Agenda
City of Dunnellon
Planning Commission Meeting
20750 River Drive, Dunnellon, FL 34431
WEDNESDAY, March 16, 2016
5:30 p.m.
(This meeting re-scheduled to Wednesday due to the Primary Election on Tuesday)

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

Call to Order

Pledge of Allegiance

Roll Call

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

1. Approval Of Minutes

2. Chairman's Report From City Council

3. Planning Commission Member Education
   Discuss Education and Training Possibilities

4. Review / Discuss Comprehensive Plan Elements
   Continue review of the Comprehensive Plan Elements in preparation for making recommendations, noticing and holding public hearings after response from DEO for the EAR-Based Amendments.

   Documents: 2015-10 Comp Plan Amendments CPA 2015-01.Pdf

5. Public Input

6. Adjournment

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

MASTER

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED THAT:

SECTION 1. Legislative Findings.

A. The City of Dunnellon is committed to a policy of managed growth which recognizes the rights of residential and commercial property owners while promoting the preservation of natural and environmental resources.

B. In 2014, the City Council directed the Planning Commission, the City's local planning agency, with reviewing the Comprehensive Plan to consider whether the Comprehensive Plan provisions requiring a 150-foot waterfront setback along the rivers and navigable coves, adopted in 2008, should be changed to reduce the setback.

C. In 2008, the City re-designated certain vacant upland lots within the Nine Island Cove Subdivision from Medium Density Residential to Conservation, resulting in the inability of the property owner to build residences on the parcels. The City Council desires to adopt a site-specific policy within the Future Land Use Element which allows such parcels to be developed consistent with Medium Density Residential. The City Council finds that such a policy is in the best interests of the property owner and citizens of the City.

D. During the process of reviewing the goals, objectives, and policies ("GOP's") of the Comprehensive Plan to determine what provisions would require amending to avoid inconsistent terms if the waterfront setback was changed, certain GOP's were found to be obsolete, inconsistent with State law, or were more suitable, due to their regulatory detail, for placement in the land development regulations.

E. The City Council finds it to be in the best interests of the citizens and property owners to address: structures which are made nonconforming by the 150-foot waterfront setback established in the Conservation Element; structures devoted to nonconforming uses which must come into conformity with the land development regulations in the event of natural disasters; and substandard sized lots in older subdivisions.

F. The Planning Commission held four public hearings on the proposed Comprehensive Plan amendments incorporated herein, which hearings were advertised in accordance with State law. On August 18, 2015, the Planning Commission recommended amendments to the Future Land Use, Conservation, Public Facilities, and Aquifer Protection Elements.

G. The public hearings for this Ordinance and Comprehensive Plan amendments have been advertised as required by State law.

H. The City Council of the City of Dunnellon hereby finds and determines that the Comprehensive Plan amendments are internally consistent and consistent with the City's Comprehensive Plan.

SECTION 2. Comprehensive Plan Amendments.

A. Attached hereto and incorporated herein by reference as Exhibit "A" are proposed Comprehensive Plan amendments to the Future Land Use Element, Conservation Element, Public Facilities Element, and Aquifer Protection Element. In the Elements, words ~~stricken~~ are deletions and words underlined are additions.

SECTION 3. Data and Analysis. The supporting data and analysis (Support Documents) shall be transmitted by the City to the Department of Economic Opportunity and the reviewing agencies together with the Comprehensive Plan amendments and this Ordinance, 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 (Support Documents) 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. This Ordinance shall become effective pursuant to the Department of Economic Opportunity's Notice of Intent if in compliance and if no challenge is filed by an affected party when the Notice of Intent is posted on the Department's website.

Ordinance posted on the City's website on September 4, 2015. Public hearing advertised on September 7, 2015 on the City's Website and in the Ocala Star Banner.

PUBLIC HEARING AND FIRST READING on the 14th day of September, 2015.

ADOPTED AND ENACTED on second reading: the 9th day of November 2015.

CITY OF DUNNELLON

Nathan Whitt, Mayor 11-9-2015

ATTEST:

Dawn M. Bowne, M.M.C. 11-9-2015
City Clerk

Approved as to Form and Legal Sufficiency:

Virginia Cassady, City Attorney 11-9-2015

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 September 2015.

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

Dawn Bowne

From: Dawn Bowne
Sent: Thursday, September 24, 2015 2:54 PM
To: Lonnie Smith; Teresa Malmberg
Cc: Lynn Wyland
Subject: Transmittal Package

We have saved Virginia's email (just text email) to LF along with the history that we have on the approval.
Please provide an electronic copy of the complete submittal package as you have finalized it for sending to DEO so that Lynn can save it to LF.

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
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.

Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Thursday, September 17, 2015 3:20 PM
To: Lonnie Smith; Teresa Malmberg
Cc: Dawn Bowne
Subject: Comp Plan Amendment Package to DEO and agencies
Attachments: Eubanks Ray transmittal package.docx; Agency Contacts for transmittal package.pdf

Importance: High

This is the first of 4 emails for sending the transmittal package to DEO and agencies.

Please find the required cover letter to be signed by Eddie, inserting the date. In the letter, you can see the list of documents which are to be sent to DEO and the agencies. Documents will be coming in separate emails. The list of agencies is also attached, yellow-highlighted.

The requirements for transmittal are:

- The entire package to DEO and agencies (including the County) must be sent (and, yes, St. Johns River Water Management District gets a copy).
- One paper copy and two electronic copies in PDF on a CD ROM to DEO.
- One mailed copy to each agency.

DATE OF MAILING AND TRANSMITTAL: **NO LATER THAN THURSDAY, SEPT. 24, IF NOT SOONER.**

SHEPARD, SMITH & CASSADY, P.A.
ATTORNEYS & COUNSELORS AT LAW

VIRGINIA CASSADY
ATTORNEY AT LAW
BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAW
VCassady@ShepardFirm.com
toll free 866.247.3008
office 407.622.1772
cell 321.228.8295
fax 407.622.1884
2300 MAITLAND CENTER PKWY, STE. 100
MAITLAND, FL 32751
SHEPARDFIRM.COM

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.

Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Thursday, September 17, 2015 3:27 PM
To: Lonnie Smith; Teresa Malmberg
Cc: Dawn Bowne
Subject: 2nd of 4 emails - transmittal package comp plan
Attachments: 01 Future Land Use Element September 14 2015 TRANSMITTAL.pdf; 08 Conservation Element September 14 2015 TRANSMITTAL.pdf; 06 Public Facilities Element September 14 2015 TRANSMITTAL.pdf; 07 Aquifer Protection September 14 2015 TRANSMITTAL.pdf

Importance: High

Attached are comp plan elements. They should go in this order: Future Land Use Element, Conservation Element, Public Facilities Element, and Aquifer Protection Element.

SHEPARD, SMITH & CASSADY, P.A.
ATTORNEYS & COUNSELORS AT LAW

VIRGINIA CASSADY
ATTORNEY AT LAW
BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAW
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Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Thursday, September 17, 2015 6:05 PM
To: Lonnie Smith; Teresa Malmberg
Cc: Dawn Bowne
Subject: 3rd of 4 emails re: Comp Plan transmittal package
Attachments: Support Document Future Land Use Element.pdf; Support Document Conservation Element.pdf; Support Document Public Facilities Element.pdf; Support Document Aquifer Protection Element.pdf

Attached are the Support Documents (data and analysis) to include next in the transmittal package, to be in this order: FLUE, Conservation, Public Facilities, and Aquifer Protection.

SHEPARD, SMITH & CASSADY, P.A.
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Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Thursday, September 17, 2015 6:09 PM
To: Lonnie Smith; Teresa Malmberg
Cc: Dawn Bowne
Subject: 4th of 4 emails re: Comp Plan transmittal package
Attachments: TRANSMITTAL PACKAGE - PC Reso; Council agenda; Memo; Ordinance 2015-10.pdf

These are the last documents to be included in the transmittal package to be sent to DEO and agencies. The documents attached are in the order as they appear in the cover letter (or should be!).

I will be back in the office on Tuesday if you have any questions. If you are uncertain about anything, you can go on the DEO website. Under Community Planning, Development, and Services, you will find a wealth of information.

SHEPARD, SMITH & CASSADY, P.A.
ATTORNEYS & COUNSELORS AT LAW

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City of Dunnellon
Ordinance Time Line

ORD 2015-10
Name and # of Ordinance

Chapter of City Code that Ordinance is amending Comp Plan Amendment #CPA 2015-01
Special approval or advertising requirements per legal counsel: (Must have legal opinion attached and provide date of legal opinion) City Initiated

Initial once Completed	Date	Action
		NOTE: LAND USE CASE MUST BE CONSIDERED FIRST, THEN IF APPROVED, THE ZONING CASE MAY BE HEARD
	N/A	Notice sent to affected property owners by Comm. Dev.
JM	12/5/14 12/23/14	Send ad to paper advertising Planning Commission public hearing set for ~~00/00/00~~ 12/17/14 + 1/20/2015
JM	12/6/14 1/1/2015	Ad for Planning Commission public hearing appears in paper
JM	9/21/15	Planning Commission public hearing 6 hearings 12/17/15, 1/20/15, 2/17/15, 3/17/15 8/4/15, 8/18/15.
DMB	8/18/2015	Planning Commission recommendation – minutes and or staff memo must be attached #RES2015-24 *2014-01+02 replaced by
DMB	9-9-15	City Council Workshop Meeting to review draft of ordinance and obtain permission to advertise 1st public hearing
	N/A	City Council Notice to Property Owner sent providing 30 days notice of City Council 1st public hearing set for 00/00/00 (Sent by City Clerk)
DMB	9/1/15	Send advertisement request for City Council public hearing of 1st reading to Ocala Star Banner when statute requires notice in paper that publishes 5 days per week ie: large scale land use or zoning change. (See legal opinion date 05/25/06 for land use and zoning amendments required publishing) **Statute 166.041 zoning, 163.3184(15) Comp Plan/Land Use requirements, maps may be required. Have City**

* River Corridor CPA w/drawn 2014-02 + Text Amendments 2014-01 changes for RCP removed. Replaced with 2015-01. JAM

Timeline for #ORD 2015-10

		Attorney approve ads and publishing directions prior to sending to paper.
DMB	9-1-15	Send advertisement request to ~~Riverland News~~ Ocala Banner (Council requires this at all times) for City council public hearing 1st reading of ordinance
DMB	9-7-15	Ad appears in the Ocala Star Banner
		Ad ~~appears in the Riverland~~
DMB	9-14-15	City Council First Reading of Ordinance (Land Use first then zoning if they are being heard same night) TRANSMITTAL
DMB	9-14-15	Ordinance passed/failed by a vote of 5-0
		Send Ads to Riverland News and Ocala Banner for second hearing to be held on 00/00/00
		Ad to run in Riverland News and Ocala Star Banner for per Large Scale Land Use Statute (See legal opinion date 05/25/06 for publishing requirements or contact City Attorney)
		Second public hearing during City Council Meeting This is second reading and consider approval of Ordinance
		Ordinance passed/failed by a vote of _____
		If passed, have ordinance signed by City Clerk and Mayor
		Ordinance and all appropriate attachments sent to DCA if applicable, and to the State of Florida (annexation) if applicable
		Ordinance & applicable exhibits and or attachments sent to Marion County for recording if applicable
		Send ordinance to MCCI for posting as new Ordinance on City's Code Book page.
		Send ordinance to MCCI for codification. Mark on file date sent and paper acknowledgements filed in ordinance file

Timeline for #ORD 2015-10

Page 3

_____ _____ Organize file for scanning into laserfiche. All documents to be scanned staple and paperclip free to the right. All documents not to be scanned staple to left side of folder.

_____ _____ Update ordinance number log where necessary. ie: proof of publication, codification date, etc.

Timeline updated _____
Amended _____

U:\dawn_bowne\Forms\Ordinance Timeline Form 12292006.doc

Have You Had an Annexation Lately?
If So, Your Population Estimate Needs Your Help

Your population estimate is important because it determines the amount of state and federal dollars that your community receives. It is essential that the state knows of your annexation in order to incorporate that area's population into your estimate.

Where to Report:

Report your annexation to the Florida Governor's Office and the Legislative Office of Economic and Demographic Research in order to ensure that the University of Florida knows that you had an annexation and that you qualify for all benefits available under the law.

Report to: Valerie Jugger Matthew Cutillo
Executive Office of the Governor
Office of Policy and Budget
The Capitol, Room 1702
Tallahassee, FL 32399-0001
Phone: 850-717-939361
Email: Valerie Jugger
Matthew.Cutillo@laspbs.state.fl.us

Pam Schenker
Florida Legislative Office of Economic and Demographic Research
111 W. Madison Street, Suite 574
Tallahassee, FL 32399-6588
Phone: 850-717-0471
Email: Schenker.Pamela@leg.state.fl.us

MASTER

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED THAT:

SECTION 1. Legislative Findings.

A. The City of Dunnellon is committed to a policy of managed growth which recognizes the rights of residential and commercial property owners while promoting the preservation of natural and environmental resources.

B. In 2014, the City Council directed the Planning Commission, the City's local planning agency, with reviewing the Comprehensive Plan to consider whether the Comprehensive Plan provisions requiring a 150-foot waterfront setback along the rivers and navigable coves, adopted in 2008, should be changed to reduce the setback.

C. In 2008, the City re-designated certain vacant upland lots within the Nine Island Cove Subdivision from Medium Density Residential to Conservation, resulting in the inability of the property owner to build residences on the parcels. The City Council desires to adopt a site-specific policy within the Future Land Use Element which allows such parcels to be developed consistent with Medium Density Residential. The City Council finds that such a policy is in the best interests of the property owner and citizens of the City.

D. During the process of reviewing the goals, objectives, and policies ("GOP's") of the Comprehensive Plan to determine what provisions would require amending to avoid inconsistent terms if the waterfront setback was changed, certain GOP's were found to be obsolete, inconsistent with State law, or were more suitable, due to their regulatory detail, for placement in the land development regulations.

E. The City Council finds it to be in the best interests of the citizens and property owners to address: structures which are made nonconforming by the 150-foot waterfront setback established in the Conservation Element; structures devoted to nonconforming uses which must come into conformity with the land development regulations in the event of natural disasters; and substandard sized lots in older subdivisions.

F. The Planning Commission held four public hearings on the proposed Comprehensive Plan amendments incorporated herein, which hearings were advertised in accordance with State law. On August 18, 2015, the Planning Commission recommended amendments to the Future Land Use, Conservation, Public Facilities, and Aquifer Protection Elements.

G. The public hearings for this Ordinance and Comprehensive Plan amendments have been advertised as required by State law.

H. The City Council of the City of Dunnellon hereby finds and determines that the Comprehensive Plan amendments are internally consistent and consistent with the City's Comprehensive Plan.

SECTION 2. Comprehensive Plan Amendments.

A. Attached hereto and incorporated herein by reference as Exhibit "A" are proposed Comprehensive Plan amendments to the Future Land Use Element, Conservation Element, Public Facilities Element, and Aquifer Protection Element. In the Elements, words ~~stricken~~ are deletions and words underlined are additions.

SECTION 3. Data and Analysis. The supporting data and analysis (Support Documents) shall be transmitted by the City to the Department of Economic Opportunity and the reviewing agencies together with the Comprehensive Plan amendments and this Ordinance, 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 (Support Documents) 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. This Ordinance shall become effective pursuant to the Department of Economic Opportunity's Notice of Intent if in compliance and if no challenge is filed by an affected party when the Notice of Intent is posted on the Department's website.

