ [within or in proximity to the City or](#) level of service ~~standards and ensure coordination with the Future Land Use Element~~ [planning targets](#).

**Policy 3.1:**

Provide written notification to Marion County for problems or issues associated with public facilities or structures within the City that are maintained by the County, and cooperate in the establishment of a program or programs to correct problems.

**Policy 3.2:**

The City shall maintain an interlocal agreement with Marion County to ensure availability of adequate capacity in the County landfill for use by the City.

**Policy 3.3:**

The City shall provide an annual report to Marion County estimating the City's service area population and the anticipated tonnage of solid waste to be disposed.

**Policy 3.4:**

The City shall rely on written communications with FDOT and representation on the Ocala-Marion County Transportation Planning Organization (TPO) to ensure that scheduled transportation improvements are consistent with the development plans of the City, and to ensure that the City is aware of any transportation improvements proposed by those entities.

**Policy 3.5:**

The City shall maintain representation on the Transportation Planning Organization for purposes of coordinating future transportation needs and land use plans.

**Policy 3.6:**

The City shall review Marion County and Citrus County comprehensive plans and plan amendments to ensure that future development does not result in a lowering in the level of service of the roadways within the City.

**Policy 3.7:**

The City shall participate with Marion, Citrus, and Levy Counties to plan for the location and extension of public facilities that are subject to concurrency, for siting facilities that have countywide significance, and for siting problematic land uses.

**Policy 3.8:**

The City of Dunnellon shall coordinate with Marion County to either execute an interlocal agreement or establish a joint airport zoning board pursuant to the requirements of Section 333.03(1)(b), Florida Statutes (2016), by January 1, 2017.

**Objective 4:**

The City shall coordinate annexation issues and future land use designations on lands adjacent to the Dunnellon City limits with Marion County to ~~prevent~~discourage urban sprawl outside City boundaries and to resolve potential conflicts on issues regarding the use of land, springshed protection, and the provision of public services and facilities.

**Policy 4.1:**

The City shall propose ~~a~~ joint planning ~~agreement~~agreements with Marion County, Citrus County and Levy County for lands lying beyond the City limits to coordinate impacts on public facilities and to ~~prevent~~discourage urban sprawl ~~and leapfrog development patterns~~.

~~**Policy 4.2:** The City shall propose a joint planning agreement with Citrus County for lands lying beyond the City limits to coordinate impacts on public facilities and to prevent urban sprawl and leapfrog development patterns.~~

~~**Policy 4.3:** The City shall propose a joint planning agreement with Levy County to coordinate impacts of development on public facilities and to prevent urban sprawl and leapfrog development patterns.~~

**Policy 4.2:**

**Policy 4.4:**

The City may propose joint planning agreements for annexation that shall be coordinated with the appropriate jurisdictions.

**Policy 4.3:    ~~Policy 4.5:~~**

The City shall pursue a joint planning agreement with Marion County to ensure a consistent approach to springs, springshed, and aquifer protection.

**Policy 4.4:    ~~Policy 4.6:~~**

The joint spring's protection agreement shall specify responsibilities for land development regulation, stormwater management, wastewater management, and other matters that impact the springs and springshed. The agreement shall contain joint strategies to be implemented by each local government within the springshed.

**Policy 4.5:    ~~Policy 4.7:~~**

Each joint planning agreement shall: 1) designate a specific area for the agreement; 2) outline procedures for joint City and County actions; 3) identify procedures for administration of land development regulations; and, 4) determine the representation on any joint body created as a result of a joint planning agreement.

**Objective 5:**

Ensure establishment and coordination of the City's adopted plan with the plans of Marion County, other municipalities within the County, and the Marion County School Board through joint processes for collaborative planning and decision-making.

**Policy 5.1:**

The City shall ensure intergovernmental coordination with the Marion County School Board for the location of educational facilities within the City limits, including:

- A. The City shall notify the School Board, within 45 days of receipt of written notice, as to the consistency of the acquisition or leasing of property to be used for new public education facilities with the Dunnellon Comprehensive Plan,
- B. The City shall determine the consistency of any educational capital improvement within the City with the Dunnellon Comprehensive Plan.
- C. The City shall provide notification to the School Board of dates and agendas of Planning Commission and City Council meetings on those plan amendments that have the potential to increase residential units or densities.

**Policy 5.2:**

The City shall participate with the Marion County School Board, Marion County and ~~the~~ other municipalities to develop coordinated population projections and for planning the location of public school facilities.

**Policy 5.3:**

~~Policy 5.3:~~ The City shall maintain communications with the Marion County School Board to ensure the provision of land and infrastructure for future school expansion or new construction proposed within the City limits or within the City's water and sewer utility service area.

**Policy 5.4:**

Coordinate the use of existing and proposed school board facilities, as appropriate, with the implementation of the recreation and open space element of this plan.

**Objective 6:**

Ensure coordination between the City, Marion County, other county municipalities, and the Marion County School Board to establish concurrency requirements for public school facilities.

**Policy 6.1:**

Participate in the development and maintenance concurrency requirements for public school facilities.

**Policy 6.2:**

Develop, adopt, and maintain a Public School Facilities Element consistent with the plans of Marion County and the Marion County School Board.

## CAPITAL IMPROVEMENT ELEMENT GOALS, OBJECTIVES, AND POLICIES

### GOAL

Public facility and public service needs of Dunnellon citizens shall be met in a timely and efficient manner, while maintaining the financial health of the community and promoting orderly compact growth.

### ~~OBJECTIVE~~ Objective 1:

The Capital Improvement Element will be utilized throughout the long range planning period by the City as the formal guide to the construction of new capital facilities, which are necessary to correct existing deficiencies, identified in the Dunnellon Comprehensive Plan. This element shall also guide decisions on facilities to accommodate desired future growth through public or private investment, and ~~or~~ to replace obsolete or worn out facilities.

### ~~POLICY 1~~ Policy 1.1:

Individual capital improvement projects will be budgeted and programmed annually following an evaluation process. Projects will be evaluated based on the following criteria and in accordance with Policy 1.4:

- A. ~~1-1a:~~ Priority based on other projects which are required to meet adopted levels of service, as specified by the individual elements of the Comprehensive Plan, and considering the;
- B. ~~1-1b:~~ Necessity created by public hazards or potential public hazards;
- C. ~~1-1c:~~ The urgency to eliminate existing capacity deficits;
- D. ~~1-1d:~~ The total impact on the City's budget;
- E. ~~1-1e:~~ The financial feasibility of the project; and
- F. ~~1-1f:~~ The plans of other agencies, such as the Southwest Water Management District (SWFWMD) and the Florida Department of Transportation (FDOT) to provide public facilities within the City of Dunnellon;
- G. ~~1-1g:~~ In providing capital improvements, the City shall limit the maximum of outstanding indebtedness to no greater than 10% of the property tax base.

### Policy 1.2: ~~POLICY 1.2:~~

Beginning with the first full fiscal year following the adoption of the Dunnellon Comprehensive Plan, the annual budget process shall have a capital budget component, including adequate provisions for renewal and replacement of capital facilities under the control of the City.

### Policy 1.3: ~~POLICY 1.3:~~

The provision of facilities identified in the ~~schedule of capital improvements~~ Five-Year Capital Improvements Schedule shall be sufficient to meet the needs of ~~development approved prior to the adoption of the Dunnellon Comprehensive Plan~~ existing development and may advance improvements required for annexed lands through the use of a development agreement in accordance with Policy 1.4.

~~Note: 9J-5.016 (3) (b) 2 is not applicable due to the fact that the City is located inland.~~

**Policy 1.4:**

In order to discourage urban sprawl, the City shall prioritize capital improvement expenditures for water, sewer and drainage based on the following order:

- A. Correcting existing system deficiencies, including replacement or upgrade of existing system components, with the highest priority given to correcting known health or safety deficiencies;
- B. Extension of lines or provision of other infrastructure upgrades to serve existing infill developments where deemed necessary due to known performance problems with existing water or sewer lines, private wells, septic systems, stormwater conveyance or treatment facilities or where a concentration of septic systems occur within an area identified as a risk to groundwater quality.
- C. Existing system improvements to meet adopted level of service standards.
- D. Extension of lines or provision of other infrastructure upgrades to serve existing infill developments or vacant infill properties where such service is deemed fiscally prudent based on the policies of the Capital Improvements Element.
- E. Extension of lines or provision of other infrastructure upgrades to serve existing, non-infill developments deemed necessary due to known performance problems with existing water or sewer lines, private wells, septic systems, stormwater conveyance or treatment facilities or where a concentration of septic systems occur within an area identified as a risk to groundwater quality.
- F. Extension of lines or provision of other infrastructure upgrades not meeting the above criteria and consistent with Future Land Use Policy 5.1.

For the purpose of this policy, infill is defined as an existing development at a density over two units per acre or higher or non-residential development with sewage flows greater than 1,500 gallons per acre, or a vacant parcel with a future land use category meeting the same criteria, where the existing development or vacant parcel is located within a quarter mile of a water or sewer line or is contiguous to other parcels served by water or sewer. In applying this policy, the City shall have the flexibility to prioritize provision of infrastructure to serve new development as specified in policy 1.4.F, in situations where the developer executes a service agreement, which the City deems sufficient to advance the improvement.

**OBJECTIVE Objective 2:**

The Capital Improvement Element will be utilized throughout the planning period to coordinate land use decisions and available or projected fiscal resources with a schedule of capital improvements. The schedule of capital improvements will include new or expanded facilities and services needed to maintain adopted level of service standards.

**Policy 2.1:**

~~**POLICY 2.1:**~~—In order to ensure that capital expenditures further the objectives of the Dunnellon Comprehensive Plan each proposed project will be considered in light of the City's policies, which are included in each element of the plan.

**Policy 2.2:**~~**POLICY 2.2:**~~

The City will utilize the Capital Improvement Element to guide development in accord with the plan for future land use. Individual land use decisions [on comprehensive plan amendments](#) will be based on the ability of the City, or the developer, to provide the necessary facilities [in conjunction with anticipated growth demands](#).

**Policy 2.3:**

[The City shall adopt a Five-Year Capital Improvements Schedule by Ordinance in coordination with its annual budget update. The Five-Year Capital Improvements Schedule shall identify proposed improvements, projected improvement costs, and projected revenues to fund the proposed improvements. Publicly funded projects may rely on local, state or federal government funding sources or privately funded projects for which the City does not have fiscal responsibility. Projects may be identified as unfunded with the priority indicated, including projects that may be advanced through the use of a development agreement. The City adopts the Marion County TPO Five Year Transportation Improvement Plan by reference.](#)

**~~OBJECTIVE~~ Objective 3:**

It is the intent of the City of Dunnellon that all future development or expanded development will bear a proportionate cost of facility improvements necessitated by the development in order to maintain adopted level of service standards. The provision to ensure assignment of proportionate cost shall be included in the land development regulations to be adopted one year after plan submission for State review.

**Policy 3.1:**

**~~POLICY 3.1:~~** The adopted levels of service for public facilities will be the same level of service standards adopted in the other elements of the Dunnellon Comprehensive Plan. They are listed as follows:

- A. ~~3-1a:~~ Potable Water Facilities – 125 gallons per capita per day.
- B. ~~3-1b:~~ Sanitary Sewer Facilities – 87 gpd per capita.
- C. ~~3-1c:~~ Solid Waste Facilities – 5.3 pounds per capita per day.
- D. ~~3-1d:~~ Neighborhood Parks – 2 acres per 1,000 population.
- E. ~~3-1e:~~ Community Parks – 2 acres per 1,000 population
- ~~3-1f: Traffic – US 41 from Powell Rd. to North City Limits – Maintain & Improve (Backlogged) (other principal arterials and collector roads – LOS C)~~
- F. ~~Other principal Principal arterials and collector roads – LOS D~~  
~~The adopted level of service standards are compatible with the level of service standards adopted by FDOT and Marion County for these roadways. Backlogged facilities shall maintain operating condition, which is considered by FDOT to be peak hour increase in traffic of five percent or a decrease in average speed of one MPH.~~
- G. ~~3-1g:~~ Drainage Facilities:

The City hereby establishes the following water quantity and quality level of service standards for drainage facilities:

## LEVEL OF SERVICE STANDARD

The City shall enforce a 25-year frequency, 24-hour duration, design storm level of service for open basins and a 100-year 24 hour duration level of service for closed basins as the basis for stormwater management system design for proposed new development and redevelopment projects, and for determining availability of facility capacity. Stormwater collection systems (including designs for minimum impacts to the natural water flow), transport systems, and allowable peak density rates shall meet requirements and specifications as defined in the City of Dunnellon Land Development Code. Developers will also be required to analyze the ultimate effects of stormwater disposal for all storm events, up to and including the 100-year, 24-hour duration, and storm event. In addition, developers will comply where applicable with the SWFWMD flood control criteria for stormwater quantity and quality [Chapters 40D-4, 40D-40, and 40C-400, F.A.C.].

The demand for stormwater facility capacity by new development shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the design storm level of service standard stated above and facility design procedures consistent with accepted engineering practice.

The City shall ameliorate the future discharge of inadequately treated stormwater runoff into waters and wetlands of the state by requiring that the first one-inch of runoff be retained on-site, or in the case of runoff entering any body of water designated an Outstanding Florida Water (OFW), the first one and a half inches shall conform to the standards used by SWFWMD and DEP.

### Water Quality:

Stormwater Management Systems – Stormwater management systems shall be designed to either retain on-site the runoff generated by a 25-year, 24-hour storm or detain and discharge the runoff from a 25-year, 24-hour storm at peak discharge rates which do not exceed pre-development rates.

Water quality treatment, shall be provided for a volume equivalent to  $\frac{3}{4}$  inch of depth over the entire site or the runoff from the first  $1\frac{1}{2}$  inches of rainfall on the entire site, consistent with Chapter 17-25.025(9), FAC, design criteria for Outstanding Florida Waters. All stormwater discharge facilities shall be designed so as to not degrade the receiving water body below the minimum conditions necessary to assure the suitability of water for the designed use of its classification as established in Chapter 17-302, F.A.C.

Site-specific conditions may require other design criteria to be satisfied in order to obtain Water Management District construction permits and shall meet the requirements of Chapter 40D-4, as well as the requirements of ~~FDER~~ [Florida Department of Environmental Protection](#) Chapter 17-40,420, FAC, State Water Policy. To ensure compliance with those requirements, a copy of a valid Water Management District permit or exemption letter shall be presented before building permits or development approvals are granted.

\*Single family, duplex, triplex and quaruplex residential development not located directly on the water shall be exempt from this requirement, so long as stormwater runoff is accommodated by the City's facilities, in accordance with the level or service standards listed in b., above. However, all waterfront development must meet the above standards.

**Policy 3.2:**

~~**POLICY 3-2:**~~ The City shall include in the land development regulations ~~to be adjusted in May 1992 the use of impact fees and/or~~ developers agreements as mechanisms to assess new development a rational and equitable share of the costs of public facilities necessitated by the development.

~~**OBJECTIVE Objective 4:**~~

The annual update of the Capital Improvement Element will be utilized as a guide to monitor capital improvements. It will demonstrate how the City will provide or require the provision of improvements that are identified by the other elements of the Dunnellon Comprehensive Plan.

**Policy 4.1:**~~**POLICY 4-1:**~~

In addition to sources of revenue, which were available in the previous fiscal year, additional sources will be investigated by City staff on an annual basis. The Revenue sources section of the Capital Improvement Element will be updated to reflect current revenue conditions and these sources will be utilized to project revenues in the fiscal analysis.

**Policy 4.2:**~~**POLICY 4-2:**~~

The City will continually explore alternative funding sources for capital projects. When examining the fiscal feasibility of a project the City will consider all available methods of financing and will proceed with a necessary project through the mechanism most beneficial to the city.

~~**OBJECTIVE Objective 5:**~~

The Capital Improvement Element will balance available revenues and borrowing capacity with needed improvement in order to maintain the level of capital debt at a manageable level.

**Policy 5.1:**~~**POLICY 5-1:**~~

A Capital Improvement project will be included in the Capital Improvement Element only after an adequate source of funding, or sources of funding, is/have been identified which will allow a level of flexibility consistent with the potential fiscal demands of the particular project.

**Policy 5.2:**~~**POLICY 5-2:**~~

Capital improvement projects, or individual project phases, will be prioritized in order to allow for project scheduling in accordance with available funding.

**Policy 5.3:**~~**POLICY 5-3:**~~

The City will maintain a contingency fund and/or line of credit which is sufficient to meet unplanned cost overruns in capital projects.

**OBJECTIVE Objective 6:**

Decisions regarding the issuance of development orders and permits will be based upon coordination of the development requirements included in this plan, the land development regulations, and the availability of necessary public facilities needed to support such development at the adopted level of service standards.

**Policy 6.1:POLICY 6-1:**

The City shall use the LOS standards adopted in Policy 3.1 of this Capital Improvements Element for water, sewer, solid waste, parks, ~~traffic~~, and drainage when reviewing the impacts of new development and redevelopment upon public facilities.

**Policy 6.2:**

**POLICY 6-2:**The City shall adopt within the land development regulations ~~adopted by May 1, 1992,~~ a concurrency management procedure to ensure that, at the time of development permit is issued, adequate facility capacity is available or will be available when needed to serve the development. ~~Such concurrency management procedures shall be consistent with the provisions of 9J-5.0055, FAC.~~

**Policy 6.3:**

**POLICY 6-3:**Proposed plan amendments ~~and requests for new development or redevelopment~~ shall be evaluated according to the following guidelines as to whether the proposed action would:

- A. contributed to a condition of public hazard as described in the Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element, and Recreation and Open Space Element~~;~~
- B. exacerbate any existing condition of public facility capacity deficits, as described in the Traffic Circulation, Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element, and Recreation and Open Space Element~~;~~
- C. generate public facility demands that may be accommodated by capacity increases planned in the 5-year schedule of improvements~~;~~
- D. ~~conform with future land uses as shown on the future land use map of the Future Land Use Element, and be served in accordance with the policies set forth in this element regarding prioritization of Capital Improvements Element and within identified~~ service areas as described in the ~~Sanitary Sewer, solid waste, drainage and natural aquifer groundwater recharge elements;~~ the Public Facilities Element;
- E. if public facilities are developer-provided, accommodate public facility demands based upon adopted LOS standards as determined by a service agreement~~;~~
- F. if public facilities are provided, in part or whole, by the city, demonstrate financial feasibility, ~~subject to this element~~ which shall allow for reliance on planned improvements in the fourth and fifth year of the Capital Improvements Schedule; and
- G. affect state agencies and water management districts facilities plans.

**POLICY 6-4:————**

~~In order to ensure that the FDOT standards for the backlogged facility are met, the City's concurrency management system shall be designed to ensure that development permits issued~~

upon the adoption of this plan maintain operating conditions. Maintaining operating conditions shall be defined as: a peak hour increase in traffic of 5 percent or a decrease in average speed of 1 mph.

**Capital Improvements Implementation**

The requirements for implementation of the capital improvements component of the Dunnellon Comprehensive Plan are contained within earlier sections of this element. They are:

- A. ~~1. Schedule of Improvements—see Table 1, below~~
- B. ~~2. Determination of consistency with other plan elements—Described in the section entitled “Needs derived from other elements”~~
- C. ~~3. Projected costs and revenue sources—Table 5.4.~~
- D. ~~Programs to be adopted which will ensure that goals, objectives, and policies of this element are met.~~

**TABLE 1  
CITY OF DUNNELLON CAPITAL IMPROVEMENTS  
FY 1993-1997**

Project Description	Target Year	Estimated Cost (\$)
<b><u>SANITARY SEWER FACILITIES</u></b>		
1. Upgrade existing plant to meet compliance with FDER standards	1992—SF & H	500,000
2. Extensions to existing waterfront unsewered areas Blue Cove II; Burkett; Vogt Springs; then Hendrix Ave.	1992—SF & H	2,170,000
3. Redesign lift stations (5)	1993—SF & H	200,000
4. Upgrade manholes (150)	1997—SF & H	30,000
<b>TOTAL SANITARY SEWER IMPROVEMENTS</b>		
<b><u>DRAINAGE FACILITIES</u></b>		
1. Improve drainage at Dunnellon Square (Powell Road)	1993—GT	25,000
2. Improve drainage at Third Avenue and CR 40	1994—GT	45,000
Complete studies to determine method and cost to correct the following drainage deficiencies:		
3. McKinney Ave. Outfall	1994—GT	10,000
4. Palmetto Way Outfalls	1993—GT	15,000
<b>TOTAL DRAINAGE FACILITY IMPROVEMENTS</b>		<b>95,000</b>

**TABLE 1 (Cont'd)  
CITY OF DUNNELLON CAPITAL IMPROVEMENTS  
FY 1993-1997**

Project Description	Target Year	Estimated Cost (\$)
<u>POTABLE WATER FACILITIES</u>		
1. Purchase property for new well and Water tower (east of Rainbow River) Establish Well #4 (construct well, permitting and testing)	1992—WF	315,000
2. Upgrade water mains to meet pressure needs for fire department	1997—WF	100,000
3. Install isolation valves	1997	15,000
4. Purchase generator: Well #3	1991—WF	30,000
5. Dunnellon Heights water assessment district	1992—WF	25,000
6. New water tank—Well #4	1997	250,000
<u>TOTAL POTABLE WATER FACILITY IMPROVEMENTS</u>		
<u>RECREATION FACILITIES</u>		
1. Improve City beach (additional drainage and parking)	1995—GF	150,000
2. Recreational complex (bicycle/jogging trails)	1997—GF	5,000
<u>TOTAL RECREATION FACILITY IMPROVEMENTS</u>		
		155,000

Source: Director of Public works, City of Dunnellon, 1989.  
Henigar & Ray, Inc., 1991.

- \*: GF: General Fund revenues
- GB: General Revenue Bonds
- SF: Sewer Fund
- FH: Farmers Home Admin. Loan/Grant
- WF: Water Fund Bonds
- RB: Revenue Bond
- GT: Local Option Gas Tax

**TABLE 5**  
**TOTAL REVENUE PROJECTIONS AND REVENUE PROJECTIONS**  
**AFFECTING CAPITAL IMPROVEMENTS**  
**CITY OF DUNNELLON: 1993-1997**

**TOTAL REVENUE PROJECTIONS**

Year—1993	1994	1995	1996	1997	
General Fund	1,208	1,275	1,348	1,426	1,509
Water Fund	267	295	325	358	394
Sewer Fund	222	238	256	275	295
Sanitation Fund	225	246	269	295	323
Revenue (\$)	1,922	2,054	2,198	2,354	2,521

**PROJECTED REVENUE AVAILABLE FOR CAPITAL IMPROVEMENTS\***

General Fund	212	224	237	250	265
Water Fund	41	47	54	61	70
Sewer Fund	78	84	90	96	103
Sanitation Fund	24	27	29	32	35
Revenue (\$)	355	382	410	439	473

Source: Henigar & Ray, Inc., 1991.

Note: All figures in thousands.

\*Based on FY 1988 / 89 Budget Proportions: **(DELETED – OUTDATED)**

## MONITORING AND EVALUATION PROGRAM

The Dunnellon Comprehensive Plan will be evaluated on an annual basis during the preparation of the annual budget in connection with the evaluation of the Capital Improvements Element. In addition, a program has been developed for the annual review of the plan to determine whether it is effectively guiding Dunnellon in decisions about growth and development. This program provides for monitoring on an annual basis as well as a more detailed evaluation after five years or as required by Florida Law.

The annual monitoring program is designed to consider accomplishments and obstacles encountered by Dunnellon in all areas covered by the Comprehensive Plan. At the end of the fiscal year a monitoring report will be prepared which includes a brief statement of the following:

- A. ~~1.~~ Activities or programs undertaken and/or completed within the immediately past fiscal year which implement one or more provisions of the Comprehensive Plan.
- B. ~~2.~~ A list of all plan amendments proposed and whether they were approved or denied. ~~3.~~
- C. ~~3.~~ Problems encountered during the fiscal year which require plan amendment for reasonable solution. ~~4.~~
- D. Recommendations regarding future actions, programs, or plan amendments in response to the findings in (1) through (4) above. Recommendations shall address whether data must be updated, goals/objectives/policies added or modified, and estimate the time and cost for carrying out the recommendations.
- E. ~~5.~~ A brief summary of the development and redevelopment which has occurred in Dunnellon during the fiscal year. ~~6.~~
- F. A brief statement of the relationship of development within Dunnellon to the adopted levels of service.

The annual monitoring report shall be presented to the Dunnellon Town Council after review and comment by the Local Planning Agency (LPA). Consideration of the monitoring report shall be at a regular meeting of the Council.

~~Following the fifth anniversary of the adoption of the Dunnellon Comprehensive Plan, an Evaluation and Appraisal Report (EAR) shall be completed as required by Florida Law. This EAR shall be designed to summarize the annual monitoring reports, addressing each of the seven items described above for the total five year period, and, in addition, including the following provisions:~~

~~1. A program for citizen participation in the evaluation process. The citizen participation program shall be the same as or substantially comparable to the program used for the initial completion and adoption of the Dunnellon Comprehensive Plan. If particular problems or obstacles have occurred during the five year period since initial plan adoption, consideration shall be given to an expanded citizen participation program to address those problems. The citizen participation program shall be described in the EAR.~~

~~The City shall periodically evaluate the Comprehensive Plan pursuant to the requirements of Section 163.3191, Florida Statutes.~~

City of Dunnellon

~~Consolidated Comprehensive Plan~~ Capital Improvement Element  
Concurrency Management System

~~2. An updated data base including, at a minimum, revised population estimates and projections based upon 1990 census data. The updated data shall be used for appropriate revisions to projected needs for the various land uses, housing needs projections, and traffic volume projections. The EAR shall contain a complete methodology and explanation of the basis for determining updated data needs.~~

~~3. Recommendations for actions, programs, or plan amendments as a result of the cumulative findings from the annual monitoring reports, or the updated data and analysis.~~

# CITY OF DUNNELLON CONCURRENCY MANAGEMENT SYSTEM

## INTRODUCTION

~~Chapter 9J-5, Florida Administrative Code, requires the adoption of a concurrency management system to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.~~ This concurrency management system is designed to ensure that prior to the issuance of a development order and development permit, the adopted level of service standards required within this Comprehensive Plan for roads, potable water, sanitary sewer, solid waste, drainage, and recreation and open space will be maintained.

The City has adopted policies within this Comprehensive Plan, which established level of service standards for public facilities; the concurrency management system in turn provides a mechanism for which the City can ensure the maintenance of the standards concurrent with the impacts of development.

In order to adopt a concurrency management system in the City of Dunnellon, three things are required. First, the City must adopt the concurrency management system as an amendment to the comprehensive plan. Section 1 contains the proposed amendment to the Capital Improvements Element to adopt the concurrency management system. Second, the City must amend the level of service standard for stormwater management. The standard contained in the comprehensive plan is no longer consistent with the requirements of the Southwest Florida Water Management District. Section 2 contains the proposed amendments necessary to adopt the current standard. Finally, the City must implement the concurrency management system with administrative procedures. Section 3 contains the administrative procedures for implementation.

### **Section 1. Amendment of the Capital Improvements Element Concurrency Management System**

The City shall review applications for development and a development approval shall be issued only if the proposed development does not lower the existing level of service of public facilities and services below the adopted level of service set forth in the Capital Improvements Element of this Comprehensive Plan.

- 1.1 Developments or redevelopments requiring the use of potable water, sanitary sewer, solid waste, or drainage facilities shall receive development orders subject to:
- The public facilities being in place at the time of issuance of the certificate of occupancy; or
  - The provision of the facilities is guaranteed in an enforceable development agreement pursuant to Section 163.3220, *Florida Statutes*, or an agreement or development order issued pursuant to Chapter 380, *Florida Statutes*, to be in place at the time of certificate of occupancy issuance.

