

Agenda
City of Dunnellon
City Council Meeting
20750 River Drive, Dunnellon, FL 34431
March 09, 2020
5: 30 P.M.

PLEASE NOTE: Individuals wishing to address the City Council are required to sign in at the beginning of the meeting. You may address the Council one time before each agenda item as the item is called upon. A three-minute time limit will be strictly administered per agenda item unless you are scheduled on the agenda to appear before City Council.

PLEASE TURN CELL PHONES OFF.

Call to Order

Pledge of Allegiance

Opening Prayer/Moment of Silence (suggested time limit: 1 minute
Mayor to request if any invitee is present to open with prayer; if no invitee is present, Mayor will ask if a Dunnellon citizen will volunteer. If no volunteers, a moment of silence will be offered. If a citizen outside of Dunnellon requests to open with prayer, (s)he may so if no invitees/citizens volunteer.)

Roll Call

Proof of Publication (Posted on the City's website and City Hall bulletin board on Thursday, March 05, 2020)

Consider the Request by Councilwoman Fernandez to Attend the Meeting Remotely
Proposed Motion: I move to authorize Councilwoman Fernandez to participate remotely during the meeting due to extraordinary circumstances involving her current medical condition.

*Council's Comments Regarding Agenda

*General Public Comments - Non-agenda items only - 3 minute time limit.

One or more members of the same City of Dunnellon advisory board may attend this meeting and may speak to Council.

CONSENT AGENDA

Accept public comment on consent agenda items prior to making a motion.

(Note: Motion to approve items on the consent agenda is a motion to approve the recommended actions.)

1. City Council Minutes

December 9, 2019 City Council Meeting
January 8, 2020 City Council Workshop

Documents:

[December 9, 2019 City Council Meeting Minutes.pdf](#)
[January 8, 2020 City Council Workshop Minutes.pdf](#)

- 2. Approve Proclamation PRO2020-03, Clinton Burns**
- 3. Authorize Mayor To Sign Agreement AGR2020-08, Beacon Software Solutions - IT Services For Police Department**

Documents:

[20200304_Agenda_Beacon.pdf](#)

[Beacon IT Support Agreement 2020 DPD Rev_1 - FINAL.pdf](#)

- 4. Authorize Mayor To Sign Revised Agreement AGR2020-04, Interlocal Agreement With Marion County Sheriff**
- 5. Waive Section 6-4 Of The City Code, To Allow The Sale And Consumption Of Alcoholic Beverages At The Boomtown Event On April 18, 2020 During The Hours Of 9:00 A.m. To 5:00 P.m. Within The Barricaded Areas As Shown On The Map**

Documents:

[3-4-2020 ADA Boomtown Alcohol Waiver Request to Council.pdf](#)

Consent Agenda Approval

PROPOSED MOTION: I move the consent agenda be approved as presented.

Regular Agenda

- 6. Presentation Of Proclamation PRO2020-03, Clinton Burns**
- 7. Planning Commission Vacancies**

Accept public comments.

Proposed Motion: I move to appoint Jay Dugan to fill the unexpired term of first alternate to the Planning Commission, term to expire January 12, 2021.

Proposed Motion: I move to appoint David Lancaster to fill the unexpired term of second alternate to the Planning Commission, term to expire July 23, 2021.

Public Hearing Statement

All persons wishing to address the City council will be asked to limit their comments to the specific subject being addressed. Public opinions and input are valued by the Council. However, it is requested that comments are directed at specific issues rather than personal comments directed toward the council members or staff in order to foster mutual respect between council members and the public.

Members of the public in attendance at public forums should listen courteously and attentively to all public discussions before the body; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Members of the public addressing City council and boards/commissions on a specific project or proposal are requested to disclose any personal interest or relationship; and any business, professional, or financial interests with any individual, group, project or proposal regarding the subject matter under review. Members of the public should always err on the side of more public disclosure, not less, in order to provide integrity to the public process.

Follow Public Hearing Notes - Public comment taken during public hearing

8. Public Hearing - Agreement AGR2020-09, Purchase Of Property For New Police Facility (Advertised On The City's Website 2/19/2020 And In The Riverland News On 2/27/2020)

Proposed Motion: I move the Mayor be authorized to sign Agreement AGR2020-09 for the purchase of the property at 11808 N. Ohio Street, Dunnellon for a New Police Facility.

9. Public Hearing Ordinance ORD2020-01, CPA2020-02, Amending Transportation Element (Posted On The City's Website On 2/19/2020 And Advertised In The Riverland News On 02/27/2020)

Documents:

[Staff Report to Council ORD2020-01.pdf](#)

10. Final Reading Ordinance ORD2020-01, CPA2020-02, Amending Transportation Element

Proposed Motion: I move Ordinance #ORD2020-01, CPA2020-02 be read by title only.

Proposed Motion: I move Ordinance #ORD2020-01, CPA2020-02 be approved.

Documents:

[EX A TO ORD Dunnellon CP Transportation Amend PC Recommend 12-17-19 \(PAB apprvd\).pdf](#)
[Ordinance ORD2020-01 CPA Text Change Transportation Element.pdf](#)

11. Public Hearing Ordinance ORD2020-02, Amending Appendix "A" Zoning (Posted On The City's Website On 2/19/2020 And Advertised In

The Riverland News On 02/27/2020)

Documents:

[Staff report to Council LDRs.pdf](#)

12. Final Reading Ordinance ORD2020-02, Amending Appendix "A" Zoning

Proposed Motion: I move Ordinance #ORD2020-02 be read by title only.

Proposed Motion: I move Ordinance #ORD2020-02 be approved.

Documents:

[Ordinance ORD2020-02 Amendments to Appendix A Zoning.pdf](#)

13. Council Liaison Reports And Comments

14. City Attorney's Report

15. City Administrator's Report

Documents:

[20200309_final.pdf](#)

16. Adjourn

Proposed Motion: I move the City Council meeting be adjourned.

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

**City of Dunnellon
City Council Meeting**

Date: December 09, 2019
Time: 5:30 p.m.
Place: City Hall
20750 River Dr., Dunnellon, FL 34431

Call to Order and Pledge of Allegiance

Mayor Burns called the meeting to order at approximately 5:30 p.m. and led the Council in the Pledge of Allegiance. Mayor Burns asked if a citizen would volunteer to open with prayer. Ramona Greens provided the invocation.

Roll Call

The following members answered present at roll call:

Dale Burns, Mayor, Seat 1
Bill White, Councilman, Seat 2
Valerie Hanchar, Vice-Mayor, Seat 4
Linda Fernandez, Councilwoman, Seat 5

Councilman/woman Absent

Anita Williams, Councilwoman, Seat 3

Staff Present

Mandy Roberts, City Clerk
Jan Smith, Finance Officer
Chief Mike McQuaig, Police Department
Lonnie Smith, Community Development
Troy Slattery, Public Works Manager
Lynn Wyland, Records Clerk

Legal Counsel

Andrew Hand,
Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication

Ms. Roberts announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Thursday, December 5, 2019.

Council's Comments Regarding Agenda

There were none.

Public Comments

There were none.

Consent Agenda

Mayor Burns called for public comments on the consent agenda. There were none.

1. City Council Minutes

October 9, 2019 Council Meeting

October 14, 2019 Council Workshop

September 23, 2019 Special Joint Community Redevelopment Agency and Council Meeting

2. Authorize the Mayor to Sign Agreement #AGR2019-21 Justice Assistance Grant #2020-JAGD-MARI-1-Y6-030 in the Amount of \$1,000.00 to be Used For the Purchase of Three Body Cameras to Replace Older, Malfunctioning Ones
3. Authorize Mayor to Sign AGR2019-16, Cooperative Funding Agreement Between Southwest Florida Water Management District and City of Dunnellon
4. Authorize Mayor to Sign Amendment 1 to Agreement AGR2017-02 Legislative Appropriation Grant, Extending Project Completion Date
5. Authorize Mayor to Sign Agreement AGR2019-32, Marion County Interlocal Agreement for First Responders
6. Authorize Mayor to Sign Agreement AGR2019-35, Marion County Supervisor of Elections, Election Services
7. Authorize Mayor to Sign Agreement #AGR2019-36, Memorandum of Understanding (MOU) With Marion County With Regard to Construction of Pickleball Courts At Ernie Mills Park
8. Authorize Mayor Burns to Travel To Tallahassee on January 22 and 23, 2020 for Tourism Day and Legislative Day

Consent Agenda Approval

Vice-Mayor Hanchar moved the consent agenda be approved as presented. Councilwoman Fernandez seconded the motion. The vote was taken and all members were in favor. The vote was 4-0.

Regular Agenda

Agenda Item No. 9 - Fair Housing Workshop - Fred Fox Enterprises

Melissa Fox provided a PowerPoint presentation and answered questions.

Agenda Item No. 10 – Consideration of Nine Island Cove Management Prospectus

Councilman White provided an overview of the request made of Council to have Nine Island Cove properties placed on the Florida Forever “A” List. He explained the property was recently placed on the market and he recommended Council consider submitting the application to the State for future consideration. He commented on the history of the area and the possible benefits it could bring to Dunnellon and the downtown historic district.

Councilwoman Fernandez addressed the maintenance and upkeep of a proposed park. She said it's very important to her to hear what the citizens have to say. She noted being approached by residents who do not want the property developed into a park.

Vice-Mayor Hanchar spoke to staff having insufficient time to prepare in meeting the deadline. She commented on not having time to research available funding for extra employees, maintenance equipment, extra traffic and safety, etc. Vice-Mayor Hanchar clarified the Economic Development Strategy was funded by a grant.

Mayor Burns commented on the great planning and research Mr. Marraffino and others have done, and said the City has to do the same. He addressed the zoning of the property and noted the amount of property that is unbuildable. Mayor Burns stated he is trying to do his due diligence and make sure the public is aware of what has been proposed. He said he is totally for this, but he is only for it if we vet it. He said if that means six months or a year; it is identified in our strategic plan for five (5) years.

Mayor Burns called for public comments. Public comments were received from the following:

- Dwight Porter 11141, SW 189th Terrace
- Dane Myers, 10925 SW 186th Circle
- Wally Dunn, 11386 SW Hendrix Drive
- Bill Vibbert, 9552 SW 192nd Court Road
- Ramona Greene, 9600 SW 198th
- Meagan Siegfried, 18337 SW 102nd Street Road
- Thor Siegfried, 18337 SW 102nd Street Road
- Jessica Simmerman, 8276 SW 194th Avenue
- Burt Eno, 9220 SW 193rd Circle
- Louise Kenny, 19970 Ibis Court
- Cindy McWilliams, 9765 SW 196th Avenue Road
- Janis Cabbage 18255 SW 464
- Beth Richardson, 19980 NW 13th Street
- Amber Serena, 11466 SW Hendrix Drive
- John Simms, 11715 N. Circle M Avenue
- Mary Ann Hilton, 12078 Palmetto Court
- Paul Marraffino, 19544 SW 82nd Place Road

Councilman White commented on the number of residents who spoke in favor of moving forward on the proposed project.

Vice-Mayor Hanchar said of the guests who spoke, only four are residents and two are property owners.

Mayor Burns commented on the number of telephone calls he received from residents who are not in favor of the proposal.

Councilman White made motion to move forward with the Nine Island Cove initiative by sending a cover letter to the State along with the prospectus stating the City is willing to sponsor this. Vice-Mayor Hanchar seconded the motion for the purpose of discussion.

Vice-Mayor Hanchar said she is having a hard time with this because she truly does want to see this property preserved. She said she has a lot of questions and concerns and has not had enough time to fully vet this issue.

Mayor Burns said he would like to move forward, but not at this time. He noted the next cycle is in six months. He recommended calling a special meeting in a couple of weeks to discuss the options.

