MASTER

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

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

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

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

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Dunnellon, that:

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

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

Sec. 14-2. - Definitions.

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

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

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

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

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

Dangerous dog means any dog that has:

(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) More than once severely injured or killed a domestic animal while off the property of the owner;

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

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

***

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

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

***

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

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

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

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

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

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

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

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

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

(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.

(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.

(d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of Section 14-37.

SECTION 3. Article II Animal Control of Chapter 14, "Animals," is amended to read as follows:

***

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

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

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

***

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

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

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

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

a. The maximum size of the coop and pen area shall be one hundred (100) square feet.

b. The maximum height of a coop and the pen fence around the coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop or fence.

c. The coop and pen area shall be located in the rear yard of the single-family detached residence and a minimum of twenty-five (25) feet from any side street. The coop and fenced pen area shall comply with all other Zoning District setback requirements, so long as the coop and pen area shall be at least twenty (20) feet from any residential structure on an adjoining lot.

d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. ~~All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates~~. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

e. The space per bird in the coop shall not be less than three (3) square feet.

f. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.

(2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area.

(4) Chickens must be secured within the chicken coop or fenced pen area during non-daylight hours (from dusk to dawn).

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

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

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

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

Section 3.12. - Accessory uses and structures.

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

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Section 7.1. - Table of permitted uses.

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

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

Special exception: A special exception may be granted by the council provided the required appropriate conditions and safeguards have been met. The conditions are listed in the 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	PUD See Note	RBO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
Chicken-keeping – accessory use		X2	X2		X2														
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 Storage Area	SE	SE	SE	SE	SE	SE	SE		SE										

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X Permitted use

SE Allowed with special exception

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

X3S:

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

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

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

R2 Maximum of 6 unrelated residents per single-family dwelling

R3A Not allowed

R3 Not allowed

X:

1: Home occupation allowed in residential district

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

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

3: Reserved

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Section 7.2. - District uses definitions.

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

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

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

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

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

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

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

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

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

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

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of April, 2016.

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

ATTEST:

CITY OF DUNNELLON

_____

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

_____

Nathan Whitt, Mayor

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, Dunnellon Business Center and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 16th day of February 2016.

_____

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

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

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

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

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

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Dunnellon, that:

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

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

Sec. 14-2. - Definitions.

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

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

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

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

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

Dangerous dog means any dog that has:

(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) More than once severely injured or killed a domestic animal while off the property of the owner;

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.

(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.

(d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of Section 14-37.

SECTION 3. Article II Animal Control of Chapter 14, "Animals," is amended to read as follows:

***

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

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

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

***

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

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

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

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

a. The maximum size of the coop and pen area shall be one hundred (100) square feet.

b. The maximum height of a coop and the pen fence around the coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop or fence.

c. The coop and pen area shall be located in the rear yard of the single-family detached residence and a minimum of twenty-five (25) feet from any side street. The coop and fenced pen area shall comply with all other Zoning District setback requirements, so long as the coop and pen area shall be at least twenty (20) feet from any residential structure on an adjoining lot.

d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. ~~All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates~~. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

e. The space per bird in the coop shall not be less than three (3) square feet.

f. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.

(2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area.

(4) Chickens must be secured within the chicken coop or fenced pen area during non-daylight hours (from dusk to dawn).

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

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

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

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

Section 3.12. - Accessory uses and structures.

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

***

Section 7.1. - Table of permitted uses.

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

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

Special exception: A special exception may be granted by the council provided the required appropriate conditions and safeguards have been met. The conditions are listed in the 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	PUD See Note	RBO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
Chicken-keeping – accessory use		X2	X2		X2														
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 Storage Area	SE	SE	SE	SE	SE	SE	SE		SE										

***

X Permitted use

SE Allowed with special exception

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

X3S:

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

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

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

R2 Maximum of 6 unrelated residents per single-family dwelling

R3A Not allowed

R3 Not allowed

X:

1: Home occupation allowed in residential district

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

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

3: Reserved

****

Section 7.2. - District uses definitions.