City of Dunnellon

~~Consolidated Comprehensive Plan~~ Capital Improvement Element  
Concurrency Management System

[#4787973v1](#)

1.2 Developments or redevelopments requiring the use of park and recreation facilities shall receive development orders subject to:

- The facilities and services are in place or under construction at the time of development order issuance; or
- Dedication of land and facilities or fees in lieu are committed by the time of certificate of occupancy issuance; and
- The development order is issued conditioned on the necessary facilities and services scheduled to be in place or under construction not more than one year after certificate of occupancy as provided in the Five-Year Schedule of Capital Improvements; or
- The necessary facilities are subject to a binding agreement which requires them to be in place or under construction not more than one year after certificate of occupancy issuance; or
- When the development order is issued, the facilities and services are guaranteed in an enforceable development agreement stipulating that they will be in place or under construction not more than one year after certificate of occupancy issuance.

~~1.3 Developments or redevelopments requiring the use of roads shall receive development orders subject to:~~

- ~~• The public facilities being in place or under construction at the time of issuance of the certificate of occupancy; or~~
- ~~• The development order is issued conditioned on the necessary facilities and services will be in place or under construction not more than three years after certificate of occupancy issuance as provided in the Schedule of Capital Improvements; or~~
- ~~• The landowner has made a binding commitment to the City to provide a proportionate share payment in accordance with Section 163.3180, Florida Statutes.~~

## ~~Section 2. Amendments to Update the Stormwater Management Level of Service Standard~~

~~The City of Dunnellon's existing Infrastructure Element contains a level of service standard for stormwater management facilities. The Southwest Florida Water Management District (SWFWMD) has revised its stormwater management facility water quantity and water quality standards. Therefore, Dunnellon's stormwater management level of service standard is proposed for revision by amending Policy 1.2.1 of the Infrastructure Element as follows:~~

### ~~Infrastructure Element~~

#### ~~Policy 1.2.1:~~

~~The following levels of service standards are hereby adopted:~~

City of Dunnellon

~~Potable Water Facilities: 125 gallons per capita per day~~

~~Sanitary Sewer Facilities: 62 gallons per day per capita~~

~~Solid Waste Facilities: 5.3 pounds/capita/day~~

~~Drainage Facilities: The City shall enforce a 25-year frequency, 24-hour duration, design storm level of service for open basins and a 100-year 24-hour duration level of service for closed basins as the basis for stormwater management system design for proposed new development and redevelopment projects, and for determining availability of facility capacity. Stormwater collection systems (including designs for minimum impacts to the natural water flow), transport systems, and allowable peak density rates shall meet requirements and specifications as defined in the City of Dunnellon Land Development Code. Developers will also be required to analyze the ultimate effects of stormwater disposal for all storm events, up to and including the 100-year, 24-hour duration, storm event. In addition, developers will comply where applicable with the SWFWMD flood control criteria for stormwater quantity and quality [Chapters 40D-4, 40D-40, and 40C-400, F.A.C.].~~

~~The demand for stormwater facility capacity by new development shall be determined based on the difference between the pre-development and post-development stormwater runoff characteristics (including rates and volumes) of the development site using the design storm level of service standard stated above and facility design procedures consistent with accepted engineering practice.~~

~~The City shall ameliorate the future discharge of inadequately treated stormwater runoff into waters and wetlands of the state by requiring that the first one inch of runoff be retained on site, or in the case of runoff entering any body of water designated an Outstanding Florida Water (OFW), the first one and a half inches shall conform to the standards used by SWFWMD and DEP.~~

### ~~Capital Improvements Element~~

~~The Capital Improvements Element contains a policy that reiterates the stormwater level of service policy language in the Infrastructure Element. This policy is proposed for deletion and replacement with a reference to the Infrastructure Element policy.~~

~~Policy 3.1 g: The City shall implement the stormwater level of service standards adopted in the Infrastructure Element, Policy 1.2.1.~~

### **Section 3**

## **Section 2. Administrative Procedures to Implement the Concurrency Management System**

### **3.1.2.1 Purpose and Overview**

City of Dunnellon

~~Consolidated Comprehensive Plan~~ Capital Improvement Element  
Concurrency Management System

[#4787973v1](#)

The City shall require a concurrency review be made with applications for development approvals and a Certificate of Concurrency issued prior to development. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the City. If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with any future application for a development permit. A separate concurrency review shall not be required for each development permit for the same project. Concurrency review addresses only the availability of public facilities and capacity of services and a Certificate of Concurrency does not represent overall development approval.

If the application for development is not concurrent, the applicant shall be notified that a certificate cannot be issued for the development. The burden of showing compliance with the adopted levels of service and meeting the concurrency test shall be upon the applicant.

| [3-2-2.2](#) Applicability

These minimum requirements shall be ensured as follows:

1. Building Permits. The issuance of a building permit has more of an immediate impact on the level of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place [for water, sewer, solid waste and drainage](#). The determination of the existence of the necessary facilities and services in place shall be made by the City as part of the Certificate of Concurrency Compliance procedure. ~~For roads this determination shall apply to the adopted level of service standards for roads within the City's jurisdiction. All public facility impacts shall be determined based on the level of service of the facility throughout the facility geographical service area~~
2. Other Types of Development Orders. Other types of development orders include, but are not limited to, approval of subdivisions, rezoning, special permits, and site plan approval. These other types of development orders have less immediate impacts on public facilities and services than the issuance of a building permit. However, public facilities and services must be available concurrent with the impacts of development permitted by other types of development orders. Therefore, subject to the City determining that the necessary facilities and services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of development orders.
  - a. Provisions shall be included within the development order, which shall require the construction of additional public facility capacity, where public facilities, due to the impacts of the development proposal do not meet the adopted level of service; and,

- b. Such provisions shall require the necessary public facilities be constructed by the developer and at the developer's expense, or by the public or private entity having jurisdictional authority over the facility to the adopted level of service so that the necessary facilities and services will be in place when the impacts of the development occur and within conformance with the Five-year Schedule of Improvements found within the City's Capital Improvements Element.

### 3.3-2.3 Concurrency Determination Procedures

A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in this Comprehensive Plan, which are (1) ~~transportation~~, ~~(2)~~ sanitary sewer, ~~(3)~~ (2) solid waste, ~~(4)~~ (3) drainage, ~~(5)~~ (4) potable water, and ~~(6)~~ (5) recreation and open space.

The concurrency test for facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of any new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations or previously approved development orders.

1. For development orders and permits, the following determination procedures shall apply:
  - a. If an applicant desires to determine whether there is sufficient capacity to accommodate their proposed project, the City shall make an informal nonbinding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed project. If there appears to be insufficient capacity the City shall then make a determination of what public facilities or services would be deficient if the proposed project were approved.

- b. There are certain development approvals that are ineligible to receive concurrency reservation because they are too conceptual, and consequently, do not allow an accurate assessment of public facility impacts. These development approvals are future land use map amendments to the Comprehensive Plan and ~~certain~~ rezoning requests that are not addressed by a Chapter 163 Development Agreement or Concurrency Agreement. Those development approvals shall receive a non-binding concurrency determination.
- c. Any concurrency determination, whether requested as part of an application for development approval or without an application for development approval, is a non-binding determination of what public facilities and services are available at the date of inquiry. The issuance of a Certificate of Concurrency Compliance shall be the only binding action, which reserves capacity for public facilities and services.

2. For roadways, the following determination procedures shall apply:

- a. The City shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the City's Comprehensive Plan. If this level of service information indicates a level of service failure, the applicant may either:
  - 1) Accept the level of service information as set forth in the most recent Data and Analysis Report supporting the City's Comprehensive Plan; or
  - 2) Prepare a more detailed Highway Capacity Analysis based upon a methodology acceptable to the City.
- b. If the applicant chooses to do a more detailed analysis the (1) applicant shall submit the completed alternative analysis to the City for review, and (2) City shall review the alternative analysis for accuracy and appropriate application of the methodology.
- c. If the alternative analysis, after review and acceptance by the City, indicates an acceptable level of service, the alternative analysis shall be used in place of the most recent Data and Analysis to support the City's Comprehensive Plan.
- d. Any proposed development generating more than 250 trips a day shall be required to provide a trip distribution model, in addition to the requirements outlined above.

3. For sanitary sewer, solid waste, drainage, potable water, and recreation and open space the following determination procedures shall apply:
  - a. The City shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the City's Comprehensive Plan.
  - b. If such level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was available.
  - c. If such level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at the acceptable levels of service was not available at the date of application or inquiry.

| [3.4.2.4](#) Priorities

In such cases where there are competing applications for public facility capacity, the following order of priority shall apply:

1. Issuance of a building permit based upon previously approved development orders permitting redevelopment;
2. Issuance of a building permit based upon previously approved development orders permitting new development;
3. Issuance of new development orders permitting redevelopment;
4. Issuance of new development orders permitting new development.

| [3.5.2.5](#) Conditions

In addition, the following conditions apply to the City's concurrency management system:

1. Amendments to the Comprehensive Plan can be made twice each year and as otherwise permitted as small scale developments. In addition, changes can be made to the Capital Improvements Element by ordinance if the changes are limited to the technical matters listed in Chapter 163, Part II, Florida Statutes.
2. No development order or development permit shall be issued which would require the City Council to delay or suspend construction of any of the capital improvements on the Five-year Schedule of Improvements of the Capital

City of Dunnellon

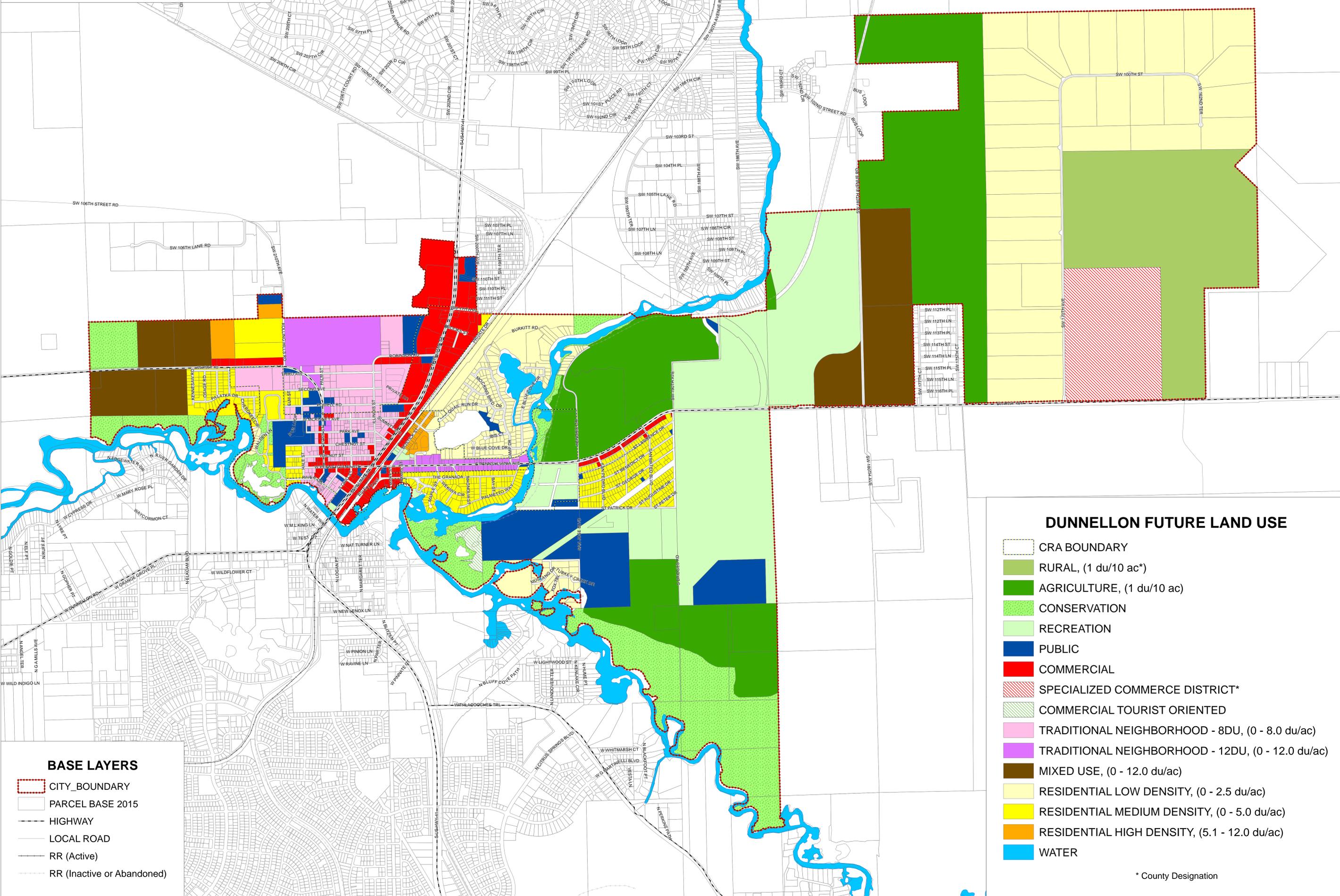
Improvements Element.

3. If by issuance of a development order or development permit a substitution of a comparable project on the Five-year Schedule of Improvements is proposed, the applicant may request the City to consider an amendment to the Five-year Schedule of Improvements ~~in one of the twice annual amendment reviews~~.
4. The result of any development not meeting adopted level of service standards for public facilities shall be cessation of the affected development or the reduction of the standard for level of service (which requires an amendment to the Comprehensive Plan).

[3.6.2.6](#) Certificate of Concurrency Compliance:

A Certificate of Concurrency Compliance shall only be issued upon final development approval. The Certificate of Concurrency Compliance shall remain in effect for the same period of time as the development order or permit granting final development approval. If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for twelve months from the date of issuance.

This Future Land Use Map (FLUM) includes all FLUM amendments adopted by the City of Dunnellon all effective 12/20/2015.



**DUNNELLON FUTURE LAND USE**

- CRA BOUNDARY
  - RURAL, (1 du/10 ac\*)
  - AGRICULTURE, (1 du/10 ac)
  - CONSERVATION
  - RECREATION
  - PUBLIC
  - COMMERCIAL
  - SPECIALIZED COMMERCE DISTRICT\*
  - COMMERCIAL TOURIST ORIENTED
  - TRADITIONAL NEIGHBORHOOD - 8DU, (0 - 8.0 du/ac)
  - TRADITIONAL NEIGHBORHOOD - 12DU, (0 - 12.0 du/ac)
  - MIXED USE, (0 - 12.0 du/ac)
  - RESIDENTIAL LOW DENSITY, (0 - 2.5 du/ac)
  - RESIDENTIAL MEDIUM DENSITY, (0 - 5.0 du/ac)
  - RESIDENTIAL HIGH DENSITY, (5.1 - 12.0 du/ac)
  - WATER
- \* County Designation

**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)

MAP:

**1**

TITLE:

**FUTURE LAND USE MAP**

DATE:

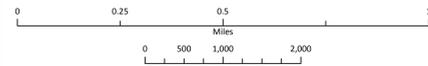
**Feb-10-2016**

BY:

**CP Smith  
STEARNS WEAVER MILLER**



1:10,000



PROJECT:

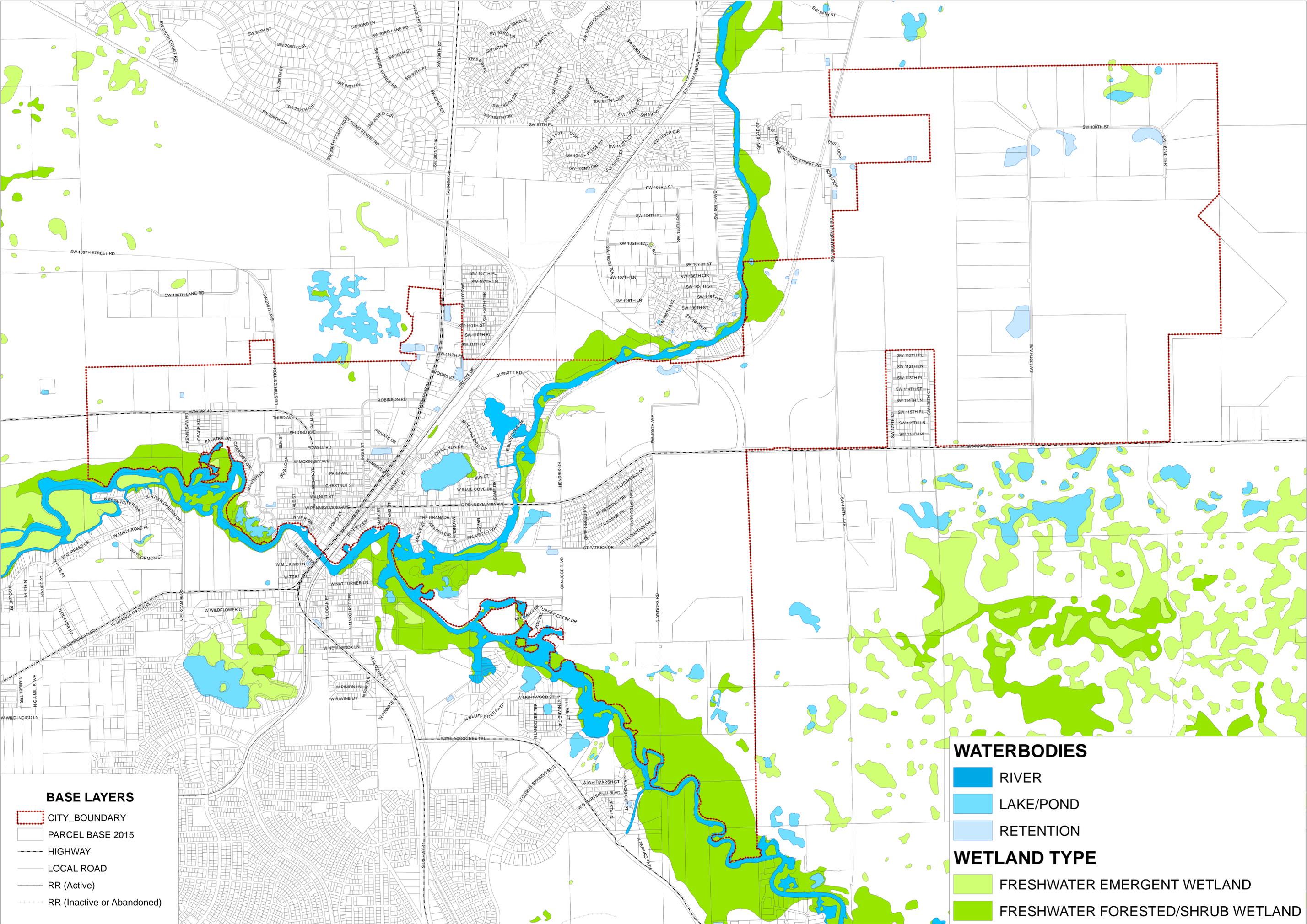
**CITY OF DUNNELLON**

**Marion County, Florida**

**GIS DATA SOURCES:**

Dunnellon\_FLU\_Rev BT.shp, May, 2008.  
 Proposed Future Land Use Map, Oct.14, 2008; Adopted Ordinance 2008-1.  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.  
 This map should not be used for legal purposes. It is intended for general reference use only.





**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)

**WATERBODIES**

- RIVER
- LAKE/POND
- RETENTION

**WETLAND TYPE**

- FRESHWATER EMERGENT WETLAND
- FRESHWATER FORESTED/SHRUB WETLAND

MAP:

**2**

TITLE:

**LAKES, RIVERS & WETLANDS**

DATE:

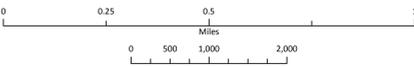
**Feb-10-2016**

BY:

**CP Smith**  
STEARNS WEAVER MILLER



1:10,000



PROJECT:

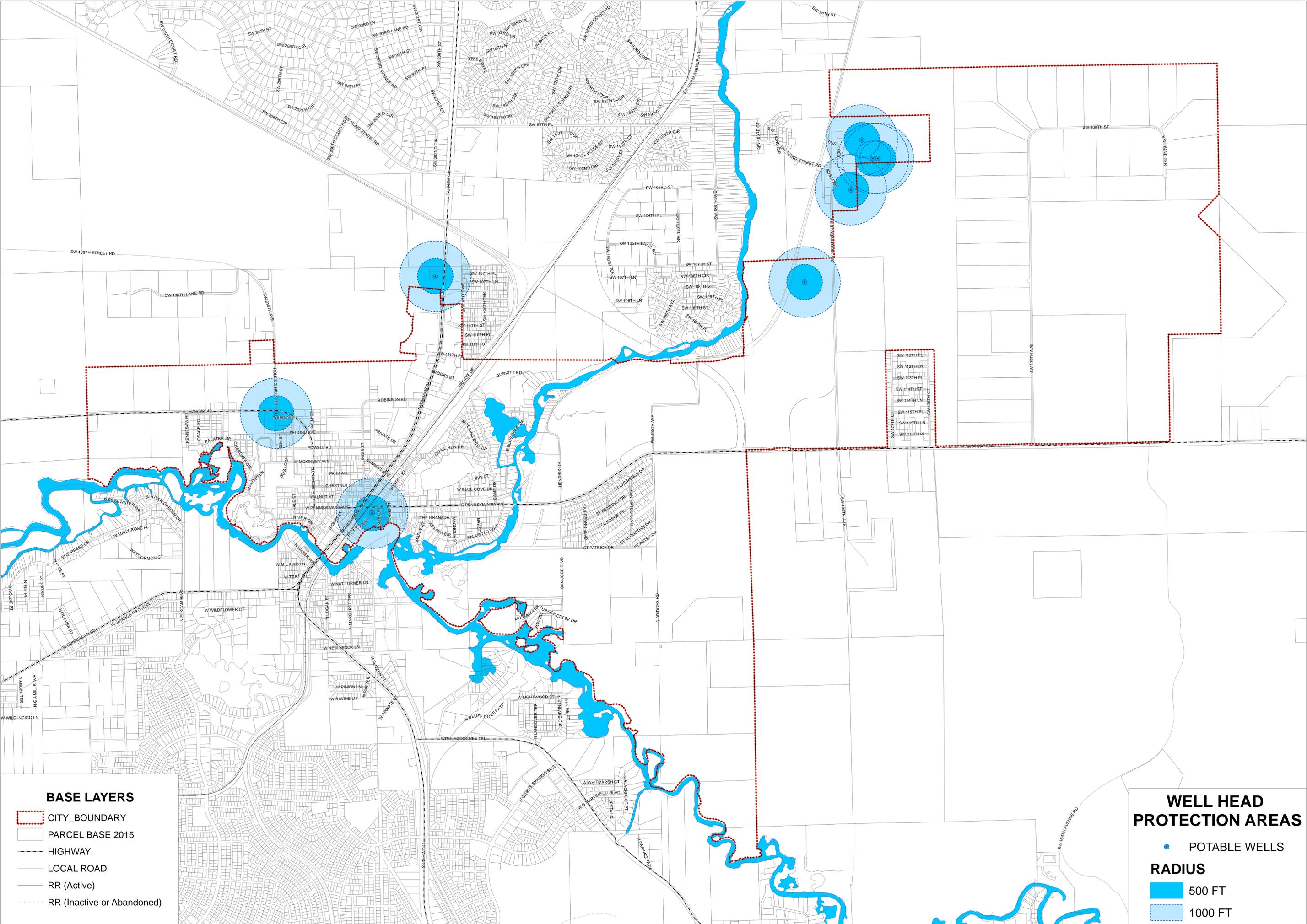
**CITY OF DUNNELLO**

**Marion County, Florida**

**GIS DATA SOURCES:**

U.S. Fish and Wildlife Service: National Wetlands Inventory Program, 01/10/2015.  
 U.S. Geological Survey; National Hydrography Dataset (NHD); 01/08/2016.  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.  
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**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)

**WELL HEAD PROTECTION AREAS**

- POTABLE WELLS
- RADIUS**
- 500 FT
- 1000 FT

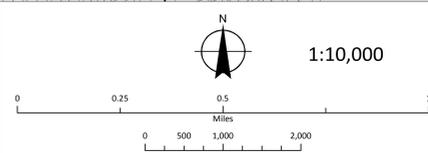
MAP:

**3**

TITLE: **EXISTING CONE of INFLUENCE for WELLFIELDS**

DATE: **Feb-10-2016**

BY: **CP Smith**  
STEARNS WEAVER MILLER

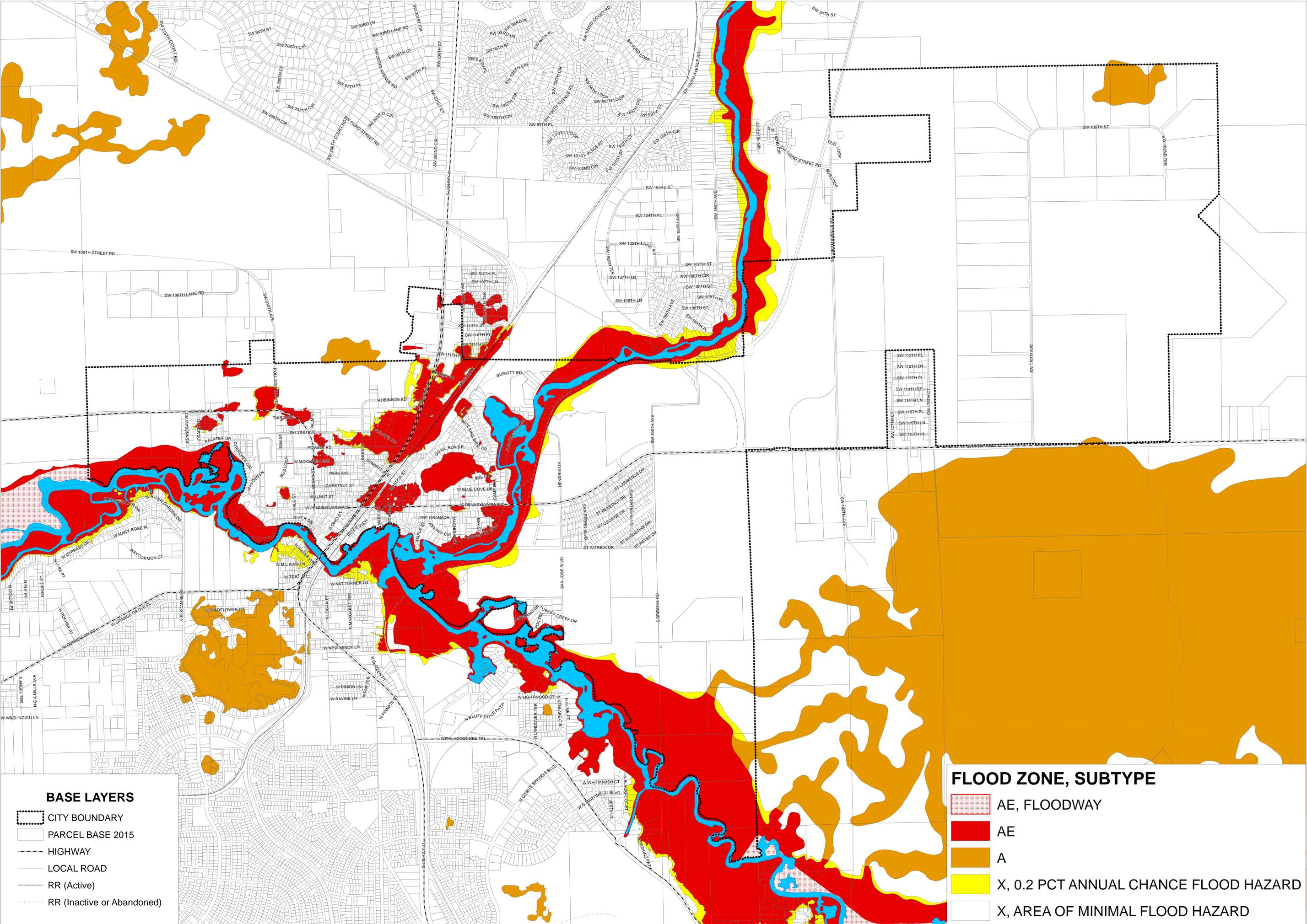


PROJECT: **CITY OF DUNNELLO**  
Marion County, Florida

GIS DATA SOURCES:  
FDEP Potable Water System Wells, 2/7/2015  
Florida Department of Revenue: Parcel GIS, 2015.  
Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.