Councilman White requested a roll call vote. The vote was as follows: Councilman White, yes; Mayor Burns, no; Councilwoman Fernandez, no; Vice-Mayor Hanchar, yes. The vote was 2 -2.

Mayor Burns asked Attorney Hand for advice on how to proceed.

Attorney Hand said without a majority vote, a motion is typically defeated. He said he would research the City's Charter to see if there is anything more specific.

Agenda Item No. 11 – Council Liaison Reports and Comments

Mayor Burns commented on the City having a float in the Christmas Parade. He recognized Troy Slattery and Dan Adams for their hard work and thanked them. He also reported on the event, "An Evening to Give Thanks" which was held November 21st and said it was a great success.

Mayor Burns also reported on the tree lighting ceremony hosted by the Dunnellon Chamber & Business Association and the Tourist Development Council.

Vice-Mayor Hanchar reported on the Ocala Marion County TPO (Transportation Planning Organization) and upcoming meeting of the Southwest-Central Florida Corridor Task Force being held at the Hilton in Ocala on December 18, 2019.

Councilman White noted City Beach fees will be on the January workshop agenda.

Ms. Roberts addressed an email received from Brenda D'Arville, Chair of the Planning Commission, requesting it to be read into the record regarding the discussion of Nine Island Cove.

Ms. Roberts read the following into the record:

The insert for this item does not meet ADA accessibility requirements for websites and is available by contacting the City Clerk at 352-465-8500.

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Agenda Item No. 12 – City Attorney’s Report

There was none.

Agenda Item No. 13 – Adjourn

At approximately 8:06 p.m. Vice-Mayor Hanchar moved the December 9, 2019 City Council meeting be adjourned. Councilwoman Fernandez seconded. All members voted in favor. The motion passed 4-0.

Attest:

Signed by:

Amanda L. Roberts, CMC
City Clerk

C. Dale Burns, Jr., Mayor

City of Dunnellon Council Workshop

Date: January 8, 2020
Time: 5:30 p.m.
Place: City Hall
20750 River Dr., Dunnellon, FL34431

Call to Order and Pledge of Allegiance:

Mayor Burns called the meeting to order at approximately 5:31 p.m. and led the Council in the Pledge of Allegiance. He asked if any invitee or volunteer was present to open with prayer. Julie Mancini provided the invocation.

Roll Call

The following members answered present at roll call:

Dale Burns, Mayor, Seat 1
Bill White, Councilman, Seat 2
Anita Williams, Councilwoman, Seat 3
Valerie Hanchar, Vice-Mayor, Seat 4
Linda Fernandez, Councilwoman, Seat 5

Staff Present

Mandy Roberts, City Clerk
Chief Mike McQuaig, Police Department
Jan Smith, Finance Department
Lonnie Smith, Community Development
Troy Slattery, Public Works Director
Lynn Wyland, Records Clerk

Legal Counsel

Patrick Brackins,
Shepard, Smith, Kohlmyer & Hand, P.A.

Proof of Publication

Ms. Roberts announced for the record the agenda for this meeting was posted on the City's website and City Hall bulletin board on Tuesday, December 31, 2019.

Agenda Item Number 1 – Dunnellon Chamber and Business Association Report

Julie Mancini provided her report on upcoming events. The Awards Banquet will be held on January 29th at Your Wedding Barn. Voting will be open January 16th through the 23rd. The next regular Dinner Mixer will be held February 25th. The location will be announced at a later date. Ms. Mancini noted the Boomtown Day event is scheduled for April 18th from 9:00 a.m. to 5:00 p.m. Sponsors and vendors are needed for this event.

Agenda Item Number 2 – Board Reports

There were none.

Agenda Item Number 3 – Agreement #AGR2019-39 Gissy Rainbow River Ranch Regarding CLG & RRR Settlement Agreement

Attorney Brackins provided the history and background of the agreements. He said this agreement is the last step to ending any possibility of a lawsuit. The previous settlement agreements are acknowledged as moot and without any effect upon the property.

Council and staff engaged in brief discussion with Attorney Brackins and asked him several questions which he answered.

Council agreed to place this item on the consent agenda.

Agenda Item Number 4 – Agreement #AGR2020-01 Kimley Horn IPO 84 for Short Tower Way

Mrs. Smith explained Council previously selected a parking and repaving conceptual plan prepared by Kimley Horn. This IPO provides for the City's engineer to prepare design plans for the parking and repaving of Short Tower Way which will provide an additional thirty (30) parking spaces for visitors and residents. The fee for the service \$14,500. The funds were budgeted in FY2020 from the 5th cent gas tax.

Council agreed to place this item on the consent agenda.

Agenda Item Number 5 – Agreement #AGR2020-02 Kimley Horn IPO 85 for Ernie Mills Park

Mrs. Smith explained Council previously selected a parking and repaving conceptual plan prepared by Kimley-Horn. This IPO provides for the City's engineer to prepare design plans for parking and repaving of approximately 4,540 feet of Bostick Street in front of the City's Public Works building and Ernie Mills Park. Parking spaces will increase by seventy-eight (78) spaces. The fee for this service is \$30,300. She said funds were budgeted in FY2020 from the CRA Fund.

Council agreed to place this item on the consent agenda.

Agenda Item Number 6 – City Beach User Fees - Councilman White

Councilman White expressed his concerns with the public's lack of access to the Rainbow River. He noted it is basically closed off unless you own property along the river. He said when the City Beach was reopened after being closed for a year or two, he became an advocate for having a free park.

He discussed the two (2) dollar resident fee versus the four (4) dollar non-resident fee and the previous year's financials for the City Beach. He recommended the fee be two (2) dollars across the board for both residents and non-residents.

Mayor Burns recommended having the beach available free of charge for baptisms and certain special activities.

Councilwoman Fernandez spoke to the parking. She said Mary Ann Hilton presented her thoughts and ideas on parking to her. Councilwoman Fernandez said she liked Mrs. Hilton's suggestions.

Councilwoman Williams said she also liked Mrs. Hilton's suggestions on the parking. She agreed with the recommendation of reducing the non-resident fee from four (4) dollars to two (2) dollars.

Troy Slattery spoke to the options of future projects and the potential for grant funding.

Council and staff engaged in discussion. Council agreed to reduce the fee for non-residents.

Council directed staff to amend the fee resolution accordingly for Council's consideration.

Mrs. Smith noted the current fee resolution also addresses annual passes. After brief discussion it was Council's consensus to have the cost of the annual passes remain the same at this time.

Agenda Item Number 7 – Council Comments

Councilman White referred to the January 13th Council meeting and discussion regarding the Nine Island Cove property. He addressed several concerns he had with the conduct of the Council meeting. He suggested as a courtesy, Council listen to public input before expressing their feelings about an issue. There was a brief discussion regarding the voting order.

Councilman White requested a clarification of what a Council person can do as far as obtaining legal advice from the City's legal staff.

Attorney Brackins addressed and referred to Section 3.6 of #AGR2016-01 Contract for Legal Services which reads:

“Legal Services Requested by an Individual Council Member. Legal assistance may be requested by an individual City Council member outside of public meeting(s) to assist the City Council member in carrying out his or her official duties on a matter. The Attorney shall notify the City Manager that a member of City Council has requested legal advice so that the Manager can provide any written advice provided by the Attorney to other members of City Council. The Attorney shall not bill more than one (1) hour on any request for legal services on a given subject by an individual City Council member without authorization of City Council, acting as a body.”

Council and staff engaged in lengthy discussion regarding the City's policy when a Council member is absent.

Mayor Burns provided an update of the recent Tourist Development Commission (TDC) meeting and the Tourist Development Tax. He provided a handout to Council members.

Agenda Item Number 8 – City Attorney Comments

Attorney Brackins provided an update on proposed Ordinance #ORD2020-01 Transportation Element, #CPA2020-02. He said the Planning Commission reviewed and amended during their December meeting. Attorney Brackins noted he received an email on January 7th from FDOT stating they did not have any objections with the changes.

Agenda Item Number 9 – City Administrator Comments

Mrs. Bowne was absent.

Walk-on Items:

West Pennsylvania Landscape Plan

Troy Slattery provided an update on the upcoming landscape project along W. Pennsylvania Avenue. He explained the quote for landscaping was based on conceptual drawings. He noted some crepe myrtles were removed from the design and bushes added bringing the total to \$10,276. He explained he compared prices/estimates with another landscaper and Webb's Nursery was the most affordable. Mr. Slattery said Steve Webb has offered to donate the first pad around the bench at the City's building on the corner of West Pennsylvania and Cedar Street.

Mrs. Smith noted the request complies with the City's purchasing policy, #ORD2015-08, Sec. 2-381(c).

Council agreed to place this item on the consent agenda.

Mayor Burns recommended presenting some form of recognition to Steve Webb of Webb's Nursery for his services.

Mr. Slattery spoke to the re-landscaping of Highway 41 medians from Walmart to City of Dunnellon Police Station. He noted the required assistance with irrigation and all prep work for this project. He explained the original landscaping cost for the medians was under \$5,000 which was under the threshold for Council approval. However, he explained the total cost has increased to \$9,340 which does require Council's approval.

Council and staff engaged in discussion regarding the nearly 50% increase. Mr. Slattery answered all of their questions and assured the Council better oversight in the future.

Council agreed to place this item on the consent agenda.

Downtown Utility Infrastructure Project Update; #AGR2017-04 CDBG Grant Agreement #18DB-OM-05-52-02-N18 Modification #1

Mrs. Smith explained on September 23, 2019 Council authorized the Mayor to sign a letter requesting an extension to complete the Downtown Infrastructure Project. This request was initiated by the delay in starting construction, due to rebidding the project. The original grant ending date was June 30, 2020. She said this amendment extends the grant until December 12, 2020.

Council agreed to place this item on the consent agenda.

#AGR2019-20 Art Walker Construction – Contract Change Order #1

Troy Slattery explained Change Order #1 is for a net contract decrease of \$4,610.77 due to relocating sewer cleanouts.

Council and staff engaged in brief discussion regarding approval of future change orders. It was Council's consensus to authorize the Mayor to sign Change Order #1 and to authorize the Mayor and the City Administrator to jointly approve future change orders, not to exceed the project contingency amount of \$41,500.

Mandy Roberts provided the revised board application for Council's review. She explained the revised application includes additional education and required information.

Lonnie Smith addressed a letter of support on behalf of the City for the "Small Town and Rural Planning Award" application for Distinctly Dunnellon. He explained Allison Megrath, Kimley-Horn, nominated the City for this award. The deadline for receiving the letter is Friday. Mr. Smith requested the Mayor's signature for submittal and ratify signature at the next Council meeting.

Council agreed to place this item on the consent agenda.

Mr. Smith also noted this is the tenth year the City has been recognized for being a "Tree City."

Agenda Item Number 10 – Public Comments

Mayor Burns called for public comments.

Wally Dunn, 11386 Hendrix Drive, inquired as to how many vacancies the Planning Commission at this time. Mr. Smith replied three (3) vacancies.

Mr. Dunn thanked staff for helping him obtain information he previously requested.

Mr. Dunn suggested adding a column on the sign-in sheets for meetings to distinguish residents and non-residents. He said it would provide a better understanding of who is speaking.

Paul Marraffino, 19544 SW 82nd Place Road, spoke to Nine Island Cove, and informed all that the next submission window opens in April.

Vice-Mayor Hanchar recommended scheduling an extra workshop to discuss the topic. After brief discussion, Council agreed to schedule a special workshop on February 5th at 3:30 p.m., prior to the regular workshop.

Jeff Shields, 20138 The Granada, spoke in reference to the legal agreements regarding the Rainbow River Ranch and the City of Dunnellon. He expressed his concerns with the need to protect and preserve the City's natural resources.

