

35 **WHEREAS**, to ensure the long-term viability of residential neighborhoods and conformity
36 and compatibility with surrounding uses, the amendment provides that the accommodation of
37 chickens in residential areas shall not cause undue noise, odor, and unsanitary conditions within
38 the community; and

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

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

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

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

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

53 **Sec. 14-2. - Definitions.**

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

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

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

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

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

67 Dangerous dog means any dog that has:

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

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

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

77 ***

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

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

86 ***

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

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

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

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

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

102 (5) Structures with wire, grid or slat floors which permit the animal's feet to pass through
103 the openings, or which sag under the animal's weight or which otherwise do not protect
104 the animal's feet or toes from injury are prohibited, except for birds where perches are
105 provided. Shelters for chickens permitted as an accessory use are regulated under Sec.
106 14-37 herein.

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

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

110

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

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

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

125
126 ***

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

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

139 ***

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

- 141
- 142 (a) Chicken-keeping means the keeping of hens (Gallus domesticus). Chickens shall not include
143 any male chicken or rooster, any duck, goose, turkey, peafowl, guinea fowl or other poultry
144 or fowl. Chicken-keeping is a permitted accessory use within single-family residential
145 zoning designations of R-1 (One-Family Dwelling) and R-1A (Single Family Residential)
146 where the lot or parcel is occupied by a single-family detached residence. Chickens shall not
147 be permitted at residential property with a townhome, duplex, condominium, apartment, or
148 other multi-family residential unit. Chicken-keeping in all other zoning districts is also
149 prohibited, except that poultry is permitted on farms in the agricultural zoning district (A-1).
- 150 (b) Permission for chicken-keeping within the city limits shall be subject to the following
151 standards and conditions:
 - 152 (1) Chickens shall be kept in a chicken coop and fenced pen area. In order to obtain a
153 permit for chicken-keeping, an applicant shall submit an application for a building
154 permit site plan to the community development department, including a scaled drawing

- 155 showing the location, of the proposed chicken coop and fenced pen area. The chicken
156 coop and fenced pen area shall meet the following requirements:
- 157 a. The maximum size of the coop and pen area shall be one hundred (100) square feet.
158 A building permit from the building official will be required. The application
159 submittal shall show construction materials and methods as well as anchoring
160 methods, such as tie-downs. Mobile coops shall be prohibited unless properly
161 anchored to the satisfaction of the building department.
 - 162 b. The maximum height of a coop and the pen fence around the coop shall be eight (8)
163 feet, as measured from the existing grade to the highest part of the coop or fence.
 - 164 c. The coop and pen area shall be located in the rear yard of the single-family
165 detached residence and be set back a minimum of eight (8) feet from the side and
166 rear lot lines and a minimum of twenty-five (25) feet from any side street, so long
167 as the coop and pen area shall be at least twenty (20) feet from any residential
168 structure on an adjoining lot.
 - 169 d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is
170 required. The coop and pen must be constructed in a way that establishes a clean,
171 safe and pleasant environment free of odor, vermin, noise, and disease.
 - 172 1. All enclosures for the keeping of chickens shall be so constructed and
173 maintained as to prevent rodents or other pests from being harbored
174 underneath, within, or within the walls of the enclosure. Chicken coops must
175 be impermeable to rodents, wild birds, predators and weather, including all
176 openings, ventilation holes, doors and gates. Enclosures shall be kept in neat
177 condition, including provision of clean, dry bedding materials and regular
178 removal of waste materials, so as to not create an odor.
 - 179 e. The space per bird in the coop shall not be less than three (3) square feet.
 - 180 f. All chicken feed shall be kept in a secured and covered metal or plastic container,
181 or otherwise protected so as to prevent rodents and other pests from gaining access
182 to it.
 - 183 g. Chicken coops and pens shall be completely screened from adjacent roadways and
184 parcels by a six-foot tall opaque fence, wall, or equivalent landscape vegetative
185 material.
 - 186 h. A signed affidavit is required to be submitted with all chicken-keeping permit
187 petitions. The affidavit shall state that the chicken coop and pen will be designed,
188 constructed and operated to the standards outlined in the City's Code of
189 Ordinances. The affidavit shall also state that the drawings submitted as part of the
190 petition are a reasonably accurate representation of the subject site features and
191 adjacent properties.
- 192 (2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-
193 family residence.
- 194 (3) Chickens shall be housed at all times within a covered coop or fenced pen area, except
195 that they may be removed from the coop or fenced pen area by a resident or visitor of

- 196 the home, provided the resident keeps them under his or her continuous custody and
197 control while they are outside the coop or fenced pen area.
- 198 (4) Chickens must be secured within the chicken coop during non-daylight hours (from
199 dusk to dawn).
- 200 (5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be
201 released or set free at any time.
- 202 (6) Chickens are allowed to be kept in single-family residential areas for noncommercial
203 purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized
204 for commercial purposes.
- 205 (7) Chickens shall not be bred or slaughtered on the premises.
- 206 (8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of
207 expiring.
- 208 (9) Roosters and poultry or fowl other than chickens shall be prohibited.
- 209 (10) Nothing herein shall be construed or interpreted to mean that chickens are permitted
210 where private covenants or restrictions prohibit such use, or where rules promulgated
211 under such covenants and restrictions prohibit such use.