**BASE LAYERS**

- CITY BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)

**FLOOD ZONE, SUBTYPE**

- AE, FLOODWAY
- AE
- A
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- X, AREA OF MINIMAL FLOOD HAZARD

MAP:

**4**

TITLE:

**FLOOD HAZARD ZONES**

DATE:

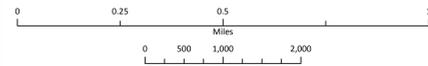
**Feb-10-2016**

BY:

**CP Smith**  
STEARNS WEAVER MILLER



1:10,000



PROJECT:

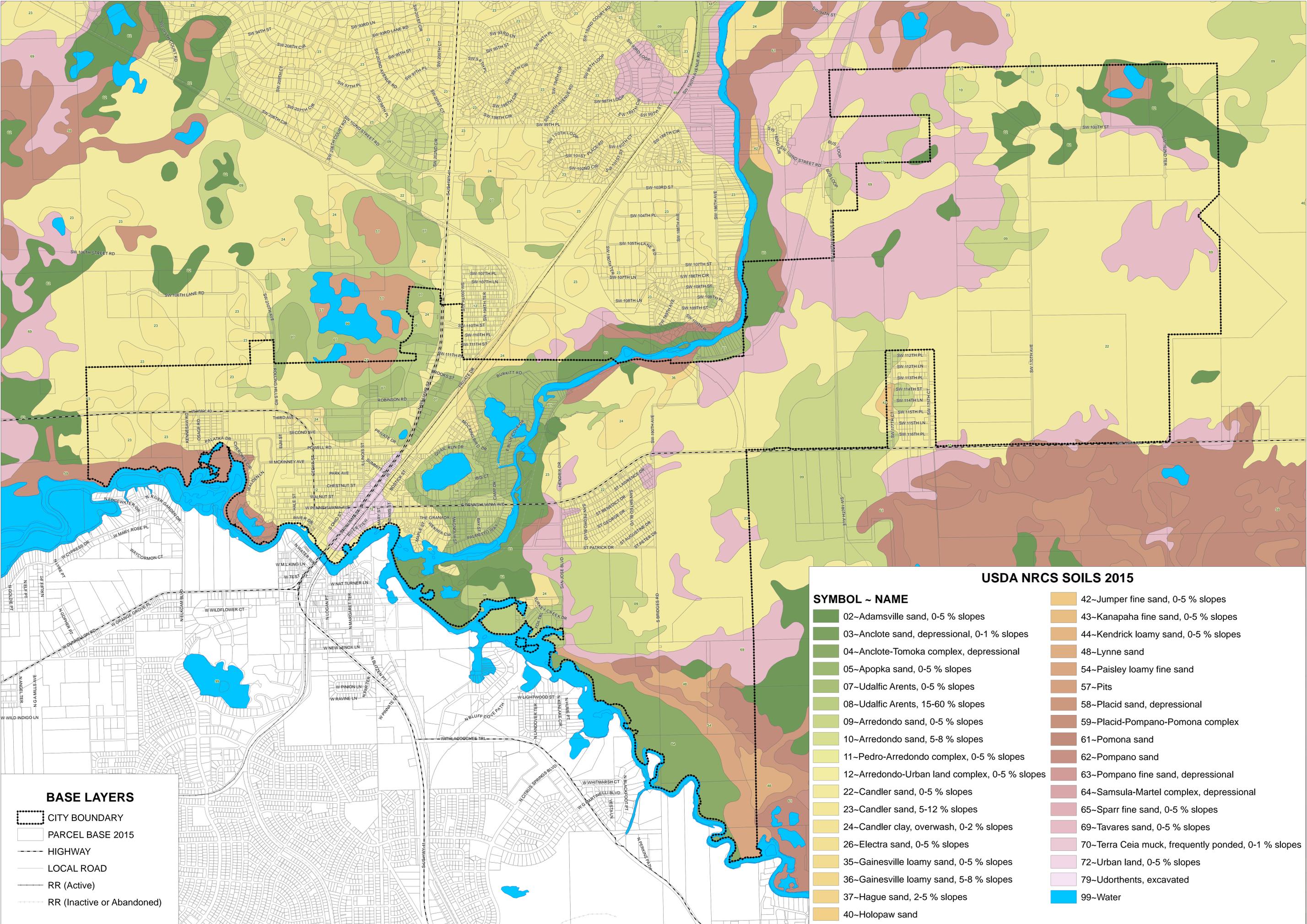
**CITY OF DUNNELLO**

**Marion County, Florida**

**GIS DATA SOURCES:**

Federal Emergency Management Agency: Flood Hazard Zones of the Digital Flood Insurance Rate Map (DFIRM); Feb-2015.  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.  
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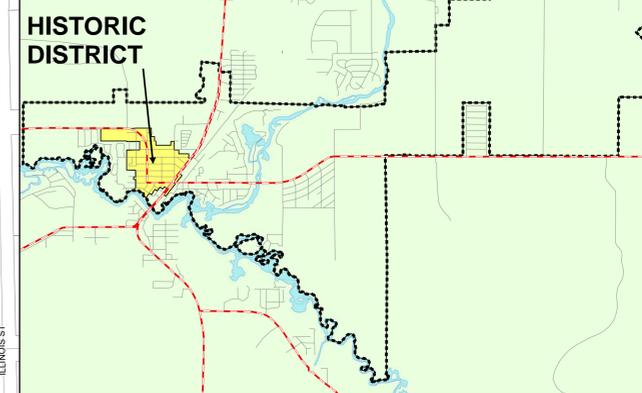


**USDA NRCS SOILS 2015**

SYMBOL ~ NAME	
02-Adamsville sand, 0-5 % slopes	42-Jumper fine sand, 0-5 % slopes
03-Anclote sand, depressional, 0-1 % slopes	43-Kanapaha fine sand, 0-5 % slopes
04-Anclote-Tomoka complex, depressional	44-Kendrick loamy sand, 0-5 % slopes
05-Apopka sand, 0-5 % slopes	48-Lynne sand
07-Udalfic Arents, 0-5 % slopes	54-Paisley loamy fine sand
08-Udalfic Arents, 15-60 % slopes	57-Pits
09-Arredondo sand, 0-5 % slopes	58-Placid sand, depressional
10-Arredondo sand, 5-8 % slopes	59-Placid-Pompano-Pomona complex
11-Pedro-Arredondo complex, 0-5 % slopes	61-Pomona sand
12-Arredondo-Urban land complex, 0-5 % slopes	62-Pompano sand
22-Candler sand, 0-5 % slopes	63-Pompano fine sand, depressional
23-Candler sand, 5-12 % slopes	64-Samsula-Martel complex, depressional
24-Candler clay, overwash, 0-2 % slopes	65-Sparr fine sand, 0-5 % slopes
26-Electra sand, 0-5 % slopes	69-Tavares sand, 0-5 % slopes
35-Gainesville loamy sand, 0-5 % slopes	70-Terra Ceia muck, frequently ponded, 0-1 % slopes
36-Gainesville loamy sand, 5-8 % slopes	72-Urban land, 0-5 % slopes
37-Hague sand, 2-5 % slopes	79-Udorthents, excavated
40-Holopaw sand	99-Water

**BASE LAYERS**

- CITY BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)



SITE ID	SITE NAME	TYPE
MR01144	GUEST/DIEHL HOUSE	PRIVATE RESIDENCE
MR01145	INLOW HOUSE	PRIVATE RESIDENCE
MR01146	GRAHAM/MITCHEL HOUSE	PRIVATE RESIDENCE
MR01147	WESTBERRY HOUSE	PRIVATE RESIDENCE
MR01148	NEVILLE/ROGERS HOUSE	PRIVATE RESIDENCE
MR01152	DUNNELLON PRESBYTERIAN CHURCH	HOUSE OF WORSHIP
MR01153	O'DONALD/STARLING HOUSE	PRIVATE RESIDENCE
MR01154	201 CHESTNUT ST ~207	PRIVATE RESIDENCE
MR01155	WILLIAMS HOUSE	PRIVATE RESIDENCE
MR01156	CARAWAY HOUSE	PRIVATE RESIDENCE
MR01157	WILSON HOUSE	PRIVATE RESIDENCE
MR01158	209 CHESTNUT ST	PRIVATE RESIDENCE
MR01160	SMITH/COCOWITCH CARRIAGE HOUSE	GARAGE
MR01162	KNIGHT/BENNETT HOUSE	PRIVATE RESIDENCE
MR01163	TROWBRIDGE HOUSE	PRIVATE RESIDENCE
MR01164	BUTLER HOUSE	PRIVATE RESIDENCE
MR01166	GINGERBREAD HOUSE	COMMERCIAL AND APARTMENTS
MR01168	METCALF HOUSE	APARTMENT
MR01169	CHAULKER HOUSE	PRIVATE RESIDENCE
MR01170	SIMMONS HOUSE	PRIVATE RESIDENCE
MR01171	NIBLACK/PEDRICK/DALEY HOUSE	PRIVATE RESIDENCE
MR01172	NORTH/FOOR HOUSE	PRIVATE RESIDENCE
MR01174	BEULAH BAPTIST CHURCH	HOUSE OF WORSHIP
MR01177	405 ILLINOIS ST	PRIVATE RESIDENCE
MR01178	ROLAND HOUSE	PRIVATE RESIDENCE
MR01179	BUNTING HOUSE	PRIVATE RESIDENCE
MR01180	SANDERS/DEAN ~311	PRIVATE RESIDENCE
MR01190	GALLON HOUSE	PRIVATE RESIDENCE
MR01191	206 MCKINNEY ST	PRIVATE RESIDENCE
MR01192	208 MCKINNEY ST	PRIVATE RESIDENCE
MR01203	BASKIN/KING HOUSE	PRIVATE RESIDENCE
MR01205	METCALF/PORTER HOUSE	PRIVATE RESIDENCE
MR01213	BARKSDALE HOUSE	ABANDONED OR VACANT
MR01220	PARKER HOUSE	PRIVATE RESIDENCE
MR01224	COULTER HOUSE ~303	PRIVATE RESIDENCE
MR01225	DIXON HOUSE	PRIVATE RESIDENCE
MR01227	RUSSELL HOUSE	PRIVATE RESIDENCE
MR01228	BOSEWELL HOUSE	PRIVATE RESIDENCE
MR01229	TURNER HOUSE	PRIVATE RESIDENCE
MR01237	RENFRO BOARDING HOUSE	COMMERCIAL AND APARTMENTS
MR01238	COCHRAN HOUSE	PRIVATE RESIDENCE
MR01241	LEITNER HOUSE	PRIVATE RESIDENCE
MR01245	C W HOOD AVE	PRIVATE RESIDENCE
MR01246	ROBINSON/SHUMAN HOUSE	PRIVATE RESIDENCE
MR01248	SHRUM/J W WATERS HOUSE	PRIVATE RESIDENCE
MR01249	301 W PENNSYLVANIA AVE ~20744	COMMERCIAL AND RESIDENCE
MR01251	306 W PENNSYLVANIA AVE	PRIVATE RESIDENCE
MR01252	SAMMONS HOUSE OF FLOWERS	SHOP
MR01255	408 W PENNSYLVANIA AVE	PRIVATE RESIDENCE
MR01269	BENSON HOUSE	PRIVATE RESIDENCE
MR01272	MEREDITH HOUSE ~20575	PRIVATE RESIDENCE
MR01273	WATSON BOARDING HOUSE	PRIVATE RESIDENCE
MR01274	PEDRIC/HOWARD HOUSE	PRIVATE RESIDENCE
MR01276	SEGLER HOUSE	PRIVATE RESIDENCE
MR01279	206 WALNUT ST	PRIVATE RESIDENCE
MR01281	WITTE HOUSE	PRIVATE RESIDENCE
MR01282	STOUSLAND HOUSE	PRIVATE RESIDENCE
MR01284	STRANGE/ALFORD HOUSE	PRIVATE RESIDENCE
MR01285	PARKER/KNIGHT HOUSE	PRIVATE RESIDENCE
MR01287	GRUMBLE/MEREDITH/BRITT HOUSE	PRIVATE RESIDENCE
MR01289	KOONCE HOUSE	PRIVATE RESIDENCE
MR01290	OSTEEN HOUSE	PRIVATE RESIDENCE
MR01291	DR BLACK/GRESHAM HOUSE	PRIVATE RESIDENCE

**BASE LAYERS**

- CITY\_BOUNDARY
- PARCEL BASE 2015
- HIGHWAY
- LOCAL ROAD
- RR (Active)
- RR (Inactive or Abandoned)
- WATER BODIES

- CONTRIBUTING STRUCTURE \*
  - NON-CONTRIBUTING STRUCTURE \*
  - HISTORIC DISTRICT OVERLAY
- First Methodist Church & Youth Center not shown.*  
\* Unverified location data.

MAP: **6**

TITLE: **HISTORIC DISTRICT**  
(The Historical "BOOMTOWN" Dunnellon District)

DATE: **Feb-10-2016**

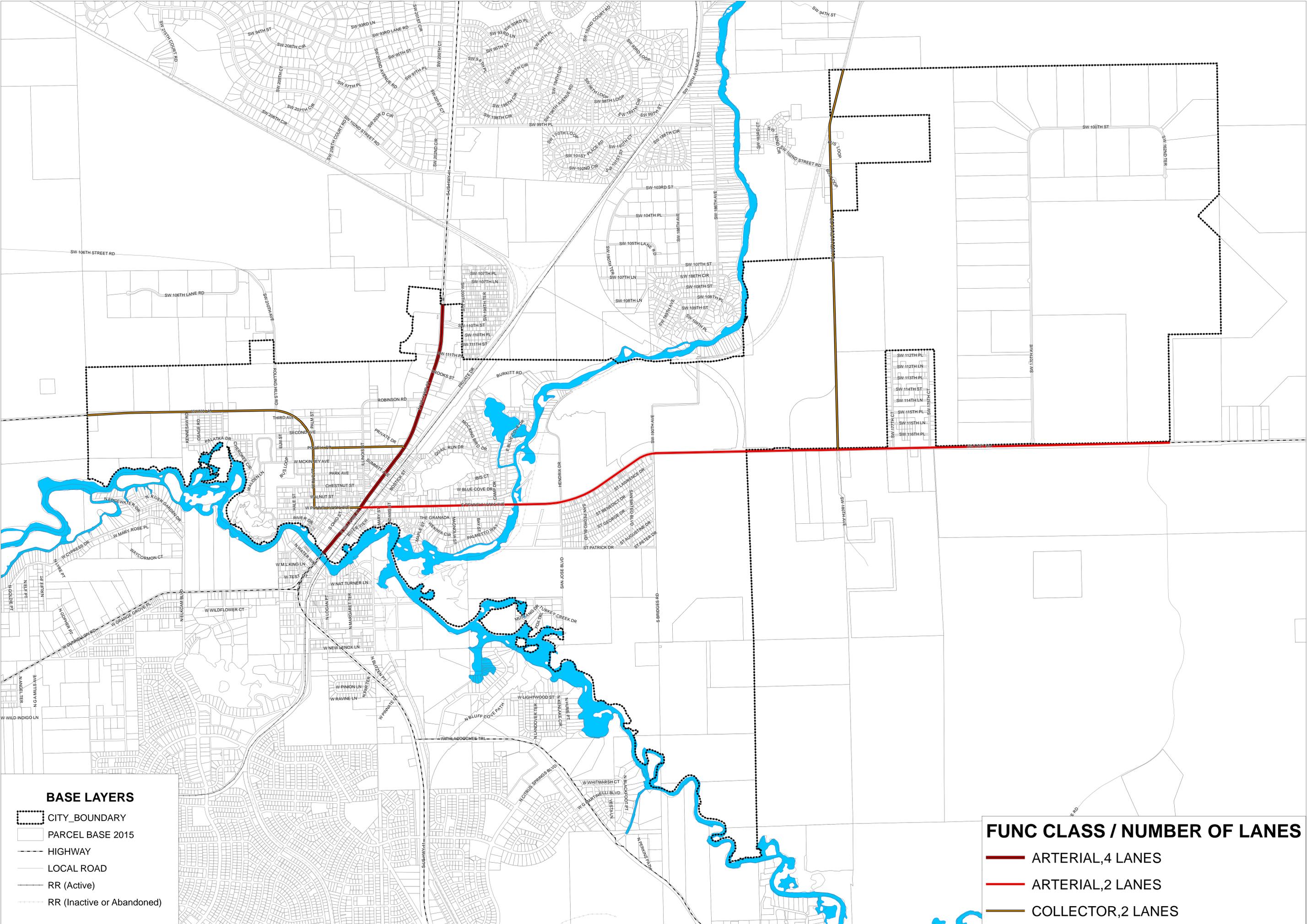
BY: **CP Smith**  
STEARNS WEAVER MILLER

PROJECT: **CITY OF DUNNELLON**  
Marion County, Florida

Scale: 1:1,500

**CITY OF DUNNELLON**  
Marion County, Florida

**GIS DATA SOURCES:**  
Figure 12 - City of Dunnellon Historic District Survey, Ordinance 92.  
City of Dunnellon, Florida HISTORIC PRESERVATION, p.p. 23-25.  
Florida Department of Revenue: Parcel GIS, 2015.  
Marion County GIS: Road Centerlines, 04/16/2015.  
This map should not be used for legal purposes. It is intended for general reference use only.



**BASE LAYERS**

-  CITY\_BOUNDARY
-  PARCEL BASE 2015
-  HIGHWAY
-  LOCAL ROAD
-  RR (Active)
-  RR (Inactive or Abandoned)

**FUNC CLASS / NUMBER OF LANES**

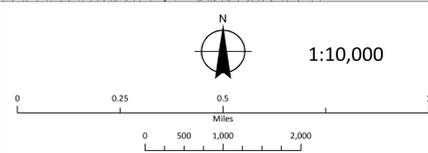
-  ARTERIAL, 4 LANES
-  ARTERIAL, 2 LANES
-  COLLECTOR, 2 LANES

MAP:

**7**

TITLE: **2035 FUTURE TRAFFIC CIRCULATION MAP**

DATE: **Feb-10-2016** BY: **CP Smith**  
STEARNS WEAVER MILLER



PROJECT: **CITY OF DUNNELLO**  
**Marion County, Florida**

GIS DATA SOURCES:  
 FDOT: Functional Classification Roadways, 01/16/2016  
 Florida Department of Revenue: Parcel GIS, 2015.  
 Marion County GIS: Road Centerlines, 04/16/2015.

This map should not be used for legal purposes. It is intended for general reference use only.



**Page** : 1 of 1 02/22/2016 11:48:13  
**Order Number** : 12850978  
**PO Number** : Ord. 2016-02  
**Customer** : 10079093 zzCity of Dunnellon Legals  
**Contact** : Dawn M. Bowne, C.M.C., City Cl  
**Address1** : 20750 River Drive  
**Address2** :  
**City St Zip** : Dunnellon FL 34431  
**Phone** : (352) 465-8500 x23  
**Fax** : (352) 465-8505  
**Credit Card** :  
**Printed By** : Mary Ann Naczi  
**Entered By** : Mary Ann Naczi  
**Keywords** : 472-0303 RIV PUBLIC NOTICE NOTICE OF QUASI - JUDI  
**Notes** :  
**Zones** :

**Ad Number** : 12966697  
**Ad Key** :  
**Salesperson** : 05 - Mary Ann Naczi  
**Publication** : Riverland Legals  
**Section** : Legals  
**Sub Section** : Legals  
**Category** : 995E-Miscellaneous Notices  
**Dates Run** : 03/03/2016-03/03/2016  
**Days** : 1  
**Size** : 3 x 5.04, 56 lines  
**Words** : 442  
**Ad Rate** : 99GOV  
**Ad Price** : 36.10  
**Amount Paid** : 0.00  
**Amount Due** : 36.10

472-0303 RIV  
 PUBLIC NOTICE  
 NOTICE OF QUASI - JUDICIAL PUBLIC HEARING  
 ORDINANCE #ORD2016-02 FOR  
 REZONING APPLICATION REZ2015-02  
 20799 WALNUT STREET

The City of Dunnellon proposes to adopt the following Ordinance:

**ORDINANCE #ORD2016-02**

**AN ORDINANCE OF THE CITY OF DUNNELLO, 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.**

A quasi-judicial public hearing is scheduled for the Regular City Council Meeting on March 14, 2016 at 5:30 p.m. at Dunnellon City Hall, 20750 River Drive or as soon thereafter as can be heard regarding adoption of Ordinance #ORD2016-02, Amending Appendix 'A' Zoning of the Dunnellon Code of Ordinances, Section 6.3, entitled Zoning Maps, Rezoning 0.14+ acres known as 20799 Walnut Street, for that parcel number 3380-1844-00 located at the northeast corner of the Walnut Street and Cedar Street intersection, Lot 1846, from Residential Business Office (RBO) to Central Business (B3), pursuant to the Land Development Regulations, Section 7.1, Table of Permitted Uses. 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 area to be rezoned is generally described as:  
**SEC 35 TWP 16 RGE 18 PLAT BOOK A, PAGE 174 DUNNELLO LOT 1846, MARION COUNTY, FL**

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.

COPIES OF THIS ORDINANCE ARE AVAILABLE FREE OF CHARGE AT DUNNELLO CITY HALL, 20750 RIVER DRIVE, DUNNELLO, FLORIDA 34431, MONDAY THROUGH FRIDAY 8:00 A.M. UNTIL 4:00 P.M. THE PUBLIC IS ENCOURAGED TO ATTEND AND COMMENT.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST THREE CALENDAR DAYS 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 WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Published March 3, 2016.

cc: Sue  
Jerrel  
Dawn



CITRUS PUBLISHING  
ATTN: LEGAL DEPARTMENT  
1624 N MEADOWCREST BLVD.  
CRYSTAL RIVER, FL 34429  
352-726-0902 PHONE  
352-726-9603 FAX

## Riverland News - INVOICE

Dear Customer: *10079093 City of Dunnellon*

This is an invoice to process your payment for the enclosed ad. Please include Order #12850978 on your check and send payment of \$36.10 directly to the Legal Department at the above address. If you have paid previously, then disregard this invoice or keep for your records. REMEMBER: Payment is due in full within 20 days.

RE: 472-0303 RIV PUBLIC NOTICE NOTICE OF QUASI - JUDICIAL PUBLIC HEARING ORDINANCE #ORD2016-02 FOR REZONING APPLICATION REZ2015-02 20799 WALNUT STREET The City of Dunnellon proposes to adopt the following Ordinance: ORDINANCE #ORD2016-02 AN ORDINANCE OF

Ad publication dates:  
March 3rd, 2016,

Thank you for your business,

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas  
Legal Representative

# Proof of Publication

from the  
**RIVERLAND NEWS**  
Dunnellon, Marion County, Florida  
**PUBLISHED WEEKLY**

STATE OF FLORIDA  
COUNTY OF MARION

Before the undersigned authority personally appeared

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

Of the Riverland News, a newspaper published weekly at Dunnellon, in Marion County, Florida, that the attached copy of advertisement being a public notice in the matter of the

472-0303 RIV PUBLIC NOTICE NOTICE OF QUASI - JUDICIAL PUBLIC HEARING ORDINANCE #ORD2016-02 FOR REZONING APPLICATION REZ2015-02 20799 WALNUT STREET The City of Dunnellon proposes to adopt the following Ordinance: ORDINANCE #ORD2016-02 AN ORDINANCE OF

Court, was published in said newspaper in the issues of March 3rd, 2016,

Affiant further says that the Riverland News is a Newspaper published at Dunnellon in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in Marion County, Florida, each week and has been entered as second class mail matter at the post office in Dunnellon 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/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

*Mary Ann Naczi*

The forgoing instrument was acknowledged before me

This 3<sup>rd</sup> day of March, 2016

By: Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

who is personally known to me and who did take an oath.

*Mishayla Coffas*  
Notary Public

472-0303 RIV  
PUBLIC NOTICE  
NOTICE OF QUASI - JUDICIAL PUBLIC HEARING  
ORDINANCE #ORD2016-02 FOR  
REZONING APPLICATION REZ2015-02  
20799 WALNUT STREET

The City of Dunnellon proposes to adopt the following Ordinance:

**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.

A quasi-judicial public hearing is scheduled for the Regular City Council Meeting on March 14, 2016 at 5:30 p.m. at Dunnellon City Hall, 20750 River Drive or as soon thereafter as can be heard regarding adoption of Ordinance #ORD2016-02, Amending Appendix 'A' Zoning of the Dunnellon Code of Ordinances, Section 6.3, entitled Zoning Maps, Rezoning 0.14+ acres known as 20799 Walnut Street, for that parcel number 3380-1844-00 located at the northeast corner of the Walnut Street and Cedar Street intersection, Lot 1846, from Residential Business Office (RBO) to Central Business (B3), pursuant to the Land Development Regulations, Section 7.1, Table of Permitted Uses. 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 area to be rezoned is generally described as:  
**SEC 35 TWP 16 RGE 18 PLAT BOOK A, PAGE 174 DUNNELLON LOT 1846, MARION COUNTY, FL**

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.

COPIES OF THIS ORDINANCE ARE AVAILABLE FREE OF CHARGE AT DUNNELLON CITY HALL, 20750 RIVER DRIVE, DUNNELLON, FLORIDA 34431, MONDAY THROUGH FRIDAY 8:00 A.M. UNTIL 4:00 P.M. THE PUBLIC IS ENCOURAGED TO ATTEND AND COMMENT.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS HEARING BECAUSE OF A DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT THE CITY CLERK AT (352) 465-8500 AT LEAST THREE CALENDAR DAYS 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 WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Published March 3, 2016.





## CITY OF DUNNELLON

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

February 4, 2016

Application PZ1516-022

Mr. and Mrs. William Dane Myers  
10925 SW 186<sup>th</sup> Circle  
Dunnellon, FL 34332

RE: Quasi Judicial hearing before City Council: application for Rezoning #REZ2015-02,  
Ordinance #ORD2016-02, from Residential Business Office (RBO) to Central Business (B3)  
20799 Walnut Street, Parcel 3380-1844-00, Lot 1846 comprising of .14 acres

Dear Applicant:

Please take notice that your application for rezoning will be heard by the Dunnellon City Council during a quasi judicial hearing on Monday, March 14, 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 necessary, this hearing may be continued to a time and date certain by announcement at the scheduled hearing without any further written notice to you. **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 quasi judicial 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 City Council 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

Page 2

Myers #REZ2015-02, 20799 Walnut Street

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn M. Bowne". The signature is written in a cursive style and is enclosed within a hand-drawn oval.

Dawn M. Bowne, MMC  
City Clerk



## CITY OF DUNNELLO

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

February 4, 2016

### NOTICE OF QUASI JUDICIAL HEARING FOR REZONING #REZ2015-02, #ORD2016-02

Dear Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing to consider a rezoning application submitted by W. Dane & Nancy Myers at 20799 Walnut Street, for that parcel number 3380-1844-00 located at the northeast corner of the Walnut Street and Cedar Street intersection, Lot 1846, comprising of 0.14± acres, from Residential Business Office (RBO) to Central Business (B3), pursuant to the Land Development Regulations, Section 7.1, Table of Permitted Uses. The hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, March 14, 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.