Mr. Shields inquired about the status of his Planning Commission application and the reason for the application being revised.

Mr. Shields referred to Page 6, the signature page of agreement #AGR2019-31, Conservation Land Group LLC, Rainbow River Ranch LLC and the City of Dunnellon Settlement Agreement, 2019. He expressed his concerns with the City Attorney and City Clerk signing the document as a witness.

Vice-Mayor Hanchar explained directed staff at a previous meeting to revise the application to include additional detail and education.

Attorney Brackins explained the agreement was signed by the Mayor, witnessed by Amanda Roberts and signed by the Attorney for the City, not as a witness. There was a brief discussion between Attorney Brackins and Mr. Shields regarding a statute Mr. Shields quoted. He did not know the statute number, but said he would find it and provide it to Attorney Brackins.

Amber Serena, 11426 SW Hendrix Drive, commented on a prior presentation regarding the Gissy River Ranch property held at City Hall. She said she felt it was inappropriate and wanted to know who gave them permission to hold the presentation here. Ms. Serena addressed an endorsement letter presented from the Dunnellon Chamber and Business Association and said she did not approve of the letter.

Mayor Burns said it is his understanding that anyone who wants to make a presentation to the Council can request to be placed on the agenda.

Mrs. Roberts explained the procedure and guidelines for requesting to appear on the agenda is established by resolution.

Mary Ann Hilton, 12078 Palmetto Court, commented on the prior condition of the beach. She said it was not tended, weedy and unappealing.

Art Fisher, 11897 Ohio Street, commented on Darrell Hilton's improved health.

The meeting was adjourned at approximately 8:25 p.m.

Attest:

Amanda Roberts, CMC
City Clerk

C. Dale Burns, Jr., Mayor

City of Dunnellon
Agenda Summary Form

Meeting Date: March 4, 2020

1. Responsible Department: Police Department
2. Presenter: Chief McQuaig
3. Recommended Action: Consideration of Agreement for IT Services

Subject: AGR2020-08 Marion County Interlocal Agreement

Request for Approval Summary Explanation & Background:

In an effort to improve IT services at the Police Department, we have identified a well-qualified provider that is more cost effective than the current provider.

Procurement Method: Two Quotes

Fiscal Information: Cost savings of \$6,960 per year.

Department Head Approval: MR/MM

City Administrator Approval:

Attorney Review: Yes or No



Agreement for IT Services and Support

This is a contract entered into by **Beacon Software Solutions, Inc.** (hereinafter referred to as “the Provider”) and **Dunnellon Police Department** (hereinafter referred to as “the Client”) on this date, **March 9, 2020.**

The Provider’s place of business is **1515 E. Silver Springs Blvd., Suite 107, Ocala, Florida, 34470**, and the Client’s place of business is **12014 S. Williams Street, Dunnellon, Florida, 34432.**

The Client hereby engages the Provider to provide services described herein under “Scope and Manner of Services.” The Client hereby agrees to provide the Provider with payment(s) described herein under “Payment.”

Scope and Manner of Services

Services To Be Rendered By Provider:

1. Schedule with Client any on-site visit as determined by Provider to conduct routine maintenance on equipment, such as Windows updates, and configure machines as needed.
2. Provide 24 hour/7 days per week technical support for all client-owned equipment made available to the Provider, with a 4-hour maximum response time by electronic mail or telephone on all support requests.
3. Provide software to Client for Provider’s Advanced Authentication, CAD, RMS, and mobile CAD and updates as released by Provider, as well as 24/7 remote technical support for software.
4. 24/7 remote technical support for non-Provider software to extent possible, with assist in referral to vendor of non-Provider software as determined necessary by Provider.
5. Monitor, troubleshoot, and resolve issues on all servers physically located at Client site to ensure proper functionality and configure updates as needed. Provider will ensure that all agency-owned machines have active agency-provided antivirus, malware, and ransomware protection.



6. Ensure completion of proper back-up methods according to Client's needs and intent. Backups will be routinely tested for functionality with written verification.
7. Provide up-to-date CJIS Security and Awareness training certification for all employees who conduct maintenance on the Client's computer systems.
8. Provide recommendations and evaluations of any future vendor hardware or software prior to purchase by Client.

Services To Be Rendered By Client:

1. Provide a current list of all equipment owned by the Client at Client's physical site, including serial number, nomenclature, and location.
2. Provide the Provider with remote desktop access to all servers at Client location.
3. Provide to the Provider administrator and VPN credentials, so that services can be rendered.
4. Provide to the Provider a list of all current software and hardware vendors, along with contact information, and the product(s) used by Client that each vendor supports.
5. Notify the Provider of intent to purchase any hardware or software to allow for Provider evaluation and recommendation prior to purchase.
6. Grant to the Provider full access to all Client workstations by using a "GoToMeeting"-type program.
7. Purchase any software or hardware upgrades or changes as recommended by the Provider.

Payment

The Client shall pay to the Provider monthly payments of **\$580.00** for IT services and support, due before the end of each calendar month for each subsequent month of support, for the term of this agreement.



IT service and support and the 12-month duration of this agreement is scheduled to begin once first payment has been received.

Term

The term of this service agreement is 12 months, renewable each year by written agreement of both parties.

Termination

Either party may terminate this agreement for any reason upon provision of 30 calendar days written notice by U.S. Mail to the other party. The Provider will send an invoice to the Client, which Client agrees to pay, for any remaining cost of services rendered, within 30 days of the written date of notice of termination. In the event of termination by either party, Client will only be responsible for cost of services rendered by Provider up to the date of termination.

Applicable Law

This agreement shall be governed by the laws of the State of **FLORIDA** and any applicable U.S. federal law.

PUBLIC RECORDS

1. Provider recognizes that as a contractor of services to Client, Provider will have in its possession records which are considered public under Florida's Public Records Act. Pursuant to Florida law, Provider agrees to:
 - (a) Keep and maintain public records that ordinarily and necessarily would be required by the Client in order to perform the service.
 - (b) Provide the public with access to public records on the same terms and conditions that the Client would provide the records and at a cost that does not exceed the cost provided under the Public Records Law or as otherwise provided by law.



- (c) Ensure that records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- (d) Meet all requirements for retaining public records and transfer, at no cost, to the Client all public records in possession of the Provider upon termination of this Agreement and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Client in a format that is compatible with the information technology systems of the Client upon termination of this Agreement.
- (e) If Provider does not comply with a public records request, the Client shall enforce the provisions above. In any legal proceeding against Provider for non-compliance with a public records request, if the Client is the prevailing party, it is entitled to an award of its reasonable attorney fees and costs.
- (f) **IF PROVIDER HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO PROVIDER'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT CLIENT'S CUSTODIAN OF PUBLIC RECORDS AT:**

**CITY CLERK'S OFFICE
CITY OF DUNNELLON
20750 RIVER DRIVE
DUNNELLON, FL 34431
MROBERTS@DUNNELLON.ORG
(352) 465-8500**

2. In the event that the Provider receives a request from any person or entity, other than the Client, for a document, computerized information, audio or videotape, CD, DVD, or any other record in Provider's possession pursuant to this



Agreement, Provider shall notify the Client immediately and submit the request to the Client for direction on how to comply with Florida's Public Records Law. Provider shall allow the Client to inspect the requested record to advise Provider if any material therein is exempt or confidential and therefore subject to redaction.

3. Upon request by the Client, the Provider shall promptly provide copies of public records which pertain to this Agreement to the Client.

Entire Agreement

This services and support agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and supersedes all prior agreements, understandings and negotiations, whether oral or written, between the parties with respect to the subject matter.

Signatures

In witness of their agreement to the terms above, the parties or their authorized agents hereby affix their signatures:

(Printed Name of Client or agent)

(Printed Name of Provider or agent)

(Signature of Client or agent) (Date)

(Signature of Provider or agent) (Date)

City of Dunnellon
Agenda Summary Form

Meeting Date: March 9, 2020

1. Responsible Department: Community Development
2. Presenter: Lonnie Smith
3. Recommended Action: Approval is consistent with city code

Subject: Alcohol Waiver for 2020 Boomtown Day, April 18, 2020 9 a.m. – 5 p.m.

Request for Approval Summary Explanation & Background:

In accordance with Code Section 6.8 Waivers for Festival Events, Boomtown Day event organizers are requesting a waiver of Code Section 6-4 to allow the sale and consumption of alcoholic beverages during the event on April 18, 2020, 9 a.m. – 5 p.m. within the barricaded areas as shown on the attached map.

The event organizers(s) must also seek City Council permission which is then presented to the State Division of Alcoholic Beverages & Tobacco for permit authorization of sale and consumption of beer and wine.

Sec. 6-8. - Waivers for festival events.

(a) Upon request by organizers of any city-approved festival, ceremony, or celebration, the city council may waive specific sections of the restrictions and prohibitions of this chapter. (b) The waiver shall set forth the specific sections of this chapter being waived, the location, time and other restrictions established by the city in its sole discretion deemed necessary to promote and protect the health, safety and welfare of the public.(c)Any restrictions imposed by the city council shall be strictly enforced and are a precondition to such waiver. Failure to adhere to the restrictions shall vitiate the waiver and all persons violating such restrictions shall be considered in violation of this Chapter (d) There shall be no waiver of sections 6-5 and 6-7.

(Ord. No. 99-08, § 1, 8-9-1999)

Sec. 6-4. - Possession or consumption on public property or on private property without permission.

(a)It shall be unlawful for any person to consume or to have in his possession any alcoholic beverage in a publicly owned park or recreation area or on any public school property within the city.(b)It shall be unlawful for any person to consume or have in his possession any alcoholic beverage in an open container on any public street, thoroughfare, sidewalk, or alley or on any publicly owned, operated, leased or controlled public recreation area or other facility, including parking areas, within the city, nor shall any person except the owner or person placed in charge by the owner consume or have in his possession any alcoholic beverages in an open container on any private property, unless such person is a lawful guest and has the consent of the owner or person in charge of the private property.

(Code 1985, § 3-118)

Procurement Method: N/A

Fiscal Information: N/A

Department Head Approval: *Lonnie Smith*

City Administrator Approval: **digitally signed 2-26-2020 by D. Bowne**

Attorney Review: No

City of Dunnellon

STAFF REPORT TO CITY COUNCIL

COMPREHENSIVE PLAN TEXT AMENDMENT

To: City Council
From: Lonnie Smith, Community Development Manager
Date: Jan 13, 2020
Subject: Request to City Council for approval of proposed text amendments to the City's Comprehensive Plan Transportation Element, Ordinance #ORD2020-01.

BACKGROUND INFORMATION

The purpose of this ordinance is to amend the Transportation Element of the City of Dunnellon Comprehensive Plan to reflect that any new limited access facilities, toll roads, turnpikes, and associated improvements should avoid the Conservation, Agriculture, and Recreation future land use classifications unless the Florida Department of Transportation can demonstrate that there are no feasible corridor alignments outside of such classifications.

The Florida Department of Transportation should design, develop, and maintain transportation facilities in a manner that would not negatively impact the economic vitality of the City and not disrupt, or impede, local transportation infrastructure such as local roadways, multi-purpose and/or bicycle trails, and pedestrian walkways.

The advent of a toll road through or near Dunnellon would significantly impact the City's resources and should be carefully studied and reviewed to ensure there are no negative effects to the city's economy.

