

To: Planning Commission
From: Lonnie Smith, Community Development Department
Date: February 2, 2016
Subject: *REQUEST TO PLANNING COMMISSION FOR RECOMMENDATION THAT PROPOSED CHICKEN ORDINANCE #2016-01 IS CONSISTENT WITH THE COMPREHENSIVE PLAN.*

MEETING DATE: February 2, 2016

REQUEST:

Proposal: Request for recommendation from the Planning Commission that proposed Chicken Ordinance 2016-01 is consistent with the Town's Comprehensive Plan

AUTHORITY & THE PROCESS:

Sec. 94-37. - Powers and duties.

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

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

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

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

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

BACKGROUND INFORMATION

The residents of the city of Dunnellon have expressed interest in allowing chicken-keeping in certain residential zones within city limits. The city council has asked the Planning Commission to weigh in on the proposed ordinance and to determine if the proposed ordinance is consistent with the comprehensive plan. After discussion at the January 16th Planning Commission meeting, the ordinance was revised and then reviewed by the Attorney for legal sufficiency.

REVIEW OF APPLICATION:

DUNNELTON COMPREHENSIVE PLAN

FLUE

Policy 1.1:

The low-density residential land use category allows single-family dwelling units **and customary residential accessory uses**. The maximum density is 2.5 dwelling units per acre. The maximum impervious surface is forty-five (45) percent. Buildings shall not exceed forty (40) feet in height.

Policy 1.2:

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

CONSERVATION ELEMENT

Policy 9.1:

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

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

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

LAND DEVELOPMENT CODE

ARTICLE VIII. - INTENT AND PURPOSE OF ZONING DISTRICTS

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

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

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

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

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

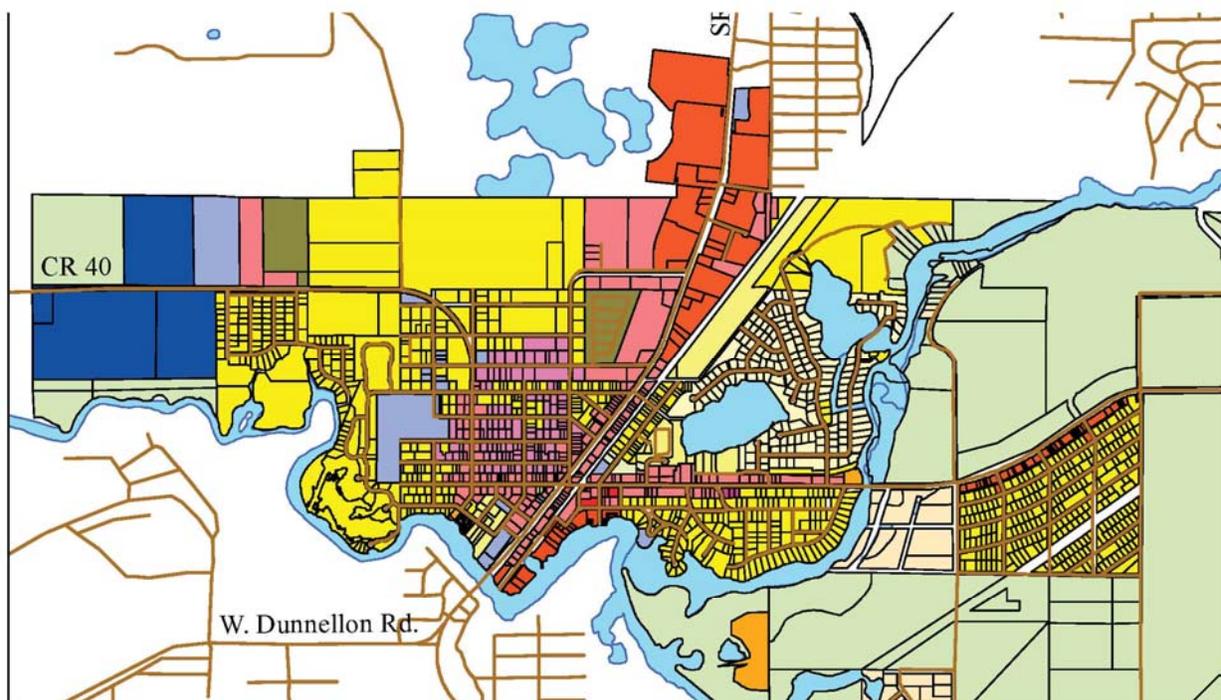
This district is a more intense zoning district than the R-1 district. Other than a distinction as to lot area, width and density, the nature of the use of property is the same as in the R-1 zoning district. The R-1A district is permitted only in the low density residential land use category. Densities in this district shall not exceed 2.5 dwelling units per gross acre. The maximum allowable density is consistent with the allowable density in the medium density land use category in that it is set at less than five dwelling units per acre. Houses of worship are permitted by special exception subject to restrictions and requirements intended to preserve and protect the district.