The application, filed under application number PZ1516-022, submitted by W. Dane & 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 City Council 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,

  
Dawn M. Bowne, MMC

City Clerk

**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.**

**WHEREAS**, the owners and applicants, William Dane and Nancy Myers, requested a rezoning of their Property from Residential Business Office (RBO) zoning to Central Business (B-3); and

**WHEREAS**, the Property lies within the municipal limits of the City of Dunnellon and consists of .14 acres, more or less, and is located at the northeast corner of the Walnut street and Cedar street intersection; and

**WHEREAS**, the property has a proposed land use designation of Commercial as shown on the City of Dunnellon Comprehensive Plan Future Land Use Map; and

**WHEREAS**, a Central Business (B-3) zoning is consistent with the City of Dunnellon Comprehensive Plan's land use designation of the Property; and

**WHEREAS**, the City of Dunnellon Planning Commission, sitting as the Local Planning Agency, recommended approval of a change in the zoning classification of the Property and found that the rezoning is consistent with the City's Comprehensive Plan;

**WHEREAS**, the City of Dunnellon has followed all statutory and Code requirements for noticing and advertising this rezoning Ordinance and public hearings associated with the rezoning; and

**WHEREAS**, the City Council has received public input on the rezoning and a recommendation from staff; and

**WHEREAS**, the City Council of the City of Dunnellon finds that the applicants have met the criteria for rezoning under Section 13.11 of the Code and that rezoning will not adversely affect the public interest.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dunnellon, Florida, as follows:

**Section 1: Findings.** The "Whereas" clauses above are the findings of the City of Dunnellon.

**Section 2: Legal Description.** The legal description of the Property is:

Lot 1846, of the Townsite Dunnellon, according to the Plat thereof, as recorded in Plat Book A, Page 174, of the Public Records of Marion County, Florida.

Parcel Identification No. 3380-1844-00.

**Section 3: Zoning Classification; Directions to the City Manager.** The Property shall hereafter be classified on the Official Zoning Map as Central Business (B-3) in accordance with the Land Development Code of the City of Dunnellon, Florida. The City Manager or designee is hereby directed to amend, alter, and implement the Official Zoning Map of the City of Dunnellon, Florida, to include said classification of the Property consistent with this Ordinance.

**Section 4: Severability.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5: Conflicts.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6: Effective Date.** This Ordinance shall be effective immediately upon adoption at the second reading/public hearing.

**Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first reading on the 8<sup>th</sup> day of February, 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 14th day of March, 2016.

Ordinance Posted on the City's website on February 4, 2016. Public hearing advertised on the City's website on February 4, 2016 and advertised in the Riverland News on March 3, 2016.

ATTEST:

**CITY OF DUNNELLON**

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

\_\_\_\_\_  
Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Andrew 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 4th day of February 2016.

\_\_\_\_\_  
Dawn M. Bowne M.M.C.  
City Clerk

**MASTER**

**RESOLUTION #RES2016-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED ORDINANCE #ORD2016-02, AMENDING CITY OF DUNNELLON, CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT REGULATIONS, APPENDIX A, ZONING, BY REZONING LOT 1846 A PORTION OF 20799 WALNUT STREET, FROM RBO TO B-3, SAID ORDINANCE ATTACHED TO THIS RESOLUTION; PROVIDING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE INCONSISTENCY OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon Planning Commission held a Public Hearing on the 19th day of January, 2016, to consider amending the City of Dunnellon, Code of Ordinances, Subpart B, Land Development Regulations, Appendix A, Zoning, to recommend rezoning lot 1846, a portion of 20799 Walnut Street, from RBO to B-3.

**WHEREAS**, the City of Dunnellon Planning Commission has determined that a recommendation of approval with recommended change is consistent with Dunnellon's Land Development Code and its Comprehensive Plan; and

**WHEREAS**, the City of Dunnellon Planning Commission has found that the application meets all zoning review criteria for approval.

**NOW THEREFORE BE IT RESOLVED** by the City of Dunnellon planning commission that:

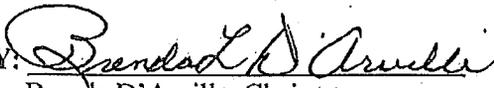
A recommendation of approval of the proposed ordinance attached as Exhibit "A" will be forwarded to the City Council for their consideration.

**BE IT, FURTHER, RESOLVED** that this Resolution shall be effective immediately upon adoption.

**Upon motion duly made and carried**, the foregoing Resolution was approved this 19th day of January, 2016, by the Planning Commission upon a motion by Commissioner Vanwyck and seconded by Commissioner Hilton and upon being put to a vote, the result was as follows;

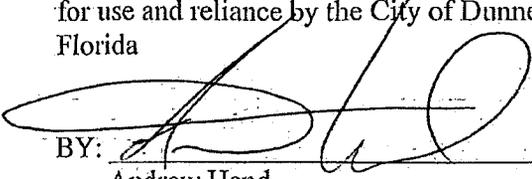
Chairwoman Brenda D'Arville	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vice-Chairwoman Lisa Sheffield	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Tracy Fero	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Wilbur Vanwyck	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Paul Cowan	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Maryann Hilton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Vacant, Alternate	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote

Attested by:  
**PLANNING COMMISSION**

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

This 22<sup>nd</sup> day of January, 2016.

Approved as to Legal Form and Legality  
for use and reliance by the City of Dunnellon,  
Florida

BY:   
Andrew Hand,  
City Attorney

This 28<sup>th</sup> day of January, 2016.

# 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

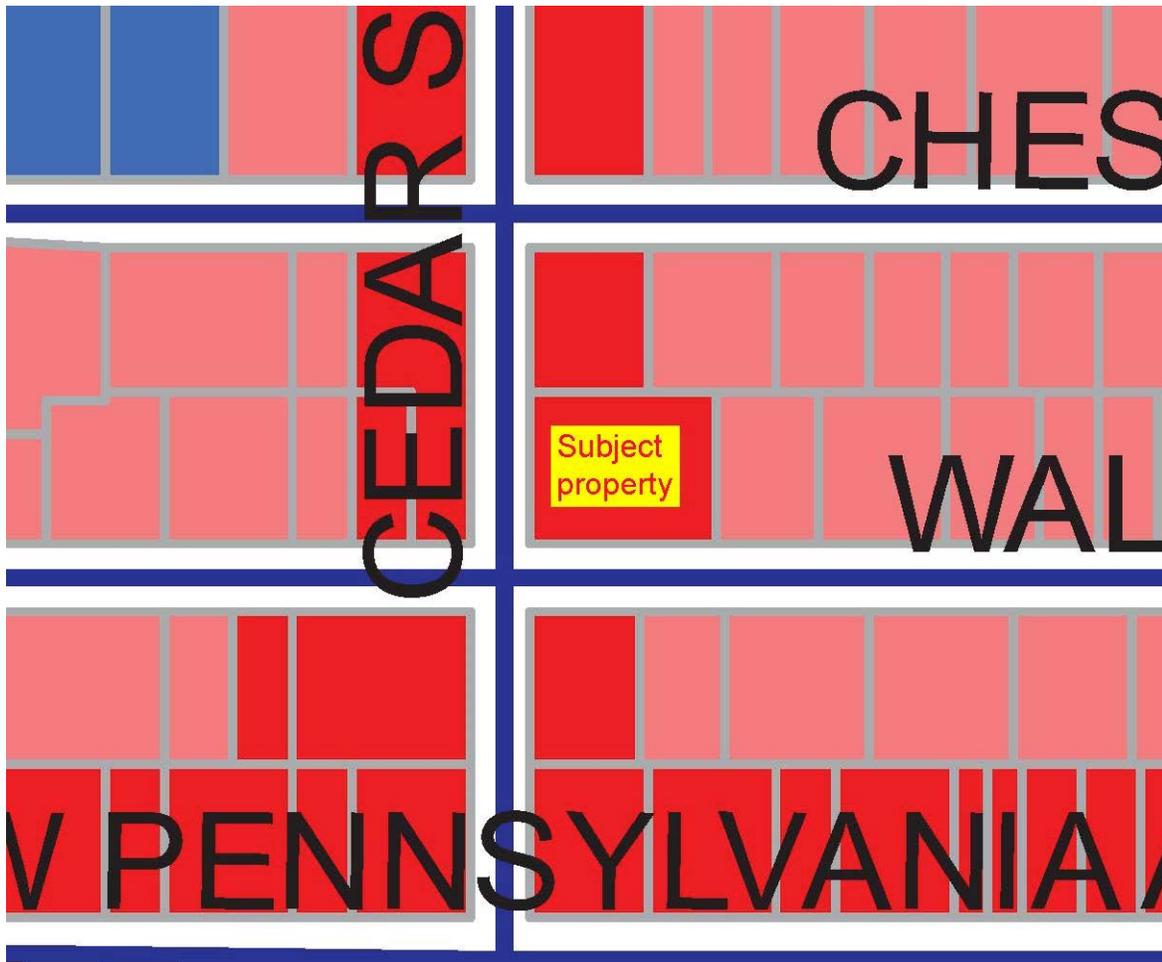
**Background:** The applicant has applied for the 0.14 acre property described below to be rezoned from Residential Business Office (RBO) to Central Business (B3). The parcel currently has split zoning condition. The property owner would like to open a small Deli/Bakery in that location to support the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

	<b>Current Use</b>	<b>Zoning Designation</b>	<b>Land Use Designation</b>
<b>Subject Property</b>	Retail store	RBO	Commercial
<b>North</b>	Antique store	B-3 and RBO	Commercial/Traditional Neighborhood
<b>South</b>	Antique store and Stich niche	B-3 and RBO	Commercial/Traditional Neighborhood
<b>East</b>	Single Family Home	RBO	Traditional Neighborhood
<b>West</b>	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 case 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 Davis + Nancy Myers  
Address: 10925 SW 186 CIR  
DUNNELTON FL 34432

Phone# 352-208-6790  
Fax # 352-489-6118  
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 + CAFE

Proposed Zoning: B3 Proposed Land Use: B3

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

wish to have cafe

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.

[Signature]  
Property Owner's Signature

\_\_\_\_\_  
Agent's Signature

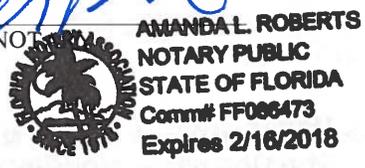
STATE OF FLORIDA  
COUNTY OF MARION  
Subscribed and sworn to (or affirmed) before

Me on 12/18/2015 (date) by

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

\_\_\_\_\_  
as identification.

SEAL:



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.

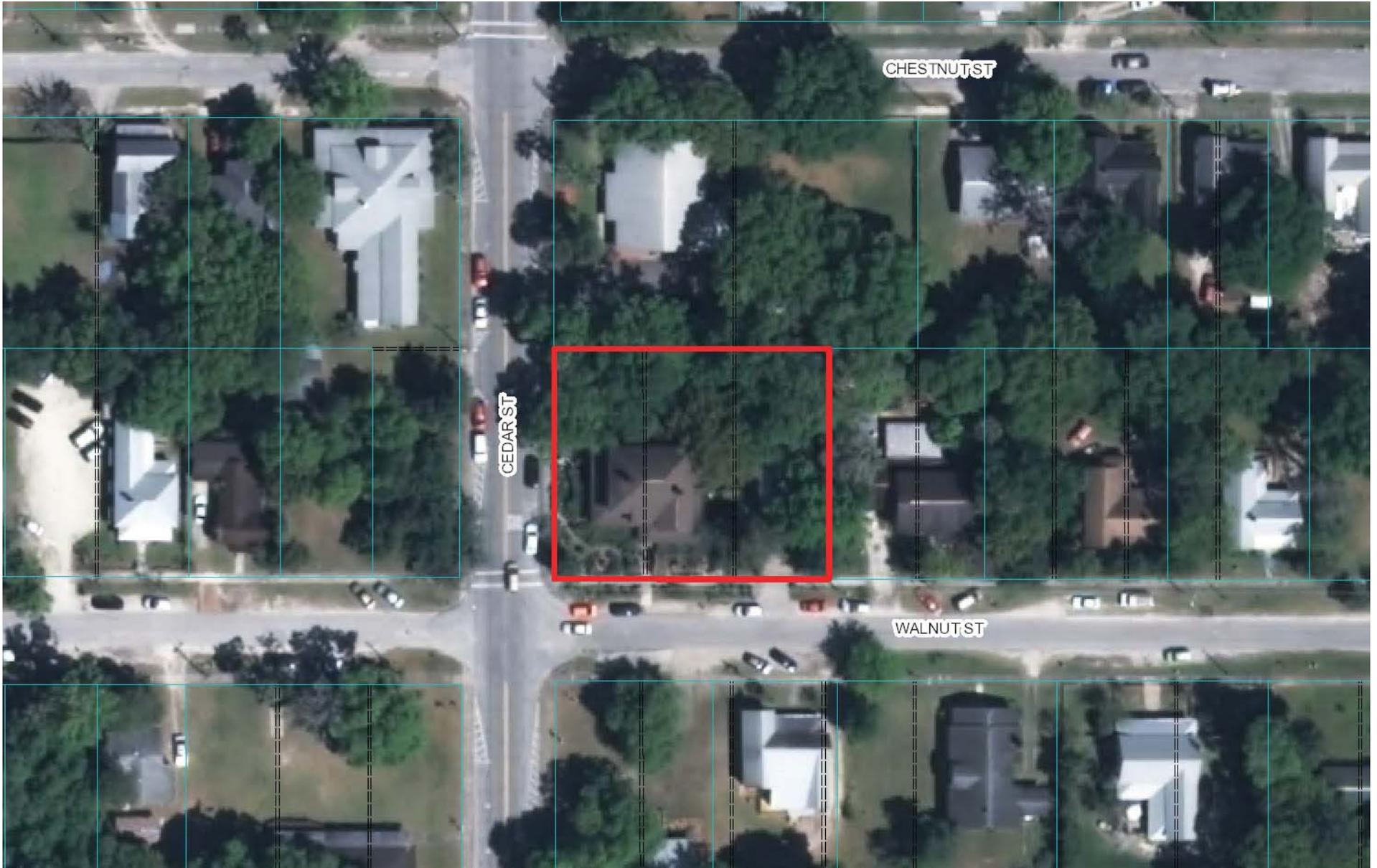




**Villie M. Smith, CFA, ASA**  
Marion County Property Appraiser

**GIS Web Mapping Application**

Last Updated: 01/08/2016



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 10C 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

CHESTNUT

WALNUT S

W PENNSYLVANIA AVE

CEDAR ST

WALNUT S

W PENNSYLVANIA AVE

HALE ST

HALE ST

HALE ST

HALE ST

HALE ST

HALE ST



## CITY OF DUNNELLO

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 DUNNELLO

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 prior to publication 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, Jenmarly Statler 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)

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

City of Dunnellon

JAN 04 2016

RECEIVED

cc: Teresa  
Sue  
Lorraine

# Star-Banner

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Ad Taken By: O050  
Receipt printed: 12/30/2015

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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
<b>Balance</b>					=	<b>\$ 154.76</b>

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

Order Price		\$ 154.76
Total Payments	-	\$ 0.00
<b>Balance</b>	<b>=</b>	<b>\$ 154.76</b>

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  
DUNNELLO 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  
DUNNELLO FL 34430-0112

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

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

JONES CHARLOTTE ANNETTE  
20845 W PENNSYLVANIA AVE  
DUNNELLO FL 34431

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

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

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

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

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

LEE BOBBY RAY EST  
C/O FRANCES L LEE  
20829 CHESTNUT ST  
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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  
DUNNELLO FL 34432-4587

ST JEAN ALAN  
ST JEAN NANCY  
20840 CHESTNUT ST  
DUNNELLO 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  
DUNNELLO FL 34431-6701

BALDEO SHYAM  
BALDEO SAVITRIE  
PO BOX 575  
DUNNELLO 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  
DUNNELLO FL 34431

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

KINCAID CHERYN  
20733 CHESTNUT ST  
DUNNELLO FL 34431-6701

PURCARO PHYLLIS  
20745 CHESTNUT ST  
DUNNELLO FL 34431-6701

ALLEN BOBETTE  
20781 CHESTNUT ST  
DUNNELLO FL 34431

POWELL MYRTICE E  
9178 N COMMODORE DR  
DUNNELLO 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 34430-0610
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 34434-6
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 34431-6750
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:

**From:** [Dawn Bowne](#)  
**To:** "[bob@zdevelopmentsservice.com](mailto:bob@zdevelopmentsservice.com)"; "[jmercado@jaereagroup.com](mailto:jmercado@jaereagroup.com)"  
**Cc:** [Teresa Malmberg](#); [Lonnie Smith](#); [Loretta Barton](#); [Mandy Roberts](#); [Lynn Wyland](#); [Eddie Esch](#)  
**Subject:** Property Owner Notice of Quasi Judicial Variance Hearing Before City Council - Wendys  
**Date:** Tuesday, February 23, 2016 6:02:00 PM  
**Attachments:** [PZ1516\\_028\\_Applicant\\_PropertyOwner\\_Notice\\_Variance\\_2016\\_02.pdf](#)

---

Attached, please find the property owner notice for your Variance hearing scheduled for March 14, 2016 before the Dunnellon City Council.

I have also sent a notice via US Postal Service.

*Dawn M. Bowne*

Dawn M. Bowne, MMC  
City Clerk  
City of Dunnellon  
20750 River Drive  
Dunnellon, FL 34431  
352-465-8500, ext. 1002  
352-465-8505 fax  
[dbowne@dunnellon.org](mailto:dbowne@dunnellon.org)  
[www.dunnellon.org](http://www.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.**



## CITY OF DUNNELLON

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

US Mail and Emailed  
02-24-2016

### NOTICE OF QUASI JUDICIAL HEARING #PZ1516-028 FOR VARIANCE #VAR2016-02

Mr. Robert Ziegenfuss for  
Dunnellon Real Estate, LLC  
708 E. Colonial Drive      6401 Congress Avenue  
Suite 100                      #100  
Orlando, FL 32803      Boca Raton, FL 33487

Dear Applicant/Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing regarding variance application #VAR2016-02, #PZ1516-028 from Article IX, Section 9.3-1(a)(1) of the City Land Development Regulations, which requires 25 foot minimum landscape buffer, by Robert Ziegenfuss on behalf of Dunnellon Real Estate, LLC, 11191 N. Williams Street, Parcel Number 33639-006-01 and 33639-006-02. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, March 14, 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. **Please be advised that your failure to appear at this public hearing will likely result in your application being denied.**

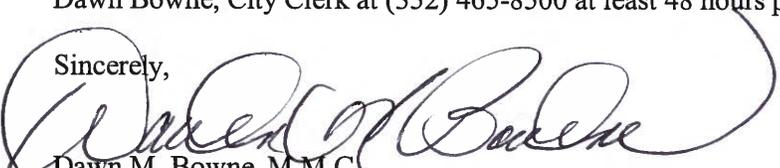
The application, filed as number PZ1516-028, by Robert Ziegenfuss on behalf of Dunnellon Real Estate, LLC, together with any back-up materials, including the proposed development order, may be reviewed during normal business hours 8:00 a.m. to 4:00 p.m. at Dunnellon City Hall. For further information 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 meetings and be heard with respect to the requested variance. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the City Council 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).

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,

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



## CITY OF DUNNELLON

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

US Mail and Emailed  
02-24-2016

### NOTICE OF QUASI JUDICIAL HEARING #PZ1516-028 FOR VARIANCE #VAR2016-02

Dear Surrounding Property Owner:

The Dunnellon City Council will hold a quasi judicial hearing regarding variance application #VAR2016-02, #PZ1516-028 from Article IX, Section 9.3-1(a)(1) of the City Land Development Regulations, which requires 25 foot minimum landscape buffer, by Robert Ziegenfuss on behalf of Dunnellon Real Estate, LLC, 11191 N. Williams Street, Parcel Number 33639-006-01 and 33639-006-02. The public hearing will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Monday, March 14, 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. You are receiving this notice because you own property within 300 feet of the subject property.

The application, filed as number PZ1516-028, by Robert Ziegenfuss on behalf of Dunnellon Real Estate, LLC, together with any back-up materials, including the proposed development order, 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 the requested variance. Please be advised that all oral and written communications prior to the hearing concerning the case between any member of the City Council 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).

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,

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

PREPARED BY:  
Andrew Hand, Esq.  
Shepard, Smith and Cassady, P.A.  
2300 Maitland Center Parkway, Suite 100  
Maitland, Florida 32751

PLEASE RETURN TO:  
Dawn Bowne, City Clerk  
City of Dunnellon  
20750 River Drive  
Dunnellon, FL 34431

**DEVELOPMENT ORDER #DOR2016-02  
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEVELOPMENT ORDER  
GRANTING VARIANCE**

APPLICANT: Robert Ziegenfuss

VARIANCE #: VAR2016-02

OWNER(s)/Manager: Dunnellon Real Estate, LLC

ADDRESS OF PROPERTY: 11191 N. Williams Street  
Dunnellon, Florida 34432

**PARCEL ID #:** **33639-006-01 / 33639-006-02**

ZONING DESIGNATION: B4

COMPREHENSIVE PLAN  
LAND USE DESIGNATION: Commercial

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THIS MATTER came before the City Council on the 14<sup>th</sup> day of March, 2016, pursuant to Section 9.3-1 and 74-108(4)a of the City of Dunnellon Land Development Regulations. After having considered the recommendation of the Planning Commission and Staff's Report, having heard testimony, and being otherwise duly advised on the matter, the following findings of fact and conclusions of law are made:

**Findings of Fact.**

1. The Subject Property comprises .78 acres±, is located at 11191 N. Williams Street in Dunnellon, and is legally described in Exhibit "A" attached hereto and made a part of this Development Order.

2. The Subject Property is zoned Commercial (B-4). The goals, objectives, and policies of the Comprehensive Plan do not prohibit variances from the Code requirement of an outer perimeter landscape buffer with a minimum average width of 25 feet.

3. The City of Dunnellon Land Use and Development Code, Appendix A, Article IX, Section 9.3-1 states in pertinent part:

(a) All commercial development, regardless of size, shall comply with the following design standards.

(1) Landscape buffers shall be provided for all commercial uses in compliance with Section 74-108...

\*\*\*

4. Section 74-108 of the City of Dunnellon's Code of Ordinances states in pertinent part:

(1) *Location and design.* Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained in this article...

\*\*\*

(4) *Buffers in B-4 zoning district.*

a. Required Width. A minimum average width of 25 feet is required.

\*\*\*

5. Applicant seeks a variance from the Section 9.3-1 and Section 74-108 requirement of an outer perimeter landscape buffer with a minimum average width of 25 feet.

### **Conclusions of Law.**

6. Granting the variance is not inconsistent with the City's Comprehensive Plan.

7. *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 B-4 zoning district.* Without the variance, the Applicant's Property will incur a hardship, and the owner will be unable to construct a restaurant on the Property and will otherwise limit the ongoing businesses on the property.

8. *The special conditions and circumstances do not result from any actions of the Applicant.* The Applicant's actions have not created the buffer size and setback hardship.

9. *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.* The Applicant will receive no special privileges as a result of granting the requested variance.

10. *Literal interpretation of the provisions of the ordinance requiring that a 25-foot perimeter landscape buffer around the Subject Property 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.* The Applicant,

without this variance, would be severely limited in the continued businesses he could have on the Property.

11. *The variance granted is the minimum variance that will make possible the reasonable use of the land.* The variance requested is the minimum to allow the reasonable use of this property.

12. *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 property directly adjacent to the South and East of the site is zoned B-4 and is currently being operated as a shopping center with various businesses i.e. Italian restaurant, Computer repair shop, etc. There are two similar properties to the West including McDonald's and Pizza Hut restaurants, both of which are zoned B-4. The property to the North is a large field currently being used for a produce stand and at the rear of the property is a medical office. Located to the North West is a small shopping plaza and a Walmart Superstore. Allowing a landscape buffer of seven feet, as opposed to 25 feet, will not create a disharmony with existing buildings and uses in the B-4 district and would not be injurious to existing buildings along the Hwy 41 corridor.

15. In all other respects, the Applicant has met its burden of satisfying all criteria for the variance pursuant to Section 94-37(11)(a) of the LDR and Section 13.15 of Appendix A, "Zoning."

**BASED ON THE FOREGOING, IT IS ORDERED:**

A variance from the 25-foot perimeter landscape buffer requirement of Section 9.3-1 and Section 74-108 is hereby granted based on the following condition:

Landscape Buffers to be 25' West parallel to U.S.41, 7' East, 12.5' South, 12.5' North.

**[SIGNATURE PAGE FOLLOWS]**

**Upon motion duly made and carried**, the foregoing Development Order was approved and passed upon the public hearing on the 14<sup>th</sup> day of March, 2016.

ATTEST:

**CITY OF DUNNELLON**

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

\_\_\_\_\_  
Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Andrew Hand, City Attorney

**I HEREBY CERTIFY** that a copy of the foregoing Development Order was sent by electronic mail to Robert Ziegenfuss at [bob@zdevelopmentservices.com](mailto:bob@zdevelopmentservices.com) and by U.S. Mail to Robert Ziegenfuss at 708 E. Colonial Drive, Orlando, FL 32803, on the \_\_\_day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Dawn M. Bowne M.M.C.  
City Clerk



## CITY OF DUNNELLON STAFF REPORT

### APPLICATION INFORMATION

---

**DATE OF HEARING:** March 14, 2016

**REQUEST FOR APPROVAL OF:** 1. Variance from Landscape buffer depth requirement

**PUBLIC HEARING:** Quasi-Judicial

**PROJECT NAME:** Wendy's Restaurant w/drive-thru

**PROJECT NUMBER:** PZ1516-028/VAR2016-02

**PROJECT REPRESENTATIVE(S):**  
Applicant: Robert Ziegenfuss  
Property Owner: Dunnellon Real Estate LLC

**PROPERTY LOCATION:**

Project Address(es):	Parcel ID Number(s):
11191 N. Williams Street	33639-006-01
Dunnellon, FL 34432	33639-006-02

**PARCEL SIZE:** .78 Acres

**EXISTING FUTURE LAND USE MAP:** Commercial

**EXISTING ZONING:** B-4

**EXISTING USE:** Restaurant/Car Wash (Closed)

## STAFF EVALUATION AND FINDINGS

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### 1. REQUEST:

- The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations to allow an East 7' (ft), South 12.5' (ft), North 12.5 (ft), and West 25' (ft) landscape buffer rather than the 25' perimeter buffer that is required.

### 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:

In 1993 the subject property was originally used for a Checkers restaurant. In 2002 a car wash was built on the adjacent property 33639-006-01. The two parcels have been purchased and a new Wendy's restaurant is being proposed for the combined site. The applicant submitted a conceptual site plan for an initial feasibility determination. A pre-application meeting was conducted and in that meeting it was determined that a landscape buffer variance would be needed in order to move the project forward.

The applicant is now seeking a variance for the landscape buffer depth for the new project.

### 4. COMPREHENSIVE PLAN:

#### Compatibility:

The subject property is located in the land use designation of Commercial. The Zoning district is B-4 and is one of the permitted zoning districts in this land use category.

The nature and type of building development is considered consistent with the current Dunnellon comprehensive plan.