Ordinance posted on the City's website on September 4, 2015. Public hearing advertised on September 7, 2015 on the City's Website and in the Ocala Star Banner.

PUBLIC HEARING AND FIRST READING on the 14th day of September, 2015.

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:

_____
Virginia Cassady, 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 September 2015.

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

AFFIDAVIT OF DISTRIBUTION

State of Florida County of Marion City of Ocala

I, Bryce Abshier; being duly sworn on oath now and during all times herein stated, have been the publisher and designated agent of the publication known as,

Ocala StarBanner ("Publication")

And have full knowledge of the facts herein-stated as follows:

The Public Notice for City of Dunnellon was distributed to the Publication's full circulation on the 7th day of September, 2015. By: Bryce Abshier

Notary Seal:

Susan Cooke NOTARY My Comm. Expires March 28, 2019 No. EE180121 PUBLIC STATE OF FLORIDA

Subscribed and sworn to be before me this 9th day of September, 2015

Susan Cooke

Notary Public

Susan Cooke

NOTICE OF PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT #CPA2015-01

The City of Dunnellon proposes to make changes to its Comprehensive Plan in accordance with Chapter 163, Florida Statutes. The proposed changes would amend textual portions of the Dunnellon Comprehensive Plan.

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on the proposed amendment to the Comprehensive Plan will be held on Monday, September 14, 2015, beginning at 5:30 p.m., or soon thereafter, before the City Council, as part of its regular meeting, 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 amendment and Ordinance to the Department of Economic Opportunity. 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 amendment. The failure of a person to submit oral or written comment before final adoption of the amendment may preclude the ability of such person to contest the amendment at a later date.

The public may inspect the Plan amendment 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.

Dawn Bowne

From: Dawn Bowne
Sent: Tuesday, September 01, 2015 2:33 PM
To: 'Patricia.Shepard@starbanner.com'
Cc: Teresa Malmberg; Lonnie Smith; Eddie Esch
Subject: Comp Plan Ad Request for City of Dunnellon
Attachments: ad_ph_ord_2015_10_Comp Plan Amendments Transmittal_city initiated.doc

Tracking:

Recipient	Delivery	Read
'Patricia.Shepard@starbanner.com'		
Teresa Malmberg	Delivered: 9/1/2015 2:34 PM	Read: 9/1/2015 2:40 PM
Lonnie Smith	Delivered: 9/1/2015 2:34 PM	
Eddie Esch	Delivered: 9/1/2015 2:34 PM	

Trish:

Please see advertising instruction on attached document. Must be published on 09/07/2015. Please provide proof prior to publication and notarized proof of publication.

Please confirm you have received this email.

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
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.

SENT VIA EMAIL

September 01, 2015

Ocala Star Banner
Display Advertising

RE: Notice of public hearing

Please publish the following notice of public hearings on **Monday, September 7, 2015,** in the Ocala Star Banner. Please ensure the following statutory requirements are met:

- ad must be no less than 2 columns wide by 10 inches long in a standard sized newsletter;
- headline must be in a type no smaller than 18 point; and
- advertisement must not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Please also provide a proof for our review prior to publication.

NOTICE OF PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT #CPA2015-01

The City of Dunnellon proposes to make changes to its Comprehensive Plan in accordance with Chapter 163, Florida Statutes. The proposed changes would amend textual portions of the Dunnellon Comprehensive Plan.

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN

AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on the proposed amendment to the Comprehensive Plan will be held on **Monday, September 14, 2015,** beginning at **5:30 p.m.**, or soon thereafter, before the City Council, as part of its regular meeting, 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 amendment and Ordinance to the Department of Economic Opportunity. 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 amendment. The failure of a person to submit oral or written comment before final adoption of the amendment may preclude the ability of such person to contest the amendment at a later date.

The public may inspect the Plan amendment 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.

Dawn Bowne

From: Abshier, Bryce [Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 09, 2015 1:58 PM
To: Dawn Bowne
Subject: RE: Proof - Comp Plan Amendment Proof of Publication
Attachments: 3084_001.pdf

Thank you! Here you go. Please let me know if you need anything else.

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Wednesday, September 09, 2015 12:10 PM
To: Abshier, Bryce
Subject: RE: Proof - Comp Plan Amendment Proof of Publication

Perfect!!!!! You are the man!!!

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
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.

From: Abshier, Bryce [mailto:Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 09, 2015 11:49 AM
To: Dawn Bowne
Subject: RE: Proof - Comp Plan Amendment Proof of Publication

Absolutely, would something like this attachment work? Please let me know and I will have it completed and sent over. Thank you!

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Wednesday, September 09, 2015 11:41 AM
To: Abshier, Bryce
Subject: RE: Proof - Comp Plan Amendment Proof of Publication

I hate to ask but because the tear sheet image is so big.... I cannot print tearsheet without making it incredibly small where you can't read the date print. Any way you can zoom in on just the ad itself and incorporate it into one PDF with the affidavit where it is readable?

Dawn M. Bowne
Dawn M. Bowne, MMC
City Clerk
City of Dunnellon
20750 River Drive
Dunnellon, FL 34431
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www.dunnellon.org

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From: Abshier, Bryce [mailto:Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 09, 2015 11:20 AM
To: Dawn Bowne
Cc: Lynn Wyland; Mandy Roberts; Loretta Barton; Sue Lavac
Subject: RE: Proof - Comp Plan Amendment Proof of Publication

My apologies Dawn. Could you please attach a copy of what you have received from us in the past? I have also attached an electronic tearsheet of the ad for your records.

Thank you,

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Wednesday, September 09, 2015 11:12 AM
To: Abshier, Bryce
Cc: Lynn Wyland; Mandy Roberts; Loretta Barton; Sue Lavac
Subject: RE: Proof - Comp Plan Amendment Proof of Publication
Importance: High

Hi:

Thanks so much for trying to get this handled, but, this proof does not show what was advertised. Usually the proofs you send us have a reduced size of the
ad within the affidavit to prove to a judge or anyone else of legal authority what we published, when , etc. Do I need to send you and example of what your paper has been providing us?

Dawn M. Bowne
Dawn M. Bowne, MMC
City Clerk
City of Dunnellon
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From: Abshier, Bryce [mailto:Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 09, 2015 10:16 AM
To: Dawn Bowne
Subject: RE: Proof

Here you go Dawn. Please let me know if you need anything else. Have a great day!

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471

Ocala StarBanner
A Halifax Media Group Company

T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Tuesday, September 08, 2015 10:10 AM
To: Abshier, Bryce
Subject: Re: Proof

We usually just accept yours as long as it contains dates of pub, what was published and notarized signature. Thanks.

Sent from my Verizon 4G LTE Smartphone

------ Original message------
From: Abshier, Bryce
Date: Tue, Sep 8, 2015 10:01 AM
To: Dawn Bowne;
Subject:RE: Proof

Good morning Dawn,

I hope all is well. Do you have a particular proof of publication form that you need notarized or will one of our generic proof of publication forms work?

Thank you!

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Wednesday, September 02, 2015 10:18 AM
To: Abshier, Bryce
Subject: RE: Proof

It looks great. Please publish and send proof of publication/notarized. Thanks!

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
www.dunnellon.org

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From: Abshier, Bryce [mailto:Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 02, 2015 10:13 AM
To: Dawn Bowne
Cc: Shepard, Patricia
Subject: Proof

Good morning Dawn,

I have attached a proof of your upcoming ad. Please let me know if you would like any changes. Thank you

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

Dawn Bowne

From: Dawn Bowne
Sent: Wednesday, September 02, 2015 4:35 PM
To: 'Dunnellon Chamber Commerce'; Dunnellon Business Association (info@dunnellonbusinessassociation.com)
Subject: For Public Posting
Attachments: Ordinance 2015_10 Comp Plan Amendments_TRANSMITTAL_1st draft 20150909.pdf

Importance: High

Can you please post in an area of general circulation or ability for public to view?
Council to discuss at Wednesday Workshop 09/09/15 and consider approval on 09/14/15.

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
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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: Virginia Cassady [mailto:vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 10:18 AM
To: Dawn Bowne; Mandy Roberts
Cc: Eddie Esch; Teresa Malmberg
Subject: Comp Plan amendment - ad for paper
Importance: High

Dawn, this is what the statute says re: advertising:

The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. ....

So it looks like the Ocala Star Banner will be the paper?

Also, the ad has to be published at least 7 days prior to the date of the first public hearing. For the Sept. 14 Council meeting, it would have to appear on or before Sept. 7th. For the meeting on Sept. 28, it would have to appear on or before Sept. 21. I left that blank on the ad.

Please let me know when it will be published.

DISCLAIMER:

Dawn Bowne

From: Dawn Bowne
Sent: Wednesday, September 02, 2015 4:55 PM
To: Lynn Wyland
Cc: Mandy Roberts; Loretta Barton; Eddie Esch
Subject: Posting to City Website
Attachments: Ordinance 2015_10 Comp Plan Amendments_TRANSMITTAL_1st draft 20150909.pdf; ad_ph_ord_2015_10_Comp Plan Amendments Transmittal_city initiated.doc

Importance: High

Lynn –

Please post the PDF to pending Ordinance page with a date of September 4th and indicate public hearing published in Ocala Star Banner of 09/07/15. Please post the attached (word doc) legal ad to the public notice page with a date of 09/07/15 and indicated same published in Ocala Banner. These dates are consistent with what I typed on Ordinance.

Please confirm when done so I know it happened this week. Just got this last minute. Will be discussed on Wed workshop. Thanks.

Dawn M. Bowne
Dawn M. Bowne, MMC
City Clerk
City of Dunnellon
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CITY OF DUNNELLON
ORDINANCE PROCESSING FORM/CHECKLIST

Staff member submitting ordinance for review by City Council must initial and acknowledge that each of the following are attached.

Please check the type of ordinance that you are submitting: Comp Plan Amend & CRA 2015-01, ORD2015-10

X Land Use Change _____ Zoning Change _____ Voluntary Annexation
_____ Non Voluntary Annexation _____ Code Amendment _____ Referendum
_____ Other _____ (Please explain)

Please initial and complete each of the questions:

DMB Number assigned to ordinance # ORD 2015-10

DMB Please attach final draft of ordinance to date. Has electronic version been emailed to City Clerk, provide date? 9-1-15 by City Attorney

DMB Have you checked that all attachments and or exhibits are accounted for and attached to ordinance?

✓ Has a paper copy and electronic jpeg file of a map, if applicable been provided? Date electronic map was emailed to Clerk 9-1-15

✓ Final legal opinion of draft ordinance must be provided or the Clerk's office will not accept ordinance for processing in front of City Council. Legal opinion must be in electronic format for document imaging purposes. Date emailed to City Clerk provided 9-1-15 see email. ord. drafted by Attorney

✓ Staff Report must be attached to this form/ordinance in order for the Clerk's office to process before City Council. from Attorney dated 9-1-15

DMB ✓ Timeline must be attached with latest amended date in order for the Clerk's office to process. Appropriate statutes must be identified in timeline along with any specific City Code requirements.

✓ Copies of notices to applicants, copies of notices to owners within required notice area, proof of publications for public hearing before Planning Commission, and any other information vital to the ordinance file must be attached to show compliance with Florida Statutes and City Codes before City Clerk's office can process request. ADD in paper only.

Date 9-1-15 DMB
Dept Head signature submitting ordinance

Date Stamp DMB.
City Clerk signature accepting ordinance and verifying all requirements above have been met

Amended 12/29/2006
U:\dawn_bowne\Forms\Ordinance Processing Form 12292006.doc

Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 3:46 PM
To: Dawn Bowne; Eddie Esch
Cc: Teresa Malmberg; Lonnie Smith
Subject: COMPREHENSIVE PLAN AMENDMENTS ORD 2015-10
Attachments: MEMO TO COUNCIL Dunnellon re Comp Plan amendments 2015.pdf; #ORD2015-10 Comp. Plan Amendments - 09-14-2015 TRANSMITTAL.pdf; #ORD2015-10 Comp. Plan Amendments - 09-14-2015 TRANSMITTAL.docx; EXHIBIT A of Ordinance 2015-10.pdf; EXHIBIT A of Ordinance 2015-10.docx; 01 Future Land Use Element September 14 2015 TRANSMITTAL.pdf; Support Document Future Land Use Element.pdf; 08 Conservation Element September 14 2015 TRANSMITTAL.pdf; Support Document Conservation Element.pdf; 06 Public Facilities Element September 14 2015 TRANSMITTAL.pdf; Support Document Public Facilities Element.pdf; 07 Aquifer Protection September 14 2015 TRANSMITTAL.pdf; Support Document Aquifer Protection Element.pdf; 2015-24 Planning Commission Resolution for Certification of Comp Plan Amendments.pdf

Importance: High

For the 9/9/15 workshop and 9/14/15 public hearing, attached are the following:

Memo to Council (All plan amendments are cut and pasted into the Memo for convenience of Council – if you want to note that on the cover sheet)

Ordinance 2015-10 (Word and pdf)
Exhibit "A" cover page (Word and pdf)

Future Land Use Element
Support Document for Future Land Use Element

Conservation Element
Support Document for Conservation Element

Public Facilities Element
Support Document for Public Facilities Element

Aquifer Protection Element
Support Document for Aquifer Protection Element

Planning Commission Resolution 2015-24 – Local planning agency certification and recommendation regarding Plan amendments

MEMORANDUM

Shepard, Smith and Cassady, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, Florida 32751
Telephone (407) 622-1772
Facsimile (407) 622-1884

***

To:	City of Dunnellon City Council
From:	Virginia Cassady, City Attorney
Subject:	Ordinance #ORD2015-10 – Comprehensive Plan Amendments - First reading/public hearing and transmittal (#CPA2015-01)
cc:	Eddie Esch, City Manager
Date:	September 1, 2015

I. Introduction

Attached for your consideration at the first reading/public hearing are:

- Ordinance #ORD2015-10
- Future Land Use Element
- Conservation Element
- Public Facilities Element
- Aquifer Protection Element
- Support documents[1] for:
  - Future Land Use Element
  - Conservation Element
  - Public Facilities Element
  - Aquifer Protection Element

[1] The Support Documents contain the same information as this Memo. The Documents satisfy a necessary, fundamental requirement of the Community Planning Act. Under § 163.3177(1)(f), Fla. Statutes, "All mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment."

For Council and the public's convenience, the proposed amendments to the four elements listed above have been cut and pasted into this Memo.

II. Background

As a result of public sentiment, in the Fall, 2014, the City Council tasked the Planning Commission, the City's local planning agency, with reviewing the Comprehensive Plan to consider whether the Comprehensive Plan provisions requiring a 150-foot waterfront setback along the rivers and navigable coves, adopted in 2008, should be changed to reduce the setback.

While reviewing the goals, objectives, and policies ("GOP's") of the Comprehensive Plan to determine what provisions would require amending to avoid inconsistent terms if the waterfront setback was changed,[2] the City's planner consultant found numerous GOP's which were obsolete, inconsistent with State law, or were more suitable, due to their regulatory detail, for placement in the land development regulations.[3] Therefore, in addition to proposing changes which would be necessary if the waterfront setback provisions were changed, he proposed additional changes to other Elements as well.

