

To: Planning Commission  
From: Lonnie Smith, Community Development Department  
Date: January 19, 2016  
Subject: *REQUEST TO PLANNING COMMISSION FOR RECOMMENDATION THAT PROPOSED CHICKEN ORDINANCE #2015-11 IS CONSISTENT WITH THE COMPREHENSIVE PLAN.*

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MEETING DATE: January 19, 2016

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REQUEST:

Proposal: Request for recommendation from the Planning Commission that proposed Chicken Ordinance 2015-11 is consistent with the Town's Comprehensive Plan

AUTHORITY & THE PROCESS:

**Sec. 94-37. - Powers and duties.**

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

- (1) The commission will keep a record of all of its findings with regard to quasi-judicial hearings. All decisions will be made by resolution. A binder will be available with numbered resolutions by year and the city will use its best efforts to also have these records available on the city's web page and by internet access.
- (2) Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material may include maps and photographs of manmade and natural physical features of the area concerned, statistics on past trends and present conditions with respect to population, property values, economic base, and land use, and such other information as is important or likely to be important in determining the amount, direction, and kind of development to be expected in the area and its various parts.
- (3) **The commission may review, revise and discuss the city's comprehensive plan for the purposes of making recommendations to the city council with regard to consistency with the current comprehensive plan concerning any land/zoning change or request and with regards to possible future changes.**
- (4) Establish principles and policies for guiding action in the development of the area.
- (5) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan, and such additional public hearings as are specified under the provisions of F.S. § 163.2511 et seq.

- (6) Make, or cause to be made, any necessary special studies on the location, condition, and adequacy of specific facilities in the area. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, public and private utilities, traffic, transportation, and parking.
- (7) Perform any other duties which may be lawfully assigned to the planning commission by the city council.
- (8) Perform any and all functions, powers and duties as enumerated in F.S. § 163.2511 et seq.
- (9) Appeals. To hear and make recommendations to the City Council on appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to law.

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

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

### BACKGROUND INFORMATION

The residents of the city of Dunnellon have expressed interest in allowing chicken-keeping in certain residential zones within city limits. The city council has asked the Planning Commission to weigh in on the proposed ordinance and to determine if the proposed ordinance is consistent with the comprehensive plan.

### REVIEW OF APPLICATION:

### DUNNELLON COMPREHENSIVE PLAN

#### **FLUE**

#### **Policy 1.1:**

The low-density residential land use category allows single-family dwelling units **and customary residential accessory uses**. The maximum density is 2.5 dwelling units per acre. The

maximum impervious surface is forty-five (45) percent. Buildings shall not exceed forty (40) feet in height.

**Policy 1.2:**

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

**CONSERVATION ELEMENT**

**Policy 9.1:**

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

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

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

**LAND DEVELOPMENT CODE**

**ARTICLE VIII. - INTENT AND PURPOSE OF ZONING DISTRICTS**

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

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

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

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

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

This district is a more intense zoning district than the R-1 district. Other than a distinction as to lot area, width and density, the nature of the use of property is the same as in the R-1 zoning

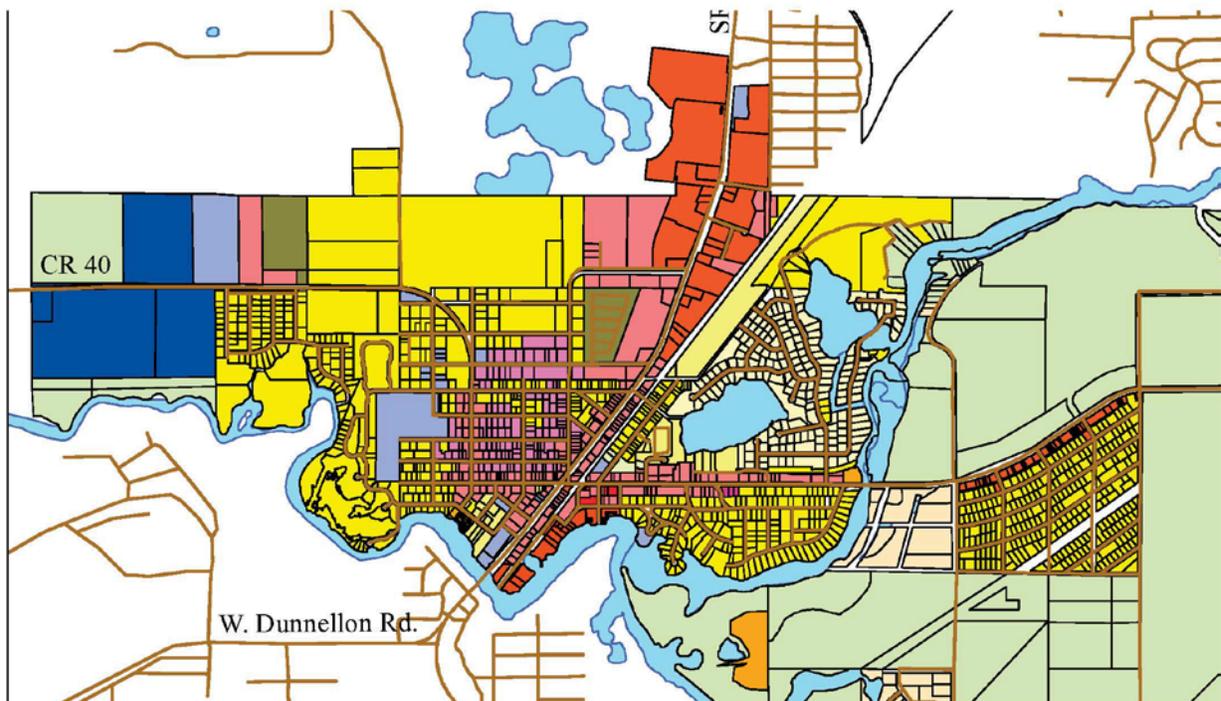
district. The R-1A district is permitted only in the low density residential land use category. Densities in this district shall not exceed 2.5 dwelling units per gross acre. The maximum allowable density is consistent with the allowable density in the medium density land use category in that it is set at less than five dwelling units per acre. Houses of worship are permitted by special exception subject to restrictions and requirements intended to preserve and protect the district.

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

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

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

Zoning Districts Map



## FINDINGS OF FACT:

### Criteria

- A. Whether it is consistent with all adopted elements of the comprehensive plan and recommend the same to city council as the planning commission.

**Response: In review of the complete 2015 Comprehensive plan, staff finds no conflict with FLUE policies 1.1 and 1.2, however, in Conservation Element Policy 9.1.1.1 there may be a conflict with the required building setbacks of 25 feet as stipulated in the policy. Line 164-166 of ORD2015-11 allows a minimum 8 feet side and rear setbacks which may be in conflict.**

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

## RECOMMENDATION:

Based on the findings of fact above, Staff recommends to the Local Planning commission that they find the application in compliance, with the exception that Policy 9.1.1.1 is reviewed by legal for clarification. Staff also recommends that zoning district R-3A be included in the list of permitted chicken-keeping zoning districts.