(Zoning and surrounding property uses)

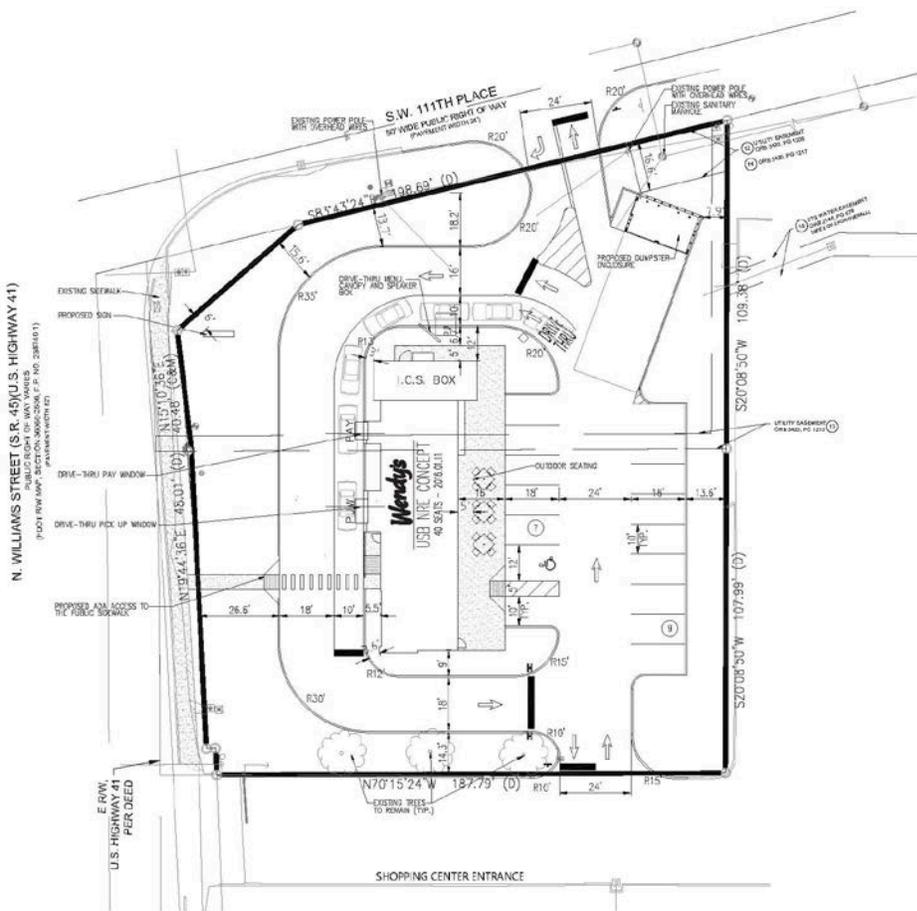


## 5. REVIEW OF APPLICATION:

### Relevant Sections of the Code

- *Land Use and Development Code, Appendix A, Article IX, Section 9.3-1(ORD2009-04)*
  - (a) All commercial development, regardless of size, shall comply with the following design standards.
    - (1) Landscape buffers shall be provided for all commercial uses in compliance with section 74-108. Buffers for all commercial uses in zoning districts other than B-3 and B-4 shall meet the requirements of the B-4 zoning district
  
- *Land Use and Development Code, Chapter 74, Article IV, Section 74-108(ORD2000-09)*
  - (1) *Location and design.* Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained in this article.
    - (4) *Buffers in B-4 zoning district*
      - (a) **Required Width.** A minimum average width of 25 feet is required

**(Applicant is seeking to allow an East 7ft, South/North 12.5ft, and West 25ft Buffer width)**





## 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:**

(1) *As to variance from 25' perimeter buffer:* The subject property is of a size that would make it very difficult to meet all the landscape buffer size requirements and still have a usable building size with adequate parking.

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

**Response:**

(1) *As to variance from 25' perimeter buffer:* The applicant's actions have not created the buffer size and setback conflict. B-4 building setbacks distances are 12 feet for the sides and 10 feet for the rear. This conflict in our code is not a result of the applicant's actions.

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 either of the requested variances.

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 the perimeter buffer variance, would be greatly limited on the size of the building and parking lot that could be constructed on the site.

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. Only three sides are requiring the variance North and South at 12.5 feet and East at 7 feet.

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:**

(1) *As to variance from 25' perimeter buffer:* The property directly adjacent to the South and East of the site is zoned B-4 and is currently being operated as a shopping center with various businesses i.e. Italian restaurant, Computer repair shop, etc. There are two similar properties to the West including McDonald's and Pizza Hut restaurants, both of which are zoned B-4. The property to the North is a large field currently being used for a produce stand and at the rear of the property is a medical office. Located to the North West is a small shopping plaza and a Walmart Superstore. Allowing this landscape buffer variance will not create a disharmony with existing buildings and uses in the B-4 district and would not be injurious to existing buildings along the Hwy 41 corridor.

**7. STAFF RECOMMENDATION:**

The Planning Commission has recommended that City Council approve the landscape buffer variance as presented.

# MASTER

## RESOLUTION #RES2016-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, RECOMMENDING THAT THE CITY COUNCIL  APPROVE;  DISAPPROVE; OR  APPROVE WITH CONDITIONS VAR 2016-02, A VARIANCE FROM LANDSCAPE BUFFER DEPTH REQUIREMENTS OF THE DUNNELLON CITY CODE, SECTION 74-108(4)A OF THE CITY OF DUNNELLON CODE AND SECTION 9.3-1(A)1 OF THE CITY OF DUNNELLON LAND DEVELOPMENT REGULATIONS AS REQUESTED BY APPLICANT, ROBERT ZIEGENFUSS REPRESENTATIVE OF DUNNELLON REAL ESTATE, LLC, OWNER OF THE PROPERTY LOCATED AT 11191 N. WILLIAMS STREET, DUNNELLON, FLORIDA 34432; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon Planning Commission held a quasi-judicial public hearing on February 16, 2016 to consider a request by the Applicant Robert Ziegenfuss, representative of Dunnellon Real Estate, LLC, to approve a variance from the requirements of Section 74-108(4)a of the City of Dunnellon Code and Section 9.3-1(A)1 of the City of Dunnellon Land Development Regulations, such property being located at 11191 N. Williams St., Dunnellon, Florida 34432.

**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 applicable criteria 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 applicable ordinances that 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 the applicable ordinances 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 applicable ordinances 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 Ziegenfuss for property owned by Dunnellon Real Estate, LLC located at 11191 N. Williams Street, being Marion County Tax Parcel Identification Numbers 33639-006-001 & 33639-006-02, subject to the following recommended conditions:

- 1. Landscape Buffers to be 25' West parallel to U.S.41, 7' East, 12.5' South, 12.5' North
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_

**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 16, 2016 by the Planning Commission upon a motion by Commissioner Cowan and seconded by Commissioner Hilton and upon being put to a vote, the result was as follows;

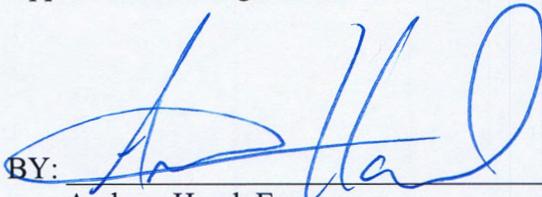
Commissioner Brenda D’Arville	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Lisa Sheffield	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Tracy Fero	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Wilber Vanwyck	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Paul Cowan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Hilton - 1 <sup>st</sup> Alt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote
Commissioner Maguire - 2 <sup>nd</sup> Alt	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Abstain	<input type="checkbox"/> Did Not Vote

Attested by:  
**PLANNING COMMISSION,  
CITY OF DUNNELLON**

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

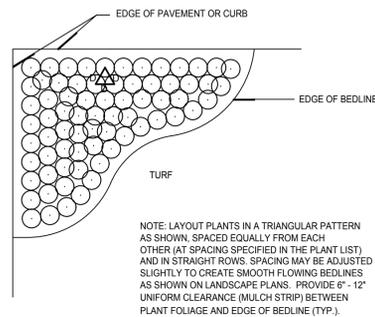
This 16<sup>th</sup> day of February, 2016.

Approved as to Legal Form:

BY:   
Andrew Hand, Esq.  
City Attorney

This 16<sup>th</sup> day of February, 2016.





**SHRUB/GROUNDCOVER SPACING DETAIL**  
NOT TO SCALE

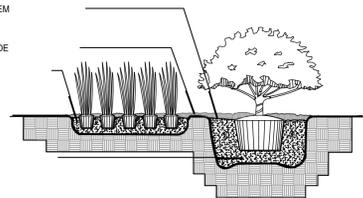
PROVIDE AGRIFORM (20-10-5) FERTILIZER TABLETS AT THE FOLLOWING RATES:  
3 GAL./2 TABLETS: 1 GAL./1 TABLET.

PROVIDE 6" MINIMUM CLEARANCE AROUND ROOT BALL (SIDES AND BOTTOM).

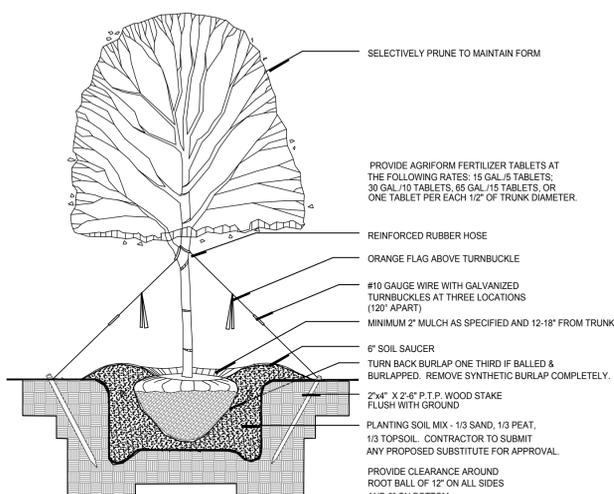
2" MULCH MINIMUM - DO NOT COVER MAIN STEM

SET TOP OF ROOTBALL 1" ABOVE FINISH GRADE  
12" MINIMUM DEPTH OF PLANTING SOIL MIX IN SHRUB/GROUNDCOVER PLANTING BEDS.

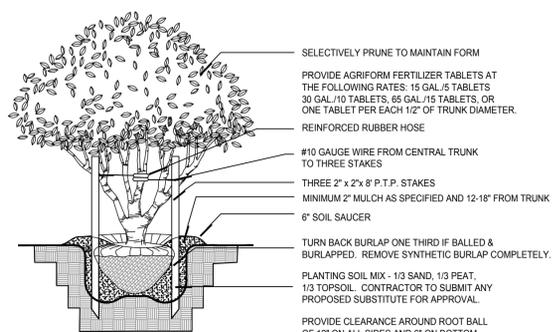
PLANTING SOIL MIX - 1/3 SAND, 1/3 PEAT, 1/3 TOPSOIL. CONTRACTOR TO SUBMIT ANY PROPOSED SUBSTITUTE FOR APPROVAL.



**SHRUB AND GROUNDCOVER PLANTING DETAIL**  
NOT TO SCALE



**TREE PLANTING DETAIL**  
NOT TO SCALE



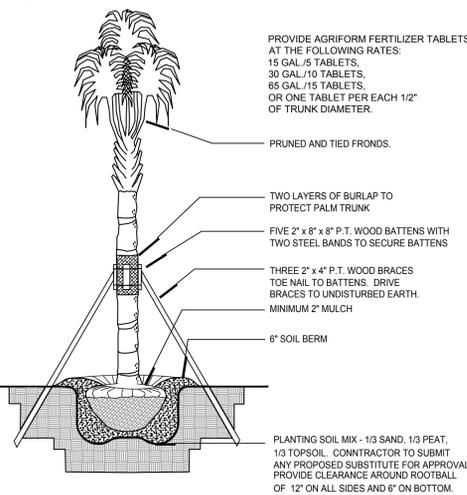
**MULTI-TRUNK TREE PLANTING DETAIL**  
NOT TO SCALE

**LANDSCAPE PLANTING NOTES:**

1. ALL PLANTS MUST BE HEALTHY, VIGOROUS MATERIAL FREE OF PESTS AND DISEASES.
2. ALL PLANTS SHALL BE FLORIDA FANCY, AS GRADED IN FLORIDA GRADES AND STANDARDS FOR NURSERY PLANTS.
3. ALL PLANTS ARE SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND OWNER BEFORE, DURING, AND AFTER INSTALLATION.
4. ALL SINGLE-TRUNKED TREES SHALL BE STRAIGHT TRUNKED WITH ONE CENTRAL LEADER AND HAVE A FULL, DENSE CROWN.
5. ALL TREES SHALL BE STAKED AND GUYED AS SHOWN IN PLANTING DETAILS.
6. ALL MULCH PLANTING AREAS SHALL BE A MINIMUM OF 2" IN DEPTH.
7. ALL PLANTING AREAS SHALL HAVE A MINIMUM OF 3" TOPSOIL.
8. ALL TREES SHALL BE FREE OF OPEN WOUNDS AND WOUND SCARS IN THE CLEAR TRUNK AREA.
9. ANY SYNTHETIC BURLAP AND/OR WIRE BASKETS MUST BE TOTALLY REMOVED PRIOR TO INSTALLATION OF PLANT MATERIAL. IF NATURAL BURLAP IS USED, IT MAY BE TURNED DOWN 1/3 OF THE ROOTBALL.

**LANDSCAPE CONTRACTOR NOTES:**

1. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING, IN FULL, ALL LANDSCAPE PLANTING AREAS, UNTIL THE JOB IS ACCEPTED IN FULL BY THE OWNER. "IN FULL" MEANS WATERING, PEST CONTROL, MULCHING, MOWING, FERTILIZING AND RESETTING TREES THAT ARE OUT OF PLUMB.
2. THE LANDSCAPE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL INSTALLED PLANT MATERIAL FOR A PERIOD OF ONE CALENDAR YEAR BEGINNING ON THE DATE OF 100% COMPLETION. ANY AND ALL REQUIRED PLANT REPLACEMENTS SHALL BE MADE PROMPTLY AND AT NO ADDITIONAL COST TO THE OWNER.
3. THE LANDSCAPE CONTRACTOR SHALL STAKE THE LOCATIONS OF ALL PLANT MATERIAL AND PLANTING BED LINES FOR REVIEW BY THE LANDSCAPE ARCHITECT AND OWNER.
4. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL WRITTEN PLANT QUANTITIES PRIOR TO INITIATION OF THE WORK. IN THE EVENT THAT THE PLANS CONTRADICT THE PLANT LIST, THE PLANS SHALL RULE.
5. THE LANDSCAPE CONTRACTOR SHALL BE FAMILIAR WITH AND ACCEPT THE EXISTING SITE CONDITIONS PRIOR TO INITIATION OF THE WORK. ANY VARIATION FROM THE SPECIFIED WORK SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
6. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES, DRAINAGE STRUCTURES, CURBS, SIDEWALKS, AND ANY OTHER OBJECTS WHICH MIGHT BE DAMAGED DURING THE WORK.
7. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE ANY AND ALL NECESSARY REPAIRS TO DAMAGE CAUSED BY HIS WORK AT NO ADDITIONAL COST TO THE OWNER OR LANDSCAPE ARCHITECT.
8. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, AND FOLLOWING ALL APPLICABLE LOCAL CODES PERTAINING TO THE PROJECT DURING THE COURSE OF HIS WORK.



**PALM PLANTING DETAIL**  
NOT TO SCALE

PLANT LIST					
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	DESCRIPTION	REMARKS
<b>TREES</b>					
LIT	22	LAGERSTROEMIA INDICA 'TONTON RED'	RED CRAPE MYRTLE	6' HT. 3' SPR., 1-1/2" CAL., MULTI-TRUNK	SPACE AS SHOWN GUY
MG	6	MAGNOLIA GRANDIFLORA 'D.D. BLANCHARD'	SOUTHERN MAGNOLIA	10-12'x3-4', 2.5" CAL. B&B (MODERATE WATER USE)	SPACE AS SHOWN GUY
QV	8	QUERCUS VIRGINIANA	LIVE OAK	10-12'x3-4', 2.5" CAL. B&B (LOW WATER USE)	SPACE AS SHOWN GUY
UA	6	ULMUS AMERICAN 'ALLEE'	ALLEE ELM	10-12'x3-4', 2.5" CAL. B&B (LOW WATER USE)	SPACE AS SHOWN GUY
<b>SHRUBS</b>					
ICB	17	ILEX CORNUTA 'BUFORDII'	BUFORD HOLLY	24" O.A. / FULL / 3G	30" O.C.
LC	181	LOROPETALUM CHINENSIS 'RUBY'	FRINGE FLOWER	24" HT. x 24" SPRD. / FULL / 3G	30" O.C.
VO	271	VIBURNUM ODORATISSIMUM	SWEET VIBURNUM	18" HT. x 18" SPRD. / FULL / 3G (MODERATE WATER USE)	30" O.C.
<b>GROUNDCOVER</b>					
DT	475	DIANELLA TASMANICA	FLAX LILY	18" HT. x 24" SPRD. / FULL / 3G (LOW WATER USE)	24" O.C.
LEG	461	LIRIOPE MUSCARI 'EMERALD GODDESS' PP15,471	EMERALD GODDESS LIRIOPE	MIN. 6 BIBS / 18" O.A. / 1G (MODERATE WATER USE)	24" O.C.
TA	583	TRACHELOSPERMUM ASIATICUM	ASIAN JASMINE	MIN. 12 RUNNERS / FULL / 1 GAL.	18" O.C.
<b>SOD</b>					
SEE PLANS		PASPALUM NOTATUM 'ARGENTINE'	ARGENTINE BAHIA	SOLID, FREE OF PESTS AND DISEASES (LOW WATER USE)	FIELD VERIFY QTY.
<b>MULCH</b>					
SEE PLANS		MINI PINE BARK NUGGETS	MINI PINE BARK NUGGETS	FREE OF DIRT AND DEBRIS	FIELD VERIFY QTY.

TREE PROTECTION UNDISTURBED AREA SHALL BE PROVIDED BASED UPON TREE DBH. BARRIER SHALL BE ERCTED PRIOR TO ANY CONSTRUCTION IN GENERAL AREA OF TREES TO BE PROTECTED.

PROHIBITED WITHIN THIS AREA:

1. PARKING OR USE OF VEHICLES, EQUIPMENT, OR MACHINERY
2. STORAGE OR DUMPING OF ANY MATERIALS OR LIQUID.
3. CONSTRUCTION, EXCAVATION, OR TRENCHING

EXISTING VEGETATION REMAINING AFTER GRUBBING FOR BUILDING PADS, STRUCTURES, RIGHT OF WAY, PARKING AREAS OR SIGNICANT GRADE CHANGES SHALL BE PROTECTED DURING THE CONSTRUCTION PROCESS.

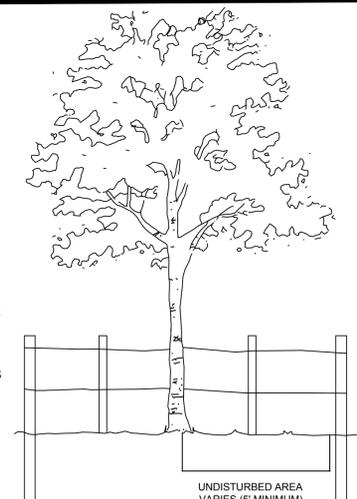
FOR EACH TREE TO BE PRESERVED, ESTABLISH AN UNDISTURBED AREA MEASURED FROM THE CENTER OF EACH TREE. THE MINIMUM UNDISTURBED AREA IS A RADIUS OF 0.75' FOR EACH INCH OF DBH (DIAMETER AT BREAST HEIGHT, 54" HT ABOVE THE SOIL LINE). TREES OF 6" DBH OR LESS SHALL HAVE A MINIMUM UNDISTURBED RADIUS OF 5 FEET. ALSO SEE LANDSCAPE NOTES.

BARRIERS TO REMAIN IN PLACE UNTIL ALL PAVING AND CONSTRUCTION IS COMPLETED.

UPRIGHTS - THE EQUIVALENT OF 4 X 4 LUMBER AT 3" MINIMUM HEIGHT ON 5' MAX. CENTERS.  
HORIZONTALS - THE EQUIVALENT OF TWO COURSES OF 1/2" DIA. ROPE WITH YELLOW TAPE FLAGGING.

**TYPICAL TREE PROTECTION DETAIL**

NOT TO SCALE



**CITY OF DUNNELLON CODE NOTES:**

North Property line adjacent to ROW 252' less 26' (access drive) = 226 linear feet  
226' / 100 = 2.26 x 3 = 6.78 canopy trees required Provided = 5 MG  
226' / 100 = 2.26 x 5 = 11.3 understory trees required Provided = 6 LIT  
West Property line adjacent to ROW 152 linear feet  
152' / 100 = 1.52 x 3 = 4.56 canopy trees required Provided = 2 Existing, 1 MG, and 2 UA  
152' / 100 = 1.52 x 5 = 7.6 understory trees required Provided = 6 LIT  
South Property line 188' less 38' (access drive) = 150 linear feet  
150' / 100 = 1.50 x 3 = 4.5 canopy trees required Provided = 3 Existing and 1 QV  
150' / 100 = 1.50 x 5 = 7.5 understory trees required Provided = 4 LIT  
East Property line 217' linear feet  
217' / 100 = 2.17 x 3 = 6.51 canopy trees required Provided = 6 QV and 1 MG  
217' / 100 = 2.17 x 5 = 10.85 understory trees required Provided = 6 LIT  
40% Sod maximum requirement  
Provided: Plan provides less than 40% of the landscape area as sodded area  
Canopy tree requirement  
Provided: 20 canopy trees diversity of species = (3) oaks, magnolias, and elms.

**CADDSCAPES, INC.**  
Florida Landscape Architecture Firm  
3162 Parma Drive  
Deltona, FL 32738  
Office: 407 310-5567

Landscape Architect:  
John Ewseychik, RLA  
Landscape Designer:  
Jason Bridgewater,  
Florida Water Star AP

48 HOURS BEFORE YOU DIG  
CALL SUNSHINE  
1-800-432-4770 or 811  
IT'S THE LAW IN FLORIDA  
FLORIDA LAW REQUIRES  
EXCAVATORS TO NOTIFY  
OWNERS OF UNDERGROUND  
FACILITIES NO LESS THAN TWO  
(2) DAYS PRIOR TO EXCAVATION



TOTAL SHEETS  
L-1 and L-2

REVISION	DATE	REVISION	DATE

DATE: 01/12/16



John William Ewseychik, Jr.,  
Registered Landscape Architect  
FL Registration -LA 807

**WENDY'S RESTAURANT**  
N. WILLIAMS STREET  
DUNNELLON, FLORIDA

DATE: 01-04-16  
DRAWN: JB  
CHECKED: JE

**L-2**

LANDSCAPE DETAILS  
PROJECT NO.: 2015.216



Wendy's

Wendy's





Date: January 12, 2016

RE: Wendy's-Dunnellon

To:

Lonnie Smith  
City of Dunnellon  
20750 River Drive  
Dunnellon, FL 34431

From:

Bob Ziegenfuss, PE  
Z Development Services  
708 E. Colonial Drive, Suite 100  
Orlando, FL 32803

Lonnie:

Enclosed please find the following:

- Application
- Submittal Fee
- Renderings
- 3 full size plans
- 3 ½ size plans
- Warranty Deeds
- Property Appraiser's Information
- CD

Thank you

708 E. Colonial Drive, Suite 100  
Orlando, Florida 32803

Phone: (407) 271-8910  
Fax: (407) 442-0604

Providing **commercial development** services with an emphasis on **client satisfaction**  
[www.zdevelopmentservices.com](http://www.zdevelopmentservices.com)



# City of Dunnellon Planning and Zoning Application

Date: 1/7/14

Application No.: PZ1516-028 VAR 2016-0  
VAR 2016-0

Applicant Name: Robert Ziegenfuss  
Address: 108 E. Colonial Dr. Ste. 100  
Orlando FL 32803

Phone# 407 211 8910  
Fax # 407 442 0604  
Email Address: bob@zdevelopmentsservice.com

Applicant is:  Owner  Agent  Purchaser  Lessee  Other \_\_\_\_\_

Owner(s) Name: Dunnellon Real Estate LLC  
Address: 6401 Congress Ave #100  
Boca Raton FL 33487

Phone # 561-997-6002  
Fax # N/A  
Email Address: jmercado@jarcrlta.com

### Application Type

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

Reason for Request: 1) 25' perimeter buffer reqmt - Chap 74-108(4) & Article 1X, Sec 9-3-1(a) 1 (B&H)  
sides & rear are under reqmt.) 2) No dumpster in landscape buffer - Art. 1  
Sec. 9-3-1(a) C

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

Property Address: 11191 N. Williams St. Property Size (acres): 0.34

Parcel ID Number: 33639-006-01

Existing Use of Property: Car Wash

Existing Zoning: B4 Current/Future Land Use: Commercial

Current number of structures on the property: 2

Type of structure(s) on property (house, shed, etc.): car wash / fast food restaurant

Proposed Use of Property: Fast food restaurant

Proposed Zoning: B4 Proposed Land Use: Commercial

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: \_\_\_\_\_

**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.**

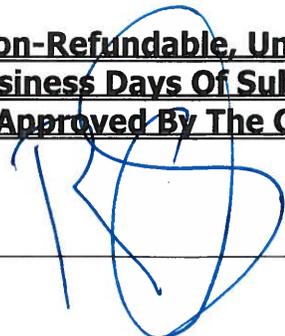
Voluntary Annexation		\$500.00
Re-zoning		\$500.00
Small Scale Comprehensive Plan Amendment ≤ 10 acres		\$1,200 .00
Large Scale Comprehensive Plan Amendment > 10 acres		\$2,500 .00
Variance		\$500.00
Special Exception Use		\$750.00
Vacation of Plat		\$750.00
Abrogation		\$750.00
Concurrency Application		\$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

1/11/16



# Property Owner & Agent Affidavit

Date: 1/7/14

Before me, the undersigned authority personally appeared, Johnny Mercado (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: Obtain 2 variances

3. That said authority (property owner) has appointed Robert Ziegenfuss (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

Agent's Signature

STATE OF FLORIDA  
COUNTY OF MARION

STATE OF FLORIDA  
COUNTY OF MARION

Subscribed and sworn to (or affirmed) before

Subscribed and sworn to (or affirmed) before

Me on 1/7/2014 (date) by

me on 1/7/14 (date) by

Johnny Mercado (name)

Robert Ziegenfuss (name)

Of affiant, deponent, or other signer. He/she is personally known to me or has presented

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

as identification.

as identification.

PUBLIC NOTARY

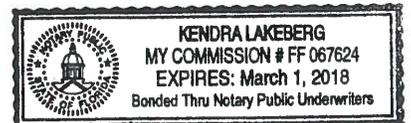
PUBLIC NOTARY

SEAL:



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.



Prepared by: John S. Clardy III, Esquire  
Clardy Law Firm, P.A.  
P. O. Box 2410  
Crystal River, FL 34423  
(352) 795-2946

PARCEL ID NO. R 33639-006-01  
NO TITLE EXAMINATION HAS BEEN MADE ON THE PROPERTY DESCRIBED HEREIN.

**WARRANTY DEED**

THIS INDENTURE made this 21 day of August, 2015, between Car Wash One, Inc., a Florida corporation, of 750 SW HWY 19, Crystal River, Florida 34429, herein Grantor, and Dunnellon Real Estate, LLC, a Florida limited liability company, of 6401 Congress Avenue #100, Boca Raton, Florida 33487, herein Grantee.

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that said Grantor, for and in consideration, and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, its heirs and assigns forever, the following described land, situated, lying and being in Marion County, Florida, to wit:

See Exhibit "A" attached hereto.

Said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set their hand the day and year first above-written.

Car Wash One, Inc., a Florida corporation

Cindy Smith-Martynowski  
Witness

G. Michael Beaver  
By: G. Michael Beaver, President

**Cindy Smith-Martynowski**

(printed/typed name of witness)

Renée Husek

Witness

**RENEE HUSEK**

(printed/typed name of witness)

STATE OF FLORIDA  
COUNTY OF CITRUS

The foregoing instrument was acknowledged before me this 21 day of August, 2011 by G. Michael Beaver, President of Car Wash One, Inc.

personally known  
 identified by  drivers license

Renée Husek  
Notary Public  
Notary Commission expires:



**RENEE HUSEK**  
MY COMMISSION # EE 860373  
EXPIRES: February 1, 2017  
Bonded thru Budget Notary Services

EXHIBIT "A"

PARCEL "A"

A parcel of land lying in Section 26, Township 16 South, Range 18 East, Marion County, Florida, being more particularly described as follows:

Commence at a concrete monument at the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 26 for a point of reference; thence run North along the East line of said Northeast  $\frac{1}{4}$  a distance of 58.08 feet to a point on the North Right-of-Way Line of an old A.C.L. Railroad Spur Line; thence run North  $83^{\circ} 43' 24''$ , West along said North Right-of-Way Line a distance of 458.55 feet to the point of beginning; thence departing said Right-of-Way Line run South  $20^{\circ} 08' 50''$  West distance of 109.38 feet; thence run North  $70^{\circ} 15' 24''$  West a distance of 189.49 feet to a point on the easterly Right-of-Way Line of U.S. Highway No. 41 (State Road No. 45), said point being on a curve concave in a westerly direction and having a radius of 1959.08 feet; thence run Northerly along the arc of said curve and along said Easterly Right-of-Way Line and through a central angle of  $01^{\circ} 50' 45''$  a distance of 63.11 feet to a point at the intersection of said Easterly Right-of-Way Line with the aforementioned Northerly Right-of-Way Line; thence run South  $83^{\circ} 43' 24''$  East along said Northerly Right-of-Way Line a distance of 198.69 feet to the point of beginning.