As is customary, the City's planner consulted with the city attorney regarding the changes and proper wording. While reviewing the planner's proposed changes, the city attorney found additional GOP's which needed correction due to inconsistencies with current State law. Also, the city attorney questioned whether the Comprehensive Plan properly reflected the City's policies regarding the eventual elimination of structures built prior to 2008 within the 150-foot waterfront setback, which were made nonconforming by Future Land Use Element Objective 4 and policies therein.

During the revision and review process by the planner and city attorney, the Community Development Department was approached by an attorney for an owner of vacant property in the Nine Island Cove Subdivision regarding the land use and zoning of the parcels owned by his client. When researching the future land use designation and zoning for the parcels in question, the planner and city attorney found that the parcels had been re-designated from residential to conservation on the future land use map in 2008. In the best interests of the City, a proposed

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[2] § 163.3177(2), Fla. Statutes, requires that, "Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent." If elements of a comprehensive plan are inconsistent, an adopted comprehensive plan can be legally challenged for not being in compliance. § 163.3184(1)(b) and (5)(a).

[3] Comprehensive Plans are local government plans which provide the guidelines and principles for land use and growth management. The GOP's are the "broad brush" for land use. § 163.3177(1), Fla. Statutes reads in part: "The sections of the comprehensive plan containing the principles and strategies, generally provided as goals, objectives, and policies, shall describe how the local government's programs, activities, and land development regulations will be initiated, modified, or continued to implement the comprehensive plan in a consistent manner. **It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out.**"

text change to Policy 1.10 of the Future Land Use Element was added to the Comprehensive Plan amendments to be considered by the Planning Commission.

Also during the review process, concern was raised by City Council and some owners of residences which had been made nonconforming due to legislative creation of the water-oriented commercial zoning district (B-6), which prohibited residential use. If those residences are destroyed because of a natural disaster, the owners would lose their homes. Future Land Use Element Objective 4 and the policies therein are proposed to be amended to reflect that owners of property with nonconforming structures or structures devoted to nonconforming uses may build back in the event of a natural disaster. The policies also give special consideration to structures within the 150-foot waterfront setback.

III. Procedure

The Planning Commission held two lengthy public hearings on January 20, 2015, and February 17, 2015. As a result of overwhelming public input, the Planning Commission instructed the City's planner to leave the 150-foot waterfront setback in Conservation Element Policy 9.1 and other policies, but some revisions were made to the policies.

Due to the fact that the City contemplated receiving a grant from DEO to complete the revisions on the Comprehensive Plan, the Planning Commission tabled further consideration of the Plan amendments at its March 17, 2015, public hearing. Because of circumstances out of the City's control, the City was unable to move forward with its application to receive a grant at that time. At its May meeting, City Council passed a motion authorizing staff and the city attorney to resume public hearings regarding the Plan amendments before the Planning Commission. The Planning Commission held two more public hearings on August 4, 2015 and August 18, 2015.

The Plan amendments therefore were presented to the public and considered by the Planning Commission during a total of four public hearings. On August 18, 2015, the Planning Commission voted to recommend the Plan amendments which you are considering on September 14.

IV. Proposed Amendments

The proposed amendments can be categorized as follows: (1) Amendments necessary to correct obsolete provisions; (2) amendments needing updating to be consistent with requirements of state or judicial law; (3) amendments to requirements which are more suitable in the land development regulations; (4) policy-driven amendments; and (5) clarity.

In this Memo, each Objective and/or Policy proposed to be amended is followed by an explanation of the reason for the amendment.

NOTE: Throughout this Memo, words ~~stricken~~ are deletions; words underlined are additions to the Comprehensive Plan; and words ~~stricken through,~~ double-underlined, and

yellow-highlighted words are proposed deletions and additions which have been made since Planning Commission recommended the Plan amendments to Council.

Future Land Use Element

1. ***Policy 1.4*** says that "...the commercial land use category includes uses such as retail, entertainment,..."

Explanation: The inclusion of "such as" underscores and clarifies that the list of uses provides guidance and is not intended to limit consideration of other uses which are typically commercial in nature.

2. ***Policy 1.4.C.8*** is changed to read: "Approval shall be only by special exception ~~with a super majority vote~~."

Explanation: This Policy 1.4.C addresses large-scale commercial development site plans. Site plan approval is quasi-judicial in nature. The elimination of the requirement for a super majority vote is a recommended policy change.

3. ***Policy 1.10*** is changed to read:

> 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 **3357-003-08, 3357-003-07, 3357-003-06, and 3357-003-05.**

Explanation: In November, 2014, the owner of the three parcels identified in the above proposed amendment made inquiries through his attorney to verify the zoning and buildability of the parcels. The City's planner consultant found, while reviewing the City's records, that the parcels had been re-designated from Medium Density Residential (MDR) to Conservation on

the Future Land Use Map during the City's 2007-2008 comprehensive plan review and adoption process. An attorney representing the owner appeared and submitted written objections to the re-designation during that comprehensive plan review process. The data and analysis, minutes of Planning Commission and Council meetings, and other documents do not give any reason for the re-designation in 2008. The "downzoning" from MDR to Conservation results in the inability of the owner to construct single family homes on the parcels under Future Land Use Policy 1.10.

The three parcels are in the Nine Island Cove Subdivision, which was platted in 1992 for single family residences. All portions of the parcels are upland and contain no wetlands. Lots surrounding the three parcels in question are designated as MDR.

Staff, the planner consultant, and city attorney met with the owner's attorney in February, 2015, during the current comprehensive review process, and the representatives of the City offered to propose and recommend to the Planning Commission and Council that a site-specific text amendment be introduced. This text amendment is a "place hold" until the City proposes a re-designation of the property on the Future Land Use Map when proposed updates to the Map will be considered under the DEO grant.

If the City does not re-designate the parcels consistent with surrounding lots, the City will be under a threat of taking the property without justly compensating the owner for their value, contrary to the U.S. and Florida Constitutions. *See Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); *see also* Chapter 70 of the Florida Statutes (the Bert J. Harris Act).

4. ***Policy 1.14*** is changed to read:

> 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)* <u>as may be amended by city code to conform to other policies of this Comprehensive Plan and to city needs and characteristics</u>. All golf courses shall use reclaimed water for irrigation.

Explanation: § 163.3177(1), Florida Statutes, says:

> It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

Unless local governments are required by statute to follow Best Management Practices (BMP's), the more legally sound strategy is for plan amendments to direct the local government to adopt BMP's as may be amended to fit the city's unique needs and characteristics and as may be consistent with other GOP's of the comprehensive plan. Without doing so, the local government will be required to comb through BMP's during the comprehensive plan review process to determine if all provisions of the BMP's are applicable to the local government.

The proposed change to Policy 1.14 still provides a meaningful and predictable standard without compromising the City's ability to consider how the BMP's fit the City's unique characteristics.

5. ***Policy 1.18*** is changed to read:

> All residential and nonresidential development shall be subject to site plan review procedures. ~~Single family homes on platted lots existing at the time of plan adoption shall not require a site plan.~~

Explanation: The deleted sentence is obsolete. The land development regulations require submittal of site plans in some instances, recognizing their necessity and desirability for some single family residences such as in planned unit developments. Such a prohibition of the site plan review process is also inconsistent with Objective 2 of the Conservation Element and Policies therein pertaining to riverfront developments.

6. ***Policy 1.19*** is changed to read, in part:

> *Wetlands* mean 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 § 373.421, *Florida Statutes* <u>and by a certified wetlands delineator</u>.

Explanation: The existence of wetlands only occurs after they are certified as wetlands. This change acknowledges the need for "boots on the ground" field verification to identify wetlands before permitting, as contemplated by § 373.421(1), Florida Statutes.

7. ***Policy 2.4*** is changed to read:

> 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. ~~The determination that a parcel is waterfront shall be based on the parcel boundaries existing on June 25, 2007.~~

Explanation: The last sentence is obsolete.

8. ***Policy 2.5*** is changed to read:

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. ~~, including annual maintenance, and ensuring that the system is designed to produce effluent that contains not more than 10 mg/L of total nitrogen. When the wastewater treatment system is extended within 1,000 feet of the development, measured to the property line, all uses shall connect to the wastewater treatment system.~~

Explanation: § 381.00651(3), Florida Statutes, allows a city to adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program, so long as the program does not deviate from the statute. If an ordinance is adopted by a city, assessment and maintenance must be *every 5 years*. Therefore, the annual maintenance referenced in Policy 2.5 is contrary to state law.

Also, §§ 381.0065 – 381.0067, Florida Statutes, regulate on-site sewage treatment and disposal systems. § 381.0065(3) authorizes the Department of Health to promulgate rules consistent with the statutes. Therefore, setting the maximum total nitrogen of a septic system may be inconsistent with or duplicative of state law. Moreover, it has been the practice of the City since at least 1985 to define "availability" to mean that a building is within 150 feet of an available wastewater line, underscoring the desirability of determining "availability" by city ordinance.

9. ***Policy 2.6*** is changed to read:

Existing development, at any density or in land use category, shall be required to connect to the City wastewater treatment system in accordance with § 381.00655 and when sewer service is available as defined by the city's codes. ~~within 90 days of availability.~~

Explanation: As it currently reads, City staff could interpret this Policy to mean that the City must give 90 days' notification when the City's sewer system is available for connection. § 381.00655, Florida Statutes, requires the City to give at least a year's notice of the anticipated availability of the sewer system. Thereafter, the City gives notice *within* 365 days of availability. Typically, local government regulations set the second date of notice as 90 days, 180 days, etc. This change points the City to the governing statute when amending its ordinances.

10. ***Objective 4*** and Policies therein are changed to read:

Objective 4:
The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both ~~nonconforming~~ uses which are nonconforming with the Future Land Use Map or zoning map and ~~nonconforming~~ 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:
~~Where existing structures are made nonconforming by this plan, such uses shall be allowed to continue with normal repairs and maintenance to existing buildings. However, these uses shall be subject to specific regulations in the land development code.~~ 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 built prior to January [____], 2016 [or effective date of this plan amendment] 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); provided, however, that any expansion or alteration of such structures shall not result in any such structure being located any closer to the water than its existing waterfront setback.

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, subject to Florida Building Code and other state requirements, 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:
~~Structures that are destroyed involuntarily to an extent less than fifty (50) percent of the floor area of the structure may be rebuilt as they existed prior to destruction. Such structures may not be expanded or relocated without full compliance with standards and criteria currently in effect. Rebuilding of the destroyed portion of the structure without compliance with current standards and~~

~~criteria is limited to an exact replacement of the destroyed structure.~~ 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 lose its nonconforming status, and any future use of the property must be in conformity with this Plan and the land development regulations.

~~**Policy 4.3:**~~
~~Structures that are involuntarily destroyed to an extent that is fifty (50) percent or more of the floor area, or structures that are voluntarily destroyed shall be rebuilt only in full compliance with current standards and criteria.~~

Explanation: This Objective came under scrutiny in 2014 at public meetings before Council during discussions about development on and protection of the Withlacoochee and Rainbow Rivers. How were structures within the river protection corridor to be treated due to their nonconformity? As Objective 4 states, the City contemplates that nonconformities will be eliminated when certain events occur, and current Policies 4.2 and 4.3 require that nonconforming structures within the 150-foot waterfront setback set forth on Conservation Element Policy 9.1 be rebuilt no closer than 150 feet from the waterfront.[4] A significant number of structures lie within the 150-foot waterfront setback and are nonconforming. The City has expressed a desire to allow these structures to be rebuilt to their existing waterfront setback, so long as the structures are not rebuilt or expanded any closer to the ordinary high water line (Policy 4.1.B1).

Policy 4.1.D recognizes that structures within the floodplain may be subject to the Federal Emergency Management Agency regulations.

During Council discussions pertaining to treatment of nonconformities, there was strong sentiment that nonconforming structures and structures devoted to nonconforming uses should be able to build back to their original nonconformity even if they are damaged due to terrorist acts, accidental fires, or natural disasters and even if damages exceed 50 percent of the property value prior to reconstruction or repair.[5] (Policy 4.1.C)

11. ***Policy 6.3*** is changed to read:

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

[4] The 150-foot waterfront setback established in Conservation Element Policy 9.1 was adopted in October, 2008.
[5] These build-back provisions are similar to those recognized in the Comprehensive Plans of Ponce Inlet and Sanibel.

Explanation: This change regarding BMP's triggers a requirement of the City to address BMP's in its land development regulations as applicable. Please see discussion under Paragraph 4 above for discussion about Best Management Practices.

12. ***Policy 1.19; Policy 3.6***:

Explanation: References to Rule 9J-5, F.A.C. and to the Department of Community Affairs have been eliminated and/or revised in the Future Land Use Element,[6] and, where applicable, Chapter 163, Florida Statutes, and Department of Economic Opportunity are inserted.

Conservation Element

1. **Policy 2.1** is changed to read:

The surface waters of the City, including lakes, rivers and wetlands, shall be designated conservation areas. ~~, where the following requirements shall be enforced:~~ 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 treat[7] ~~filter the first one and one half inch (1½ inch) of~~ 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, ~~and~~ navigable coves, and abutting wetlands~~,~~ shall be established for all development along the river with the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4. This area shall be known as the river corridor protection area. ~~The land within the 150-foot setback shall be protected through a conservation easement.~~

C. ~~No development shall be permitted by the City until the applicant has demonstrated that all proper state and federal permits have been received, including provisions for stormwater treatment.~~ All development permits shall be conditioned upon an applicant obtaining all necessary state and federal permits before commencement of the development.

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[6] A more comprehensive review of other elements of the Comprehensive Plan will be done during the EAR-based amendment process to ensure that all references to Rule 9J-5 and other references inconsistent with the Community Planning Act are changed (due date: Dec. 1, 2015).

[7] This yellow-highlighted double-underlined appeared in the planner consultant's documents as a recommended change because the word "filter" is not a standard word used in the industry. Somehow the change did not make it through the various iterations of the Plan amendments.

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 ~~at the rate of two (2) acres of new wetlands for each one (1) acre of lost wetlands, unless a more strict~~ standard ~~is~~ imposed by ~~a~~ the applicable 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 ~~associated with water-oriented commercial uses~~ 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. ~~Direct sheet flow is prohibited.~~

1. Any development adjacent to surface waters shall incorporate Best Management Practices (BMP) for stormwater treatment and for any permissible application of fertilizers and pesticides.

Explanation: The modifications to the introductory paragraph of this Policy are more appropriate for Comprehensive Plans since it anticipates that the requirements will be incorporated into and expanded upon in the LDR's.

The elimination of "the first one and one-half inch (1½ inch) of" in Policy 2.1.A was recommended by the City's planner consultant because it is already a requirement of state law but may be subject to change by the state.

The yellow-highlighted, double underlined addition in Policy 2.1.B was not discussed with the Planning Commission and therefore is not part of their recommended Plan amendments. I recommended the change to coordinate and ensure consistency with Future Land Use Element Policy 1.4 and raise awareness to the reader that the waterfront setback does not apply to commercial development which is water dependent and water oriented.

Both the city attorney and the planner consultant recommend eliminating the requirement that private property within the 150-foot waterfront setback be subject to a conservation easement in all cases. The City will be a holder of a property interest, subject to the legal consequences which such interest has. Well-drafted LDR's for riverfront property, in

addition to a thorough site plan review process, are sufficient protection for the riverfront. The City can still require conservation easements on a case by case basis.

Policy 2.1.C is inconsistent with the requirements of §166.033(4), Fla. Statutes, which reads:

> For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency.....

Therefore, the Policy has been re-written to be consistent with the statute and provides a guide to the City when the land development regulations are re-written.