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

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

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

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

***

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

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

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

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

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

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

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the _____day of _____, 2016.

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

ATTEST: **CITY OF DUNNELLON**

_____ _____

Dawn M. Bowne, M.M.C. Nathan Whitt, Mayor
City Clerk

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

RESOLUTION #RES2016-06 **MASTER**

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

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

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

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

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

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

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

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

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

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

Attested by:
PLANNING COMMISSION

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

This 2nd day of February, 2016.

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

BY: _____
Andrew J. Hand
City Attorney

This 2nd day of February, 2016.

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

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

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

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

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Dunnellon, that:

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

SECTION 2. Sections 14-2 and 14-3 of Chapter 14, “Animals,” of the City’s Code of Ordinances are amended to read as follows:

Sec. 14-2. - Definitions.

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

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

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

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

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

Dangerous dog means any dog that has:

(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) More than once severely injured or killed a domestic animal while off the property of the owner;

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

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

***

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

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

***

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

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

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

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

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

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

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

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

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

(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.

(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.

(d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of Section 14-37.

SECTION 3. Article II Animal Control of Chapter 14, "Animals," is amended to read as follows:

***

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

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

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

***

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

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

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

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

a. The maximum size of the coop and pen area shall be one hundred (100) square feet.

b. The maximum height of a coop and the pen fence around the coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop or fence.

c. The coop and pen area shall be located in the rear yard of the single-family detached residence and a minimum of twenty-five (25) feet from any side street. The coop and fenced pen area shall comply with all other Zoning District setback requirements, so long as the coop and pen area shall be at least twenty (20) feet from any residential structure on an adjoining lot.

d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. ~~All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates~~. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

e. The space per bird in the coop shall not be less than three (3) square feet.

f. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.

(2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area.

(4) Chickens must be secured within the chicken coop or fenced pen area during non-daylight hours (from dusk to dawn).

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

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

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

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

Section 3.12. - Accessory uses and structures.

1. In residential districts all accessory buildings and uses shall be located only in the rear yard except that parking may be located in a side yard.

2. In residential districts, all accessory buildings and uses in a rear yard shall be located at least eight feet from any plot line, at least 25 feet from any street, and at least five feet from any main building. Accessory buildings and structures shall not exceed two stories or 24 feet in height. In case of rear alleys, private garages not over one story in height may be located on the rear alley line–and, in the case of chicken coops allowed under Sec. 14-37 of the City's Code, the maximum height shall be 8 feet.

***

Section 7.1. - Table of permitted uses.

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

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

Special exception: A special exception may be granted by the council provided the required appropriate conditions and safeguards have been met. The conditions are listed in the 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	PUD See Note	RBO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
Chicken-keeping – accessory use		X2	X2		X2														
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 Storage Area	SE	SE	SE	SE	SE	SE	SE		SE										

***

X Permitted use

SE Allowed with special exception

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

X3S:

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

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

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

R2 Maximum of 6 unrelated residents per single-family dwelling

R3A Not allowed

R3 Not allowed

X:

1: Home occupation allowed in residential district

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

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

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Section 7.2. - District uses definitions.

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

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

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

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

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

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

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11th day of April, 2016.

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

ATTEST: **CITY OF DUNNELLON**

_____ _____

Dawn M. Bowne, M.M.C. Nathan Whitt, Mayor
City Clerk

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, Dunnellon Business Center and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 16th day of February 2016.

_____

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

Meeting Date: Feb 3, 2016	***Official Use Only***
From (Dept.): Community Development	Reviewed by City Attorney:
Signature: Department Director	Council Action:
Approved for Agenda: City Manager	Date:

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

Request for Approval:

Summary Explanation and Background:

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

Fiscal Information:

_____ - _____ _____ _____ - _____ _____ - _____

Project No. (If applicable)

Amount: _____

Procurement Method: _____

Purchase Requisition Number: _____

Recommended Action: Pending Resolution by the Planning Commission.