FINDINGS OF FACT:

It is well settled that the construction and maintenance of new major highways, such as new limited access facilities, toll roads, turnpikes, and associated improvements through environmentally sensitive areas such as those lands designated by the City's Comprehensive Plan as Conservation, Agriculture, and Recreation, as well as the resulting increase in traffic volumes thereon, would negatively impact the ecology of those environmentally sensitive areas due to pollution, soil erosion and other impairments. See A Review and Evaluation of Literature Pertaining to the Quantity and Control of Pollution from Highway Runoff and Construction, Barret, Michael E., et. al, CENTER FOR RESEARCH IN WATER RESOURCES, 2nd ed., April 1995; and Ecological Effects of Roads, Spellerberg, Ian F., THE LAND RECONSTRUCTION MANAGEMENT SERIES, Vol. 2, 2002. (Attached as Exhibits A and B).

To determine whether the proposed ordinance is consistent with all adopted elements of the adopted Comprehensive Plan, the goals, objectives and policies were examined. Consistency has been established with the following goals, objectives, and policies;

FUTURE LAND USE ELEMENT:

Goal: Through the provision of appropriate land uses, promote and improve the public health, safety, and welfare of Dunnellon's residents, while maximizing economic benefits and minimizing threats to natural and man-made resources.

Objective 1: The Future Land Use Map (FLUM) depicts the land use categories that are permissible in the City. The following policies establish the uses, densities, and intensities that are depicted on the FLUM. The City specifically intends that all development shall be consistent with uses, densities and intensities described below and shown on the FLUM.

Policy 1.8: The Agriculture land use category includes agricultural and silvicultural activities. Residential dwelling units are permissible at a density of one (1) unit per ten (10) acres, except where a conservation subdivision is proposed. A conservation subdivision allows a density of one (1) unit per five (5) acres, and requires clustering. The minimum lot area in a conservation subdivision design development is two (2) acres. A conservation subdivision shall meet the design standards set forth in Policy 1.11. The maximum building height is forty (40) feet.

Policy 1.11: The Recreation land use category includes active or passive parks, community centers, and areas for recreational activities such as picnicking, jogging, cycling, hiking, golf courses, playgrounds, ball fields, ball courts, stables, swimming pools or beaches, and water related or water dependent uses such as boat ramps, fishing docks and piers, and similar outdoor recreational uses, public or private. No other uses are permissible. The maximum impervious surface is forty (40) percent. The maximum building height is forty (40) feet.

Policy 1:12: The conservation land use category is intended to protect sites that should have extremely limited development. Wetlands, designated habitats, river islands, and water bodies shall be designated in the conservation land use category. Permissible development is limited to passive recreation, such as unpaved jogging or walking trails, picnic areas without pavilions, boardwalks, or viewing platforms. No buildings are permissible, except public restrooms. Parking areas shall be subject to the following design requirements; unless porous paving materials are used, only access aisles and handicapped parking spaces are permitted to be paved. Clearing on any sites designated as conservation land shall be limited to the minimum needed to provide access, trails, or play areas, and in no case shall exceed ten (10) percent of a site. In no instance shall clearing of native vegetation or vegetation necessary to ensure the viability of a designated habitat be permissible.

- A. The following parcels listed by tax parcel identification numbers, which were designated as conservation on the Future Land Use Map by Ordinance 2007-25, may be developed consistent with the Medium Density Residential as previously depicted on the Future Land Use Map prior to Ordinance 2007-25, subject to all requirements of applicable laws: Tax Parcel identification numbers **33757-003-08, 33757-003-07, 33757-003-06, and 33757-003-05.**

Policy 1.17: Maintain and enforce land development regulations which implement the adopted comprehensive plan, including:

- A. Regulation of use and subdivision of land, in consideration of adjacent land uses, natural and historic resources, open space and environmental constraints such as flood prone areas, soil suitability, drainage, surface and groundwater quality and stormwater management.
- B. Protect wetlands, potable water well fields, natural aquifer recharge areas, endangered species, intact ecological systems, air and water quality, consistent with the requirements of the Conservation Element.
- C. Regulate setbacks, landscaping, on-site parking and traffic flow, signage, and pedestrian access and other impacts which protect natural and historical resources and which protect quality of life.
- F. Protect property against wildfire and implement Best Management Practices.

Objective 5: It is the City of Dunnellon’s objective to discourage urban sprawl, through its comprehensive plan, amendments to the comprehensive plan, implementation of land development regulations, which provide specific criteria for development, and through interlocal agreement and other cooperative mechanisms with Marion County.

Policy 5.4: The City shall continue to seek and implement coordinating mechanisms with Marion County in order to control urban sprawl outside City limits. Such coordination shall include interlocal agreements for: joint development review of proposals outside of City limits, including DRIs, which impact roadway level of service, future land use designations for adjacent lands, and proposed road improvement plans for US 41 and extension of sewer on the Rainbow River.

Objective 7: Siting of public uses shall be coordinated in a manner consistent with the policy direction set forth in the elements of the Comprehensive Plan and in accordance with state and federal regulations, to the extent possible.

Policy 7.1: Future siting of public facilities and services shall maximize efficiency, while minimizing financial costs. Soil suitability, sinkhole potential and setbacks from wetlands shall determine approval or denial of all future public facilities and services.

Impacts to the Future Land Use Element

The Future Land Use Element is critical in formatting how the city chooses to grow. For Dunnellon, Goal 1 addresses minimizing the threat to man-made and natural resources and describes lower densities for agricultural areas, the importance of recreation land, conservation and maintaining development regulations to enforce the city’s adopted land patterns. Discouragement of urban sprawl and protection of the Rainbow River are cited as well, both inside and outside of the city limits. The presence of a new tollway will drastically influence the propensity to change the desired land use patterns of Dunnellon as

historically seen in other areas where toll roads or major roadways are implemented. The efficient provision of services will also be impacted. See also Ex. A and B.

TRANSPORTATION ELEMENT

Objective 2: Ensure that transportation system needs are coordinated with the type and intensity of land use. Review all development proposals and plans should include appropriate consideration of transportation impacts as related to access, operational conditions and safety. Provisions to ensure such consideration shall be included in the land development regulations to be adopted by the statutory guideline.

Objective 3: Dunnellon shall coordinate with appropriate local and state agencies throughout the planning period to implement joint land use and transportation strategies.

Policy 3.1: Through implementation of policies adopted in the Intergovernmental Coordination Element, continue and maintain coordination among Dunnellon, Marion County, Citrus County, Levy County, the Turnpike Authority, and the Florida Department of Transportation for future transportation needs within or adjacent to Dunnellon.

Policy 3.3: Monitor transportation plans for limited access facilities in the Dunnellon area to ensure that related impacts on the City transportation system are properly planned for.

Policy 4.1.2: The City shall require the construction of roads within new plats or replats to be arranged so that the grades of the street shall conform as closely as possible to the original topography to prevent the interruption of natural drainage flows, including sheet flow and flow to isolated wetland systems.

Impacts to the Transportation Element

Objective 2 specifically states that the roads should be coordinated with the type and intensity of land use, not that the road should be built first and then the land uses be changed to accommodate the roadway. Objective 3 calls for coordination with appropriate entities to implement joint strategies, therefore, it is critical that all pertinent entities work with the city and provide sufficient data and analysis supporting the route.

AQUIFER PROTECTION ELEMENT

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

Policy 1.1: Wellhead protection areas (WHPA) requirements for current and future wells will continue to be enforced within Dunnellon. These requirements will be consistent with Marion County's WHPA requirements. These guidelines will service to protect the City's existing wellfields from contamination. Wellhead protection areas will consist of two zones which shall be defined as:

- A. Primary Zone- For all wells within the City meeting the above criteria, the boundary of the primary zone shall be defined by a 500 foot radius from the wellhead. This area shall be a zone of exclusion for all uses except existing uses that are functionally related to the water system, open space, parks, and playgrounds. No parking areas, structures, or other impervious surfaces, other than those surfaces that are accessory to existing uses, will be allowed in this zone. The above referenced allowable uses, materials, and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C.
- B. Secondary Zone – The boundary of this zone shall be defined by a 1,000 foot radius from the wellhead. Existing wells, of any size or depth, must be currently permitted or properly abandoned, prior to the issuance of any development or demolition permit. Prohibited uses, materials and substances shall be consistent with Chapters 62-521, 38I-30, and 62-555.312, F.A.C. Within this zone, any use other than low density residential, existing non-residential use, or handling, production or storage of hazardous materials and substances shall be considered non-conforming. The following uses shall also be prohibited within this zone:
 - 1. Landfills for sludge disposal sites;
 - 2. Effluent spray fields;
 - 3. Discharge to ground water through manmade conduits, except for septic tanks and stormwater treatment facilities;
 - 4. Feedlots or other concentrated animal waste;
 - 5. Stormwater facilities where recharge occurs into a potable water aquifer; and
 - 6. All uses specified in the Comprehensive Plan – Future Land Use Element.

Objective 3: Restrict land use activities that have the potential to pollute public water supply facilities and/or the Florida Aquifer.

Impacts to the Aquifer Protection Element

Dunnellon is located in one of the most environmentally sensitive areas in Florida and the geology mandates effective protection of the aquifer. With the legislatively mandated toll roads, the city has no direct decision making in the roadway location. The primary impact of the roadway itself can impact the aquifer through runoff and the secondary impacts will be from the development spurred from the new transportation corridors in these sensitive areas. See also Exs. A and B.

CONSERVATION ELEMENT

Goal: To manage, conserve and protect Dunnellon’s natural resources through the balance of man’s activities with sound environmental practices.

Objective 2: The Rainbow River and Withlacoochee River are irreplaceable recreational and aesthetic resources to the City. The City shall ensure that existing and future land uses do not contribute to a decrease in surface water quality, through enforcement of the following policies and through requirements for development and density limitations according to provision of central sewer facilities and criteria for site plan review.

Policy 2.1: The surface waters of the City, including lakes, rivers and wetlands, shall be designated conservation areas. The following requirements shall apply to property along rivers, navigable coves, and abutting wetlands:

- A. All waterfront development shall use methods of stormwater treatment which filter stormwater prior to direct discharge into surface waters, consistent with SWFWMD and DEP rules for Outstanding Florida Waters.
- B. Minimum setbacks of not less than 150 feet from ordinary highwater lines of rivers, navigable coves, and abutting wetlands shall be established for all development along the river. This area shall be known as the river corridor protection area.
- C. All development permits shall be conditioned upon an applicant obtaining all necessary state and federal permits before commencement of development.
- D. No dredging or filling will be allowed in wetlands, except where prohibition would deny all reasonable use of the property; in such cases, activities meeting this standard shall replace wetlands by type, form and function according to the standard imposed by the applicable federal or state agency.
- E. Clearing of shoreline and wetland vegetation within 150 feet of the ordinary high water shall be limited to that required to provide access to the shoreline; in no case shall clearing exceed 10 percent of the total shoreline of each property.
- F. The removing of healthy, non-nuisance trees shall be in accordance with the tree ordinance.
- G. No hazardous chemical, petroleum, nuclear waste, or liquid sludge shall be discharged into lakes, rivers or wetlands. No bulk hazardous wastes including septic tank effluent or liquid sludge shall be stored within 1,000 feet of the river's edge (ordinary high water), except those that obtain appropriate permits by DEP.
- H. The construction of new boat ramps along the rivers shall be designed to direct runoff away from the river.
- I. Any development adjacent to surface waters shall incorporate Best Management Practices (BMP) for stormwater treatment and for any permissible application of fertilizers and pesticides.

Objective 3: The City of Dunnellon is enrolled in the Federal Emergency Management Agency Flood Insurance Program, which designates areas where flooding may incur hazards to public safety and property. In order to reduce such hazards, the City shall continue to enforce its existing floodplain management ordinance, and, to ensure the optimum level of enforcement of the ordinance, maintain mandatory site plan review criteria and additional requirements for development within the floodplain.

Policy 3.1: All development in the flood plain shall provide compensatory storage of floodwater to ensure other areas do not become flood-prone.