Policy 2.1.D recognizes that dredging and filling in wetlands is regulated by state or federal law.

Policy 2.1.E also recognizes that prohibition of discharges within wetlands is regulated by state law; therefore, the specificity is eliminated because it may not be consistent with state law. Policy 2.1.F eliminates the specific prohibition of direct sheet flow. State law addresses prohibitions, and direct sheet flow may be one of many.

2. ***Policy 6.2*** is changed to read:

> ~~Require~~ 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.

Explanation: It is likely that SWFWMD or DEP would require a conservation easement for lands which contained endangered or threatened species. As discussed above, if the City were also to have a conservation easement in all cases, the City will be a holder of a property interest, subject to the legal consequences which such interest has. The City can still require conservation easements for new development on a case by case basis. The state has requirements for preservation of lands which contain endangered, threatened or species of special concern. The modification to this Policy is more appropriate for Comprehensive Plans since it anticipates that the requirements will be incorporated into and possibly expanded upon in the LDR's.

3. ***Policy 6.4*** is changed to read:

> Ensure that development design mitigates any negative impacts through management plans which include Best Management Practices. The City shall ~~S~~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. ~~, in order to ensure development~~

~~design mitigates any negative impacts through management plans which include Best Management Practices.~~

Explanation: The Planning Commission recommended that this Policy be re-written to correct its diction. "As appropriate" is added because, as currently written, the Policy requires the City to seek assistance from FFWC, which does not reflect what occurs in the application review process for new development. Owners or applicants are typically required to have an environmental study done and, if endangered or threatened species are found to be on the property, they must seek permitting from FFWC.

4. ***Policy 6.9*** is changed to read:

~~The removal of~~ cCypress trees shall be protected and subject to removal only in extenuating circumstances which are enumerated and regulated by City ordinances. ~~prohibited~~.

Explanation: First, an outright prohibition of removal of cypress trees can have some unintended consequences when applied to individual parcels of property and is not in the best interest of the City. Second, the proposed language reflects what is currently in the City's LDR's. The Community Planning Act makes it illegal for LDR's to be inconsistent with the Comprehensive Plan.

5. ***Policy 8.2*** is changed to read:

In order to protect present and future water supplies, the City shall strictly control the types of ~~prohibits~~ 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.]

Explanation: The planner consultant recommended this change to the Planning Commission because an outright prohibition is not in the best interests of the City and is not required by state law.

6. ***Objective 9*** and the Policies therein are changed to read:

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 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 ~~shall be required~~ for all development located within the City of Dunnellon.

A. With the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4, ~~A~~all development shall comply with the following setback standards:

TABLE 9.1 – SETBACK STANDARDS FROM SPECIFIC FEATURES	
Feature	**Minimum Setback (Feet)**
3rd 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 do not apply to lots of record recorded on or before October 27, 2008, which are vacant as of January [ ], 2016 [or effective date of this plan amendment].

2~~1~~. The setback from springs and spring runs shall be measured from the ordinary high water line.

3~~2~~. Where a lot of record is too small to accommodate development in compliance with the setbacks set forth in Table 9.1, 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:

a. The building and associated paved areas are located the maximum distance possible from the features listed in Table 9.1.

b. swale and berm are located between the development and the spring, spring run, or river, and

c. 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 ~~All development shall demonstrate that the proposed uses are appropriate, considering potential impacts on natural resources and environmentally sensitive lands. If a development is proposed for land within 500 feet of a wetland, shoreline, sinkhole, or geologic feature, the application 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 Floridan 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 9.2:
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. ~~Fast release fertilizers are prohibited.~~

C. The land area within the required setback set forth in Table 9.1 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, January, 2009 ~~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.

Explanation: The modifications to the introductory paragraph of Policy 9.1 are more appropriate for Comprehensive Plans since it anticipates that the requirements will be incorporated into and expanded upon in the LDR's. See also Paragraph 4 of Future Land Use Element above for discussion about Best Management Practices.

The yellow-highlighted, double underlined addition in Policy 9.1.A was not discussed with the Planning Commission and therefore is not part of their recommended Plan amendments. Early in the review process, I recommended the change to coordinate and ensure consistency with Future Land Use Element Policy 1.4 and raise awareness to the reader that the waterfront setback does not apply to commercial development which is water dependent and water oriented; that recommendation was inadvertently dropped during the numerous iterations of the amendments. The change was not carried through the various iterations of the Plan amendments.

Policy 9.1.A.1 is new and exempts from the waterfront setback requirement those lots of record recorded on or before October 27, 2008, which are vacant as of the effective date of this Plan amendment, if adopted. Six to eight vacant waterfront parcels remain in the City, according to information received during public hearings before the Planning Commission. The requirement that the lots be vacant complements Future Land Use Policy 4.1.B.1 which provides that structures on waterfront property built prior to the effective date of the Plan amendment on lots of record recorded on or before October 27, 2008, that are less than 150 feet from the waterfront, are exempt the nonconforming provisions; however, that any expansion or alteration of such structures shall not result in any such structure being located any closer to the water than its existing waterfront setback.

Policy 9.2.B eliminates "fast release fertilizers are prohibited." The elimination of an outright prohibition makes this Policy consistent with Conservation Policy 2.1.I which recognizes that fertilizers and pesticides may be permissible for development adjacent to surface waters. Policy 2.1.I contemplates that the use of fertilizers will be addressed in the Code. Also, this change to Policy 9.2.B is consistent with the proposed change in the Aquifer Protection Element 2.1, which calls for the City to discourage the use of fast release pesticides through educational programs.

The remaining changes in the Policies are either self-explanatory or were recommended by the planner consultant, with input from the Planning Commission.

Public Facilities Element

1. ***Policy 1.2.3*** is changed to read:

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. ~~designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen.~~

Explanation: The elimination of "designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen" in this Policy was recommended by the City's planner consultant because setting the maximum total nitrogen of a septic system may be inconsistent with or duplicative of state law. Also, §§ 381.0065 – 381.0067, Florida Statutes, regulate on-site sewage treatment and disposal systems. § 381.0065(3) authorizes the Department of Health to promulgate rules consistent with the statutes.

2. ***Policy 1.2.5*** is eliminated, and ***Objective 1.3*** is changed to read:

~~**Policy 1.2.5:**~~
~~The City will prohibit the discharge of effluent after disinfection into waterbodies containing not more than 20 mg/l of carbonaceous biochemical oxygen demand and total suspended solids or at least 75% of each of these pollutants from the wastewater influent, whichever is more stringent. All facilities shall be subject to provisions of Rule 62-600.110 F.A.C., regarding the applicability of the above requirements, and Rules 62-600.440, 62-600.445, 62-600.740, F.A.C., regarding compliance with these requirements. Appropriate disinfection and pH control of effluents shall also be required.~~

Objective 1.3:
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 through the use of performance-based septic systems. ~~with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen in areas that will not be served by the central sewer system.~~

Explanation: Policy 1.2.5 is not necessary and should be eliminated because it is covered by, and may be inconsistent with, state law. Moreover, the BMAP's may require a change. For an explanation of the change in Objective 1.3, see the Explanation under Paragraph 1 above.

3. ***Policy 1.3.1*** is changed to read:

All new waterfront development shall utilize central sewer. ~~The use of private septic tanks to service new waterfront development is hereby prohibited. For the purposes of this section, waterfront development shall be defined as any development occurring on property which borders the Rainbow River, Withlacoochee River, wetlands, and lakes. Notwithstanding the above, single-family residences on waterfront parcels of 10 acres or more shall be allowed to have a performance based septic system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen with the drainfield located 150' or more from the water's edge, provided that sanitary sewer service is not available.~~

Explanation: The sentence "The use of private septic tanks to service new waterfront development is hereby prohibited" is eliminated because it duplicates the previous sentence. The remaining provisions are eliminated because they are obsolete.

4. ***Policy 1.3.2*** is changed to read:

All new development (other than bonafide agricultural uses) shall utilize central sewer and water. Existing developed property ~~development~~ shall hook up to central sewer when available. ~~within 90 days of availability.~~ ~~The City Council shall have the ability to grant a variance to this requirement in cases where financial or engineering hardships are demonstrated by an applicant requesting such variance.~~

Explanation: The first substantive change is to eliminate the reference to "within 90 days of availability." As it currently reads, City staff could interpret this Policy to mean that the City is required to give 90 days' notification when the City's sewer system is available for connection. § 381.00655, Florida Statutes, requires the City to give at least a year's notice of the anticipated availability of the sewer system. Thereafter, the City gives notice *within* 365 days of availability. Typically, local government regulations set the second date of notice as 90 days, 180 days, etc. Local government regulations also can define "availability." The City's code has defined "availability" to occur when a wastewater line is within 150 feet of building.

After much discussion, the Planning Commission recommended that the requirement that Council have the ability to grant variances from the requirement to hook up to central sewer and water be eliminated. Although the statute recognizes that local governments can grant variances in certain situations, they are not required to do so. Moreover, the City's codes do not recognize these types of variances, nor do they provide specific criteria and a process for these variances.

5. ***Policy 1.3.3*** and ***Policy 1.3.4*** are deleted:

~~**Policy 1.3.3:**~~

~~All septic systems shall be inspected every five (5) years or upon sale of the property for maintenance. The City shall develop a process for tracking the inspections. If at any time a septic system is determined by the Marion County Health Department to be in failing status, then the system must be replaced with a performance-based system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen, at the expense of the property owner, within 90 days. The City Council shall have the ability to grant a variance to the replacement requirement in cases where financial hardship is demonstrated by an applicant requesting such variance.~~

~~**Policy 1.3.4:**~~
~~For purposes of considering a variance as described in Policyies 1.3.2 and 1.3.3, financial hardship is defined as having an income at or below the most recent poverty threshold established by the U.S. Census Bureau.~~

Explanation: § 381.00651(3), Florida Statutes, allows a city to adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program for on-site septic systems, so long as the program does not deviate from the statute. Therefore, if an ordinance is adopted by a city, it must adopt § 381.00651(1) – (10) in its entirety. Also, the statute prohibits the requirement that an evaluation be done at the point of sale. Finally, the requirement that inspections be done every 5 years is inconsistent with that portion of Future Land Use Policy 2.5 which requires annual maintenance (and which is proposed to be deleted, as discussed in Future Land Use Element Paragraph 8 herein). The Planning Commission recommended deleting of Policy 1.3.3.

Since that portion of Policy 1.3.2 regarding variances is proposed to be deleted, Policy 1.3.4 should also be deleted.

6. ***Policy 1.4.1, Objective 1.5, Policy 1.5.1, and Policy 1.5.2*** are changed to read:

Policy 1.4.1:
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. ~~and be available for public inspection.~~

Objective 1.5:
Funded with ~~a~~ state or federal grants and ~~a~~ low interest loans, the City of Dunnellon will expand, replace, and rehabilitate the central sanitary sewer system. ~~through four phases between the years 2003 and 2012.~~

~~**Policy 1.5.1:**~~
~~The sanitary sewer system will be operated as an independent enterprise, such that revenues will be used for the benefit of its customers. The rate schedule for~~

~~sanitary sewer services will be based on public utility cost-of-service principles in Florida Statute 180.30.~~

Policy 1.5.1~~2~~:
The City shall continue applying ~~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 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. ~~and be available for public inspection.~~

Explanation: The changes to Policy 1.4.1 and newly-numbered Policy 1.5.1.D are made because they reflect what is already required by the Public Records Law (Ch. 119, Fla. Statutes) and therefore are not policies specific to the City. Policy 1.5.1 is eliminated for the same reason.

Changes to Policy 1.5 and newly-numbered Policy 1.5.1 correct obsolete provisions and insert new phraseology.

Aquifer Protection Element

1. ***Policy 2.1 and Policy 2.2*** are changed to read:

Policy 2.1:
The City will ~~prohibit~~ discourage the sale and use of fast release pesticides ~~and fertilizers~~ within city limits, and through educational programs should inform the public of the proper content and use of pesticides and fertilizers.

Policy 2.2:
The City ~~shall~~ should provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices.

Explanation: Policy 2.1 currently reflects an outright prohibition which could be legally challengeable and is difficult to enforce. Moreover, this prohibition is not appropriate as a land

development regulation, nor has it been adopted as part of the City's land development regulations or in the City's codes. As re-written, the Policy is more realistic and offers a more positive approach.

I included the yellow-highlighted additions and deletions while preparing the Support Documents and this Memorandum. Fertilizers are recognized as allowable under Best Management Practices for golf course development (see Policy 1.1.4, Future Land Use Element) and under the state's administrative rules regarding landscape irrigation (which the City has adopted, as required). Therefore, I took the liberty of proposing a change in this Policy to reflect the desirability of public education on the proper content and use of pesticides and fertilizers.

Policy 2.2 mandates that the City provide funding to educate the public on the proper use of fertilizers and irrigation practices. Such a requirement to provide funding indefinitely, year after year, is unconstitutional under Article VII, Section 12 of the Florida Constitution.

2. ***Policy 3.1*** is changed to read:

> Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will ~~significantly~~ diminish groundwater quality and quantity. ~~[9J-5.013(c)1.].~~ The following land uses shall be regulated to reduce potential impacts ~~prohibited~~, ~~including all uses specified in the Comprehensive Plan – Future Land Use element section~~:
>
> A. Vehicle sales, repair, rental, storage, or maintenance;
>
> B. Hazardous waste facilities;
>
> C. Buildings larger than 80,000 sq. ft.;
>
> D. Drive-up facilities;
>
> E. RV parks

Explanation: The Planning Commission recommended that the word "significantly" be eliminated.

The outright prohibition of the listed uses is not only inconsistent with the City's current land development regulations, it is inconsistent with Future Land Use Element Policy 1.4, which recognizes that these uses are allowed under special conditions (by special exception). As stated above, inconsistencies within a comprehensive plan is illegal under the Community Planning Act.

EXHIBIT "A"

ORDINANCE #ORD2015-10

City of Dunnellon

Comprehensive Plan Amendments #CPA2015-01

FUTURE LAND USE ELEMENT

Goals, Objectives and Policies

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 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.

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 acre and the maximum density is 12.0 units per 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.

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.

8. Approval shall be only by special exception ~~with a super majority vote~~.

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. Uses located within 150 feet of the shoreline of the Rainbow or Withlacoochee River shall be limited to activities which are water dependent or water oriented. In order to be considered water dependent or water oriented, the activity shall meet at least one of the following requirements:

1. The activity requires access to the water in order to operate. Such activities as boat docks, marinas, boat rental, boat ramps, fishing piers or docks, or water recreation are typical of activities that require access to the water.

2. The activity provides public access to the water for fishing, boating, swimming, or water sports.

3. The activity provides public access for visual enjoyment of the water through a boardwalk along or adjacent to the shoreline, a pedestrian promenade adjacent to or along the shoreline, outdoor seating or dining areas adjacent to the shoreline or extending into the water as permissible by permitting agencies.

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 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 acre.

D. Transient lodging and bed and breakfast uses shall be limited to an equivalent of eight (8) units per 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 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 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, transient lodging, bed and breakfast establishments, recreational vehicle parks, religious facilities, and financial services. The following location and design standards apply:

A. A development shall contain at least three (3) of the permissible uses.

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 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) 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 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 **3357-003-08, 3357-003-07, 3357-003-06, and 3357-003-05.**

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 storm water management.