Initiated by: TAM / LS

To: Planning Commission

From: Lonnie Smith, Community Development Department

Date: February 2, 2016

Subject: *REQUEST TO PLANNING COMMISSION FOR RECOMMENDATION THAT PROPOSED CHICKEN ORDINANCE #2016-01 IS CONSISTENT WITH THE COMPREHENSIVE PLAN.*

MEETING DATE: February 2, 2016

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:

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).**

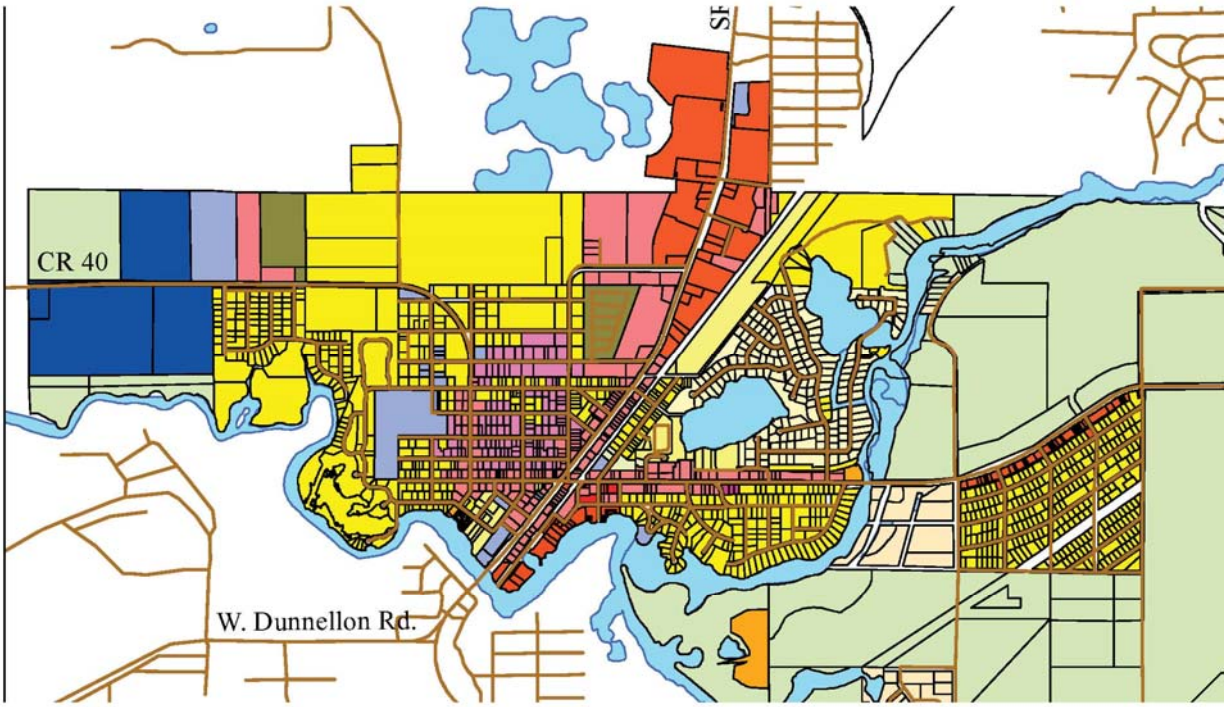
This district is a more intense zoning district than the R-1 district. Other than a distinction as to lot area, width and density, the nature of the use of property is the same as in the R-1 zoning district. The R-1A district is permitted only in the low density residential land use category. Densities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

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

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

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

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

NOW THEREFORE, BE IT ENACTED by the City Council of the City of Dunnellon, that:

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

SECTION 2. Sections 14-2 and 14-3 of Chapter 14, “Animals,” of the City’s Code of Ordinances are amended to read as follows:

Sec. 14-2. - Definitions.

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

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

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

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

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

Dangerous dog means any dog that has:

(1) Aggressively bitten, attacked, or endangered or has inflicted severe injury on a human being on public or private property;

(2) More than once severely injured or killed a domestic animal while off the property of the owner;

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

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

***

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

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

***

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

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

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

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

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

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

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

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

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

(b) The city may enforce this chapter through the special magistrate established in Ordinance No. 2009-10.