Policy 3.3: Criteria for development in the floodplain shall include the use of anchoring to prevent floatation, use of piers and breakaway wall, protection of water quality and habitat functions of the floodplain, and other criteria deemed necessary by the City to protect health and safety. Septic tanks shall be prohibited in the 100-year floodplain.

Policy 5.5: The City shall require the use of best agricultural practices on agricultural land to minimize erosion and ensure compatibility with protection of natural systems according to the requirements of the applicable permitting authority.

Objective 6: Manage, conserve, and protect all natural communities and wildlife, especially species designated of special status by the Florida Fish and Wildlife Conservation Commission, Florida Department of Agriculture and Consumer Services, and U.S. Fish and Wildlife Commission, through the following requirements and site plan review process.

Policy 6.1: Require innovative techniques for new development to protect wildlife species, though site design methods which direct development away from wildlife, such as buffering, cluster housing, and other methods.

Policy 6.4: Ensure that development design mitigates any negative impacts through management plans which include Best Management Practices. The City shall seek assistance, as appropriate, from the Florida Fish and Wildlife Commission prior to approval of new developments in areas known to be inhabited by endangered or threatened species.

Policy 6.5: Enforce regulations, which restrict disturbance of wetlands by development activity; including requiring setbacks, prohibiting dredge and fill, requiring mitigation at the rate of two (2) acres of wetlands for each one (1) acre of disturbed wetlands, unless a stricter standard is imposed by a state or federal agency, and limiting vegetation clearing.

Objective 7: Protect, maintain, and restore water quality and quantity within the springheads of Rainbow Springs and Crystal River/Kings Bay Group in order to maintain and protect environmental, economic, recreational, and natural functions of springs as fragile resources necessary for sustain quality of life.

Policy 7.4: Protect groundwater recharge areas and wellhead protection areas as specified in the Aquifer Protection Element.

Impacts to the Conservation Element

Objective 2 specifically addresses the impact of land uses on the Rainbow River and the Withlacoochee River. The advent of a toll road could have a negative impact on the ability of the city to control land use. Increased development pressures could impact the city's ability to protect agricultural uses, wetlands, natural communities and wildlife and that any development mitigate for any negative impacts to these resources. In addition, the sensitive ecology and environment of those areas designated as Conservation, Agriculture, and Recreation would be negatively impacted to the polluting effects and erosion caused by stormwater runoff and increased traffic volumes. See Exs. A and B. Finally, the protection of the springheads for Rainbow Springs and the other natural systems could be compromised due to development that will follow the new transportation facilities.

RECREATION AND OPEN SPACE ELEMENT

Goal: To provide for adequate public and private recreational facilities to meet the needs of Dunnellon residents.

Objective 3: Ensure recreational sites and facilities, including freshwater beaches and shores, are accessible to all of Dunnellon's residents.

Policy 3.4: Coordinate with DEP Office of Greenways and Trails to facilitate recreational access and trail connectivity.

Objective 4: The City shall regulate conservation areas as designated on the Future Land Use Map and ensure the provision of open space by the public agencies and private enterprises.

Policy 4.2: The City shall protect the following areas as open space amenities:

- A. The Withlacoochee and Rainbow Rivers, conservation lands, and wetlands.
- B. Areas within the wellfield protection radius of existing and future wellfields.
- C. Areas owned by the State of Florida, including the Marjorie Harris Carr Cross Florida Greenway Corridor, which may be leased or acquired in the future for recreation.
- D. Areas that will protect the quality of natural springs.

Objective 6: Parks and recreation facilities will be developed and used in a sustainable manner.

Policy 6.4: If future park sites include natural resources, the parks shall be designed to ensure the protection of those resources.

Impacts to the Recreation and Open Space Element

The preservation of recreational space and for residents and visitors may be compromised due to pollution and erosion caused by the stormwater runoff and increased traffic volumes. See Exs. A and B. With the roadway and the accompanying development pressure, protection of the open space amenities will become more difficult, and the quality of these gems will degrade as experienced in other areas of the state due to development.

INTERGOVERNMENTAL COORDINATION ELEMENT

Policy 1.3: The City shall maintain compliance with interlocal agreements with the Office of Greenways and Trails for the use of lands for recreation and wastewater disposal.

Policy 1.4: The City shall coordinate with other government, organizations, and the public to plan for recreation, including regional recreational facilities, recreation programs, and joint use of facilities.

Impacts to the Intergovernmental Coordination Element

Impacts to the Office of Greenways and Trails are unknown as it relates to the land for recreation, so the ability to maintain compliance with interlocal agreements is in question. Furthermore, the ability to coordinate with other entities is compromised with the requirement for a toll facility that will adversely impact regional facilities and programs.

RECOMMENDATION:

The potential impacts to the City of Dunnellon are quite large and could change the desired quality of life that residents have fostered over the last several decades. *See* Exs. A and B. The adopted Comprehensive Plan reflects this way of life and the City's desire is to preserve this as fervently as possible.

Based on the findings of fact above, staff recommends Ordinance #ORD2020-01 is consistent with the comprehensive plan and meets City code Criteria. The Planning Commission reviewed the ordinance for Comprehensive Plan consistency on December 17th 2019 and recommends, via Resolution RES2019-21, that the City Council approve ordinance ORD2020-01 as presented.

Exhibit “A” – NOTE: Underlined words constitute additions to the existing text of the City of Dunnellon’s Comprehensive Plan, ~~striketroughs~~ constitute deletions to the existing text.

TRANSPORTATION ELEMENT



Goals, Objectives and Policies

TRANSPORTATION ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL

The goal of transportation planning for the City of Dunnellon is to provide a safe, convenient, and efficient multimodal transportation system for both resident and visitors.

Objective 1:

Throughout the planning period, the City will enforce requirements as set forth in the Land Development Code to support the establishment of a safe, efficient transportation network for motorized and non-motorized vehicles and for pedestrians.

Policy 1.1:

The City shall utilize level of service (LOS) “C” as a general guide for the purpose of coordinating with the TPO on short and long range transportation improvements. In order to encourage urban infill and economic development, the City shall not implement transportation concurrency or adopt LOS standards for regulatory purposes. This policy does not limit the City’s ability to utilize legislative discretion in approving or denying comprehensive plan amendments due to concerns regarding traffic impacts.

Policy 1.2:

Coordinate with Marion County and the TPO to ensure expansion of CR 484 is prioritized within the Traffic Improvement Program so that its expansion corresponds with future growth in the City and its environs.

Objective 2:

Ensure that transportation system needs are coordinated with the type and intensity of land use. Review of all development proposals and plans should include appropriate consideration of transportation impacts as related to access, operational conditions and safety. Provisions to ensure such consideration should be included in the land development regulations to be adopted by the statutory deadline.

Policy 2.1:

Proposed amendments to the Future Land Use Map and to Future Land Use Categories shall be evaluated to determine the associated impact on the transportation system. Applicants shall be required to include a traffic study to determine the impacts on the operating LOS of arterials and collectors within the City. The City shall provide a copy of the traffic study to the TPO for the purpose of coordinating on long term transportation needs.

Policy 2.2:

The Land Development Code shall contain provisions regulating site design, including on-site vehicular and pedestrian circulation and parking, and subdivision layout, including street pattern, consistent with the density, intensity, and character of the district, as defined in the Future Land Use Element.

Policy 2.3:

The Land Development Code shall include standards for access drives, number and location of roadways connections, and the need for and location of bicycle and pedestrian ways within or necessary to serve the site.

Policy 2.4:

The following access management alternative techniques will be employed on US 41 and CR 484 in an effort to control access and preserve level of service:

- A. limit access to roads consistent with the standards and guidelines as set by Chapters 14-96 and 14-97, F.A.C., by controlling the number and location of site access driveways and other intersecting roads;
- B. cross-access easement of adjacent properties where feasible; and
- C. use of frontage or backlot parallel access roads where feasible.

Objective 3:

Dunnellon shall coordinate with appropriate local and state agencies throughout the planning period to implement joint land use and transportation strategies.

Policy 3.1:

Through implementation of policies adopted in the Intergovernmental Coordination Element, continue and maintain coordination among Dunnellon, Marion County, Citrus County, Levy County, ~~the Turnpike Authority~~, and the Florida Department of Transportation for future transportation needs within or adjacent to Dunnellon.

Policy 3.2:

Monitor land development activities and land use plans in Marion County to ensure that impacts of activities near the City are evaluated by the City and the TPO to consider strategies for maintaining mobility.

Policy 3.3:

Monitor and provide city comments to the Florida Department of Transportation (the “Department”), the Ocala/Marion County Transportation Planning Organization, and/or any other

appropriate agencies concerning transportation plans for new limited access facilities, toll roads, turnpikes, and associated improvements (collectively, transportation facilities”) in the Dunnellon area to ensure that related impacts on the City transportation system are minimal, do not adversely impact the character and natural resources of the City, and that any identified impacts are planned for or mitigated by the Department and/or appropriate agency. properly planned for. Further, the Department shall design, develop, and maintain transportation facilities in a manner that will not negatively impact the economic vitality of the City of Dunnellon and not disrupt, or otherwise impede, local transportation infrastructure such as local roadways, multi-purpose and/or bicycle trails, and pedestrian walkways.

Policy 3.4:

Any new limited access facilities, toll roads, turnpikes, and associated improvements (collectively, “transportation facilities) shall avoid the Conservation, Agriculture, and Recreation future land use classifications. The Florida Department of Transportation (the “Department”) shall demonstrate that there are no feasible corridor alignments outside of such classifications. In the event the Department makes such demonstration, the Department shall design, develop, and maintain such transportation facilities in such a way as to minimize and mitigate negative impacts to vital farmlands, key environmental areas, and valuable open space, including, but not limited to ensuring preservation of natural and man-made resources; protecting, maintaining, and restoring the aquifer; protecting special species status; maintaining open space and recreation areas; discouraging sprawl; and ensuring provision of adequate screening and buffers between transportation facilities and such sensitive areas.

Policy 3.4: Policy 3.5

Monitor plans for the Dunnellon Airport to ensure that impacts on the land use and transportation facilities in the City resulting from airport improvements are properly evaluated through the interlocal agreement referenced in the Future Land Use Element and through coordination with the TPO.

Policy 3.5: Policy 3.6

The City shall coordinate with Marion County, the Marion County TPO and FDOT to consider jointly funding and preparing a mobility plan for lands within the City as well as unincorporated areas in proximity to Dunnellon. The City recognizes that US-41 is physically constrained and that land use and transportation strategies are necessary to promote economic development and facilitate multimodal options. The City also recognizes the need for a comprehensive mobility strategy for CR 484 as gateway corridor, which should be implemented in conjunction with future capacity improvements. The mobility plan would:

- A. define land use and transportation strategies to support and incentivize economic development/redevelopment in a form to improve multimodal options and mobility, while encouraging commuters to shop, dine and do other activities in Dunnellon;
- B. include a “complete streets” design element to incentivize development and redevelopment of the US 41 corridor and to improve its appearance, function and character to serve as Dunnellon’s main street;
- C. include similar strategies for CR 484 as a gateway corridor into the City;
- D. identify multimodal improvements, including operational/safety improvements and related linkages to Dunnellon’s neighborhoods, as well as streetscape/amenities to support pedestrian and bicycle trip making;
- E. provide guidelines to ensure the mobility plan enhances the historic character of Dunnellon; and
- F. identify joint funding and implementation measures to achieve implementation of the mobility plan within the City and along the corridors leading into the City.

Objective 4:

Ensure that current and future rights-of-way are protected from encroachment by structures or ancillary uses inconsistent with the designation as a right-of-way. This will be accomplished by appropriate provisions in the land development code to be adopted by the statutory deadline.