B. Protect wetlands, potable water well fields, natural aquifer recharge areas, endangered species, intact ecological systems, and 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.

Policy 1.18:
All residential and nonresidential development shall be subject to site plan review procedures. ~~Single-family homes on platted lots existing at the time of plan adoption shall not require a site plan.~~

Policy 1.19:
The City of Dunnellon relies on the definitions in Chapter 163, *Florida Statutes,* ~~Chapter 9J-5. *Florida Administrative Code,*~~ 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 ~~are~~ promulgated by government agencies such as the Florida Department of Agriculture and Consumer Services, and the Florida Department of Environmental Protection. ~~, and the Florida Department of Community Affairs.~~

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 mean 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 § 373.421, *Florida Statutes* and by a certified wetlands delineator.

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. ~~The determination that a parcel is waterfront shall be based on the parcel boundaries existing on June 25, 2007.~~

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. ~~, including annual maintenance, and ensuring that the system is designed to produce effluent that contains not more than 10 mg/L of total nitrogen.~~

~~When the wastewater treatment system is extended within 1,000 feet of the development, measured to the property line, all uses shall connect to the wastewater treatment 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 § 381.00655 and when sewer service is available as defined by the city's codes. ~~within 90 days of availability.~~

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 ~~Community Affairs~~, 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 4:
The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both ~~nonconforming~~ uses which are nonconforming with the Future Land Use Map or zoning map and ~~nonconforming~~ 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:
~~Where existing structures are made nonconforming by this plan, such uses shall be allowed to continue with normal repairs and maintenance to existing buildings. However, these uses shall be subject to specific regulations in the land development code.~~ 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 built prior to January ____, 2016 [or effective date of this plan amendment] 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); provided, however, that any expansion or alteration of such structures shall not result in any such structure being located any closer to the water than its existing waterfront setback.

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, subject to Florida Building Code and other state requirements, 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:
~~Structures that are destroyed involuntarily to an extent less than fifty (50) percent of the floor area of the structure may be rebuilt as they existed prior to destruction. Such structures may not be expanded or relocated without full compliance with standards and criteria currently in effect. Rebuilding of the destroyed portion of the structure without compliance with current standards and criteria is limited to an exact replacement of the destroyed structure.~~ 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 lose its nonconforming status, and

any future use of the property must be in conformity with this Plan and the land development regulations.

~~**Policy 4.3:**~~

~~Structures that are involuntarily destroyed to an extent that is fifty (50) percent or more of the floor area, or structures that are voluntarily destroyed shall be rebuilt only in full compliance with current standards and criteria.~~

Objective 5:

It is the City of Dunnellon's objective to control 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.

Policy 5.1:

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 at adopted levels of service at the developer's expense, in addition to demonstrating consistency with the adopted comprehensive plan, as required by s. 163.3194, F.S.

Policy 5.2:

Extension of services within the Dunnellon City Limits shall have priority over extension to unincorporated areas. 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 both the 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:
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:
Demonstrate that the proposed uses are appropriate, 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:
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:
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.

Recommendation for relocation to the Infrastructure Element when it is updated:

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 inclusion in the Public School Facilities Element when it is adopted:

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 residential areas, particularly for elementary schools.

B. Proximity to existing or planned public facilities, such as parks, libraries, and community centers.

C. Location of elementary schools along local or collector streets.

D. Location of middle and senior high schools near arterial streets.

E. Location of lands contiguous to existing school sites.

F. Avoidance of school siting in environmentally sensitive areas.

G. 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.

H. Avoidance of school siting in any area where the proposed school facility would be incompatible with surrounding land uses.

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 resources, 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 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 promoted 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 reports to the City administration to initiate the preservation process.

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 7.5:
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.

Policy 7.6:
The City shall_provide design guidelines for new construction and renovation of non-historic buildings within the district.

Policy 7.7:
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.

Policy 7.8:
The City shall promote development of educational programs to achieve a higher level of public awareness of local historic resources.

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.

CITY OF DUNNELLON

FUTURE LAND USE ELEMENT

SUPPORT DOCUMENT

Amendments proposed by Ordinance #ORD2015-10

The proposed amendments to the Future Land Use Element are technical in nature and can be categorized as follows: (1) Amendments necessary to correct obsolete provisions; (2) amendments needing updating to be consistent with requirements of state or judicial law; (3) amendments to requirements which are more suitable in the land development regulations; (4) policy-driven amendments; and (5) clarity.

1. ***Policy 1.4*** says that "...the commercial land use category includes uses such as retail, entertainment,..."

Analysis: The inclusion of "such as" underscores and clarifies that the list of uses provides guidance and is not intended to limit consideration of other uses which are typically commercial in nature.

2. ***Policy 1.4.C.8*** is changed to read: "Approval shall be only by special exception ~~with a super majority vote~~."

Analysis: This Policy 1.4.C addresses large-scale commercial development site plans. Site plan approval is quasi-judicial in nature. The elimination of the requirement for a super majority vote is a recommended policy change.

3. ***Policy 1.10*** is changed to read:

> 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 **3357-003-08, 3357-003-07, 3357-003-06, and 3357-003-05.**

Analysis: In November, 2014, the owner of the three parcels identified in the above proposed amendment made inquiries through his attorney to verify the zoning and buildability of the parcels. The City's planner consultant found, while reviewing the City's records, that the parcels had been re-designated from Medium Density Residential (MDR) to Conservation on the Future Land Use Map during the City's 2007-2008 comprehensive plan review and adoption process. An attorney representing the owner appeared and submitted written objections to the re-designation during that comprehensive plan review process. The data and analysis, minutes of Planning Commission and Council meetings, and other documents do not give any reason for the re-designation in 2008. The "downzoning" from MDR to Conservation results in the inability of the owner to construct single family homes on the parcels under Future Land Use Policy 1.10.

The three parcels are in the Nine Island Cove Subdivision, which was platted in 1992 for single family residences. All portions of the parcels are upland and contain no wetlands. Lots surrounding the three parcels in question are designated as MDR.

Staff, the planner consultant, and city attorney met with the owner's attorney in February, 2015, during the current comprehensive review process, and the representatives of the City offered to propose and recommend to the Planning Commission and Council that a site-specific text amendment be introduced. This text amendment is a "place hold" until the City proposes a re-designation of the property on the Future Land Use Map when proposed updates to the Map will be considered under the DEO grant.

If the City does not re-designate the parcels consistent with surrounding lots, the City will be under a threat of taking the property without justly compensating the owner for their value, contrary to the U.S. and Florida Constitutions. *See Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978); *see also* Chapter 70 of the Florida Statutes (the Bert J. Harris Act).

4. ***Policy 1.14*** is changed to read:

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.

Analysis: § 163.3177(1), Florida Statutes, says:

It is not the intent of this part to require the inclusion of implementing regulations in the comprehensive plan but rather to require identification of those programs, activities, and land development regulations that will be part of the strategy for implementing the comprehensive plan and the principles that describe how the programs, activities, and land development regulations will be carried out. The plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations.

Unless local governments are required by statute to follow Best Management Practices (BMP's), the more legally sound strategy is for plan amendments to direct the local government to adopt BMP's as may be amended to fit the city's unique needs and characteristics and as may be consistent with other GOP's of the comprehensive plan. Without doing so, the local government will be required to comb through BMP's during the comprehensive plan review process to determine if all provisions of the BMP's are applicable to the local government.

The proposed change to Policy 1.14 still provides a meaningful and predictable standard without compromising the City's ability to consider how the BMP's fit the City's unique characteristics.

5. ***Policy 1.18*** is changed to read:

> All residential and nonresidential development shall be subject to site plan review procedures. ~~Single-family homes on platted lots existing at the time of plan adoption shall not require a site plan.~~

Analysis: The deleted sentence is obsolete. The land development regulations require submittal of site plans in some instances, recognizing their necessity and desirability for some single family residences such as in planned unit developments. Such a prohibition of the site plan review process is also inconsistent with Objective 2 of the Conservation Element and Policies therein pertaining to riverfront developments.

6. ***Policy 1.19*** is changed to read, in part:

> *Wetlands* mean 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 § 373.421, *Florida Statutes* <u>and by a certified wetlands delineator</u>.

Analysis: The existence of wetlands only occurs after they are certified as wetlands. This change acknowledges the need for "boots on the ground" field verification to identify wetlands before permitting, as contemplated by § 373.421(1), Florida Statutes.

7. ***Policy 2.4*** is changed to read:

> 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. ~~The determination that a parcel is waterfront shall be based on the parcel boundaries existing on June 25, 2007.~~

Analysis: The last sentence is obsolete.

8. ***Policy 2.5*** is changed to read:

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. ~~, including annual maintenance, and ensuring that the system is designed to produce effluent that contains not more than 10 mg/L of total nitrogen. When the wastewater treatment system is extended within 1,000 feet of the development, measured to the property line, all uses shall connect to the wastewater treatment system.~~

Analysis: § 381.00651(3), Florida Statutes, allows a city to adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program, so long as the program does not deviate from the statute. If an ordinance is adopted by a city, assessment and maintenance must be *every 5 years*. Therefore, the annual maintenance referenced in Policy 2.5 is contrary to state law.

Also, §§ 381.0065 – 381.0067, Florida Statutes, regulate on-site sewage treatment and disposal systems. § 381.0065(3) authorizes the Department of Health to promulgate rules consistent with the statutes. Therefore, setting the maximum total nitrogen of a septic system may be inconsistent with or duplicative of state law. Moreover, it has been the practice of the City since at least 1985 to define "availability" to mean that a building is within 150 feet of an available wastewater line, underscoring the desirability of determining "availability" by city ordinance.

9. ***Policy 2.6*** is changed to read:

Existing development, at any density or in land use category, shall be required to connect to the City wastewater treatment system in accordance with § 381.00655 and when sewer service is available as defined by the city's codes. ~~within 90 days of availability.~~

Analysis: As it currently reads, City staff could interpret this Policy to mean that the City must give 90 days' notification when the City's sewer system is available for connection. § 381.00655, Florida Statutes, requires the City to give at least a year's notice of the anticipated availability of the sewer system. Thereafter, the City gives notice *within* 365 days of availability. Typically, local government regulations set the second date of notice as 90 days, 180 days, etc. This change points the City to the governing statute when amending its ordinances.

10. ***Objective 4*** and Policies therein are changed to read:

Objective 4:

The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both ~~nonconforming~~ uses which are nonconforming with the Future Land Use Map or zoning map and ~~nonconforming~~ 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:

~~Where existing structures are made nonconforming by this plan, such uses shall be allowed to continue with normal repairs and maintenance to existing buildings. However, these uses shall be subject to specific regulations in the land development code.~~ 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 built prior to January [ ], 2016 [or effective date of this plan amendment] 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); provided, however, that any expansion or alteration of such structures shall not result in any such structure being located any closer to the water than its existing waterfront setback.

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, subject to Florida Building Code and other state requirements, 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:

~~Structures that are destroyed involuntarily to an extent less than fifty (50) percent of the floor area of the structure may be rebuilt as they existed prior to destruction. Such structures may not be expanded or relocated without full compliance with standards and criteria currently in effect. Rebuilding of the destroyed portion of the structure without compliance with current standards and criteria is limited to an exact replacement of the destroyed structure.~~ 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 lose its nonconforming status, and any future use of the property must be in conformity with this Plan and the land development regulations.

~~**Policy 4.3:**~~

~~Structures that are involuntarily destroyed to an extent that is fifty (50) percent or more of the floor area, or structures that are voluntarily destroyed shall be rebuilt only in full compliance with current standards and criteria.~~

Analysis: This Objective came under scrutiny in 2014 at public meetings before Council during discussions about development on and protection of the Withlacoochee and Rainbow Rivers. How were structures within the river protection corridor to be treated due to their nonconformity? As Objective 4 states, the City contemplates that nonconformities will be eliminated when certain events occur, and current Policies 4.2 and 4.3 require that nonconforming structures within the 150-foot waterfront setback set forth on Conservation Element Policy 9.1 be rebuilt no closer than 150 feet from the waterfront.[1] A significant number of structures lie within the 150-foot waterfront setback and are nonconforming. The City has expressed a desire to allow these structures to be rebuilt to their existing waterfront setback, so long as the structures are not rebuilt or expanded any closer to the ordinary high water line (Policy 4.1.B1).

Policy 4.1.D recognizes that structures within the floodplain may be subject to the Federal Emergency Management Agency regulations.

During Council discussions pertaining to treatment of nonconformities, there was strong sentiment that nonconforming structures and structures devoted to nonconforming uses should be able to build back to their original nonconformity even if they are damaged due to terrorist acts, accidental fires, or natural disasters and even if damages exceed 50 percent of the property value prior to reconstruction or repair.[2] (Policy 4.1.C)

11. ***Policy 6.3*** is changed to read:

Demonstrate that the uses permissible in the proposed land use category are able to be developed consistent with <u>the city's codes implementing applicable</u> Best Management Practices and the specific requirements set forth in the Conservation

Analysis: This change regarding BMP's triggers a requirement of the City to address BMP's in its land development regulations as applicable. Please see discussion under Paragraph 4 above for discussion about Best Management Practices.

12. ***Policy 1.19; Policy 3.6***:

Analysis: References to Rule 9J-5, F.A.C. and to the Department of Community Affairs have been eliminated and/or revised in the Future Land Use Element,[3] and, where applicable, Chapter 163, Florida Statutes, and Department of Economic Opportunity are inserted.

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[1] The 150-foot waterfront setback established in Conservation Element Policy 9.1 was adopted in October, 2008.

[2] These build-back provisions are similar to those recognized in the Comprehensive Plans of Ponce Inlet and Sanibel.

[3] A more comprehensive review of other elements of the Comprehensive Plan will be done during the EAR-based amendment process to ensure that all references to Rule 9J-5 and other references inconsistent with the Community Planning Act are changed (due date: Dec. 1, 2015).

CONSERVATION ELEMENT

Goals, Objectives and Policies

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 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. ~~, where the following requirements shall be enforced:~~ 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 ~~the first one and one half inch (1½ inch) of~~ 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, ~~and~~ navigable coves, and abutting wetlands~~,~~ shall be established for all development along the river with the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4. This area shall be known as the river corridor protection area. ~~The land within the 150-foot setback shall be protected through a conservation easement.~~

C. ~~No development shall be permitted by the City until the applicant has demonstrated that all proper state and federal permits have been received, including provisions for stormwater treatment.~~ 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 ~~at the rate of two (2) acres of new wetlands for each one (1) acre of lost wetlands, unless a more strict~~ standard ~~is~~ imposed by ~~a~~ the applicable 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 ~~associated with water-oriented commercial uses~~ 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. ~~Direct sheet flow is prohibited.~~

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 ~~are~~ 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. [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]

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. [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. [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]

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. [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. [This policy may be relocated to the Infrastructure Element. However, until the element is updated, the policy is retained.]

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:
~~Require~~ 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 ~~S~~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. ~~, in order to ensure development design mitigates any negative impacts through management plans which include Best Management Practices.~~

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. 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:
~~The removal of~~ cCypress trees shall be protected and subject to removal only in extenuating circumstances which are enumerated and regulated by City ordinances. ~~prohibited~~.

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.

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.

Policy 7.1:
The City shall cooperate with any state, federal, or local programs concerning hazardous waste.

Policy 7.2:
Prior to ~~site plan approval of~~ 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.

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.

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. [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 ~~prohibits~~ 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. [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. [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.

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. [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. [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. [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.