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

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

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

Zoning Districts Map



FINDINGS OF FACT:

Criteria

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

Response: In review of the complete 2015 Comprehensive plan, staff finds no conflict with FLUE policies 1.1 and 1.2, and Conservation Element Policy 9.1.1.1.

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

RECOMMENDATION:

Based on the findings of fact above, Staff recommends to the Local Planning commission that they find ordinance ORD #2016-01 in compliance with the city comprehensive plan.

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ORDINANCE #ORD2016-01

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 Dangerous dog means any dog that has:

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

76 ***

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

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

85 ***

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

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

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

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

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

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

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

120

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

123
124 ***

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

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

137 ***

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

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

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

197
198 **SECTION 4.** Sections 3.12, 7.1, and 7.2 of Appendix A, Zoning (the Zoning Code) are hereby
199 amended to read as follows:
200

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

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

211 ***

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

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

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

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

TABLE OF PERMITTED USES

Ordinance #ORD2016-01 Chickens in Residential Area

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

234 ***

235 X Permitted use

236 SE Allowed with special exception

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

238 X3S:

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

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

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

Ordinance #ORD2016-01 Chickens in Residential Area

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

243 R3A Not allowed

244 R3 Not allowed

245 X:

246 1: Home occupation allowed in residential district

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

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

255 3: Reserved

256 *****

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

258

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

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

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

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

275 ***

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

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

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

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

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

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

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

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

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

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

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

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

321
322 _____
323 Dawn M. Bowne M.M.C.
324 City Clerk

Ordinance #ORD2016-01 Chickens in Residential Area

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326

327

Lonnie Smith

From: Andrew Hand <ahand@shepardfirm.com>
Sent: Thursday, January 28, 2016 2:24 PM
To: Lonnie Smith
Cc: Linda Smith
Subject: RE: revised ord

Lonnie,

I have reviewed the revisions to the ordinance and find them legally sufficient.

Best Regards,



DISCLAIMER:

The information transmitted is intended only for the person or entity to which it is addressed and contains confidential and/or privileged materials protected under the Attorney-Client Privilege. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from any computer.

From: Lonnie Smith [<mailto:lsmith@dunnellon.org>]
Sent: Thursday, January 28, 2016 10:41 AM
To: Andrew Hand <ahand@shepardfirm.com>
Subject: FW: revised ord

revised

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org



Please Note: Florida has a very broad public records law. Written communication to or from city officials regarding city business is public record and open to inspection including names, addresses and email addresses. Therefore, your email communication may be subject to public disclosure.

From: Lonnie Smith
Sent: Wednesday, January 27, 2016 11:03 AM
To: Eddie Esch; Teresa Malmberg
Subject: revised ord

Please do quick read thru on the updated chicken ordinance. I made several updates based on discussions at the PC meeting. Tried to take some of the complication out.

Thanks,

Lonnie Smith
IT/ Community Development
City of Dunnellon
352-465-8500 x1011
lsmith@dunnellon.org



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