Policy 4.1:

Adopt land development regulations to protect existing rights-of-way by limiting use and/or encroachment by structures or ancillary uses.

Policy 4.2:

Adopt land development regulations to ensure the availability of future rights-of-way, based upon the Future Traffic Circulation Map.

ORDINANCE #ORD2020-01

AN ORDINANCE OF THE CITY OF DUNNELLON, MARION COUNTY, FLORIDA; PROVIDING FOR AN AMENDMENT TO THE COMPREHENSIVE PLAN BY AMENDING POLICIES 3.1 AND 3.3 AND ADDING A NEW POLICY 3.4 OF THE TRANSPORTATION ELEMENT REGARDING NEW LIMITED ACCESS FACILITIES, TOLL ROADS TURNPIKES, AND ASSOCIATED IMPROVEMENTS; RENUMBERING SUBSEQUENT POLICIES; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Dunnellon adopted a Comprehensive Plan on October 14, 1991, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the City of Dunnellon is committed to planning and managing the future growth and development of the City; and

WHEREAS, the City Council of the City of Dunnellon has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Transportation Element of the Comprehensive Plan provides for the safe, convenient and efficient multimodal transportation system within the City; and

WHEREAS, the Local Planning Agency held a public hearing on December 17, 2019, to consider the consistency of any limited access facility, toll road, and/or turnpike project located within the City of Dunnellon with the Comprehensive Plan; and

WHEREAS, the Local Planning Agency, reviewed the proposed amendments and provided recommendations to the City Council by resolution after a duly noticed public hearing; and

WHEREAS, the City Council of the City of Dunnellon held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the City of Dunnellon has complied with all other requirements and procedures of Florida law in processing this amendment to the City's Comprehensive Plan; and

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that this amendment is internally consistent with the City's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, Section 338.223(1)(a), Florida Statutes, provides that proposed limited access, toll road and/or turnpike facilities should be consistent, "to the maximum extent feasible," with the comprehensive plans of the local governments where such projects will be located;

WHEREAS, the City Council of the City of Dunnellon hereby finds and determines that location of such facilities within the City of Dunnellon shall be implemented so as to minimize and mitigate negative impacts to the City, its residents, and its environment; and

WHEREAS, the City Council of the City of Dunnellon hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety and welfare of the citizens of Dunnellon, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the City Council of the City of Dunnellon, Florida.

Section 2. COMPREHENSIVE PLAN AMENDMENT TEXT. The proposed amendments to the Transportation Element of the City of Dunnellon's Comprehensive Plan are attached to this Ordinance as Exhibit "A," and are hereby adopted and incorporated into the text of this Ordinance as if fully set forth herein.

Section 3. DIRECTIONS TO THE CLERK. Within ten (10) days after the first public hearing of this Ordinance and passage of same by the City Council of the City of Dunnellon, the City Clerk is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), the East Central Florida Regional Planning Council, Florida Department of State (DOS), Florida Department of Environmental Protection (DEP), Florida Department of Transportation – District Office 5, Southwest Florida Water Management District, the Ocala/Marion Transportation Planning Organization (TPO), Marion County, and any other unit of local government or governmental agency in the State of Florida that has filed a written request with the Clerk of the City of Dunnellon.

Section 4. CONFLICTS. After the effective date of this Ordinance and Exhibit "A", in any case where all or any part of this Ordinance or Exhibit "A" is found to be in conflict with any provision of any other ordinance of the City of Dunnellon, to the extent of such conflict, all such ordinances are hereby repealed.

Section 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance or Exhibit "A" is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance or Exhibit "A".

Section 6. EFFECTIVE DATE. This Ordinance shall become effective 31 days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See Fla. Stat. 163.3184(3)(c)4 (2019).*

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first reading and public hearing on the 13th day of January, 2020.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading public hearing on the 9th day of March, 2020.

First public hearing advertised on the City's website on December 30, 2019 and advertised in the Riverland News on Thursday, January 2, 2020.

Second public hearing advertised on the City's website on February 19, 2020 and advertised in the Riverland News on Thursday, February 27, 2020.

Attest:

CITY OF DUNNELLO

Amanda L. Roberts, CMC
City Clerk

C. Dale Burns, Jr., Mayor

Approved as to Form:

Andrew Hand, City Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, this 9th day of January 2020 and on the City's Official Website on the 30th day of December 2019.

Amanda L. Roberts, CMC
City Clerk

Exhibit “A” – NOTE: Underlined words constitute additions to the existing text of the City of Dunnellon’s Comprehensive Plan, ~~striketroughs~~ constitute deletions to the existing text.

TRANSPORTATION ELEMENT



Goals, Objectives and Policies

TRANSPORTATION ELEMENT GOALS, OBJECTIVES AND POLICIES

GOAL

The goal of transportation planning for the City of Dunnellon is to provide a safe, convenient, and efficient multimodal transportation system for both resident and visitors.

Objective 1:

Throughout the planning period, the City will enforce requirements as set forth in the Land Development Code to support the establishment of a safe, efficient transportation network for motorized and non-motorized vehicles and for pedestrians.

Policy 1.1:

The City shall utilize level of service (LOS) “C” as a general guide for the purpose of coordinating with the TPO on short and long range transportation improvements. In order to encourage urban infill and economic development, the City shall not implement transportation concurrency or adopt LOS standards for regulatory purposes. This policy does not limit the City’s ability to utilize legislative discretion in approving or denying comprehensive plan amendments due to concerns regarding traffic impacts.

Policy 1.2:

Coordinate with Marion County and the TPO to ensure expansion of CR 484 is prioritized within the Traffic Improvement Program so that its expansion corresponds with future growth in the City and its environs.

Objective 2:

Ensure that transportation system needs are coordinated with the type and intensity of land use. Review of all development proposals and plans should include appropriate consideration of transportation impacts as related to access, operational conditions and safety. Provisions to ensure such consideration should be included in the land development regulations to be adopted by the statutory deadline.

Policy 2.1:

Proposed amendments to the Future Land Use Map and to Future Land Use Categories shall be evaluated to determine the associated impact on the transportation system. Applicants shall be required to include a traffic study to determine the impacts on the operating LOS of arterials and collectors within the City. The City shall provide a copy of the traffic study to the TPO for the purpose of coordinating on long term transportation needs.

Policy 2.2:

The Land Development Code shall contain provisions regulating site design, including on-site vehicular and pedestrian circulation and parking, and subdivision layout, including street pattern, consistent with the density, intensity, and character of the district, as defined in the Future Land Use Element.

Policy 2.3:

The Land Development Code shall include standards for access drives, number and location of roadways connections, and the need for and location of bicycle and pedestrian ways within or necessary to serve the site.

Policy 2.4:

The following access management alternative techniques will be employed on US 41 and CR 484 in an effort to control access and preserve level of service:

- A. limit access to roads consistent with the standards and guidelines as set by Chapters 14-96 and 14-97, F.A.C., by controlling the number and location of site access driveways and other intersecting roads;
- B. cross-access easement of adjacent properties where feasible; and
- C. use of frontage or backlot parallel access roads where feasible.

Objective 3:

Dunnellon shall coordinate with appropriate local and state agencies throughout the planning period to implement joint land use and transportation strategies.

Policy 3.1:

Through implementation of policies adopted in the Intergovernmental Coordination Element, continue and maintain coordination among Dunnellon, Marion County, Citrus County, Levy County, ~~the Turnpike Authority~~, and the Florida Department of Transportation for future transportation needs within or adjacent to Dunnellon.

Policy 3.2:

Monitor land development activities and land use plans in Marion County to ensure that impacts of activities near the City are evaluated by the City and the TPO to consider strategies for maintaining mobility.

Policy 3.3:

Monitor and provide city comments to the Florida Department of Transportation (the “Department”), the Ocala/Marion County Transportation Planning Organization, and/or any other

appropriate agencies concerning transportation plans for new limited access facilities, toll roads, turnpikes, and associated improvements (collectively, transportation facilities”) in the Dunnellon area to ensure that related impacts on the City transportation system are minimal, do not adversely impact the character and natural resources of the City, and that any identified impacts are planned for or mitigated by the Department and/or appropriate agency. properly planned for. Further, the Department shall design, develop, and maintain transportation facilities in a manner that will not negatively impact the economic vitality of the City of Dunnellon and not disrupt, or otherwise impede, local transportation infrastructure such as local roadways, multi-purpose and/or bicycle trails, and pedestrian walkways.

Policy 3.4:

Any new limited access facilities, toll roads, turnpikes, and associated improvements (collectively, “transportation facilities) shall avoid the Conservation, Agriculture, and Recreation future land use classifications. The Florida Department of Transportation (the “Department”) shall demonstrate that there are no feasible corridor alignments outside of such classifications. In the event the Department makes such demonstration, the Department shall design, develop, and maintain such transportation facilities in such a way as to minimize and mitigate negative impacts to vital farmlands, key environmental areas, and valuable open space, including, but not limited to ensuring preservation of natural and man-made resources; protecting, maintaining, and restoring the aquifer; protecting special species status; maintaining open space and recreation areas; discouraging sprawl; and ensuring provision of adequate screening and buffers between transportation facilities and such sensitive areas.

Policy 3.4: Policy 3.5

Monitor plans for the Dunnellon Airport to ensure that impacts on the land use and transportation facilities in the City resulting from airport improvements are properly evaluated through the interlocal agreement referenced in the Future Land Use Element and through coordination with the TPO.

Policy 3.5: Policy 3.6

The City shall coordinate with Marion County, the Marion County TPO and FDOT to consider jointly funding and preparing a mobility plan for lands within the City as well as unincorporated areas in proximity to Dunnellon. The City recognizes that US-41 is physically constrained and that land use and transportation strategies are necessary to promote economic development and facilitate multimodal options. The City also recognizes the need for a comprehensive mobility strategy for CR 484 as gateway corridor, which should be implemented in conjunction with future capacity improvements. The mobility plan would:

- A. define land use and transportation strategies to support and incentivize economic development/redevelopment in a form to improve multimodal options and mobility, while encouraging commuters to shop, dine and do other activities in Dunnellon;
- B. include a “complete streets” design element to incentivize development and redevelopment of the US 41 corridor and to improve its appearance, function and character to serve as Dunnellon’s main street;
- C. include similar strategies for CR 484 as a gateway corridor into the City;
- D. identify multimodal improvements, including operational/safety improvements and related linkages to Dunnellon’s neighborhoods, as well as streetscape/amenities to support pedestrian and bicycle trip making;
- E. provide guidelines to ensure the mobility plan enhances the historic character of Dunnellon; and
- F. identify joint funding and implementation measures to achieve implementation of the mobility plan within the City and along the corridors leading into the City.

Objective 4:

Ensure that current and future rights-of-way are protected from encroachment by structures or ancillary uses inconsistent with the designation as a right-of-way. This will be accomplished by appropriate provisions in the land development code to be adopted by the statutory deadline.

Policy 4.1:

Adopt land development regulations to protect existing rights-of-way by limiting use and/or encroachment by structures or ancillary uses.

Policy 4.2:

Adopt land development regulations to ensure the availability of future rights-of-way, based upon the Future Traffic Circulation Map.

City of Dunnellon

STAFF REPORT TO CITY COUNCIL

LAND DEVELOPMENT CODE AMENDMENTS

To: City Council
From: Lonnie Smith Community Development Manager
Date: Jan 13, 2020
Subject: APPROVAL REQUEST FOR PROPOSED LAND DEVELOPMENT CODE AMENDMENTS.

MEETING DATE: Jan 13, 2020

REQUEST:

Request for approval that Ordinance ORD2020-02 for proposed land development code amendments.