Policy 8.10:
Enforce state laws requiring low volume plumbing fixtures for new construction through building permit procedures. [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. [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 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 ~~shall be required~~ for all development located within the City of Dunnellon.

A. With the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4, ~~A~~all development shall comply with the following setback standards:

TABLE 9.1 – SETBACK STANDARDS FROM SPECIFIC FEATURES	
Feature	**Minimum Setback (Feet)**
3rd 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 do not apply to lots of record recorded on or before October 27, 2008, which are vacant as of January ____, 2016 [or effective date of this plan amendment].

2~~1~~. The setback from springs and spring runs shall be measured from the ordinary high water line.

3~~2~~. Where a lot of record is too small to accommodate development in compliance with the setbacks set forth in Table 9.1, 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:

a. The building and associated paved areas are located the maximum distance possible from the features listed in Table 9.1.

b. A swale and berm are located between the development and the spring, spring run, or river, and

c. 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 ~~All development shall demonstrate that the proposed uses are appropriate, considering potential impacts on natural resources and environmentally sensitive lands. If a development is proposed for land within 500 feet of a wetland, shoreline, sinkhole, or geologic feature, the application 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 Floridan 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 9.2:
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. ~~Fast release fertilizers are prohibited.~~

C. The land area within the required setback set forth in Table 9.1 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, January, 2009 ~~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 9.3
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.

CITY OF DUNNELLON

CONSERVATION ELEMENT

SUPPORT DOCUMENT

Amendments proposed by Ordinance #ORD2015-10

The proposed amendments to the Conservation Element are technical in nature and can be categorized as follows: (1) Amendments necessary to correct obsolete provisions; (2) amendments needing updating to be consistent with requirements of state or judicial law; (3) amendments to requirements which are more suitable in the land development regulations; (4) policy-driven amendments; and (5) clarity.

1. **Policy 2.1** is changed to read:

The surface waters of the City, including lakes, rivers and wetlands, shall be designated conservation areas. ~~, where the following requirements shall be enforced:~~ 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 treat ~~filter the first one and one-half inch (1½ inch) of~~ 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, ~~and~~ navigable coves, and abutting wetlands~~,~~ shall be established for all development along the river with the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4. This area shall be known as the river corridor protection area. ~~The land within the 150-foot setback shall be protected through a conservation easement.~~

C. ~~No development shall be permitted by the City until the applicant has demonstrated that all proper state and federal permits have been received, including provisions for stormwater treatment.~~ 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 ~~at the rate of two (2) acres of new wetlands for each one (1) acre of lost wetlands, unless a more strict~~ standard ~~is~~ imposed by ~~a~~ the applicable 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 ~~associated with water-oriented commercial uses~~ 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. ~~Direct sheet flow is prohibited.~~

1. Any development adjacent to surface waters shall incorporate Best Management Practices (BMP) for stormwater treatment and for any permissible application of fertilizers and pesticides.

Analysis: The modifications to the introductory paragraph of this Policy are more appropriate for comprehensive plans since it anticipates that the requirements will be incorporated into and expanded upon in the LDR's.

The elimination of "the first one and one-half inch (1½ inch) of" in Policy 2.1.A was recommended by the City's planner consultant because it is already a requirement of state law but may be subject to change by the state.

The addition in Policy 2.1.B ensures consistency with Future Land Use Element Policy 1.4 and raises awareness to the reader that the waterfront setback does not apply to commercial development which is water dependent and water oriented.

Both the city attorney and the planner consultant recommend eliminating the requirement that private property within the 150-foot waterfront setback be subject to a conservation easement in all cases. The City will be a holder of a property interest, subject to the legal consequences which such interest has. Well-drafted LDR's for riverfront property, in addition to a thorough site plan review process, are sufficient protection for the riverfront. The City can still require conservation easements on a case by case basis.

Policy 2.1.C is inconsistent with the requirements of §166.033(4), Fla. Statutes, which reads:

> For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency.....

Therefore, the Policy has been re-written to be consistent with the statute and provides a guide to the City when the land development regulations are re-written.

Policy 2.1.D recognizes that dredging and filling in wetlands is regulated by state or federal law.

Policy 2.1.E also recognizes that prohibition of discharges within wetlands is regulated by state law; therefore, the specificity is eliminated because it may not be consistent with state law. Policy 2.1.F eliminates the specific prohibition of direct sheet flow. State law addresses prohibitions, and direct sheet flow may be one of many.

2. ***Policy 6.2*** is changed to read:

~~Require~~ 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.

Analysis: It is likely that SWFWMD or DEP would require a conservation easement for lands which contained endangered or threatened species. As discussed above, if the City were also to have a conservation easement in all cases, the City will be a holder of a property interest, subject to the legal consequences which such interest has. The City can still require conservation easements for new development on a case by case basis. The state has requirements for preservation of lands which contain endangered, threatened or species of special concern. The modification to this Policy is more appropriate for comprehensive plans since it anticipates that the requirements will be incorporated into and possibly expanded upon in the LDR's.

3. ***Policy 6.4*** is changed to read:

Ensure that development design mitigates any negative impacts through management plans which include Best Management Practices. The City shall ~~S~~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. ~~, in order to ensure development design mitigates any negative impacts through management plans which include Best Management Practices.~~

Analysis: The Planning Commission recommended that this Policy be re-written to correct its diction. "As appropriate" is added because, as currently written, the Policy requires the City to seek assistance from FFWC, which does not reflect what occurs in the application review process for new development. Owners or applicants are typically required to have an environmental study done and, if endangered or threatened species are found to be on the property, they must seek permitting from FFWC.

4. ***Policy 6.9*** is changed to read:

~~The removal of~~ cCypress trees shall be protected and subject to removal only in extenuating circumstances which are enumerated and regulated by City ordinances. ~~prohibited~~.

Analysis: First, an outright prohibition of removal of cypress trees can have some unintended consequences when applied to individual parcels of property and is not in the best interest of the City. Second, the proposed language reflects what is currently in the City's LDR's. The Community Planning Act makes it illegal for LDR's to be inconsistent with the Comprehensive Plan.

5. ***Policy 8.2*** is changed to read:

In order to protect present and future water supplies, the City shall strictly control the types of ~~prohibits~~ 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.]

Analysis: The planner consultant recommended this change to the Planning Commission because an outright prohibition is not in the best interests of the City and is not required by state law.

6. ***Objective 9*** and the Policies therein are changed to read:

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 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 ~~shall be required~~ for all development located within the City of Dunnellon.

A. With the exception of water dependent or water oriented commercial development as contemplated in Future Land Use Policy 1.4, ~~A~~all development shall comply with the following setback standards:

TABLE 9.1 – SETBACK STANDARDS FROM SPECIFIC FEATURES	
Feature	**Minimum Setback (Feet)**
3rd 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 do not apply to lots of record recorded on or before October 27, 2008, which are vacant as of January [illegible], 2016 [or effective date of this plan amendment].

2~~1~~. The setback from springs and spring runs shall be measured from the ordinary high water line.

3~~2~~. Where a lot of record is too small to accommodate development in compliance with the setbacks set forth in Table 9.1, 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:

a. The building and associated paved areas are located the maximum distance possible from the features listed in Table 9.1.

b. swale and berm are located between the development and the spring, spring run, or river, and

c. 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 ~~All development shall demonstrate that the proposed uses are appropriate, considering potential impacts on natural resources and environmentally sensitive lands. If a development is proposed for land within 500 feet of a wetland, shoreline, sinkhole, or geologic feature, the application 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 Floridan 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 9.2:

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. ~~Fast release fertilizers are prohibited.~~

C. The land area within the required setback set forth in Table 9.1 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, January, 2009 ~~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.

Analysis: The modifications to the introductory paragraph of Policy 9.1 are more appropriate for Comprehensive Plans since it anticipates that the requirements will be incorporated into and expanded upon in the LDR's. See also Paragraph 4 of Future Land Use Element above for discussion about Best Management Practices.

The addition in Policy 9.1.A ensures consistency with Future Land Use Element Policy 1.4 and raise awareness to the reader that the waterfront setback does not apply to commercial development which is water dependent and water oriented.

Policy 9.1.A.1 is new and exempts from the waterfront setback requirement those lots of record recorded on or before October 27, 2008, which are vacant as of the effective date of this Plan amendment, if adopted. Six to eight vacant waterfront parcels remain in the City, according to information received during public hearings before the Planning Commission. The requirement that the lots be vacant complements Future Land Use Policy 4.1.B.1 which provides that structures on waterfront property built prior to the effective date of the Plan amendment on lots of record recorded on or before October 27, 2008, that are less than 150 feet from the waterfront, are exempt the nonconforming provisions; however, that any expansion or alteration of such structures shall not result in any such structure being located any closer to the water than its existing waterfront setback.

Policy 9.2.B eliminates "fast release fertilizers are prohibited." The elimination of an outright prohibition makes this Policy consistent with Conservation Policy 2.1.I which recognizes that fertilizers and pesticides may be permissible for development adjacent to surface waters. Policy 2.1.I contemplates that the use of fertilizers will be addressed in the Code. Also, this change to Policy 9.2.B is consistent with the proposed change in the Aquifer Protection Element 2.1, which calls for the City to discourage the use of fast release pesticides through educational programs.

The remaining changes in the Policies are either self-explanatory or were recommended by the planner consultant, with input from the Planning Commission.

PUBLIC FACILITIES ELEMENT

Goals, Objectives and Policies

PUBLIC FACILITIES ELEMENT
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.

Objective 1.1:
Maximize the use of existing facilities, through the implantation of programs and adoption of land development regulations which reduce 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.

Objective 1.2:
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 1.2.1:
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.

Policy 1.2.2:
The City shall implement the concurrency management system, which ensures that development orders are not issued which lower level of service standards below adopted standards.

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. ~~designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen.~~

Policy 1.2.4:
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.

~~**Policy 1.2.5:**~~
~~The City will prohibit the discharge of effluent after disinfection into waterbodies containing not more than 20 mg/l of carbonaceous biochemical oxygen demand and total suspended solids or at least 75% of each of these pollutants from the wastewater influent, whichever is more stringent. All facilities shall be subject to provisions of Rule 62-600.110 F.A.C., regarding the applicability of the above requirements, and Rules 62-600.440, 62-600.445, 62-600.740, F.A.C., regarding compliance with these requirements. Appropriate disinfection and pH control of effluents shall also be required.~~

Objective 1.3:
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 through the use of performance-based septic systems. ~~with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen in areas that will not be served by the central sewer system.~~

Policy 1.3.1:
All new waterfront development shall utilize central sewer. ~~The use of private septic tanks to service new waterfront development is hereby prohibited. For the purposes of this section, waterfront development shall be defined as any development occurring on property which borders the Rainbow River, Withlacoochee River, wetlands, and lakes. Notwithstanding the above, single family residences on waterfront parcels of 10 acres or more shall be allowed to have a performance based septic system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen with the drainfield located 150' or more from the water's edge, provided that sanitary sewer service is not available.~~

Policy 1.3.2:
All new development (other than bonafide agricultural uses) shall utilize central sewer and water. Existing developed property ~~development~~ shall hook up to central sewer when available. ~~within 90 days of availability. The City Council shall have the ability to grant a variance to this requirement in cases where financial or engineering hardships are demonstrated by an applicant requesting such variance.~~

~~**Policy 1.3.3:**~~
~~All septic systems shall be inspected every five (5) years or upon sale of the property for maintenance. The City shall develop a process for tracking the inspections. If at any time a septic system is determined by the Marion County Health Department to be in failing status, then the system must be replaced with a performance based system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen, at the expense of the property owner, within 90 days. The City Council shall have the ability to grant a variance to the replacement requirement in cases where financial hardship is demonstrated by an applicant requesting such variance.~~

~~**Policy 1.3.4:**~~
~~For purposes of considering a variance as described in Policyies 1.3.2 and 1.3.3, financial hardship is defined as having an income at or below the most recent poverty threshold established by the U.S. Census Bureau.~~

Objective 1.4:
The City of Dunnellon will minimize wastewater resulting from infiltration and inflow.

Policy 1.4.1:
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. ~~and be available for public inspection.~~

Objective 1.5:
Funded with ~~a~~ state or federal grants and ~~a~~ low interest loans, the City of Dunnellon will expand, replace, and rehabilitate the central sanitary sewer system. ~~through four phases between the years 2003 and 2012.~~

~~**Policy 1.5.1:**~~
~~The sanitary sewer system will be operated as an independent enterprise, such that revenues will be used for the benefit of its customers. The rate schedule for sanitary sewer services will be based on public utility cost of service principles in Florida Statute 180.30.~~

Policy 1.5.1~~2~~:
The City shall continue applying ~~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 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. ~~and be available for public inspection.~~

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. 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 2:
The City shall provide for solid waste disposal service in a sanitary, economic, and environmentally safe manner.

Objective 2.1:
Continue to ensure satisfactory and economical solid waste service for all City residents, with an emphasis on reuse and recycling.

Policy 2.1.1:
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

Objective 2.2:
Reduce amount of solid waste disposed per capita through waste reduction strategies that include waste prevention, source reduction, reuse, and recycling.

Policy 2.2.1:
The City shall maximize the use of solid waste facilities through implementation of a recycling program.

Objective 2.3:
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 2.3.1:
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 Floridian Aquifer, areas with surface waters, and areas with wetlands.

GOAL 3:
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 3.1:
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 3.1.1:
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 3.1.2:
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 3.1.3:
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.

Objective 3.2:
The City shall implement design guidelines for stormwater management facilities to promote dual use, protect natural features, and provide aesthetically pleasing facilities.

Policy 3.2.1:
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 4:
Provide an adequate supply of high quality potable water to customers throughout the service area.

Objective 4.1:
Achieve and maintain acceptable levels of service for potable water quantity and quality consistent with the City's adopted concurrency management system.

Policy 4.1.1:
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, 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 4.1.2:
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 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.

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:
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 4.2.5:
Use of the lowest quality water available for appropriate uses, through water storage systems (i.e.: rain barrels) and grey (reclaimed) water supply facilities.

Policy 4.2.6:
The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures.

Policy 4.2.7:
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 Floridian Aquifer to ensure the quality and availability of potable water resources for present and future generations.

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.

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:

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 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, 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;

6. All uses specified in the Comprehensive Plan - Future Land Use Element

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.

CITY OF DUNNELLON

PUBLIC FACILITIES ELEMENT

SUPPORT DOCUMENT

Amendments proposed by Ordinance #ORD2015-10

The proposed amendments to the Public Facilities Element are technical in nature and can be categorized as follows: (1) Amendments necessary to correct obsolete provisions; (2) amendments needing updating to be consistent with requirements of state or judicial law; (3) amendments to requirements which are more suitable in the land development regulations; (4) policy-driven amendments; and (5) clarity.

1. ***Policy 1.2.3*** is changed to read:

> 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. ~~designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen.~~

Analysis: The elimination of "designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen" in this Policy was recommended by the City's planner consultant because setting the maximum total nitrogen of a septic system may be inconsistent with or duplicative of state law. Also, §§ 381.0065 – 381.0067, Florida Statutes, regulate on-site sewage treatment and disposal systems. § 381.0065(3) authorizes the Department of Health to promulgate rules consistent with the statutes.