212
213 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby
214 amended to read as follows:

215
216 **Section 3.12. - Accessory uses and structures.**

- 217
218 1. In residential districts all accessory buildings and uses shall be located only in the rear yard
219 except that parking may be located in a side yard.
- 220 2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least
221 eight feet from any plot line, at least 25 feet from any street, and at least five feet from any
222 main building. Accessory buildings and structures shall not exceed two stories or 24 feet in
223 height. In case of rear alleys, private garages not over one story in height may be located on
224 the rear alley line—and, in the case of chicken coops allowed under Sec. 14-37 of the City’s
225 Code, the maximum height shall be 8 feet.

226 ***

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

228
229 The following table identifies what uses are permitted without special exception, permitted
230 with conditions, and permitted by special exception in the various zoning districts. The uses are
231 listed on the vertical axis and the zoning districts are listed on the horizontal axis. If a specific
232 use is not listed on the table below, the use shall be considered a prohibited use unless and until
233 an applicant applies for and receives a similar and compatible use permit consistent with this
234 Code; provided, however, if a use, device, business, or activity is prohibited by these land
235 development regulations, the Code of Ordinances, or Florida law, an owner may not seek a
236 similar and compatible use permit. Empty cells signify a prohibited use. Cells containing an "X"
237 signify a permitted use. Cells containing an "SE" signify a use permitted by special exception.

238 Cells containing an "X", a number and a letter (e.g., "X3") signify a permitted use with
 239 conditions; the conditions are outlined in the legend. Cells containing an "X" or "SE" and a
 240 number (e.g., "X4" or "SE4") signify a permitted use or special exception with conditions; the
 241 number is associated with a section number (e.g., section _____) in the legend, and the
 242 section number refers to a location in this chapter (appendix) that contains the conditions
 243 associated with the permitted use or special exception.

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

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

TABLE OF PERMITTED USES																			
RESIDENTIAL	A-1	R-1	R1A	R-2	R3A	R-3	R-4	R-5	MH	PU D See Note	RO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
<u>Chicken-keeping – accessory use</u>		<u>X2</u>	<u>X2</u>																
Home Occupation	X1	X1	X1	X1	X1	X1	X1	X1	X1		X1								
Community Residential Home	X3S	X3S	X3S	X3S			X3S		X3S		X3S								
ResidenceOffice						X	X	X	X										
Residence-Gallery	X8	X8	X8								X8	X							
Single-family Residence	X	X	X	X	X	X	X	X	X		X	X							
Two-family dwelling				X		X						X							
Multi-family dwelling						X						X							
Mobile Home							X		X										
Vehicle	SE	SE	SE	SE	SE	S	SE		SE										

Storage Area						E													
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249 ***

250 X Permitted use

251 SE Allowed with special exception

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

253 X3S:

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

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

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

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

258 R3A Not allowed

259 R3 Not allowed

260 X:

261 1: Home occupation allowed in residential district

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

267 2: ~~Reserved~~ Chicken-keeping, defined in Section 7.2, is an accessory use permitted in
 268 certain residential districts under conditions as set forth in Chapter 14, Section 14-
 269 37, Subpart A, General Ordinances.

270 3: Reserved

271 ****

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

273
 274 Carpet and upholstery cleaning means establishments engaged in cleaning carpets and
 275 upholstered furniture at a plant.

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

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

281 fowl. Chicken-keeping is a permitted accessory use within single-family residential zoning
282 designations of R-1 (One-Family Dwelling) and R-1A (Single Family Residential) where the lot
283 or parcel is occupied by a single-family detached residence. Chicken-keeping in all other zoning
284 districts is specifically prohibited, except that poultry is permitted on farms in the agricultural
285 zoning district (A-1). Conditions for chicken-keeping in R-1 and R-1A zoning districts are set
286 forth in Section 14-37, Subpart A, General Ordinances.

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

289 ***

290 **SECTION 5. Severability.** The provisions of this Ordinance are declared to be severable, and
291 if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be
292 invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,
293 sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the
294 legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

295
296 **SECTION 6. Inclusion in the Code.** It is the intention of the City Council, and it is
297 hereby ordained that the provisions of this Ordinance shall become and be made a part of the
298 Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or
299 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to
300 "Section" or other appropriate word.

301
302 **SECTION 7. Repeal of Inconsistent Ordinances.** Any Ordinance in conflict with this
303 Ordinance is hereby repealed.

304
305 **SECTION 8. Effective Date.** This Ordinance shall be effective immediately upon adoption at
306 the second public hearing.

307
308 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
309 reading on the ____ day of _____, 2016.

310
311 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
312 the second and final reading and public hearing on the ____ day of _____, 2016.

313
314 Ordinance Posted on the City's website on _____, 2016. Public hearing
315 advertised on _____, 2016 in the Riverland News and on the City's website.

316
317
318 ATTEST: **CITY OF DUNNELLON**
319
320
321 _____
322 Dawn M. Bowne, M.M.C. _____
323 City Clerk Nathan Whitt, Mayor

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Approved as to Form and Legal Sufficiency:

Andrew J. Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this _____ day of _____ 2016.

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