BACKGROUND INFORMATION

In a continuing process of code review and improvement, staff has identified additional amendments to the code that are necessary and in the best interest of the health, safety, and welfare of the citizens of Dunnellon.

The purpose of this ordinance is to further refine the code in Appendix A to increase clarity and readability. Additional uses have been added to the table of Permitted uses as well as corresponding definitions. The landscape buffering area of the code has been updated to better coincide with the established zoning setbacks. In addition, improved noticing requirements, including signage, have been added to better inform the public of City Land development hearings.

The goal of this ordinance is to enhance the attractiveness and economic well-being of the City as a place to live, visit, and conduct business.

REVIEW OF COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

GOAL

Through the provision of appropriate land uses, promote, protect and improve the public health, safety, and welfare of Dunnellon's residents, while maximizing economic benefits and minimizing threats to natural and man-made resources.

Objective 1

The Future Land Use Map (FLUM) depicts the land use categories that are permissible in the City. The following policies establish the uses, densities, and intensities that are depicted on the FLUM. The City specifically intends that all development shall be consistent with the uses, densities, and intensities described below and shown on the FLUM.

Policy 1.17:

Maintain and enforce land development regulations which implement the adopted comprehensive plan, including:

- A. Regulation of use and subdivision of land, in consideration of adjacent land uses, natural and historic resources, open space and environmental constraints such as flood prone areas, soil suitability, drainage, surface and groundwater quality and stormwater management.
- B. Protect wetlands, potable water well fields, natural aquifer recharge areas, endangered species, intact ecological systems, air and water quality, consistent with the requirements of the Conservation Element.
- C. Regulate setbacks, landscaping, on-site parking and traffic flow, signage, and pedestrian access and other impacts which protect natural and historical resources and promote quality of life.
- D. Provide that development orders and permits shall not be issued which result in a reduction in the level of services of public facilities adopted in this plan.
- E. Implement site design standards for residential development of varying densities and commercial uses as designated in the Future Land Use Element and on the Future Land Use Map.
- F. Protect property against wildfire and implement Best Management Practices.
- G. Provide site design standards for large-scale discount, commercial, or "big box" establishments.

FINDINGS OF FACT:

To determine whether the proposed ordinance is consistent with all adopted elements of the adopted Comprehensive Plan, the goals, objectives and policies were examined. Consistency has been established with the preceding goals, objectives, and policies;

RECOMMENDATION:

Based on the findings of fact above, staff recommends ordinance ORD2020-02 is consistent with the comprehensive plan and meets City code Criteria. The Planning Commission reviewed the ordinance on December 17th 2019 and recommends, via Resolution RES2020-22, that the City Council approve ordinance ORD2020-02 as presented.

ORDINANCE #ORD2020-02

AN ORDINANCE OF THE CITY OF DUNNELLON,
FLORIDA, AMENDING THE CODE OF ORDINANCES, BY
AMENDING APPENDIX “A” – “ZONING” TO INCLUDE
AMENDMENTS TO THE TABLE OF PERMITTED USES,
DEFINITIONS, THE FEE SCHEDULE FOR HOME
OCCUPATIONS, THE LANDSCAPE BUFFERING AND
DECORATIVE FENCING REQUIREMENTS, THE
COMPATIBILITY BUFFER AND FRONTAGE BUFFER
CHARTS, AND THE NOTICE REQUIREMENTS FOR
QUASI-JUDICIAL HEARINGS; PROVIDING FOR
SEVERABILITY, CODIFICATION, CONFLICTS, AND AN
EFFECTIVE DATE.

WHEREAS, the use and development of parcels of land within the City of Dunnellon is regulated by the City’s Land Development Code; and

WHEREAS, in Ordinance 2019-18, the City Council passed comprehensive amendments to Appendix A, “Zoning,” of the City of Dunnellon Code of Ordinances, which establish the development guidelines, standards, and regulations within the City’s Land Development Code; and

WHEREAS, the City Council finds that additional amendments to Appendix A, “Zoning” as contained within the provisions of this ordinance are necessary and in the best interest of the health, safety, and welfare of the citizens of Dunnellon; and

WHEREAS, the City Council finds that the Table of Permitted Uses in Section 7.1 should be amended as to form for ease of reading; and

WHEREAS, the City Council finds that the Table of Permitted Uses in Section 7.1 should be amended to include Check cashing – Cash advance business and Pawn Shop as permitted uses within the B-4 zoning district; and

WHEREAS, the City Council finds that the Table of Permitted Uses in Section 7.1 should be amended to include the following uses within the B-2 zoning district: Drugstore; Electronics Store; Hardware Store; Satellite antenna; Swimming pool, spa and hot tub sales; Carpet and upholstery cleaning; General business Service; Laundry and dry cleaning pickup; Maintenance/cleaning service; Minor household repair establishment; Prepackaged software service; and Photography shop or studio; and

WHEREAS, the City Council finds that the Table of Permitted Uses in Section 7.1 should be amended to include Public Parking as a permitted use or by special exception; and

41 **WHEREAS**, the City Council finds that Section 7.2 District Uses definitions should be
42 amended to include new definitions for the following uses: Check cashing – Cash advance
43 business; Pawnshop; and Public Parking; and

44 **WHEREAS**, the City Council finds that Section 8.11 - Neighborhood Business (B-2)
45 should be amended to reflect that development within B-2 should be of a small scale and within
46 the Traditional Neighborhood or Commercial land use categories; and

47 **WHEREAS**, the City Council finds that Section 9.2(r)(11), governing Home occupations,
48 should be amended to reflect that administrative costs will be set forth by a separate Resolution or
49 Ordinance of the City of Dunnellon; and

50 **WHEREAS**, the City Council finds that Section 10.8.2, governing landscape buffering
51 classifications, should be amended as to form and content to clarify landscape buffering
52 requirements in the City of Dunnellon; and

53 **WHEREAS**, the City Council finds that the chart provided in Section 10.8.4, reflecting
54 buffering compatibility, should be amended to accurately reflect buffering compatibility
55 requirements in the City of Dunnellon; and

56 **WHEREAS**, the City Council finds that the chart provided in Section 10.8.7, reflecting
57 the standards and requirements for frontage buffers and non-frontage perimeter buffers should be
58 amended to accurately reflect the requirements of the City of Dunnellon; and

59 **WHEREAS**, the City Council finds that the basic notice provisions for quasi-judicial
60 proceedings before the Planning Commission under Section 94-37(17) of the City of Dunnellon
61 Code of Ordinances should be expanded in Appendix A, “Zoning” to provide for additional notice
62 to affected parties, interested person and the general public; and

63 **WHEREAS**, the City Council finds Sections 16.15 and 17.5 of Appendix A, “Zoning”
64 should be amended for development applications or petitions directed to a specific piece of
65 property by requiring applicants to place one public notice of hearing per road facing posted
66 conspicuously on the affected property at least fifteen (15) days prior to the date of the scheduled
67 hearing; and

68 **WHEREAS**, the City Council finds and determines that this ordinance will enhance the
69 attractiveness and economic well-being of the City as a place to live, visit, and conduct business;
70 and

71 **WHEREAS**, the City Council desires to delete sections, subsections, paragraphs,
72 subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of the
73 existing ordinance which are obsolete, and/or which have not been enforced, and/or which are not
74 enforceable, and/or which are superfluous to the policies, objectives and goals of the City’s
75 Comprehensive Plan, and/or which would be severable by a court of competent jurisdiction; and

76 **WHEREAS**, the Planning Commission, sitting as the local planning agency, has found
77 this ordinance to be consistent with the City’s Comprehensive Development Plan and
78 recommended approval; and

79
80
81

82 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
 83 **OF DUNNELLON, FLORIDA THAT:**

84
 85 (Note: ~~strickthrough~~ text indicates deletions, underlined text indicates additions, ellipses (***)
 86 identify text that remains unchanged and that is not reprinted herein)

87
 88 **SECTION 1.** The recitals set forth above are hereby adopted as legislative findings of the
 89 City Council of the City of Dunnellon.

90
 91 **SECTION 2.** Appendix A, “Zoning,” of the City of Dunnellon Code of Ordinances is
 92 hereby amended as follows:

93
 94 ***
 95 Section 7.1 Table of permitted uses.

96
 97 ***

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
<u>RESIDENTIAL</u>																	
Bed and Breakfast							X		X	X	X						X
Home Occupation	X1	X1	X1	X1	X1	X1	X1	X1	X	X1							
Community Residential Home	X3S	X3S	X3S		X3S			X3S		X3S							X
Congregate Care Facility						X			X	X	SE						
Residence-Office				X10	X10	X10	X10	X10	X								
Residence-Gallery	X8	X8	X8						X	X8	X						
Single-family Residence	X	X	X	X	X	X	X	X	X	X	X						X
Two-family dwelling					X	X			X		X						X
Multi-family dwelling						X			X		X						X
Mobile Home								X									
Personal Vehicle Storage Area	SE	SE	SE	SE	SE	SE		SE									
<u>RETAIL USES</u>																	
	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

Page 4

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Auto Supply Store												X	X				
Auto rental sales												X	X				
Auto sales - new or used												X	X				
Bakery store									X		X	X	X				X
Boat Sales												X	X				
Building materials sales												X	X				
<u>Check cashing – Cash advance business</u>													X				
Construction/farm equipment sales													X				
Commercial Watercraft Rental												X			X		
Department Store												X	X				X
Drugstore									X		x	X	X				X
Electronics Store											x	X	X				X
Farmers' Market											X	X	X				
Flea Market													X		X		
Furniture Store											X	X	X				X
Garden and nursery sales											X	X	X		X		
Grocery Store									X			X	X				X
Hardware Store											x	X	X				
Home decorating store									X		X	X	X				X
Liquor Store, pkg.												X	X				
Manufactured/mobile home sales													X				

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

Page 5

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Model manufactured home centers													X5				
<u>Pawn Shop</u>													X				
Pharmacy									X		X	X	X				X
Playground equipment sales, outdoor												X	X				
Recreational vehicle sales													X				
Roadside fruit and vegetable sales												X6	X6				
Satellite antennas sales											x	X	X				
SPECIALTY RETAIL STORE	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Apparel and accessory									X	x	X	X	X		X		X
Book									X	x	X	X	X		X		X
Camera and photographic supplies										x							
Florist									X	x	X	X	X				X
Food Store							SE		X		X	X	X		X		X
Gift, novelty and souvenir shop							SE		X		X	X	X		X		X
Hobby Shop									X		X	X	X				X
Jewelry									X		X	X	X		X		X
Miscellaneous retail							SE		X		X	X	X		X		X
Music									X		X	X	X		X		X
Shoe									X	x	X	X	X		X		X
Sporting goods									X		X	X	X				X
Stationary									X		X	X	X		X		X

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Swimming pool, spa and hot tub sales (enclosed)											X	X	X				X
Swimming pool, spa and hot tub sales (outdoor sales)													X				X
Used merchandise/antique store (enclosed)										X	X	X	X				X
Videotape store												X	X				X
SERVICE USES	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Alcoholic beverage establishment (off premises consumption)									X			X	X				X
Alcoholic beverages establishment (on- premises consumption)							SE		X		X	X	X				X
Assembly of electronic components															X		
Automobile cleaning/detailing service												X	X				
Automobile wrecking yard																	
Carpet and upholstery cleaning											X	X	X				
Coin-operated laundry-Stand Alone								X				X	X				
Coin-operated laundry-accessory use						X						X	X				
Commercial photography, art and graphic										X	X	X	X				X
Computer maintenance and repair											X	X	X				
Conference Center													X				
Construction service establishment												X	X	X			
Drive-in or drive- through restaurant												X	X				X
Drive-through facility (non-restaurant)												X	X				X
Equipment rental and leasing													X				
Farm	X																