2. ***Policy 1.2.5*** is eliminated, and ***Objective 1.3*** is changed to read:

> ~~**Policy 1.2.5:**~~
> ~~The City will prohibit the discharge of effluent after disinfection into waterbodies containing not more than 20 mg/l of carbonaceous biochemical oxygen demand and total suspended solids or at least 75% of each of these pollutants from the wastewater influent, whichever is more stringent. All facilities shall be subject to provisions of Rule 62-600.110 F.A.C., regarding the applicability of the above requirements, and Rules 62-600.440, 62-600.445, 62-600.740, F.A.C., regarding compliance with these requirements. Appropriate disinfection and pH control of effluents shall also be required.~~

Objective 1.3:
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 through the use of performance-based septic systems. ~~with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen in areas that will not be served by the central sewer system.~~

Analysis: Policy 1.2.5 is not necessary and should be eliminated because it is covered by, and may be inconsistent with, state law. Moreover, the BMAP's may require a change. For an Analysis of the change in Objective 1.3, see the Analysis under Paragraph 1 above.

3. ***Policy 1.3.1*** is changed to read:

All new waterfront development shall utilize central sewer. ~~The use of private septic tanks to service new waterfront development is hereby prohibited. For the purposes of this section, waterfront development shall be defined as any development occurring on property which borders the Rainbow River, Withlacoochee River, wetlands, and lakes. Notwithstanding the above, single-family residences on waterfront parcels of 10 acres or more shall be allowed to have a performance-based septic system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen with the drainfield located 150' or more from the water's edge, provided that sanitary sewer service is not available.~~

Analysis: The sentence "The use of private septic tanks to service new waterfront development is hereby prohibited" is eliminated because it duplicates the previous sentence. The remaining provisions are eliminated because they are obsolete.

4. ***Policy 1.3.2*** is changed to read:

All new development (other than bonafide agricultural uses) shall utilize central sewer and water. Existing developed property ~~development~~ shall hook up to central sewer when available. ~~within 90 days of availability. The City Council shall have the ability to grant a variance to this requirement in cases where financial or engineering hardships are demonstrated by an applicant requesting such variance.~~

Analysis: The first substantive change is to eliminate the reference to "within 90 days of availability." As it currently reads, City staff could interpret this Policy to mean that the City is required to give 90 days' notification when the City's sewer system is available for connection. § 381.00655, Florida Statutes, requires the City to give at least a year's notice of the anticipated availability of the sewer system. Thereafter, the City gives notice *within* 365 days of availability. Typically, local government regulations set the second date of notice as 90 days, 180 days, etc. Local government regulations also can define "availability." The City's code has defined "availability" to occur when a wastewater line is within 150 feet of building.

After much discussion, the Planning Commission recommended that the requirement that Council have the ability to grant variances from the requirement to hook up to central sewer and water be eliminated. Although the statute recognizes that local governments can grant variances in certain

situations, they are not required to do so. Moreover, the City's codes do not recognize these types of variances, nor do they provide specific criteria and a process for these variances.

5. ***Policy 1.3.3*** and ***Policy 1.3.4*** are deleted:

~~**Policy 1.3.3:**~~
~~All septic systems shall be inspected every five (5) years or upon sale of the property for maintenance. The City shall develop a process for tracking the inspections. If at any time a septic system is determined by the Marion County Health Department to be in failing status, then the system must be replaced with a performance-based system with drip irrigation for effluent disposal designed to provide a recovered water product that contains not more than ten mg/l of total nitrogen, at the expense of the property owner, within 90 days. The City Council shall have the ability to grant a variance to the replacement requirement in cases where financial hardship is demonstrated by an applicant requesting such variance.~~

~~**Policy 1.3.4:**~~
~~For purposes of considering a variance as described in Policyies 1.3.2 and 1.3.3, financial hardship is defined as having an income at or below the most recent poverty threshold established by the U.S. Census Bureau.~~

Analysis: § 381.00651(3), Florida Statutes, allows a city to adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program for on-site septic systems, so long as the program does not deviate from the statute. Therefore, if an ordinance is adopted by a city, it must adopt § 381.00651(1) – (10) in its entirety. Also, the statute prohibits the requirement that an evaluation be done at the point of sale. Finally, the requirement that inspections be done every 5 years is inconsistent with that portion of Future Land Use Policy 2.5 which requires annual maintenance (and which is proposed to be deleted, as discussed in Future Land Use Element Paragraph 8 herein). The Planning Commission recommended deleting of Policy 1.3.3.

Since that portion of Policy 1.3.2 regarding variances is proposed to be deleted, Policy 1.3.4 should also be deleted.

6. ***Policy 1.4.1, Objective 1.5, Policy 1.5.1,*** *and* ***Policy 1.5.2*** are changed to read:

Policy 1.4.1:
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. ~~and be available for public inspection.~~

Objective 1.5:
Funded with ~~a~~ state or federal grants and ~~a~~ low interest loans, the City of Dunnellon will expand, replace, and rehabilitate the central sanitary sewer system. ~~through four phases between the years 2003 and 2012.~~

~~**Policy 1.5.1:**~~

~~The sanitary sewer system will be operated as an independent enterprise, such that revenues will be used for the benefit of its customers. The rate schedule for sanitary sewer services will be based on public utility cost-of-service principles in Florida Statute 180.30.~~

Policy 1.5.1~~2~~:
The City shall continue applying ~~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 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. ~~and be available for public inspection.~~

Analysis: The changes to Policy 1.4.1 and newly-numbered Policy 1.5.1.D are made because they reflect what is already required by the Public Records Law (Ch. 119, Fla. Statutes) and therefore are not policies specific to the City. Policy 1.5.1 is eliminated for the same reason.

Changes to Policy 1.5 and newly-numbered Policy 1.5.1 correct obsolete provisions and insert new phraseology.

AQUIFER PROTECTION ELEMENT

Goals, Objectives and Policies

AQUIFER PROTECTION ELEMENT
GOALS, OBJECTIVES AND POLICIES

GOAL:
Protect, maintain, and restore the Floridian Aquifer to ensure the quality and availability of potable water resources for present and future generations.

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.

Policy 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:

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 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, 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;

6. All uses specified in the Comprehensive Plan - Future Land Use 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.

Objective 2.0:
Implement water quality protection strategies for the two springsheds that exist in Dunnellon.

Policy 2.1:
The City will ~~prohibit~~ discourage the sale and use of fast release pesticides within city limits, and, through educational programs, should inform the public of the proper content and use of pesticides and fertilizers.

Policy 2.2:
The City ~~shall~~ should 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 3.0:
Restrict land use activities that have the potential to pollute public water supply facilities and/or the Floridan Aquifer. ~~[9J-5.013(2)(b)2.]~~

Policy 3.1:
Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will ~~significantly~~ diminish groundwater quality and quantity. ~~[9J-5.013(c)1.].~~ The following land uses shall be regulated to reduce potential impacts ~~prohibited, including all uses specified in the Comprehensive Plan – Future Land Use element section~~:

A. Vehicle sales, repair, rental, storage, or maintenance;

B. Hazardous waste facilities;

C. Buildings larger than 80,000 sq. ft.;

D. Drive-up facilities;

E. RV parks

Objective 4.0:
Maintain reasonable and appropriate potable water usage (125 gal/person/day) consistent with the current conservation element amendments of the Comprehensive Plan.

Policy 4.1:
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.

Policy 4.2:
Use of the lowest quality water available for appropriate uses, through water storage systems (i.e.: rain barrels) and grey (reclaimed) water supply facilities.

Policy 4.3:
The City shall require compliance with the Southwest Florida Water Management District regarding irrigation practices and other water restrictions measures.

Objective 5.0:
Limit the use of impervious surfaces to increase land availability for aquifer recharge.

Policy 5.1:
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.

Policy 5.2:
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.

CITY OF DUNNELLON

AQUIFER PROTECTION ELEMENT

SUPPORT DOCUMENT

Amendments proposed by Ordinance #ORD2015-10

The proposed amendments to the Aquifer Protection Element are technical in nature and can be categorized as follows: (1) Amendments necessary to correct obsolete provisions; (2) amendments needing updating to be consistent with requirements of state or judicial law; (3) amendments to requirements which are more suitable in the land development regulations; (4) policy-driven amendments; and (5) clarity.

1. ***Policy 2.1 and Policy 2.2*** are changed to read:

Policy 2.1:
The City will ~~prohibit~~ discourage the sale and use of fast release pesticides within city limits, and through educational programs, should inform the public of the proper content and use of pesticides and fertilizers.

Policy 2.2:
The City ~~shall~~ should provide funding for programs which assist in educating residents about proper use of fertilizers and irrigation practices.

Analysis: Policy 2.1 currently reflects an outright prohibition which could be legally challengeable and is difficult to enforce. Moreover, this prohibition is not appropriate as a land development regulation, nor has it been adopted as part of the City's land development regulations or in the City's codes. As re-written, the Policy is more realistic and offers a more positive approach.

Policy 2.2 mandates that the City provide funding to educate the public on the proper use of fertilizers and irrigation practices. Such a requirement to provide funding indefinitely, year after year, is unconstitutional under Article VII, Section 12 of the Florida Constitution.

2. ***Policy 3.1*** is changed to read:

Control point sources of groundwater pollution by implementing land development regulations to restrict any land use that will ~~significantly~~ diminish groundwater quality and quantity. ~~[9J-5.013(c)1.].~~ The following land uses shall be regulated to reduce potential impacts ~~prohibited~~, ~~including all uses specified in the Comprehensive Plan – Future Land Use element section~~:

A. Vehicle sales, repair, rental, storage, or maintenance;

B. Hazardous waste facilities;

C. Buildings larger than 80,000 sq. ft.;

D. Drive-up facilities;

E. RV parks

Analysis: The Planning Commission recommended that the word "significantly" be eliminated.

The outright prohibition of the listed uses is not only inconsistent with the City's current land development regulations, it is inconsistent with Future Land Use Element Policy 1.4, which recognizes that these uses are allowed under special conditions (by special exception). As stated above, inconsistencies within a comprehensive plan is illegal under the Community Planning Act.

RESOLUTION #RES2015-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, MAKING RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED GOALS, OBJECTIVES, AND POLICIES OF THE FUTURE LAND USE ELEMENT, PUBLIC FACILITIES ELEMENT, CONSERVATION ELEMENT, AND AQUIFER PROTECTION ELEMENT OF THE COMPREHENSIVE PLAN; FINDING THAT THE PROPOSED AMENDMENTS ARE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon Planning Commission held five public hearings (January 20, 2015; February 17, 2015; March 17, 2015; August 4, 2015; and August 18, 2015 to consider proposed amendments to the Future Land Use Element, Public Facilities Element, Conservation Element, and Aquifer Protection Element of City of Dunnellon Comprehensive Plan; and

WHEREAS, the Planning Commission took public comments at the public hearings and considered the recommendations of the City's Planner Consultant and the City Attorney; and

WHEREAS, the Planning Commission, sitting as the local planning agency, finds that the proposed plan amendments are consistent with the City's Comprehensive Plan; and

WHEREAS, this recommendation is given pursuant to the Community Planning Act and the City's Land Development Regulations.

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

The Planning Commission **recommends** that the City Council of the City of Dunnellon find the proposed Comprehensive Plan amendments are consistent with the City's Comprehensive Plan.

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 18th day of August, 2015, by the Planning Commission upon a motion by Commissioner Sheffield and seconded by Commissioner Cowan and upon being put to a vote, the result was as follows;

Chairwoman Brenda D'Arville	☑Yes	☐No	☐Abstain	☐Did Not Vote
Vice-Chairwoman Lisa Sheffield	☑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Wilbur Vanwyck	☐Yes	☐No	☐Abstain	☑Did Not Vote absent
Commissioner Paul Cowan	☑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Tracy Fero	☑Yes	☐No	☐Abstain	☐Did Not Vote
Commissioner Mary Ann Hilton, Alternate	☐Yes	☐No	☐Abstain	☑Did Not Vote absent

Attested by:
PLANNING COMMISSION

BY: Brenda L 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: Virginia Cassady
Virginia Cassady
City Attorney

Dawn Bowne

From: Dawn Bowne
Sent: Wednesday, September 02, 2015 10:18 AM
To: 'Abshier, Bryce'
Subject: RE: Proof

It looks great. Please publish and send proof of publication/notarized. Thanks!

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
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.

From: Abshier, Bryce [mailto:Bryce.Abshier@starbanner.com]
Sent: Wednesday, September 02, 2015 10:13 AM
To: Dawn Bowne
Cc: Shepard, Patricia
Subject: Proof

Good morning Dawn,

I have attached a proof of your upcoming ad. Please let me know if you would like any changes. Thank you

Ocala StarBanner
A Halifax Media Group Company

Bryce Abshier
Account Executive Major/National
2121 SW 19th Ave RD, Ocala, FL 34471
T: (352) 867-4017
Bryce.Abshier@starbanner.com
http://www.Ocala.com

NOTICE OF PUBLIC HEARING COMPREHENSIVE PLAN AMENDMENT #CPA2015-01

The City of Dunnellon proposes to make changes to its Comprehensive Plan in accordance with Chapter 163, Florida Statutes. The proposed changes would amend textual portions of the Dunnellon Comprehensive Plan.

ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

A public hearing on the proposed amendment to the Comprehensive Plan will be held on Monday, September 14, 2015, beginning at 5:30 p.m., or soon thereafter, before the City Council, as part of its regular meeting, 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 amendment and Ordinance to the Department of Economic Opportunity. 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 amendment. The failure of a person to submit oral or written comment before final adoption of the amendment may preclude the ability of such person to contest the amendment at a later date.

The public may inspect the Plan amendment 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.

Dawn Bowne

From: Shepard, Patricia [patricia.shepard@starbanner.com]
Sent: Tuesday, September 01, 2015 3:04 PM
To: Dawn Bowne
Subject: RE: Comp Plan Ad Request for City of Dunnellon

Hi Dawn,
I am confirming space reserved for a 20" ad (2x10) on Monday 9/7. The total cost for this black and white ad is $885.40. I can provide a proof to you by Thursday, as well as a notarized proof of publication.

Ocala StarBanner
A Halifax Media Group Company

Patricia Shepard
Advertising Manager
2121 SW 19th Ave. Road, Ocala, FL 34471
T: 352-867-4012
patricia.shepard@starbanner.com
http://www.ocala.com

From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Tuesday, September 01, 2015 2:33 PM
To: Shepard, Patricia
Cc: Teresa Malmberg; Lonnie Smith; Eddie Esch
Subject: Comp Plan Ad Request for City of Dunnellon

Trish:

Please see advertising instruction on attached document. Must be published on 09/07/2015. Please provide proof prior to publication and notarized proof of publication.

Please confirm you have received this email.

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
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Dawn Bowne

From: Dawn Bowne
Sent: Tuesday, September 01, 2015 2:33 PM
To: 'Patricia.Shepard@starbanner.com'
Cc: Teresa Malmberg; Lonnie Smith; Eddie Esch
Subject: Comp Plan Ad Request for City of Dunnellon
Attachments: ad_ph_ord_2015_10_Comp Plan Amendments Transmittal_city initiated.doc

Trish:

Please see advertising instruction on attached document. Must be published on 09/07/2015. Please provide proof prior to publication and notarized proof of publication.

Please confirm you have received this email.

Dawn M. Bowne
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SENT VIA EMAIL

September 01, 2015

Ocala Star Banner
Display Advertising

RE: Notice of public hearing

Please publish the following notice of public hearings on **Monday, September 7, 2015,** in the Ocala Star Banner. Please ensure the following statutory requirements are met:

- ad must be no less than 2 columns wide by 10 inches long in a standard sized newsletter;
- headline must be in a type no smaller than 18 point; and
- advertisement must not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

Please also provide a proof for our review prior to publication.