The above described lands containing .379 acres, more or less.

This instrument prepared by:  
LEONARD E. ZEDECK, ESQ.  
8870 W. OAKLAND PARK BOULEVARD  
SUNRISE, FL 33351

FOLIO NO. R33639-006-02

**SPECIAL WARRANTY DEED**

THIS SPECIAL WARRANTY DEED is made the 3<sup>rd</sup> day of September, 2015, by DUNNELLON MARKETING, INC., a Florida corporation party of the first part, whose post office address is: 8870 W. Oakland Park Boulevard, Sunrise, FL 33351, hereinafter called the Grantor, to DUNNELLON REAL ESTATE, LLC, a Florida Limited Liability Company, party of the second part, whose post office address is: 6401 Congress Ave, #100, Boca Raton FL 33487, hereinafter called the Grantee:

**WITNESSETH:**

That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and conveys and confirms unto the Grantee all that certain land situated in Marion County, Florida, being more particularly described as follows, together with all improvement located on such land (such land and improvements collectively referred to as the "Property"):

**"SEE LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO  
AND MADE A PART HEREOF"**

Subject to easements, restrictions and reservations of record and to taxes for the year 2015.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AN TO HOLD, the same in fee simple forever.

AND except as noted above, Grantor hereby specially warrants title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has hereunto set its hand and seal the day and year first above written.

Signed, sealed and delivered  
in the presence of:

sign: *Pamela S. Wideman*  
print: Pamela S. Wideman

sign: *Frances Solomon*  
print: FRANCES SOLOMON

DUNNELLON MARKETING, INC.,  
a Florida corporation

By: *Leonard E. Zedek VP*  
**LEONARD E. ZEDECK, Vice- President**

STATE OF FLORIDA                    )  
  ) SS.  
COUNTY OF BROWARD                )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of September, 2015, by LEONARD E. ZEDECK, Vice-President of DUNNELLON MARKETING, INC., a Florida corporation, on behalf of the corporation. He is personally known to me and did take an oath.



NOTARY PUBLIC:  
sign: *Pamela S. Wideman*  
print: Pamela S. Wideman  
STATE OF FLORIDA AT LARGE

(SEAL)

My Commission Expires: 5/9/2019

## LEGAL DESCRIPTION

A parcel of land lying in Section 26, Township 16 South, Range 18 East, Marion County, Florida being more particularly described as follows:

Commence at a concrete monument at the Southeast corner of the Northeast 1/4 of said Section 26 for a point of reference; thence run North along the East line of said Northeast 1/4 a distance of 58.08 feet to a point on the North right of way line of an old A.C.L. Railroad Spur Line; thence run North  $83^{\circ}43'24''$  West along said North right of way line, a distance of 458.55 feet; thence departing said right of way line run South  $20^{\circ}08'50''$  West, a distance of 109.38 feet to the Point of Beginning; thence continue South  $20^{\circ}08'50''$  West, a distance of 107.99 feet; thence run North  $70^{\circ}15'24''$  West, a distance of 187.79 feet to a point on the Easterly right of way of U.S. Highway No. 41 (State Road No. 45); thence run North  $19^{\circ}44'36''$  East along said Easterly right of way line a distance of 48.01 feet to the point of curvature of a curve concave in a Westerly direction and having a radius of 1959.08 feet; thence run Northerly along the arc of said curve and along said Easterly right of way line and through a central angle of  $01^{\circ}45'16''$  a distance of 59.99 feet; thence run South  $70^{\circ}15'24''$  East, a distance of 189.50 feet to the Point of Beginning.

LESS AND EXCEPT the lands described as Parcel 118 in the Order of Taking under Case No. 02-820-CA-G recorded in Official Records Book 3213, Page 269, and Final Judgment of Order of Taking recorded in Official Records Book 3504, Page 1958, all of the Public Records of Marion County, Florida.

# Marion County Property Appraiser

## Villie M. Smith, CFA, ASA

Select Language ▼ Powered by [Google Translate](#)

[HOME](#) [Search](#) [Previous](#) [Parcel](#) [Next](#) [Parcel](#) [TRIM](#) [Notice](#) [TRIM](#) [Supplement](#) [Address](#) [Change](#) [Form](#) [Sa](#)

GO TO [Current](#) [2015](#) [2014](#) [2013](#) PRC

### 2015 Property Record Card

## 33639-006-01

Prime Key: 2743247

[MAP IT](#)

#### Property Information

CAR WASH ONE INC  
750 SE HWY 19  
CRYSTAL RIVER FL 34429

Taxes / Assessments:

M.S.T.U.

Map ID: 20

PC: 27

Millage: 3002

Acres: 0.34

Situs: 11191 N WILLIAMS ST DUNNELLON

#### Current Values

Land Just Value	\$70,680
Buildings	\$100,326
Miscellaneous	\$7,112
Total Just Value	\$178,118
Total Assessed Value	\$178,118
Exemptions	-\$0
Total Taxable	\$178,118

#### History of Assessed Values

Year	Land Just	Building	Misc Value	Mkt/Just	Assessed Val	Exemptions	Taxable Val
2015	\$70,680	\$100,326	\$7,112	\$178,118	\$178,118	\$0	\$178,118
2014	\$74,400	\$87,799	\$7,112	\$169,311	\$169,311	\$0	\$169,311
2013	\$74,400	\$82,827	\$5,782	\$163,009	\$163,009	\$0	\$163,009

#### Property Transfer History

Book/Page	Date	Instrument	Code	Q/U	V/I	Price
<a href="#">6273/0101</a>	08/15	09 EASEMNT	0	U	I	\$100
<a href="#">6273/0096</a>	08/15	07 WARRANTY	4 V-APPRAISERS OPINION	Q	I	\$350,000
<a href="#">PT02/0337</a>	10/02	EI E I	0	U	V	\$348
<a href="#">3124/0056</a>	02/02	43 R-O-W	0	U	V	\$100
<a href="#">3124/0053</a>	02/02	05 QUIT CL	0	U	V	\$100
<a href="#">3627/1314</a>	12/01	07 WARRANTY	9 UNVERIFIED	Q	I	\$60,000
<a href="#">2864/0403</a>	10/00	07 WARRANTY	2 V-SALES VERIFICATION	Q	V	\$80,000
<a href="#">1842/0858</a>	06/92	07 WARRANTY	0	U	V	\$100

#### Property Description

SEC 26 TWP 16 RGE 18  
 COM AT THE SE COR OF NE 1/4 OF SEC 26 TH N 58.08 FT TH  
 N 83-43-24 W 458.55 FT TO THE POB TH S 20-08-50 W 109.38 FT  
 TH N 70-15-24 W 189.49 FT TO A PT BEING ON A CURVE CONCAVE  
 WLY HAVING A RADIUS OF 1959.08 FT TH NLY ALONG THE ARC OF  
 CURVE THRU A CENTRAL ANGLE OF 01-50-45 A DISTANCE OF 63.11  
 FT TH S 83-43-24 E 198.69 FT TO THE POB &  
 EXC RD ROW BEING MORE PARTICULARLY DESC AS:  
 COM AT THE SE COR OF NE 1/4 OF SEC 26 TH N 00-23-20 E  
 58.13 FT TH N 83-31-20 W 605.23 FT TO THE POB TH  
 S 68-57-05 W 53.39 FT TO THE POC OF A CURVE CONCAVE WLY  
 HAVING A RADIUS OF 3324.04 FT A CENTRAL ANGLE OF 00-41-52  
 A CHORD BEARING OF S 15-22-40 W TH SLY ALONG THE ARC OF  
 CURVE 40.48 FT TH N 70-04-26 W 10.78 FT TO A PT ON A CURVE  
 CONCAVE WLY HAVING A RADIUS OF 1959.86 FT A CENTRAL ANGLE  
 OF 01-51-01 A CHORD BEARING OF N 17-17-04 E TH NLY ALONG  
 THE ARC OF CURVE 63.29 FT TH S 83-31-20 E 52.23 FT TO POB

[Parent Parcel: 33639-006-00](#)

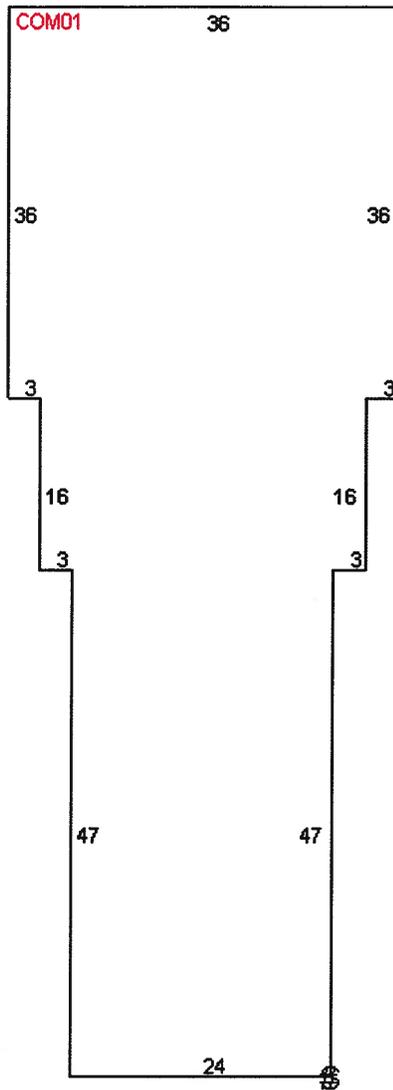
[Land Data - Warning: Verify Zoning](#)

Use	Front	Depth	Zoning	C	Notes	Units	Type	Rate	Loc	Shp	Phy	Class Value	Just Value
2708	86	173	B4		US 41-IRR	14880.00	SF	4.75	1.00	1.00	1.00	\$70,680	\$70,680
Neighborhood 3100 - US 41 IN TWP 16											Total Land - Class \$70,680		
Mkt: 1 70											Total Land - Just \$70,680		

[Traverse](#)

Building 1 of 1

COM01=L24U47L3U16L3U36R36D36L3D16L3D47.



Building Characteristics

Structure 4 - MASONRY NO PILAST Year Built 2002  
 Effective Age 1 - 00-04 YRS Obsolescence: Functional 0.00 %  
 Condition 0 - 0 Obsolescence: Locational 0.00 %  
 Quality Grade 600 - AVERAGE Base Perimeter 270  
 Inspected on 1/1/2015 by 118

Exterior Wall: 01 NO EXTERIOR 85 %  
 32 CONC BLK-STUCO 15 %

Section	Wall Height	Stories	Year Built	Basement %	Ground Flr Area	Interior Finish	SprinklerA/C
1	15.0	1.00	2002	0 %	2,904	C27 CAR WASH	100 % N N

Section: 1

Elevator Shafts 0      Apartments 0      Kitchens 0      4FixBath 0      3FixBath 0  
 Elevator Landings 0      Escalators 0      Fireplaces 0      2FixBath 0      XFixture 1

Miscellaneous Improvements

Type	Nbr	Units	Type	Life	Year	In	Grade	Length	Width	Depr	Value
144 PAVING ASPHALT	10190.00		SF	5	2002	3		0.0	0.0		\$6,766
159 PAV CONCRETE	312.00		SF	20	2002	3		0.0	0.0		\$346
Total Depreciated Value as of 11/2/2015 - \$7,112											

Appraiser Notes

TIGERLAND CARWASH

Planning and Building, County Permit Search

\*\* Permit Search \*\*

Permit Number	Amount	Issued Date	Complete Date	Description
DN02901	\$1	10/1/2001	-	CAR WASH

- 
- 
- 
- 
- 

Cost/Market Summary

Buildings R.C.N.	\$107,877	3/11/2011				
Total Depreciation	-\$7,551					
Bldg - Just Value	\$100,326		<b>Bldg Nbr</b>	<b>RCN</b>	<b>Depreciation</b>	<b>Depreciated</b>
Misc - Just Value	\$7,112	3/11/2011	1	\$107,877	\$7,551	\$100,326
Land - Just Value	\$70,680	4/17/2015				
Total Just Value	\$178,118					

cc: Sull T

**Page** : 1 of 1 01/21/2016 15:08:51  
**Order Number** : 12848205  
**PO Number** : PZ1516-028  
**Customer** : 10079093 zzCity of Dunnellon Legals  
**Contact** : Dawn M. Bowne, C.M.C., City Cl  
**Address1** : 20750 River Drive  
**Address2** :  
**City St Zip** : Dunnellon FL 34431  
**Phone** : (352) 465-8500 x23  
**Fax** : (352) 465-8505  
**Credit Card** :  
**Printed By** : Mary Ann Naczi  
**Entered By** : Mary Ann Naczi  
  
**Keywords** : 435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COM  
**Notes** :  
**Zones** :

**Ad Number** : 12963447  
**Ad Key** :  
**Salesperson** : 05 - Mary Ann Naczi  
**Publication** : Riverland Legals  
**Section** : Legals  
**Sub Section** : Legals  
**Category** : 995E-Miscellaneous Notices  
**Dates Run** : 01/28/2016-01/28/2016  
**Days** : 1  
**Size** : 3 x 3.33, 37 lines  
**Words** : 307  
**Ad Rate** : 99GOV  
**Ad Price** : 24.70  
**Amount Paid** : 0.00  
**Amount Due** : 24.70

**435-0128 RIV  
 PUBLIC NOTICE  
 NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL  
 PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES**

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two variances for property located at 11191 N. Williams Street, Dunnellon FL, being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash. The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 16, 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 number PZ1516-028, submitted by Robert Ziegenfuss, 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.

Published January 28, 2016.

**City of Dunnellon**  
  
**FEB 01 2016**  
**RECEIVED**

LFV

CITRUS PUBLISHING  
ATTN: LEGAL DEPARTMENT  
1624 N MEADOWCREST BLVD.  
CRYSTAL RIVER, FL 34429  
352-726-0902 PHONE  
352-726-9603 FAX

## Riverland News - INVOICE

Dear Customer: 10079093 City of Dunnellon

This is an invoice to process your payment for the enclosed ad. Please include Order #12848205 on your check and send payment of \$24.70 directly to the Legal Department at the above address. If you have paid previously, then disregard this invoice or keep for your records. REMEMBER: Payment is due in full within 20 days.

RE: 435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two varian

Ad publication dates:  
January 28th, 2016,

Thank you for your business,

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas  
Legal Representative

# Proof of Publication

from the  
**RIVERLAND NEWS**  
Dunnellon, Marion County, Florida  
**PUBLISHED WEEKLY**

STATE OF FLORIDA  
COUNTY OF MARION

Before the undersigned authority personally appeared

Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

Of the Riverland News, a newspaper published weekly at Dunnellon, in Marion County, Florida, that the attached copy of advertisement being a public notice in the matter of the

435-0128 RIV PUBLIC NOTICE NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two varian

Court, was published in said newspaper in the issues of January 28th, 2016,

Affiant further says that the Riverland News is a Newspaper published at Dunnellon in said Marion County, Florida, and that the said newspaper has heretofore been continuously published in Marion County, Florida, each week and has been entered as second class mail matter at the post office in Dunnellon 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/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Mary Ann Naczi  
The forgoing instrument was acknowledged before me

This 28<sup>th</sup> day of January, 2016  
By: Theresa J. Savery and/or Mary Ann Naczi and/or Mishayla Coffas

who is personally known to me and who did take an oath.

Mishayla Coffas  
Notary Public

**435-0128 RIV PUBLIC NOTICE**  
**NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES**

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Published January 28, 2016.



**TO:** Riverland News  
**FROM:** Teresa Malmberg  
**DATE:** January 21, 2016  
**RE:** Legal Notice

Please publish the ad below on or before Thursday, January 28, 2016, 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 VARIANCES**

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two variances for property located at 11191 N. Williams Street, Dunnellon FL, being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash. The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 16, 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 number PZ1516-028, submitted by Robert Ziegenfuss, 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.

## **Teresa Malmberg**

---

**From:** Teresa Malmberg  
**Sent:** Thursday, January 21, 2016 3:31 PM  
**To:** 'Legals - Sumter, Marion, Gadsden & Wakulla'  
**Subject:** RE: your first proof

Thanks Mary Ann! This proof is approved.

Have a wonderful weekend!

Regards,

*Teresa A. Malmberg*

Administrative Coordinator  
Public Services &  
Community Development  
City of Dunnellon  
Ofc: (352) 465-8500 x1010  
Cell: (352) 445-0705

[tmalmberg@dunnellon.org](mailto:tmalmberg@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:** Legals - Sumter, Marion, Gadsden & Wakulla [mailto:[mnaczi@chronicleonline.com](mailto:mnaczi@chronicleonline.com)]  
**Sent:** Thursday, January 21, 2016 3:12 PM  
**To:** Teresa Malmberg <[tmalmberg@dunnellon.org](mailto:tmalmberg@dunnellon.org)>  
**Subject:** your first proof

hi Teresa, here is your first proof.... thanks, mary ann

**CITRUS PUBLISHING, ATTN: LEGAL DEPARTMENT**  
**1624 N. MEADOWCREST BLVD., CRYSTAL RIVER, FL 34429**  
**Phone: 352-726-0902 Fax: 352-726-9603 Email: [mnaczi@chronicleonline.com](mailto:mnaczi@chronicleonline.com)**

**Hi there, this is your first proof, if there are any errors please let me know TODAY**

**FAILURE TO RESPOND WITH CORRECTIONS  
WILL BE DEEMED AS AN ACCEPTANCE OF LEGAL**

**When paying your invoice please include Customer Number, (the number before your name), Order Number and Ad Number on your check and send the total in Cost: directly to the Legal Department at the above address. Payment is DUE IN FULL within 20 days of last insertion.**

**REMINDER: The original invoice will go out with the copy of the final proof, so if you have paid before that comes, just disregard it.**

*Thank you so much for your business! Mary Ann Naczi, Legal Rep*

**Customer Number: 10079093 City of Dunnellon**  
**Order Number: 12848205**  
**Ad Number: 12963447**

Cost: \$ 24.70

**435-0128 RIV  
PUBLIC NOTICE  
NOTICE OF PLANNING COMMISSION QUASI-JUDICIAL  
PUBLIC HEARINGS TO CONSIDER APPLICATION FOR VARIANCES**

The Planning Commission will hold quasi-judicial public hearings for recommendations to the City Council regarding two variances for property located at 11191 N. Williams Street, Dunnellon FL, being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash. The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 16, 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 number PZ1516-028, submitted by Robert Ziegenfuss, 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.

Published January 28, 2016.

**HAVE A BLESSED DAY!!**

**Mary Ann Naczi Legal/Classified Rep. 8AM-4PM mon-fri.**  
**Phone: 352-726-0902 Fax: 352-726-9603 email: [legalads@chronicleonline.com](mailto:legalads@chronicleonline.com)**  
**Legals for Sumter/Marion/Gadsden & Wakulla counties**  
**DEADLINE FOR LEGAL ADS - THURSDAYS AT 5PM**  
**Citrus County legals: Call Mishayla, 352-726-0902 email: [legals@chronicleonline.com](mailto:legals@chronicleonline.com)**

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**From:** Teresa Malmberg [tmalmberg@dunnellon.org]  
**Sent:** Thursday, January 21, 2016 1:57 PM  
**To:** Legals - Sumter, Marion, Gadsden & Wakulla  
**Cc:** Lonnie Smith  
**Subject:** Legal Notice for Publication 1/28 RLN

Please provide proof prior to and proof of publication. Thank you.

Regards,

*Teresa A. Malmberg*

Administrative Coordinator  
Public Services &  
Community Development  
City of Dunnellon  
Ofc: (352) 465-8500 x1010  
Cell: (352) 445-0705  
[tmalmberg@dunnellon.org](mailto:tmalmberg@dunnellon.org)

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## CITY OF DUNNELLON

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

January 29, 2016

### NOTICE OF PUBLIC HEARINGS FOR VARIANCES

Dear Property Owner:

The Planning Commission of Dunnellon will hold public hearings for recommendations to the City Council regarding two variances requested by the Applicant, Robert Ziegenfuss. Applicant's property is located at 11191 N. Williams Street, Dunnellon FL, ("Subject Property"), being Parcel Number 33639-006-01, situated at the site of the old Checkers restaurant and the Car Wash.

The Applicant seeks a variance from Section 74-108(4)a of the City Code and Section 9.3-1(a)1 of the City Land Development Regulations, which require a minimum perimeter landscape buffer of 25 feet. The Applicant seeks a second variance from Section 9.3-1(a)2 of the City Land Development Regulations, which does not allow dumpsters in the buffer area.

The public hearings will be held at Dunnellon City Hall, 20750 River Drive, Dunnellon, FL 34431, on **Tuesday, February 16, 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 to you.

The application, filed under application number PZ1516-028, submitted by Robert Ziegenfuss, 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 meeting and be heard with respect to the proposed variances and site plan. Please be advised that all oral and written communications prior to the hearings concerning the case between any member of the Planning Commission and the Applicant or the public are strongly discouraged under Florida law.

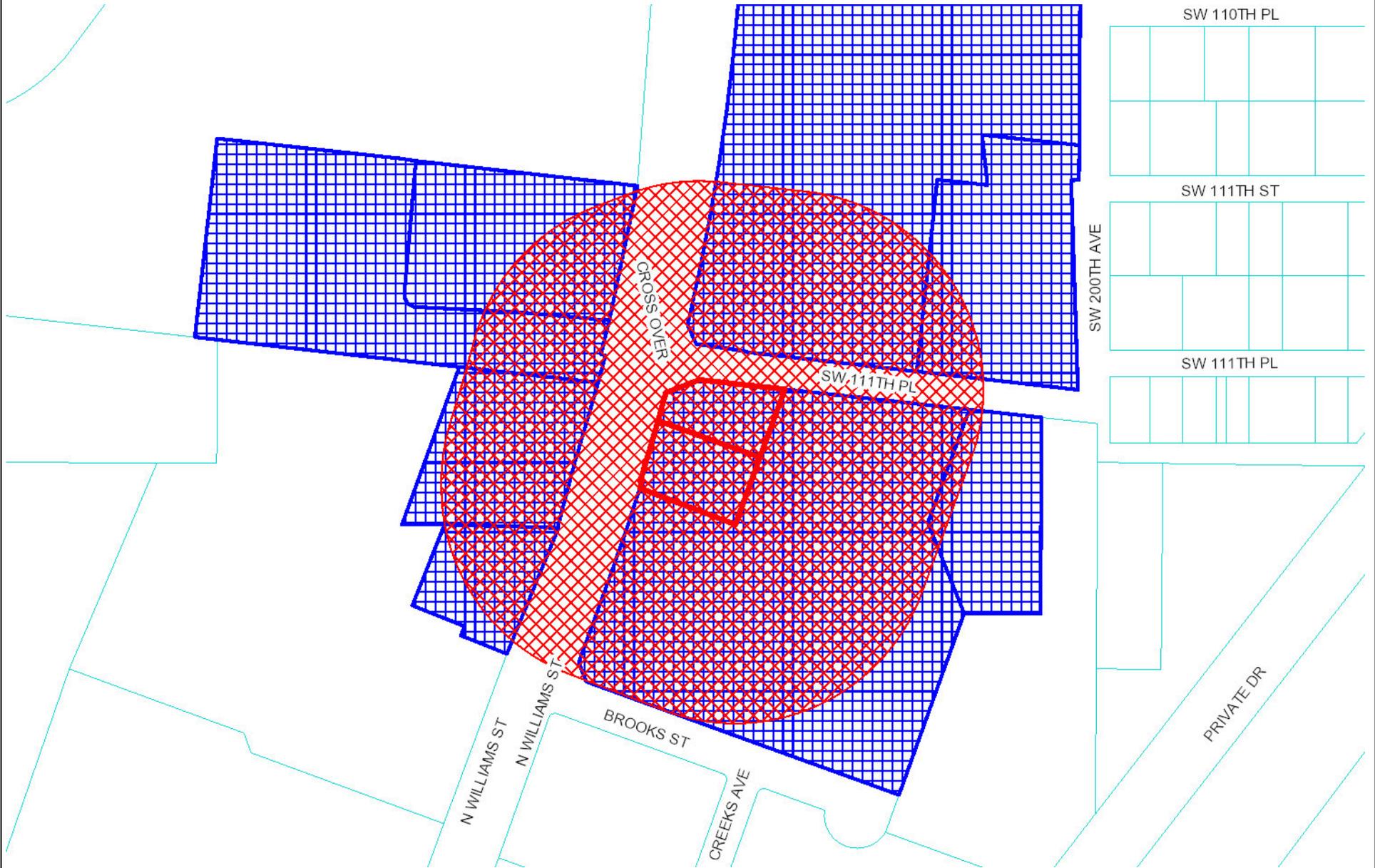
A person who decides to appeal any decision made by any board, agency, or council with respect to any matter considered at such meeting or hearings, will need a record of the proceedings. For

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 City Code and 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 Esch, Sr.  
City Manager



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.

DUNNELLO REAL ESTATE LLC  
6401 CONGRESS AVE # 100  
BOCA RATON FL 33487

COXCO1 LLC C/O CHELSEA MARINE  
5023 FIRST COAST HWY # B201  
AMELIA ISLAND FL 32034

RAINBOW IV INVESTMENTS RLLP  
3535 E 161ST ST  
CARMEL IN 46033-8138

CFL PIZZA LLC  
1146 CELEBRATION BLVD  
CELEBRATION FL 34747

BALDEO SHYAM  
20765 WALNUT ST  
DUNNELLO FL 34431-6750

OCALA LUMBER COMPANY  
PO BOX 1389  
OCALA FL 34478-1389

SREE NSNK HOLDINGS LLC  
1429 N ANNAPOLIS AVE  
HERNANDO FL 34442-3318

MCDONALD'S CORP 009/0707  
8240 SW STATE RD 200  
OCALA FL 34481

DUNNELLO REAL ESTATE LLC  
6401 CONGRESS AVE # 100  
BOCA RATON FL 33487

DUNNELLO EQUITIES LLC  
5728 MAJOR BLVD STE 505  
ORLANDO FL 32819-7970

SREE NSNK HOLDINGS LLC  
1429 N ANNAPOLIS AVE  
HERNANDO FL 34442-3318

*duplicate*

*10 Neighbor notices*  
*1 Applicant notice*  
*11 @ .485 = \$5.335 postage*

*Wendy's*

## Teresa Malmberg

---

**From:** Andrew Hand <ahand@shepardfirm.com>  
**Sent:** Friday, February 12, 2016 1:00 PM  
**To:** Lonnie Smith  
**Cc:** Teresa Malmberg; Eddie Esch  
**Subject:** RE: Wendy's variances

Lonnie,

It is my opinion that that report is legally sufficient. Yes, a notary can swear-in witnesses at the hearing.

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:** Friday, February 12, 2016 12:05 PM  
**To:** Andrew Hand <ahand@shepardfirm.com>  
**Cc:** Teresa Malmberg <tmalmberg@dunnellon.org>; Eddie Esch <EEsch@dunnellon.org>  
**Subject:** Wendy's variances

Andrew,

Attached is the staff report for your review of legal sufficiency. We will need to get the agenda out today so please review at your earliest convenience.

....Also, can a notary do the swearing in for a quasi-judicial hearing? The reason I'm asking is that the planning meeting on Tuesday is looking to be a pretty easy one and most likely will not need legal advice. Maybe you could help me determine that after looking over the staff report.

Thanks,

Lonnie Smith  
IT/ Community Development  
City of Dunnellon  
352-465-8500 x1011  
[lsmith@dunnellon.org](mailto: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.

**Subject:** Electronic Filing for Campaign Finance Reports

**Importance:** High

Dawn,

As you know, chapter 106 of Florida Statute requires candidates and political committees to file scheduled financial reports throughout the election cycle. In 2010, the Marion County Board of County Commissioners passed Resolution NO. 10-R-37 requiring all reporting entities to file electronic financial reports. Then in 2013, the City of Ocala followed suit and adopted Resolution NO. 2013-40. See attached Resolutions.