(c) The city, at its option and as an additional enforcement remedy, may refer any violation of this chapter to the code enforcement board of the city for enforcement and imposition of fines.

(d) Failure to comply with the provisions of Section 14-37 regarding chicken-keeping may result in fines. Imposition of a fine shall take place upon a finding by the special magistrate or code enforcement board that an owner has violated the requirements of Section 14-37.

SECTION 3. Article II Animal Control of Chapter 14, "Animals," is amended to read as follows:

***

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

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

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

***

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

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

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

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

a. The maximum size of the coop and pen area shall be one hundred (100) square feet.

b. The maximum height of a coop and the pen fence around the coop shall be eight (8) feet, as measured from the existing grade to the highest part of the coop or fence.

c. The coop and pen area shall be located in the rear yard of the single-family detached residence and a minimum of twenty-five (25) feet from any side street. The coop and fenced pen area shall comply with all other Zoning District setback requirements, so long as the coop and pen area shall be at least twenty (20) feet from any residential structure on an adjoining lot.

d. Chicken coops shall be covered and ventilated, and a fenced pen enclosure/run is required. The coop and pen must be constructed in a way that establishes a clean, safe and pleasant environment free of odor, vermin, noise, and disease.

1. All enclosures for the keeping of chickens shall be so constructed and maintained as to prevent rodents or other pests from being harbored underneath, within, or within the walls of the enclosure. Chicken coops must be impermeable to rodents, wild birds, predators and weather, including all openings, ventilation holes, doors and gates. Enclosures shall be kept in neat condition, including provision of clean, dry bedding materials and regular removal of waste materials, so as to not create an odor.

e. The space per bird in the coop shall not be less than three (3) square feet.

f. All chicken feed shall be kept in a secured and covered metal or plastic container, or otherwise protected so as to prevent rodents and other pests from gaining access to it.

g. Chicken coops and pens shall not be visible from adjacent roadways and parcels.

(2) A maximum of six (6) chickens may be kept on a lot or parcel with a detached single-family residence.

(3) Chickens shall be housed at all times within a covered coop or fenced pen area, except that they may be removed from the coop or fenced pen area by a resident or visitor of the home, provided the resident keeps them under his or her continuous custody and control while they are outside the coop or fenced pen area.

(4) Chickens must be secured within the chicken coop during non-daylight hours (from dusk to dawn).

(5) Chickens shall not be permitted to trespass on neighboring properties, run at large, be released or set free at any time.

(6) Chickens are allowed to be kept in single-family residential areas for noncommercial purposes. Hens, eggs or manure produced by the chickens shall not be sold or utilized for commercial purposes.

(7) Chickens shall not be bred or slaughtered on the premises.

(8) All deceased chickens shall be properly disposed of, off-site, within 24 hours of expiring.

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

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

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

Section 3.12. - Accessory uses and structures.

1. In residential districts all accessory buildings and uses shall be located only in the rear yard except that parking may be located in a side yard.

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

***

Section 7.1. - Table of permitted uses.

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

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

Special exception: A special exception may be granted by the council provided the required appropriate conditions and safeguards have been met. The conditions are listed in the 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	PUD See Note	RBO	B2	B3	B4	B5	B6	P	M1	M2
Bed and Breakfast								X			X	X							
Chicken-keeping – accessory use		X2	X2		X2														
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 Storage Area	SE	SE	SE	SE	SE	SE	SE		SE										

***

X Permitted use

SE Allowed with special exception

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

X3S:

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

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

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

R2 Maximum of 6 unrelated residents per single-family dwelling

R3A Not allowed

R3 Not allowed

X:

1: Home occupation allowed in residential district

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

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

3: Reserved

****

Section 7.2. - District uses definitions.

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

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

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

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

***

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

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

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

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

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

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

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the _____day of _____, 2016.

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

ATTEST: **CITY OF DUNNELLON**

_____ _____

Dawn M. Bowne, M.M.C. Nathan Whitt, Mayor
City Clerk

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