NOTICE OF PUBLIC HEARING
COMPREHENSIVE PLAN AMENDMENT #CPA2015-01

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ORDINANCE #ORD2015-10

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA, PROVIDING FOR A LARGE-SCALE AMENDMENT TO THE COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE ELEMENT, CONSERVATION ELEMENT, PUBLIC FACILITIES ELEMENT, AND AQUIFER PROTECTION ELEMENT; UPDATING SUCH ELEMENTS TO BE CONSISTENT WITH STATE STATUTES; ELIMINATING OBSOLETE PROVISIONS; RE-WORDING OBJECTIVES AND POLICIES FOR CLARIFICATION PURPOSES; CREATING A SITE-SPECIFIC TEXT AMENDMENT TO ALLOW MEDIUM DENSITY RESIDENTIAL DEVELOPMENT ON CERTAIN UPLAND LOTS DESIGNATED AS CONSERVATION IN THE 2008 PLAN

AMENDMENTS; AMENDING POLICIES REGARDING NONCONFORMING STRUCTURES, STRUCTURES DEVOTED TO NONCONFORMING USES, AND SUBSTANDARD SIZED LOTS; PROVIDING FOR CONFLICTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 2:34 PM
To: Dawn Bowne; Mandy Roberts
Cc: Eddie Esch; Teresa Malmberg; Loretta Barton; Lonnie Smith
Subject: RE: Comp Plan amendment - ad for paper

Don't go by the 9/24/12 agenda/minutes because it refers to the comp plan Ord. 2012-07 first reading as quasi judicial. It is NOT q-j, it is legislative.

But, yes, it does require a public hearing.

Here are agenda items, in the format which City uses (I think):

WORKSHOP AGENDA ITEM:

Review Proposed Ordinance #ORD2015-10 Comprehensive Plan Amendments.

COUNCIL AGENDA ITEMS, 9/14:

1. **PUBLIC HEARING – ORDINANCE #ORD2015-10, COMPREHENSIVE PLAN AMENDMENTS (Advertised in the Ocala Star Banner 9/7/15 and On The City's Website On _____)**

2. **FIRST READING AND TRANSMITTAL OF ORDINANCE #ORD2015-10, COMPREHENSIVE PLAN AMENDMENTS**

   PROPOSED MOTION: I move Ordinance #ORD2015-10 be read by title only.

   PROPOSED MOTION: I move to approve Ordinance #ORD2015-10 and transmit it to the Department of Economic Opportunity and reviewing agencies.

(Note: I'll work with Lonnie and Teresa in getting the Ordinance and documents ready for transmittal).

SHEPARD, SMITH & CASSADY, P.A.
ATTORNEYS & COUNSELORS AT LAW

VIRGINIA CASSADY
ATTORNEY AT LAW
BOARD CERTIFIED CITY, COUNTY & LOCAL GOVERNMENT LAW
VCassady@ShepardFirm.com
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cell 321.228.8295
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2300 MAITLAND CENTER PKWY, STE. 100
MAITLAND, FL 32751
SHEPARDFIRM.COM

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: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Tuesday, September 01, 2015 1:44 PM
To: Virginia Cassady; Mandy Roberts
Cc: Eddie Esch; Teresa Malmberg; Loretta Barton
Subject: RE: Comp Plan amendment - ad for paper
Importance: High

Ok. I can get this done in Ocala Star on Monday, Sept 7th if it is planned to address this at the 9/14 meeting. My understanding is that Eddie does want this on the 09/14 meeting.

Virginia – This is not a quasi process correct? So it is fine to be discussed in workshop forum prior to public hearing
Is the ordinance in final form yet?

Virginia – since I have not agenda cover sheet for this yet, can you advise how it should be Titled on the workshop agenda and how it should be titled and appear on the 09/14 meeting? I have included a print screen below to show the last ad I found (which I will update with your provided format) and the last agenda approval format after Public hearing was completed (See below). Public hearing is just a regular hearing right?

Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 2:24 PM
To: Dawn Bowne
Subject: RE: Comp Plan amendment - ad for paper

NO MAP NEEDED!

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From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Tuesday, September 01, 2015 2:01 PM
To: Virginia Cassady
Subject: RE: Comp Plan amendment - ad for paper

No map needed in ad right? All our other ones have always seem to have a map.

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
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.

From: Virginia Cassady [mailto:vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 10:18 AM

Dawn Bowne

From: Virginia Cassady [vcassady@shepardfirm.com]
Sent: Tuesday, September 01, 2015 2:27 PM
To: Dawn Bowne; Mandy Roberts
Cc: Eddie Esch; Teresa Malmberg; Lynn Wyland
Subject: RE: Comp Plan amendment - ad for paper

Just so you know, DEO will also assign a number to it – ESR (followed by nos.).

Ad is good to go, no map needed.

Getting the ordinance and other docs ready. Will be to you end of today.

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From: Dawn Bowne [mailto:dbowne@dunnellon.org]
Sent: Tuesday, September 01, 2015 2:10 PM
To: Virginia Cassady; Mandy Roberts
Cc: Eddie Esch; Teresa Malmberg; Lynn Wyland
Subject: RE: Comp Plan amendment - ad for paper

Here is the proposed ad being sent to Ocala Banner in about 20 minutes. Everything look ok?
No map? I issued it a comp plan number as we have done in past. Teresa logging it into number log.
Just need final ordinance to publish on our website if at all possible and provide in Council packs by Thursday.

Lynn/Lorretta : please place this on the legal ad notice page on website (ad portion only) by adding a new section. make sure you note at bottom of ad that it will be published in the Ocala Star Banner on 09/07/2015 also include the date you place it on the website. No later than Monday.

I will forward draft ordinance to be posted on pending ordinance page once I receive it.

Dawn M. Bowne
Dawn M. Bowne, MMC

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 LaKeshia Brisco 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

458-0101 RIV (CPA 2014-02/ORD2008-01) PUBLIC NOTICE NOTICE OF PUBLIC HEARINGS TO REVIEW PROPOSED LARGE SCALE AMENDMENTS TO THE TEXT THE CITY OF DUNNELLON COMPREHENSIVE PLAN BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA SERVING AS THE

Court, was published in said newspaper in the issues of

January 1st, 2015,

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 2nd day of Jan. 2015

By: Theresa J. Savery and/or LaKeshia Brisco 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

458-0101 RIV (CPA 2014-02/ORD2008-01)
PUBLIC NOTICE
NOTICE OF PUBLIC HEARINGS
TO REVIEW PROPOSED LARGE SCALE AMENDMENTS
TO THE TEXT THE CITY OF DUNNELLON COMPREHENSIVE PLAN

BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA SERVING AS THE LOCAL PLANNING AGENCY OF THE CITY OF DUNNELLON, FLORIDA. NOTICE IS HEREBY GIVEN that, pursuant to Chapter 163, Florida Statutes, and Section 94-37 of the City of Dunnellon Land Development Regulations, comments, objections and recommendations regarding the following described proposed large scale amendments to the text of the City of Dunnellon Comprehensive Plan, will be heard by the Planning Commission of the City of Dunnellon, Florida, at public hearings on Tuesday, January 20, 2015 at 5:30 p.m., or as soon thereafter as these matters can be heard, in the City Council Meeting Room, City Hall located at 20750 River Drive, Dunnellon, Florida.

These public hearings may be continued to one or more future dates. Interested parties are advised that the dates, times and places of any continuation of these public hearings shall be announced during the public hearings and that no further notices regarding this matter will be published, unless said continuation exceeds six calendar weeks from the date of the above referenced public hearings.

(1) CPA 2014-02, an application by the City of Dunnellon to amend the text of the Future Land Use Element, Conservation Element and various elements of the Comprehensive Plan to reduce the regulatory specificity of the comprehensive plan with regard to river corridor protection.

(2) Review draft of River Corridor Protection Ordinance #ORD2008-01 amending Chapters 78 and 98 of the Dunnellon Code of Ordinances.

At the aforementioned public hearings, all interested parties may appear to be heard with respect to the proposed large scale amendments to the text of the City's Comprehensive Plan. These public hearings may be continued to one or more future dates.

Copies of the proposed large scale amendments to the text of the City's Comprehensive Plan and draft Ordinance are available for public inspection at the City Hall, located at 20750 River Drive, Dunnellon, Florida, during regular business hours.

Any person requiring reasonable accommodation to participate in this meeting should contact the City Clerk at (352) 465-8500 at least three days in advance so arrangements can be made. All persons are advised that if they decide to appeal any decision made at the above referenced public hearings, they will need a record of the proceedings, and that, for such purpose, they 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 January 1, 2015.

NOTARY PUBLIC STATE OF FLORIDA
MISHAYLA COFFAS
MY COMMISSION #FF177190
EXPIRES November 18, 2018
(407) 398-0153 FloridaNotaryService.com

Page	:	1 of 1 12/23/2014 14:01:00	Ad Number	:	12914323
			Ad Key	:	
Order Number	:	12812277	Salesperson	:	05 - Mary Ann Naczi
PO Number	:	CPA 201402/Ord2008-0	Publication	:	Riverland Legals
Customer	:	10079093 zzCity of Dunnellon Legals	Section	:	Legals
Contact	:	Dawn M. Bowne, C.M.C., City Cl	Sub Section	:	Legals
Address1	:	20750 River Drive	Category	:	995E-Miscellaneous Notices
Address2	:		Dates Run	:	01/01/2015-01/01/2015
City St Zip	:	Dunnellon FL 34431	Days	:	1
Phone	:	(352) 465-8500 x23	Size	:	3 x 4.68, 52 lines
Fax	:	(352) 465-8505	Words	:	440
Credit Card	:		Ad Rate	:	99GOV
Printed By	:	Mary Ann Naczi	Ad Price	:	33.70
Entered By	:	Mary Ann Naczi	Amount Paid	:	0.00
			Amount Due	:	33.70
Keywords	:	458-0101 RIV (CPA 2014-02/ORD2008-01) PUBLIC NOT			
Notes	:				
Zones	:				

City of Dunnellon
JAN 05 2015
RECEIVED

458-0101 RIV (CPA 2014-02/ORD2008-01)
PUBLIC NOTICE
NOTICE OF PUBLIC HEARINGS
TO REVIEW PROPOSED LARGE SCALE AMENDMENTS
TO THE TEXT THE CITY OF DUNNELLON COMPREHENSIVE PLAN

BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA SERVING AS THE LOCAL PLANNING AGENCY OF THE CITY OF DUNNELLON, FLORIDA, NOTICE IS HEREBY GIVEN that, pursuant to Chapter 163, Florida Statutes, and Section 94-37 of the City of Dunnellon Land Development Regulations, comments, objections and recommendations regarding the following described proposed large scale amendments to the text of the City of Dunnellon Comprehensive Plan, will be heard by the Planning Commission of the City of Dunnellon, Florida, at public hearings on Tuesday, January 20, 2015 at 5:30 p.m., or as soon thereafter as these matters can be heard, in the City Council Meeting Room, City Hall located at 20750 River Drive, Dunnellon, Florida.

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(1) CPA 2014-02, an application by the City of Dunnellon to amend the text of the Future Land Use Element, Conservation Element and various elements of the Comprehensive Plan to reduce the regulatory specificity of the comprehensive plan with regard to river corridor protection.

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Published January 1, 2015.

City of Dunnellon
JAN 05 2015
RECEIVED

CITRUS PUBLISHING
ATTN: LEGAL DEPARTMENT
1624 N MEADOWCREST BLVD.
CRYSTAL RIVER, FL 34429
352-726-0902 PHONE
352-726-9603 FAX

Riverland News - INVOICE

01515-30491
Pam
for EE

Dear Customer: 10079093 City of Dunnellon

This is an invoice to process your payment for the enclosed ad. Please include Order #12812277 on your check and send payment of $33.70 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: 458-0101 RIV (CPA 2014-02/ORD2008-01) PUBLIC NOTICE NOTICE OF PUBLIC HEARINGS TO REVIEW PROPOSED LARGE SCALE AMENDMENTS TO THE TEXT THE CITY OF DUNNELLON COMPREHENSIVE PLAN BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA SERVING AS THE

Received
JAN 8 2015
Accounts Payable

POSTED

Ad publication dates:
January 1st, 2015,

Thank you for your business,

Theresa J. Savery and/or LaKeshia Brisco and/or Mary Ann Naczi and/or Mishayla Coffas
Legal Representative

Inv# 12812277 $33.70
RIVERLAND NEWS
01/01/2015 # Pages 3 FP3 DOC36S158

Page	:	1 of 1 11/25/2014 14:34:14	Ad Number	:	12911552
			Ad Key	:	
Order Number	:	12809869	Salesperson	:	05 - Mary Ann Naczi
PO Number	:	CPA 2014-01 & 02	Publication	:	Riverland Legals
Customer	:	10079093 zzCity of Dunnellon Legals	Section	:	Legals
Contact	:	Dawn M. Bowne, C.M.C., City Cl	Sub Section	:	Legals
Address1	:	20750 River Drive	Category	:	995E-Miscellaneous Notices
Address2	:		Dates Run	:	12/04/2014-12/04/2014
City St Zip	:	Dunnellon FL 34431	Days	:	1
Phone	:	(352) 465-8500 x23	Size	:	3 x 4.23, 47 lines
Fax	:	(352) 465-8505	Words	:	395
Credit Card	:		Ad Rate	:	99GOV
Printed By	:	Mary Ann Naczi	Ad Price	:	30.70
Entered By	:	Mary Ann Naczi	Amount Paid	:	0.00
			Amount Due	:	30.70
Keywords	:	417-1204 RIV CPA 2014-01. CPA 2014-02 PUBLIC NOTI			
Notes	:				
Zones	:				

417-1204 RIV
CPA 2014-01. CPA 2014-02
PUBLIC NOTICE
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(1) **CPA 2014-01**, an application by the City of Dunnellon to amend the text of the Future Land Use Element of the Comprehensive Plan to revise commercial development standards to be better coordinated with the land development code.

(1) **CPA 2014-02**, an application by the City of Dunnellon to amend the text of the Future Land Use Element, Conservation Element and various elements of the Comprehensive Plan to reduce the regulatory specificity of the comprehensive plan with regard to river corridor protection.

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Published December 4, 2014.

Comp Plan Amendments
CPA2014-01 = Comm Dev Stds
CPA2014-02 = River Corr Prot.
01515 -
30491
DMB

City of Dunnellon
DEC 05 2014
RECEIVED

CITRUS PUBLISHING
ATTN: LEGAL DEPARTMENT
1624 N MEADOWCREST BLVD.
CRYSTAL RIVER, FL 34429
352-726-0902 PHONE
352-726-9603 FAX

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RE: 417-1204 RIV CPA 2014-01. CPA 2014-02 PUBLIC NOTICE NOTICE OF PUBLIC HEARINGS TO REVIEW PROPOSED LARGE SCALE AMENDMENTS TO THE TEXT OF THE CITY OF DUNNELLON COMPREHENSIVE PLAN BY THE PLANNING COMMISSION OF THE CITY OF DUNNELLON, FLORIDA, SERVING AS T

Ad publication dates:
December 4th, 2014,

Thank you for your business,

Theresa J. Savery and/or LaKeshia Brisco and/or Mary Ann Naczi and/or Mishayla Coffas
Legal Representative