The Candidate Finance System is a secure on-line system that provides ease and convenience to the candidate, the filing officer, and the public; while improving accuracy and efficiency. The system has been very well received. We would like give you and your candidates the opportunity to use the Candidate Finance System in this upcoming election cycle. If you choose to utilize this system, your City must first pass a Resolution requiring electronic filing.

We look forward to hearing from you. If you have any questions, please do not hesitate to contact our office.

Thank you,

**KIM HANKEMEYER, MFCEP**

**Support Services Analyst**

Marion County Election Center

981 NE 16<sup>th</sup> Street

PO Box 289

Ocala, Florida 34478-0289

Tel: 352 620 3294 Ext 220

Fax: 352 620 3286

E-Mail: [KHankemeyer@VoteMarion.com](mailto:KHankemeyer@VoteMarion.com)

Web: [www.VoteMarion.com](http://www.VoteMarion.com)

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

## RESOLUTION #RES2016-10

### **A RESOLUTION OF THE CITY OF DUNNELLO, FLORIDA, IMPLEMENTING THE PROVISIONS OF SECTION 106.07(2)(a)2., FLORIDA STATUTES, REQUIRING ELECTRONIC FILING OF CAMPAIGN FINANCE REPORTS OF LOCAL CANDIDATES AND POLITICAL COMMITTEES; ESTABLISHING AN ELECTRONIC FILING SYSTEM AND REQUIRING A WRITTEN ACKNOWLEDGEMENT REGARDING CERTAIN MATTERS PERTAINING TO THE ELECTRONIC FILING SYSTEM AND PROVIDING FOR EFFECTIVE DATE.**

WHEREAS, in accordance with the provisions of Section 106.07(2)(a)2., Florida Statutes, the City Council of the City of Dunnellon is authorized to require electronic filing, as provided for in Chapter 106, Florida Statutes, of candidates for elective office required to qualify for office with the City Clerk of the City of Dunnellon; and

WHEREAS, Section 106.07(3), Florida Statutes, requires the campaign finance reports specified in Chapter 106, Florida Statutes, of political committees that have registered with the City Clerk to be subject to the same filing conditions as established for the campaign finance reports of candidates for elective office within such city; and

WHEREAS, the Marion County Supervisor of Elections has agreed to allow electronic filing of said campaign finance reports for City of Dunnellon elections with his office consistent with the requirements of Chapter 106, Florida Statutes; and

WHEREAS, by the adoption of this resolution, the City Council of the City of Dunnellon, Florida, intends to require the campaign finance reports of certain candidates for elective office within the City and of political committees registered within the City to be filed electronically with the City Clerk by means of the Marion County's Supervisor of Elections electronic filing system in accordance with the provisions of Sections 106.07(2)(a)2 and 106.07(3), Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DUNNELLO, FLORIDA, in regular session, as follows:

**Section 1.** Pursuant to the provisions of Section 106.07(2)(a)2, Florida Statutes, the following persons and committees are required to electronically file finance reports:

- (a) Candidates for elective office within the City who are required by law to qualify before the City Clerk;
- (b) Political committees that are required by law to qualify before the City Clerk.

Electronic filing required: Pursuant to Sections 106.07(2)(a)2 and 106.07(3), Florida Statutes, the City Council of the City of Dunnellon hereby establishes the requirement that each campaign finance report of candidates, political committees and officers must be filed with the City Clerk by means of the Supervisor of Elections' electronic filing system.

**Section 2. Electronic filing specifications.** The Marion County Supervisor of Elections is authorized and directed to develop and establish an electronic filing system, inclusive of such uniform procedures and forms as may be necessary and appropriate for the implementation thereof. At a minimum, the electronic filing system shall satisfy the following requirements:

- (a) Be based on access by means of the Internet;
- (b) Be accessible by anyone with Internet access using standard web-browsing software;
- (c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the Division;
- (d) Provide a method that prevents unauthorized access to electronic filing system functions;
- (e) Provide for the issuance of an electronic receipt to the person submitting a campaign finance report indicating and verifying that the same has been filed;
- (f) Include a conspicuous statement at or immediately following the log-in page that campaign finance reports must be completed and filed through the electronic filing system not later than midnight of the day required by law thereof, and that late-filed campaign finance reports are subject to the penalties prescribed under Section 106.07(8), Florida Statutes; and
- (g) Include a conspicuous statement at the prompt for submitting a campaign finance report that the same is considered to be certified as to correctness within the meaning of Section 106.07(5), Florida Statutes, by the candidate and the candidate's treasurer, in the case of a candidate, and by the political committee's chair and political committee's treasurer, in the case of a political committee, and that such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

**Section 3. Acknowledgement.** The City Clerk shall require each person given a secure sign-on to the electronic filing system to sign a written statement on a form prepared by the Marion County Supervisor of Elections acknowledging the following:

- (a) Campaign finance reports must be completed and filed through the electronic filing system no later than midnight of the day required by law therefore.
- (b) Campaign finance reports not filed by midnight of the required day are deemed late-filed and are subject to the penalties prescribed under Section 106.07(8), Florida Statutes.
- (c) Campaign finance reports filed through the electronic filing system are considered to be certified as to the correctness within the meaning of Section 106.07(5), Florida Statutes, by the candidate and the candidate's treasurer, in the case of a candidate, or by the political committee's chair and the political committee's treasurer, in the case of a political committee, and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.
- (d) The person signing the statement is responsible for protecting the sign-on credentials from disclosure, and for all filing using such credentials, unless the person has notified the City Clerk that such credentials have been compromised.

**Section 4. Alternative procedure.** The Marion County Supervisor of Elections is authorized and required to develop and establish an alternate filing procedure for campaign finance reports in the event the electronic filing system is not operable.

**Section 5. Effective Date.** This Resolution shall become effective upon approval by City Council.

Upon motion duly made and carried, the foregoing Resolution was adopted by the City Council of the City of Dunnellon this 14th day of March, 2016.

**ATTEST:**

**CITY OF DUNNELLO, FLORIDA**

\_\_\_\_\_  
DAWN M. BOWNE, M.M.C.  
CITY CLERK

\_\_\_\_\_  
NATHAN WHITT, MAYOR

Approved as to form and legality:

\_\_\_\_\_  
Andrew Hand, City Attorney



Meeting Date: \_\_\_\_\_  
From (Dept): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Department Director  
Approved for  
Agenda: \_\_\_\_\_  
City Manager

**Official Use Only**  
Reviewed by  
City Attorney: \_\_\_\_\_  
Council Action: \_\_\_\_\_  
Date: \_\_\_\_\_

**SUBJECT:**  
**Request For Approval:**

---

**SUMMARY EXPLANATION & BACKGROUND:**

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**FISCAL INFORMATION:**

---

**RECOMMENDED ACTION:**

Initiated by:

**From:** [Virginia Cassidy](#)  
**To:** [Dawn Bowne](#)  
**Cc:** [Eddie Esch](#)  
**Subject:** Ordinance - Charter Change  
**Date:** Wednesday, January 06, 2016 4:36:44 PM  
**Attachments:** [image001.png](#)  
[Ordinance Charter Changes 2016.docx](#)  
[Ordinance Exhibit A Charter Changes 2016.docx](#)

---

Dawn, here is the proposed ordinance you asked me to prepare.

It may seem cumbersome to attach the entire Charter to the Ordinance since only one small paragraph is being changed. However, 166.031 requires that you send the revised charter to the Dept. of State if it passes, and that is the reason the entire charter is attached.

Let me know if you have questions.



**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.

**ORDINANCE #ORD2016-04**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, SUBMITTING TO THE ELECTORS OF DUNNELLON A PROPOSED AMENDMENT TO SECTION 39 OF THE CITY CHARTER CHANGING THE DAY AND MONTH OF A RUN-OFF ELECTION IN THE EVENT OF A TIE VOTE TO BE CONSISTENT WITH FEDERAL LAW; PROVIDING THE BALLOT TITLE, SUMMARY, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR THE EFFECTIVE DATE OF THE CHARTER AMENDMENT IF APPROVED BY A MAJORITY OF ELECTORS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE FOR THIS ORDINANCE.**

**WHEREAS**, the Marion County Supervisor of Elections has notified the City that Section 39 of the City's Charter requiring that a run-off election in the event of a tie vote be held the first Tuesday after the first Monday in December is inconsistent with federal law, which requires that ballots to overseas military personnel and civilians be mailed at least 45 days prior to an election; and

**WHEREAS**, to comply with federal law, the Charter must be presented to the electors of the City with an amendment which changes the day and month of a run-off election when a general or special election results in a tie vote; and

**WHEREAS**, at the Supervisor of Elections requires a run-off election be held at least seventy (70) days after the date of the special or general election which results in a tie vote to be compliant with federal law requirements for mailing overseas ballots; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its charter, which amendments may be to any part or to all of its charter except that part describing the boundaries of such municipality.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF DUNNELLON, FLORIDA, THAT:**

**SECTION 1.** The recitals set forth above are hereby adopted as legislative findings of the City Council of the City of Dunnellon.

**SECTION 2.** Proposed Amendment to Charter. The City Council of the City of Dunnellon, pursuant to Section 166.031, Florida Statutes, hereby proposes an amendment to the Charter of the City of Dunnellon, which amendment to Section 39 of the Charter is set forth in Exhibit "A" attached hereto and by this reference made a part hereof. Section 39 of the Charter attached hereto reflects the proposed change by showing additions with underlining and deletions with ~~strike-through~~ type.

SECTION 3. Submission to Electors. The proposed amendment to the Charter of the City of Dunnellon, as contained in this Ordinance, shall be submitted to a vote of the electors of the City of Dunnellon at the next municipal election to be held on Tuesday, November 8, 2016. The Supervisor of Elections of Marion County is hereby requested to coordinate all matters of said referendum election with the City Clerk.

SECTION 4. Duties of City Clerk. The City Clerk is hereby directed to ensure that all advertising and notice requirements are complied with pursuant to the City’s Charter and to coordinate all activities necessary to conduct the referendum election called in Section 3 of this Ordinance with the Supervisor of Elections for Marion County. Should the proposed change to the Charter be approved by the electors, the City Clerk shall ensure that the Department of State is sent the revised Charter.

SECTION 5. Ballot Title and Text. The ballot title and summary of the proposed amendment to the Charter shall appear on the ballot in the form of a question, set forth as follows:

CHARTER BALLOT QUESTION  
CITY OF DUNNELLO, FLORIDA  
REFERENDUM ELECTION

Change in day and month of a run-off election when there is a tie vote

Shall the Charter of Dunnellon be amended to change the day and month of a run-off election from the first Tuesday after the first Monday in December to the third Tuesday in January when a general or special election results in a tie vote, to comply with federal law?

\_\_\_\_\_ Yes for Approval

\_\_\_\_\_ No for Rejection

SECTION 6. Effective Date of Amendment to Charter. If approved by a majority of the voting electors of the City of Dunnellon, the amendment set forth in Exhibit “A” shall become effective in accordance with the provisions of Section 166.031, Florida Statutes. If the electors reject an amendment(s), the rejected amendment(s) shall not take effect.

SECTION 7. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 8. Conflicting Ordinances. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

SECTION 9. Effective Dates. This Ordinance shall take effect immediately upon its final passage and adoption. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon the approval of a referendum election of the electors of the City of Dunnellon.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 14th day of March, 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 11th day of April, 2016.

Ordinance Posted on the City’s website on 10<sup>th</sup> day of March, 2016. Public hearing advertised on March 31, 2016 in the Riverland News and on the City’s website.

ATTEST:

CITY OF DUNNELLON

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

\_\_\_\_\_  
Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

\_\_\_\_\_  
Andrew 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 10th day of March, 2016.

\_\_\_\_\_  
Dawn M. Bowne M.M.C.  
City Clerk

# **EXHIBIT A**

## **ORDINANCE #ORD2016-04**

### **PART I - CHARTER**

#### **CHARTER OF THE CITY OF DUNNELLON, FLORIDA**

##### **Section 1. - [Establishment of new municipality.]**

The municipality of Dunnellon, Florida, is hereby declared to be a legally incorporated and organized municipality under the various acts of the legislature of the State of Florida, and entitled to all the rights and privileges of a municipal corporation under the laws of the State of Florida. The existing municipal government of the Town of Dunnellon in the County of Marion and State of Florida, be and the same is hereby abolished.

All the provisions of Laws of Fla. ch. 6050 (1909), Laws of Fla. ch. 6340 (1911), Laws of Fla. ch. 6680 (1913), Laws of Fla. ch. 18503 (1937), Laws of Fla. ch. 18504 (1937), Laws of Fla. ch. 61-2090, Laws of Fla. ch. 67-1297, and Laws of Fla. ch. 67-1298 are hereby repealed.

##### **Section 2. - [Ordinances, resolutions, etc., preserved].**

All ordinances and resolutions heretofore passed, and all acts, deeds, contracts, and things heretofore done by and through the mayor and town council and other officers of said town not in conflict with the laws of this state, are hereby declared to be as legal and valid as if the record of such incorporation and organization had been in existence and upon record.

The title, rights and ownership of all property, both real and personal, uncollected taxes, dues, claims, judgements, decrees, choses in action, and all property and property rights held or owned by the municipality named "Town of Dunnellon" abolished by this act, shall pass to and be vested in the municipal corporation organized under this Charter to succeed the municipality abolished.

##### **Section 3. - [Creation of new municipality.]**

A municipality to be called the City of Dunnellon is hereby established in Marion County, the corporate limits and area of which shall be described as follows:

Beginning at the intersection of the west boundary line of Section 34, Township 16 South, Range 18 East, and the north bank of the Withlacoochee Backwater for a point of beginning; thence northerly along the west boundary of Section 34, and the west boundary of Section 27 to the northwest corner of the south half (S-½) of Section 27; thence easterly along the north boundary of the south half (S-½) of Section 27, and the north boundary of the south half (S-½) of Section 26, and the north boundary of the south half (S-½) of Section 25, all in Township 16 South, Range 18 East, and along the north boundary of the southwest quarter (SW-¼) of Section 30, Township 16 South, Range 1 East to the northeast corner of the southwest quarter (SW-¼) of said Section 30; thence southerly along the east boundary of the southwest quarter (SW-¼) of said Section 30 and the east boundary of the west half (W-½) of Section 31, Township 16 South, Range 19 East; and the east boundary of the west half (W-½) of Section 6, Township 17 South, Range 19 East, and the east boundary of the west half (W-½) of Section 7 Township 17 South, Range 19 East, to the intersection of said east boundary with the north bank of the Withlacoochee River; thence northwesterly along the north bank of the Withlacoochee River and the Withlacoochee Backwater of the point of beginning.

#### Section 4. - [Powers.]

Said municipal corporation shall have perpetual succession, may sue and be sued, plead and be impleaded, may condemn by the exercise of the right of eminent domain, purchase, lease, receive, and hold property, real and personal, within said city, and may purchase, acquire, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, electric light and other illuminating plants; for the establishment of poor houses, houses of detention and correction, for public parks and promenades and other public purposes that the mayor and city council may deem necessary and proper, and may sell, lease, or otherwise dispose of such property for the benefit of said city to the extent as a natural person may. Said city shall have the use of a common seal and may change it at pleasure.

#### Section 5. - [Additional powers.]

The city council shall have power to levy and collect taxes on all property taxable by law for state purposes; to levy and collect occupational license taxes on all privileges, businesses, trades, occupations, and professions which are operated, conducted, or engaged within the limits of said city, and the amount of such license tax shall be fixed by ordinance, which amounts of said taxes shall not be dependent upon a general state revenue law. To levy special assessments for public improvements, street paving, building, and sidewalks and improving public property and shall have the power and authority to levy and assess against property benefited thereby special assessments; to appropriate money and to provide for the payment of all debts and expenses of the city; to make regulations to prevent the introduction of the contagious diseases in the city; to establish hospitals, jails, houses of detention and correction, and to make regulations for the government thereof; to make regulations to secure the general health of the inhabitants and to prevent and remove nuisances; to provide for the cleaning and keeping in good sanitary condition all premises within the limits of the city; to provide the city with water by waterworks within or beyond the boundaries, by contract or otherwise; to provide for the extinguishment of fires and to organize and establish fire departments; to establish fire limits and to regulate the construction of buildings therein, and to prevent the construction of any building with inflammable material within such limits. To require the use of brick, stone, or concrete in the erection of all buildings in such limits.

To condemn and order removed, or remove, any building that may endanger the property of others when the owners of such building refuse to make the same safe; to provide for lighting of the city by contract or otherwise; to make appropriations; to open, alter, abolish, widen, extend, establish, pave, improve and keep in repair streets, alleys, and sidewalks; to sell, convey or lease the mining rights in any street or alley abolished or discontinued; to erect, establish, regulate, and keep in repair privies, culverts, sewers, and gutters; to grant rights and privileges to and upon streets, alleys, ways, and avenues of the said city for public utilities; to make appropriations for lighting streets and public buildings, and for erection of all buildings necessary for the use of the city; to license hackney carriages, carts, omnibuses, automobiles, wagons, and drays and to fix the rate to be charged for the carriage of persons and property within the city; to regulate the speed of trains, automobiles, motorcycles, and bicycles within the limits of the city; to prohibit and suppress all gambling houses, bawdy and disorderly houses and obscene pictures and literature; to regulate dance halls, poolrooms, and all places of public amusements, and all saloons; to regulate, restrain or prevent the carrying on of manufactories dangerous in causing or producing fires and to regulate the license for the sale of firearms and to suppress the carrying of concealed weapons; to prohibit and regulate the storage of combustible, explosive, or inflammable goods or materials or products of any kind; to provide for and to regulate the inspection of beef, pork, flour, meal, and other provisions, oils, whiskey, and other spirits; to regulate inspection of milk, butter, lard, and other provisions; to regulate the vending of meat, poultry, fish, fruits, and vegetables, to establish and regulate markets, and to require all fresh meats, fish, poultry, and vegetables to be sold therein; to regulate, tax, license, or suppress the keeping and going at large of all animals, including dogs, within the city limits, to impound the same, and in default of redemption in pursuance of the ordinance, to sell, kill, or otherwise dispose of the same; to establish pound limits within the city; to regulate weights and measures; to provide for enclosing, improving, and regulating public buildings and grounds belonging to the city in or out of the corporate limits; to purchase, lease, receive and hold property, real and personal, for the use and benefit of the city, and to sell, lease, mortgage or otherwise dispose of any and all of the corporate

property, both real and personal for the benefit of the said city; to erect, repair, alter, and change public buildings and to make any and all other improvements necessary for the city; to borrow money and pledge the corporate property, as security therefor, for making such improvements as may be necessary for the city; to regulate the anchorage or mooring of vessels, lighters, rafts, boats, and all other water craft in front of the streets, and all such property as may be owned or controlled by the city; to pass all ordinances necessary for the health, morals, convenience, and safety of the citizens; to secure peace and good order in the city and to carry out the further intent and meaning of this act and to accomplish the objects of this incorporation; to provide for the appointment of a police force; to punish resisting arrest or restraining process and obstructing or opposing any police officer of said city; to provide for the arrest of any persons violating any ordinance and for their punishment, upon conviction, by fines, forfeitures, penalties, imprisonment with or without labor; but no penalty shall exceed five hundred dollars, and no term of imprisonment shall be for a longer time than three months for the same offense.

Prior to purchase by the city of major items over \$5,000.00, they shall be advertised for bids, except in cases where the health and welfare of the community will be jeopardized. Sealed bids shall be accepted and the purchase shall be authorized by a majority vote of the city council.

The city council shall be permitted to waive bidding requirements when, in the discretion of a majority of the council members, it is determined that it is in the best interest of the city to share a bid price with another entity.

No city parks, beaches or recreation areas shall be disposed of without a referendum approval by a majority vote.

#### Section 6. - [Powers granted by law.]

In addition to the rights, powers, and authority herein granted to the City of Dunnellon, the said city shall have and exercise all other rights, powers, and authority, including the powers of home rule granted by the constitution of the State of Florida and by the general laws of the State of Florida to incorporated cities, where the same are not in conflict with the provisions of this Charter.

#### Section 7. - [Powers vested in the city council.]

All the powers of the city shall be vested in the city council, except as otherwise provided by law or this Charter, and the city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The city council shall have authority to create and establish such other offices of the said City of Dunnellon as may be necessary and to consolidate such offices so created by them, and to abolish the same upon the expiration of the term of any office so created.

#### Section 8. - Elections.

No person shall be eligible to hold office who shall not at the time of his election be a qualified elector of said city, residing within the territory thereof; and in case any officer shall remove his residence beyond the limits of said city his office shall thereby immediately become vacant. In case any vacancy [shall occur in any city office, such vacancy] shall be filled by a majority vote of all the members of the city council, and the person so appointed by the city council shall hold office until the next annual or special election of officers and until his successor is elected and qualified.

#### Section 9. - [Mayor as member of the city council.]

Effective with the December 1991 city election, one (1) seat on the city council will be filled by a mayor's position through an election process. This seat will be the mayor's position. Whereupon in the initial year of election seat number one will be the mayor's position. In subsequent years it will be known as the mayor's position.

Section 10. - [Mayor's court.]

**Editor's note**— Section 10 was editorially deleted as municipal courts were abolished by article V, section 20(d)(4) or the state constitution.

Section 11. - [Veto power of mayor's duties.]

**Editor's note**— Section 11 was editorially deleted as Ordinance No. 72-14, § 5, adopted on October 23, 1972, states that the mayor shall not have veto power.

Section 12. - Mayor's duties.

The candidate elected to Seat 1 shall be designated as the mayor. The mayor shall preside over all meetings of the city council, and shall execute documents and correspondence as authorized. City ordinance may provide other duties and responsibilities of the mayor.

Section 13. - [Impeachment of elected officers.]

**Editor's note**— Section 13 was editorially deleted as superseded by F.S. § 100.361, pertaining to municipal recall. The user's attention is directed to section 51 of this Charter.

Section 14. - [Vacancy.]

In the event of the death or absence of the mayor from the city, or his inability from sickness or other cause to discharge the duties of his office, the president pro tempore shall discharge the duties of the mayor.

Section 15. - City council.

(a) The legislative power of the corporation shall be exercised by a city council composed of five members who shall serve for a period of four (4) years and until their successors are elected and qualified. All members of said city council shall be elected in even -numbered calendar years beginning with three (3) members of said city council being elected in the calendar year of 2010, and one (1) member of said city council and the mayor being elected in an even-numbered calendar year beginning with the calendar year of 2012. Councilmembers may not serve more than two (2) consecutive terms of four (4) years, without an intervening period of at least one (1) year.

(b) To adjust the Councilmember's and Mayor's terms from two (2) to four (4) year staggered terms, the terms shall be configured as follows:

Mayor Seat 1 shall expire in 2012 - instead of 2011,

Seat 2 expires in 2010, Seat 3 expires in 2010 and Seat 4 expires in 2010.

Seat 5 shall expire in 2012 - instead of 2011.

Seat 1 and 5 shall be filled in 2012 for four (4) year terms. Seats 2, 3, and 4 shall be filled in 2010 for four (4) year terms.

(c) The city council shall be paid a salary of one hundred fifty dollars (\$150.00) per month per council member.

Section 16. - [Quorum.]

The majority of the members of the city council shall be required to form a quorum for the transactions of business, but a smaller number may adjourn from day to day.

Section 17. - [City council powers.]

The city council of the City of Dunnellon shall have power to make and pass such bylaws and regulation and rules of order for the guidance of such city council and the conduct of its business as it may deem expedient and to enforce the same by fine or penalty, to compel the attendance of its own members at any and all meetings of said council and the appearance before it at any meeting of any other officer of said city.

Section 18. - [Ordinance adoption procedure.]

**Editor's note**— Ordinance 96-14 allowed section 18, pertaining to ordinance adoption procedure, to be editorially deleted and covered in F.S. ch. 166.

Section 18a. - City manager.

The city council shall appoint and remove a city manager by majority vote. The city manager shall appoint, remove, suspend, supervise and manage the department heads and all other city employees. The city manager will report directly to the city council.

The city manager shall be chief administrator of the city, and responsible for municipal administration. He or she shall enforce all ordinances and laws of the city and the orders of the city council and see that the same are duly observed and enforced. City ordinance shall provide for other powers and responsibilities of the city manager.

Section 19. - City clerk.

There shall be one office of city clerk and tax collector; and said official shall be empowered by the city manager. He or she shall be known and sign all documents, rolls, and papers as city clerk. He or she shall give such bond as the city council may require. He or she shall attend all special and regular meetings of the city council; and shall keep a record of all proceedings and acts of the city council and shall keep a record in books to be kept for the purpose of ordinances and resolutions passed by the city council. The clerk shall issue all occupational licenses and shall collect all taxes due the city and perform all such other duties as usually pertains to the office of city clerk and tax collector and as may be required.

Section 20. - [City clerk's duties.]

The city clerk shall also serve as city treasurer. He shall be known and designated as city treasurer and shall sign all documents and papers as city treasurer; he shall give such bond as the city council may require; he shall keep complete and correct accounts and records of all moneys received by him and paid out, and of all transactions of his office.

Section 21. - City treasurer.

The city treasurer shall pay out no funds of the city except upon the authorization of the city manager. The city treasurer shall not make any payment unless there are funds sufficient to meet or cover such payment.

Section 22. - Chief of police.

There shall be a chief of police appointed by the city manager of said city. He shall give such bond as the city council may prescribe. It shall be the duty of the chief of police to perform such duties as may

be proper to his office under the provisions of law, or required by ordinance. He shall have control of the police force, subject to the command of the city manager, and shall have police power of arrest.

Section 23. - [Chief of police's duties.]

The chief of police and members of the police force shall have power and authority to immediately arrest, with or without warrant, and take into custody any person or persons who shall commit, threaten, or attempt to commit in his presence or within his view, any offense prohibited by the ordinances of the city.

Section 24. - [Chief of police's powers.]

The chief of police and members of the police force in addition to the powers incident to their office, and as herein designated, shall possess common law and statutory power and authority of constables except for the service of civil process.

Section 25. - Sanitary inspector.

The city manager shall have power to require the [building inspector] to perform the duties of sanitary inspector and perform such other duties with reference to the inspection of property and premises and reporting the same, as the city council may require.

Section 26. - Director of public works.

**Editor's note**— Section 26 was deleted by Ordinance No. 02-07, adopted June 10, 2002.

Section 26a. - [Discrimination prohibited.]

It is hereby declared to be the public policy of the City of Dunnellon that all city employees shall be hired without regard to race, creed, color, religion, or national origin.

Section 27. - [Taxation.]

The city council shall have the power to raise by tax and assessment upon all real and personal property all sums of money which may be required for the maintenance, the improvement, and good government of the city and the carrying out of the powers and duties herein granted and imposed.

Section 28. - [Collection of ad valorem taxes.]

**Editor's note**— Section 28 of the Charter was editorially deleted as the county collects all ad valorem taxes pursuant to F.S. ch. 193 et seq.

Section 29. - [Tax levy.]

Taxes levied by the city council shall be certified to the county tax assessor and county tax collector and shall be levied by the county tax assessor and the county tax collector in accordance with the governing statutes of the State of Florida.

Section 30. - [Tax sales.]

**Editor's note**— Section 30 on sale of property for delinquent taxes was editorially deleted as covered by F.S. ch. 197.

### Section 31. - [Jurisdiction.]

The city council shall have full and complete jurisdiction, charge, and control over all the public roads, public grounds, public parks, ways, avenues, streets, alleys, and all dedicated public property in the limits of said city, and shall have power to cause obstructions to be removed therefrom, and to restrain and regulate the use and occupation of the same by any person or corporation whatsoever to the end that the safety, comfort, and welfare of the public may be secured and preserved.

### Section 32. - [Sidewalk regulations.]

The city council of the City of Dunnellon is hereby authorized by ordinance to regulate, provide for, and require the construction and repair of sidewalks and foot pavements along and in front of lots fronting or abutting upon any street, park, or other public place in said city, by owners of such lots; and if the owner or owners of any lot shall fail to comply with the provisions of such ordinance, the city council of said city may have the sidewalks or foot pavements constructed or repaired along and in front of any such lot, which from the date of completion of the work shall be a lien superior to all other liens, excepting any liens for taxes, upon such lots along and in front of which the sidewalk or foot pavement has been constructed or repaired and the cost thereof, with interest, may be assessed as a special tax against the lot along or in front of which such sidewalk or foot pavement was constructed or repaired, or the lien for the cost thereof, with interest, may be enforced against the property by suit at law or in equity. As soon as practicable and within thirty days after the construction or repair of any such sidewalks or foot pavements, the city council shall have prepared a statement of the cost thereof and shall have entered up in a book which shall be prepared for that purpose, and kept open to public inspections, during reasonable office hours, in the office of the city clerk, labeled "Street Improvement Lien Book," the amount of such cost, the date of the completion of the work, the lot upon which a lien is claimed, and such other information as the council may deem advisable; provided, however, that if the cost of such construction or repair shall be paid to the city within forty days after the completion of the work, no interest thereon shall be charged, and provided, further, that any person owing any lot or owning an interest therein, or having a lien thereon, shall have the right at any time within sixty days after the completion of the construction or repair of any sidewalk or foot pavement, to present to the city clerk a sworn petition to the city council stating his interest in the property and alleging that in the opinion of the petitioner the cost of the construction or repair of such sidewalk or foot pavement as entered up in the Street Improvement Lien Book exceeds the actual cost thereof, or is otherwise erroneously entered up, or exceeds the special benefits accruing to the lot affected by the lien.

If such petition is presented within said time to the city clerk, the city council shall hear and consider the petition and make due and proper inquiry into the question involved, and if it shall appear to their satisfaction that the cost as entered up is erroneously stated or entered up, or exceeds the special benefits accruing to the lot affected by the lien, the city council shall by resolution so declare and shall have the entry thereof in the Street Improvement Lien Book corrected, and shall fix the amount to be charged up against such lot at the amount not exceeding in the discretion of the city council, the special benefits accruing to such lot, and the amount so fixed shall stand as the amount of such lien, and any amount of such cost found to be in excess of special benefits shall be paid by the city. In all cases where no petition shall have been filed as herein before provided within sixty days after the completion of the construction or repair of any sidewalk or foot pavement, the cost thereof as entered up in said book shall become and be a fixed lien upon the lot. In no event shall the validity of such lien as primarily entered in said Street Improvement Lien Book, or as fixed by the city council on petition duly presented, be questioned in any direct or collateral proceeding instituted more than three months after the completion of the work, and a copy of the entry of any such lien in the Street Improvement Lien Book, certified by the city clerk under the corporate seal of the city, shall constitute prima facie evidence of the amount and existence of the lien upon the property described. Any person owning or interested in any lot upon which a lien exists shall have the right to pay off said lien in four quarterly installments, paying the first installment of one-fourth of the cost, with interest on the whole amount to date of payment within two months after the completion of the work; the second installment of one-fourth of the cost with interest to date of payment within five months after the completion; the third installment of one-fourth of the cost with interest to date of payment within eight months after completion, and the remainder with interest to date of payment within eleven months after the completion, but failure to pay any of such installments within

the time prescribed shall cause the whole amount to become due and payable, and it shall be the duty of the municipal authorities to enforce the payment of any such lien in all cases where the owner shall be in default of any payment more than three months. The word "lot" wherever used in any section of this Charter shall be construed to mean any lot, piece, or parcel, or other division or subdivision of land; and the word "street" wherever used shall be construed to mean street or part of street, and to include lanes, alleys, driveways, parkways, and all thoroughfares; and the word "park" wherever used shall be construed to include public squares, and all other places other than streets; and the word "work" shall be construed to include the purchase of all things necessary to be done under the ordinance; and the liens hereby created shall cover interest and all costs and expenses of publication of notices and costs of collection, including reasonable attorney's or solicitor's fees and commissions and court costs. The city authorities having charge of the collection of any lien whether provided for in this or other sections of this Charter shall have the right accept from any person owning or interested in any part of a lot which may be included with other lands in an entry in the Street Improvement Lien Book the proportionate of the amount covered by the lien, retaining a lien for the remainder of such amount upon the remaining lands, and shall have the right to accept from any person owning or having an undivided interest in any lot the proper proportionate of such lien, retaining a lien for the remainder of such amount the remaining undivided interest in said lot. All payments when made upon liens shall be noted in the Street Improvement Lien Book.

### Section 33. - [Oath.]

All officers of said city before entering upon the duties of their offices shall take and subscribe to an oath to faithfully perform the duties of their office.

### Section 34. - [Powers of officers.]

The officers of the City of Dunnellon shall have and exercise all the powers conferred by general law upon municipal officers, not inconsistent with the terms of this Charter. The said officers shall have the power to condemn lands and their appurtenances for the same purpose and in the same manner as is set forth and provided in the statutes of the State of Florida.

### Section 35. - [Public improvements.]

The city council shall have exclusive power to make all public improvements and expenditures authorized by ordinance but shall let all contracts, in the amount of \$5,000.00 or greater, to the lowest responsible bidder. The city council shall be permitted to waive the bidding requirements when it is determined that it is in the best interests of the city to share a bid price with another entity.

### Section 36. - [Suits against the city.]

**Editor's note**— Section 36 was editorially deleted as covered by the waiver of sovereign immunity in F.S. § 768.28 and the repeal of the notice requirement by F.S. § 95.241(1979).

### Section 37. - [City attorney.]

City council shall have the power to contract with an attorney at law to act as regular advisor of the city council and attorney for said city; the city attorney's duties and compensation shall be prescribed by ordinance or resolution.

### Section 38. - [Compensation.]

The city council shall not change or increase or decrease the compensation of any elected officer during the term for which he is elected thereto.

### Section 39. - Holding of elections.

(A) Candidates shall run for specific seats designed by number. The person receiving the highest number votes cast in a general or special election shall be elected. In case two or more persons

receive an equal and highest number of votes for the same seat, such persons shall participate in a run-off election which shall be held on the first third Tuesday in January following the general or special election. ~~after the first Monday in December.~~

[(B)] The city council shall provide for the holding of elections of the city and for canvassing the votes and certifying the results thereof.

[(C)] Each candidate for the office of city councilman shall, at the time of qualifying, pay a nonrefundable qualifying fee of \$45.00 to the City of Dunnellon.

(D) The elections shall be held as near as may be in accordance with the provisions of the law governing elections for state officers, and the same form of ballot shall be used as is now provided by law for use in the election of state officers; and the city clerk shall have the official ballots prepared and printed. Any person desiring their name printed on the official ballot as a candidate for office shall, no earlier than noon of the 78th day to no later than noon of the 74th day before any election, file with the city clerk a petition signed by ten or more electors of said city, asking that their name be placed upon the official ballot for such office. The city council shall place upon the official ballot the names of those persons whose petitions have been filed within the time provided, and no other.

[(E)] The city council may authorize the use of voting machines in any and all of said elections.

#### Section 40. - [Ordinances continued.]

That all ordinances and resolutions heretofore adopted by the town council of the Town of Dunnellon and not heretofore repealed be, and the same hereby are, continued in force until repealed by said council.

#### Section 41. - [Streets.]

The city council of the City of Dunnellon shall have power, by ordinance, to regulate, require, and provide for the construction and repairing of streets and for the grading and paving of the same; and in all cases when the said city council shall determine to construct, grade, or repair any street, or any part thereof, requiring to be constructed, graded, or repaired, the city may order and have such work done and the amount expended, or to be paid therefor, shall be a lien on the lots fronting or abutting on such street, pro rata according to the number of lineal feet of said lots fronting or abutting on such street, and may be enforced or recovered in the same manner as provided for in Florida Statutes as set forth in relation to sidewalks and foot pavements, provided that the owners of the property on each side of the street, when such street shall be constructed, paved, graded, or repaired, shall only be liable for one-third of the actual cost of construction, paving, grading or repairing; one-third of which cost of such construction, paving, grading, or repairing shall be paid for by the City of Dunnellon as other improvements.

#### Section 42. - [City council rules and regulations.]

The city council of the City of Dunnellon shall have full power by ordinance to establish rules [and] regulations for the filing of all vacancies which may occur in the city government, and for such other elections as may be provided by law, to pass ordinances providing for and regulating the nomination of all candidates for office and for the conducting and calling of all elections.

#### Section 43. - [Voter qualifications.]

Any persons who shall possess the qualifications requisite for an elector at general state elections and shall have resided in said City of Dunnellon, Florida, for six months next preceding the election and shall have registered in the municipal registration books as shall be prescribed by ordinance shall be a qualified elector of the City of Dunnellon at all actions held therein; provided that state or county registration shall not be required to qualify as an elector to vote at any election in said city, and further provided that no person shall vote in any bond election held in said city who is not a qualified elector therein.

**Editor's note**— Section 43 has been superseded by the qualifications for electors which are established in F.S. §§ 166.032, 98.091(3) and 97.041.

Section 44. - [Bonds.]

The city council shall have the power with the approval of a majority of the votes cast by electors in said city to issue bonds of said city with such maturities and such interest, not exceeding, however, the rate of eight percent per annum, whenever it may be necessary for the purpose of building or repairing roads of said city, for the widening and extension of streets, the improvement of public parks, for sewers and sewer systems, paving of streets and sidewalks, equipping, purchasing, and/or systems in and for said city, or for the payment of existing indebtedness, or for any other municipal purposes for which the City of Dunnellon is authorized to issue bonds, which shall be submitted to the registered voters of said city in such manner and after such notice as the city council may deem necessary, and should a majority of the votes actually cast at such election be in favor of the issuance of such bonds, it shall be unlawful for said City of Dunnellon to issue such bonds for such amount and for such purpose and with such maturities and such rates of interest. That when so authorized the city council of the City of Dunnellon shall have the power to issue such bonds for such purpose and in such amount provided that the total outstanding bonds issued under the provisions of this section shall at no time exceed twenty percent of the total value of property assessed in and by said city for taxation; provided that nothing in this section shall require an election to be held for the purpose of issuing bonds where an election is not now so required by the laws of the State of Florida.

Section 45. - [Certain acts validated.]

All acts, proceedings, assessments, both general and special, heretofore done, had, performed, or made by the City of Dunnellon or any officials of said city are hereby validated, ratified, and confirmed.

Section 46. - [Charter amendments.]

**Editor's note**— Ordinance No. 96-14 allowed section 46, pertaining to Charter amendment procedures, to be editorially deleted as covered in F.S. ch. 166.

Section 47. - [Notice.]

In all cases where notice is required by this Charter of acts, doings, proceedings, assessments, sales, or other legal notices, said notice shall be given at least one week in advance of such act, doing, proceeding, assessment, sale or event by publication in a newspaper published in the City of Dunnellon, and in addition such notice may in the discretion of the city council be posted in three public places in the City of Dunnellon, one of which shall be at the door of the city hall; provided that if there is no newspaper published in the City of Dunnellon, said notice shall be given at least one week in advance of such act, doing, proceeding, assessment, sale or event by publication in a newspaper published in Marion County, Florida, and by posting in three public places in the City of Dunnellon, one of which shall be at the door of the city hall; provided further, that if there is no newspaper published in Marion County, Florida, then said notice shall be given by posting as herein provided.

Section 48. - [Effective date.]

This act shall take effect immediately upon becoming a law, subject to the referendum as provided herein.

Section 49. - [Referendum.]

This act shall become effective only upon approval by a majority vote of the electors voting in a referendum election to be held in the City of Dunnellon, Marion County, Florida, at a general or special election to be called by the present town council of the Town of Dunnellon, Florida, prior to December 31,

1971. Such election shall be held in conformity with the laws and ordinances now in force relating to elections in the Town of Dunnellon, Florida.

In the event such election is not held as authorized and provided, this act is void.

Section 50. - [Form of ballot.]

All electors of the Town of Dunnellon, Florida, qualified to vote under the laws and ordinances now in effect, relating to elections in the Town Dunnellon, Florida, shall be qualified to vote in the election called for the purpose of ratifying this Charter. The ballot to be used in said election shall be in substantially the following form:

"Shall the legislative Charter providing a form of government for the City of Dunnellon, Florida, as passed by the 1971 legislature of the State of Florida, be adopted?

\_\_\_\_\_ FOR ADOPTION

\_\_\_\_\_ AGAINST ADOPTION"

Provided a majority of the qualified electors voting in said election vote "for adoption" then the provisions of this Charter shall become operative and be in full force and effect on, from and after the said date of said election.

Section 51. - [Recall of city councilman.]

Any or all members of the city council may be removed from office by the electors of the city pursuant to the method and procedures of F.S. § 100.361 and as subsequently amended.

Select Year:

## The 2015 Florida Statutes

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[Title IX](#)  
ELECTORS AND  
ELECTIONS

[Chapter 100](#)  
GENERAL, PRIMARY, SPECIAL, BOND, AND  
REFERENDUM ELECTIONS

[View Entire  
Chapter](#)

**100.342** Notice of special election or referendum.—In any special election or referendum not otherwise provided for there shall be at least 30 days' notice of the election or referendum by publication in a newspaper of general circulation in the county, district, or municipality, as the case may be. The publication shall be made at least twice, once in the fifth week and once in the third week prior to the week in which the election or referendum is to be held. If there is no newspaper of general circulation in the county, district, or municipality, the notice shall be posted in no less than five places within the territorial limits of the county, district, or municipality.

History.—s. 1, ch. 59-335; s. 2, ch. 65-60; s. 12, ch. 77-175.

Select Year:

## The 2015 Florida Statutes

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[Title IX](#)  
ELECTORS AND  
ELECTIONS

[Chapter 100](#)  
GENERAL, PRIMARY, SPECIAL, BOND, AND  
REFERENDUM ELECTIONS

[View Entire  
Chapter](#)

100.351 Referendum election; certificate of results to Department of State.—Whenever an election is held under a referendum provision of an act of the Legislature, the election officials of the governmental unit in which the election is held shall certify the results thereof to the Department of State, which shall enter such results upon the official record of the act requiring such election on file in the office of the Department of State.

History.—s. 1, ch. 25438, 1949; s. 4, ch. 26870, 1951; ss. 10, 35, ch. 69-106; s. 12, ch. 77-175.

Note.—Former s. 99.59.



Meeting Date: 11/4/2015  
From (Dept): City Clerk  
Signature: \_\_\_\_\_  
Department Director  
Approved for: \_\_\_\_\_  
City Manager  
Agenda: \_\_\_\_\_

*Official Use Only*  
Reviewed by: \_\_\_\_\_  
City Attorney: \_\_\_\_\_  
Council Action: \_\_\_\_\_  
Date: \_\_\_\_\_

**SUBJECT:** Amendment to Section 39 of City's Charter Needed to Comply with Federal  
**Request For Approval:** Requirements for Mailing of Overseas Ballots

**SUMMARY EXPLANATION & BACKGROUND:**  
See attachment containing sections of City's Charter and Chapter 26 of the City's Election Code that need to be addressed. In addition see e-mail from Marion County Supervisor of Election. Mr. Wilcox has notified us that our run-off election date outlined in our Charter does not provide him adequate time to mail overseas ballots.

**FISCAL INFORMATION:** \_\_\_\_\_

**RECOMMENDED ACTION:** Amend charter and code to comply with Federal Requirements

Initiated by: dmb \_\_\_\_\_

## CITY OF DUNNELLON

11/04/2015

### Current Charter Language: Section 39. - Holding of elections:

(a)Candidates shall run for specific seats designed by number. The person receiving the highest number votes cast in a general or special election shall be elected. In case two or more persons receive an equal and highest number of votes for the same seat, such persons shall participate in a run-off election election which shall be held on the **first Tuesday after the first Monday in December**. *(Words in bold in (a) are in conflict with the State Statute requiring the Supervisor of Elections to mail overseas ballots 45 days prior to any election. They need 70 days to prepare and mail ballots in order to meet this requirement, which would be approximately the third Tuesday in January following the regular election. The alternative is to adopt Florida State Statute 100.181; Determination of person elected.—The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.)*

### Current Language in Chapter 26-2 of Election Code:

(a)A general election shall be held in the city on the first Tuesday after the first Monday in November and annually on the same day thereafter.

(b)The city council shall, at the first regular council meeting held in August, issue a proclamation calling such election.

(c)The successful candidates for city council shall take office and **be sworn in at the first regular scheduled meeting of the city council following the election**~~and subsequent to the publication of the certified election results by the County Supervisor of Elections.~~

### Current Language in Chapter 26-5 of Election Code:

(a)The city clerk shall present the election returns to the city council, which shall, at the **next regular meeting following any regular or special election and subsequent to the publication of the certified election results by the County Supervisor of Elections**, declare the results of the election. The results of the election as declared by the city council shall be recorded in the minutes of the meeting showing in words and figures the whole number of votes given for such office, the names of the persons for whom such votes were given and the number of votes given for each person for such office.

(b)The person receiving the highest number of votes cast in a general or special election for an office shall be elected to the office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall participate in a **runoff election**.

**From:** [Wesley Wilcox](#)  
**To:** [Virginia Cassady](#); [Dawn Bowne](#)  
**Cc:** [Eddie Esch](#); [Kim Hankemeyer](#)  
**Subject:** RE: City of Dunnellon  
**Date:** Wednesday, May 06, 2015 10:22:58 AM  
**Attachments:** [image001.png](#)

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Yes, I believe it does. I knew there was something, that potentially took a little longer, but couldn't quickly come up with it off the top of my head (maybe I subconsciously blocked it).

Wesley

**WESLEY WILCOX**, CERA  
SUPERVISOR OF ELECTIONS  
Marion County, Florida  
PO Box 289  
Ocala, Florida 34478-0289  
Phone: 352.620.3290  
Fax: 352.620.3286  
Web: [www.VoteMarion.com](http://www.VoteMarion.com)

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**From:** Virginia Cassady [mailto:[vcassady@shepardfirm.com](mailto:vcassady@shepardfirm.com)]  
**Sent:** Wednesday, May 06, 2015 10:02 AM  
**To:** Wesley Wilcox; Dawn Bowne  
**Cc:** Eddie Esch; Kim Hankemeyer  
**Subject:** RE: City of Dunnellon

You were reading my mind. I had these questions. Should Dawn and I be discussing how much time between the election, a possible re-count (if a runoff is ultimately required, then wouldn't a re-count request be within the realm of the possible?), and the certification to your office?

Does your timeline below take into consideration the possibility of re-count?



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**From:** Wesley Wilcox [<mailto:WWilcox@VoteMarion.com>]  
**Sent:** Wednesday, May 06, 2015 9:21 AM  
**To:** Virginia Cassady; Dawn Bowne  
**Cc:** Eddie Esch; Kim Hankemeyer  
**Subject:** RE: City of Dunnellon

Virginia,

Thank you for your thorough research, I had NOT dug that deep. But will file away this information, just in case.

I concur, concerning Election Law. There are multiple instances of challenging sections.

Please keep in mind, that although overseas requirements are 45 days, we do need some time to actually prepare the ballots to be mailed. I prefer a minimum of 70 days. My very basic thought process for a run-off or any other "follow-up" type Election.

Original Election Day (E)  
Provisional Ballots (E+2)  
Audit (E+6)  
Ballot Preparation (10 days)

So once you add those days to the 45 (we actually mail on 46, which is a Friday), you end up close to 70, which is the nearest Tuesday.

Let me know, if I can be of assistance.

Wesley

**WESLEY WILCOX**, CERA

**SUPERVISOR OF ELECTIONS**

Marion County, Florida

PO Box 289

Ocala, Florida 34478-0289

Phone: 352.620.3290

Fax: 352.620.3286

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**From:** Virginia Cassady [<mailto:vcassady@shepardfirm.com>]

**Sent:** Tuesday, May 05, 2015 6:26 PM

**To:** Wesley Wilcox; Dawn Bowne

**Cc:** Eddie Esch; Kim Hankemeyer

**Subject:** RE: City of Dunnellon

Mr. Wilcox, I believe you are correct that Sec. 100.3605(2) applies and allows the City of Dunnellon to amend its charter for elections or any run-off elections.

When reading 101.75(3) together with 101.3605(2), we are required to read the two in tandem to give both their full effect. 101.75(3) was amended in 2008 and is more restrictive than 100.3605(2), which was adopted in 1995. In interpreting the two, without looking at anything else, it would appear that 101.75(3) restricts 100.3605(2). However, on doing some digging, I found 97.0115, which says, "**The conduct of municipal elections shall be governed by s. 100.3605,**" and AGO 2007-34, which compares the two sections and concludes that 100.3605(2) governs this issue.

The laws regarding elections are daunting, particularly with regard to municipal elections.

I will talk with Dawn about a date when the City would have a run-off election if that should become necessary, taking into consideration that your office has to mail overseas ballots 45 days prior to any run-off (special) election.

Thank you very much for your help.



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**From:** Wesley Wilcox [<mailto:WWilcox@VoteMarion.com>]  
**Sent:** Friday, May 01, 2015 8:53 AM  
**To:** Virginia Cassady; Dawn Bowne  
**Cc:** Eddie Esch; Kim Hankemeyer  
**Subject:** RE: City of Dunnellon

Ms Cassady,

Please accept that I am NOT attempting to provide any sort of legal advice, since I have no training, education or authority to provide such.

I'm just a guy reading the Statutes.

That being said, and hopefully that's enough of a disclaimer ;)

My opinion is that 101.75, applies WHEN the municipality is holding their Elections on the SAME day as the County Elections.

Therefore, in this instance, I believe 100.3605, specifically (2) would apply.

Wesley

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**From:** Virginia Cassady [<mailto:vcassady@shepardfirm.com>]

**Sent:** Thursday, April 30, 2015 6:46 PM

**To:** Dawn Bowne; Wesley Wilcox

**Cc:** Eddie Esch

**Subject:** RE: City of Dunnellon

Dawn and Mr. Wilcox,

I do not think the City can change the date for the run-off election (by ordinance) to accommodate the federal law.

Fla. Stat. 101.75(3) allows the City to move the date of an election by ordinance notwithstanding a charter provision to the contrary, but only if change of date is to a date concurrent with a statewide or countywide election.

City has 2 options:

1. Council can authorize me to prepare a charter referendum ordinance to amend the charter and adopt identical provisions of Fla. Stat. 100.181 for run-offs.

First reading would be June and second reading would be July 13.

*Question:* When is the soonest date the SOE can arrange for a special election for this referendum, assuming the ordinance for the referendum passes by Council on July 13? City's next elections are in November.

*Cons:* Citizens may vote against the referendum. City would have to educate citizens on the problem being corrected.

*Pros:* Having run-off election requirements in charters causes a lot of problems, the problem of being out of sync with this requirement of federal law being one of them. It's much better and less expensive to adopt 100.181, and this problem will be corrected once and for all.

2. To take advantage of 101.75 which allows City to change date to be concurrent with statewide or countywide elections in November, City could pass an ordinance changing the run-off election date to November 2016 (I'm not aware of statewide or countywide elections for Nov. 2015; please correct me if I'm wrong) and changing Sec. 26-2 of the Code to have a special election for the election of officials some time in September before the November run-off date.

*Cons:* This doesn't correct the problem; early voting for a special election would probably not be an option; the special election would be more costly; the elected officials whose terms would end could be cheated of 2 months of office; the qualification period would be in June; this would only be available in years where there statewide and countywide elections in November.

Perhaps Dawn and I could have a conference call meeting with Mr. Wilcox to iron this out?



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**From:** Dawn Bowne [<mailto:dbowne@dunnellon.org>]  
**Sent:** Wednesday, April 29, 2015 6:13 PM  
**To:** 'Wesley Wilcox'  
**Cc:** Virginia Cassady; Eddie Esch  
**Subject:** RE: City of Dunnellon

Ok, We'll do. I don't know the Council will agree to remove it but, we could certainly work on the dates.

*Dawn M. Bowne*

Dawn M. Bowne, MMC  
City Clerk  
City of Dunnellon  
20750 River Drive  
Dunnellon, FL 34431  
352-465-8500, ext. 1002  
352-465-8505 fax  
[dbowne@dunnellon.org](mailto:dbowne@dunnellon.org)  
[www.dunnellon.org](http://www.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.**

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**From:** Wesley Wilcox [<mailto:WWilcox@VoteMarion.com>]  
**Sent:** Wednesday, April 29, 2015 5:08 PM  
**To:** Dawn Bowne  
**Cc:** Mandy Roberts; Kim Hankemeyer  
**Subject:** FW: City of Dunnellon

Dawn,

I hope all is well and I know you are probably busy.

Kim from my office has reviewed your Charter, and has brought up a question.

Currently Federal Requirements, require us to Mail Ballots to Overseas Military personnel and Civilians, at least 45 days prior to the Election.

As you can see, if we have a run-off, that would NOT be possible.

Therefore, I would like to discuss the run-off. Either completely removing it or changing the date.

This is nothing we need to talk about in the next day or two, but we should start talking about it fairly soon.

Thanks,  
Wesley

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**From:** Kim Hankemeyer  
**Sent:** Tuesday, April 28, 2015 12:46 PM  
**To:** Wesley Wilcox  
**Subject:** City of Dunnellon

Wesley,

Dunnellon's' charter states that a run-off election will be held on the first Tuesday after the first Monday in December. That's 28 days after the November General Election.

Don't know if you wanted to pursue extending run-off date or advise removing by ballot amendment by adopting F.S. 100.181; draw lots to break tie.

Thanks,

**KIM HANKEMEYER, MFCEP**

**Support Services Analyst**

Marion County Election Center

981 NE 16<sup>th</sup> Street

PO Box 289

Ocala, Florida 34478-0289

Tel: 352 620 3294 Ext 220

Fax: 352 620 3286

E-Mail: [KHankemeyer@VoteMarion.com](mailto:KHankemeyer@VoteMarion.com)

Web: [www.VoteMarion.com](http://www.VoteMarion.com)

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**CITY OF DUNNELLON**  
**2016 LIAISON ASSIGNMENTS (TO BE AMENDED 03/09/2016)**

<b>CITY BOARDS</b>	<b>MEETINGS PER MONTH</b>	<b>STAFF / COUNCIL LIAISON</b>
City Council Meetings 2nd Monday (4th Monday when needed) 5:30pm	1	City Manager/City Clerk
City Council Workshops Wednesday prior to Council Meeting (2 <sup>nd</sup> meeting in month when needed) 5:30 p.m.	1	City Manager/City Clerk
CRA Board/City Council Prior to Council Meeting/Workshop	Quarterly	City Manager/City Clerk Community Development
Planning Commission 3rd Tuesday 5:30 p.m.	1	Community Development City Manager
Tree Board 4th Thursday at 5:30 p.m.	1	Community Development City Manager
Special Magistrate To be assigned - considering As needed 1st Tuesday at 9:30 a.m.	1	Community Devlpmnt/ Code Enforcement City Manager
Historic Preservation Advisory Board 2nd Tuesday 5:30 p.m.	1	Community Development City Manager
CRA Advisory Board 4 <sup>th</sup> Monday 4:00 p.m.	1	Community Development City Manager
Utility Advisory Committee 3 <sup>rd</sup> Monday 3:00 p.m.	1	Public Services City Manager
<b>ASSIGNMENTS OUTSIDE CITY GOVERNMENT</b>	<b>MEETINGS PER MONTH</b>	<b>COUNCIL LIAISON</b>
Transportation Planning Organization 4th Tuesday 4:00 p.m.	1	Councilwoman Fleeger Alternate Mayor Whitt
TPO Advisory	1	City Manager
<del>WRPC 3rd Thursday 6:30 p.m.</del>	1	Councilman Dillon
SWFWMD Last Tuesday 9:00 a.m.	1	Councilwoman Fleeger City Manager
Chamber of Commerce 3rd Wednesday 7:30 a.m.	1	<b>Councilman Evans</b>
Dunnellon Business Association	1	Councilman Green
County Commission 1st & 3rd Tuesday 9:00 a.m.	2	Rotation of Council members to attend
Conc. Cit.of Chatmire Community Center	As needed	Councilman Green
FLOC	As needed	City Manager
Council Against Sub. Abuse 3rd Monday 11:30 a.m.	1	City Manager
<del>BMAP</del>		<b>Councilman Evans</b>
Tourist Development Council 2 <sup>nd</sup> Wednesday 9:00 a.m.	1	<b>Councilman Evans</b>