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

Page 7

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Horse farm	X																
Fast food restaurant												X	X				X
Financial institution												X	X				X
Financial institution, branch									X			X	X				X
Full-service station												X	X				
Funeral home/crematory												X	X				
General business service									X		<u>X</u>	X	X				X
Auto repair, minor												X	X				
Beauty/Barber Shop									X	X	X	X	X				X
Horse racing facility (including tack operations)													X				
Hotel/convention center													X				X
Kennel												X	X				
Laundry and dry-cleaning service												X	X				X
Laundry and dry-cleaning pickup											<u>X</u>	X	X				X
Maintenance/cleaning service											<u>X</u>	X	X				
Major household repair establishment												X	X				
Mini warehouse												X	X				
Minor household repair establishment											<u>X</u>	X	X				
Motel											X	X	X				X
Newspaper printing facility												X	X				
Nursery farm	X																

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

Page 8

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Packing and crating														X			
Parking garage													X				
Commercial Parking Lot	SE3	SE3	SE3	SE3	SE3	SE3	SE3				X	X	X	X	X		X
Surplus Parking Lot	SE	SE	SE	SE	SE	SE	SE				X	X	X	X	X		X
Pest control service												X	X				
Photocopying and duplicating service											X	X	X				
Photo finishing laboratory												X	X				
Prepackaged software service											<u>X</u>	X	X				
Photography shop or studio										X	<u>X</u>						
Print shop												X	X				
Professional and business office									X	X	X	X	X				X
Radio/TV broadcasting facility												X	X				
Recycling collection point													X	X			
Repair garage												X	X				
Restaurant							SE		X		X	X	X		X		X
Restaurant (drive through window)												X	X				X
Security systems service											X	X	X				
Self service station-convenience store												X	X				
Stable	X																
Tattoo or body piercing establishment												X	X				
Telephone exchange												X	X				

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

Page 9

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Temporary Commercial amusement													X				
Truck/freight terminal													X	X			
Truck rental and sales													X				
Tourist camp/park							X										X
EDUCATION- RECREATION- SOCIAL USES	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Adult entertainment establishment																	
Antique gallery/art gallery/museum											X	X	X				X
Bowling center													X				
Church/house of worship		SE	SE	SE	SE	SE	SE	SE	X	X		SE	SE			X	X
College/University																X	X
Community education center																X	X
Commercial outdoor baseball batting facility													X				
Commercial recreation, indoor													X				
Commercial recreation, indoor, and bingo hall												X	X				
Commercial recreation, outdoor													X9				
Dance/art/music studio									X		X	X	X				X
Day care facility			SE2	SE2	SE2	SE2	SE2	SE2	X	SE2	SE2	X	X			SE2	X
Drive-in theater													X				
Driving range													X				
Establishments with simulated gambling devices																	
Golf course		SE	SE	SE	SE	SE							X				

Ordinance #ORD2020-02 Amending Appendix “A” Zoning

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Library									X		X	X	X			X	X
Miniature golf													X				
Motion picture theaters, except drive-in													X				
Multipurpose facility													X				X
Physical fitness center									X		X	X	X				X
Shooting range, indoor													SE X7				
Pitch and putt													X				
Private club									X			X	X				X
Recreation facility, indoor		SE	SE	SE		SE		SE	X				X				
Recreation facility, outdoor		SE	SE	SE		SE			X							X	X
School, private elementary and secondary									X							X	X
School, public elementary and secondary									X							X	X
Speech and language center/school									X							X	X
Tubes, Kayaks, Canoes,							SE								<u>X</u>	X	
Video Arcade													X				
Vocational/ professional school																X	X
PUBLIC USES	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Airport																X	
Cemetery																X	
Cell Tower																X11	X
Government Facilities									X							X	X

	A1	R1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Park/Open space area									X							X	X
Post office									X			X	X			X	X
<u>Public Parking</u>		<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>SE</u>	<u>X</u>	<u>X</u>		<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Public transportation terminal													X			X	
HEALTH CARE FACILITIES	A-1	R-1	R1A	R1B	R-2	R-3	R-5	MH	NBR	RBO	B2	B3	B4	B5	B6	P	PUD
Assisted Living facility												SE	SE				X
Hospital													X			X	X
Medical and dental laboratory												X	X				X
Medical and dental office									X	SE	SE	X	X				X
Nursing Home										SE	SE	X	X				X
Transitional recovery facilities												X4	X4				X
Veterinarian Office	X								X			X	X				X

98

99

Section 7.2 District uses definitions.

100

101

102

103

Check cashing/cash advance business means a business within a building, room, space, establishment or portion thereof where checks are cashed in exchange for a percentage fee, or where short-term cash advances are provided, with interest charged, including those against future paychecks. This does not include state or federally chartered banks, savings associations, credit unions, industrial loan companies, or businesses providing loans in exchange for vehicle titles as collateral.

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110

Pawn Shop means a shop where a pawnbroker conducts business. Such a business involves providing loans to people with personal items as collateral; engaging in the business of purchasing goods for consignment or trade; and may have a public display containing the term “pawn”, “pawnbroker”, “pawnshop”, or a sign historically identified with pawns.

111

112

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116

117 Public Parking means a parking area for public use on city or county-owned properties
118 within a lot or garage/deck either free of charge or paid by a rate established by owner. Public
119 parking shall meet the design requirements of Code of Ordinances (Code) Appendix A Zoning,
120 Section 5.2 and the landscaping requirements of Code Sections 74-108 and 74-109. Parking
121 garages/decks shall be prohibited in single-family residential districts.

122
123 ***

124 Section 8.11 Neighborhood Business (B-2).

125
126 This district is intended to serve the local shopping needs of neighborhoods and is
127 permitted only in the Traditional Neighborhood (8DUA and 12DUA) and Commercial land use
128 categories ~~Commercial land use category~~. The B-2 district is intended to occur near the periphery
129 of neighborhoods rather than in the interior and at a small scale that is compatible with single
130 family neighborhoods. The following standards shall apply to uses in the Neighborhood Business
131 District:

132
133 ***

134
135 Section 9.2 Supplemental Review Criteria.

136
137 ***

138 (r) *Home occupations.* Home occupations may be conducted in all residential districts
139 under the following provisions:

140
141 ***

142 (11) The Community Development Manager shall then issue a permit for such
143 home occupation. A fee of ~~\$2.00~~ to cover administrative costs shall be collected before the permit
144 is issued as set forth by Resolution or Ordinance of the City of Dunnellon.

145
146 ***

147 Section 10.8.2 Buffer Classifications.

148 (a) Applicability. The buffer classifications shall apply to each of the Buffer Types set forth in
149 Section 8.10. as further specified in Sections 10.8.4 through 10.8.7.

150 (b) Buffer specifications. The specifications for each buffer classification are set forth below.
151 The design professional shall use these requirements to provide well designed buffers,
152 accounting for the topography of the site, adjacent uses and other design considerations.
153 Visual screening shall be achieved through the use of proper plant material, arrangement,
154 and layering. Where buffers are required, the length shall be measured along each property
155 line, and shall exclude driveways and sight triangles (see Section 3.11) required for
156 driveways and intersections. In cases where more than one buffer requirement applies
157 along a property line, the buffer with the highest buffering specifications shall be required.
158 For this determination Class A is considered the highest and each succeeding Class is
159 considered as lower buffering requirements. For example, Class D is considered as a lower
160 buffer requirement than Class C.

161 (1) A Class-A buffer shall consist of a ~~30~~25-foot wide landscape strip without a buffer
162 wall. The buffer shall contain at least three canopy trees and five understory trees
163 for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers,
164 excluding turfgrass, shall comprise at least 50 percent of the required buffer area.
165 Shrubs shall be planted at a minimum of ~~two~~three feet in height and shall be of a
166 species capable of reaching a maturing ~~with a minimum~~ height of ~~three~~five feet.
167 Shrubs and groundcovers shall form a layered landscape screen.

168 (2) A Class-B buffer shall consist of a ~~20~~12-foot wide landscape strip with a buffer
169 wall. Chain link fences with screening material shall not be utilized. The buffer
170 shall contain at least two ~~shade~~canopy trees and three ~~accent/ornamental~~ understory
171 trees for every 100 lineal feet or fractional part thereof. Shrubs and groundcovers,
172 excluding turfgrass, shall comprise at least ~~50~~60 percent of the required buffer.

173 (3) A Class-C buffer shall consist of a ~~15~~12-foot wide landscape strip without a buffer
174 wall ~~or buffer~~. The buffer shall contain at least two ~~shade~~canopy trees and three
175 ~~accent/ornamental~~ understory trees for every 100 lineal feet or fractional part
176 thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least ~~25~~35
177 percent of the required buffer. Shrubs shall be a minimum of two feet in height and
178 shall be of a species capable of maturing with a minimum height of three feet.
179 Shrubs and groundcovers shall form a layered landscape screen.

180 (4) A Class-D buffer shall consist of an ~~15~~8-foot wide landscape strip without a buffer
181 wall. The buffer shall contain at least two ~~shade~~canopy trees and three
182 ~~accent/ornamental~~ understory trees for every 100 lineal feet or fractional part
183 thereof. Shrubs and groundcovers, excluding turfgrass, shall comprise at least ~~35~~50
184 percent of the required buffer area. Shrubs shall be a minimum of two feet in height
185 and shall be of a species capable of maturing with a minimum height of three feet.
186 Shrubs and groundcovers shall form a layered landscape screen.

187 (5) A Class-E buffer shall consist of a ~~five~~5-foot wide landscape strip without a buffer
188 wall ~~or buffer fence~~. The buffer shall contain at least four ~~shade~~understory trees
189 for every 100 lineal feet or fractional part thereof. Shrubs shall be planted at a
190 minimum of two feet in height in a ~~double staggered~~ row and be capable of reaching
191 a maintained height of four ~~five~~-feet at maturity. Groundcovers and/or turfgrass
192 shall not be used in this buffer.

193 (c) Buffer walls, buffer fences, and berms.

194 (1) Where buffer walls are required by this article, a combination of buffer walls/fences
195 and berms may be used to meet the intent of buffering. Note that should a
196 fence/wall or berm meeting the requirements of this Section exist on the adjoining
197 property where such a fence/wall or berm would ordinarily be required by this
198 Section, the adjoining structures shall be considered as meeting this requirement,
199 and additional fences/wall or berms shall not be required for this area of the subject
200 property. Additionally, in the event that two adjoining properties both requiring a
201 fence/wall or berm along a common property line are being developed

202 concurrently, the property which first applied for development approval shall be
203 responsible for constructing the fence/wall or berm. All buffer walls and fences
204 shall comply with the following requirements:

205 a. Not be constructed or installed in a manner which creates a threat to public
206 safety or interferes with vehicular circulation;

207 b. Be designed to be compatible with existing and proposed site architecture
208 and the character of the surrounding and adjacent settings including the style
209 and selection of materials;

210 c. Be situated so that the wall or fence components are within the buffer limits
211 and any required buffer landscaping shall be installed on the public view side
212 of the wall;-

213 ed. Shall remain in good appearance/repair, and be cleaned, repainted, and/or
214 repaired by the property owner as required to maintain such condition;

215 de. Not be constructed of chain link or include barbed wire.

216 ef. Ensure that historic and/or proposed water flow patterns are accommodated;

217 fg. Not interfere with or obstruct any stormwater facilities; ~~and~~

218 h. Provide sufficient ingress/egress for bicycle traffic and pedestrians access
219 with proper arrangement to limit visibility into the proposed development;
220 and-

221 i. Where fences are required by Article 10 or otherwise proposed on
222 multifamily or non-residential properties, decorative fence types shall be
223 utilized in accordance with the following requirements:

224 1. Chainlink, chicken-wire type and similar fences are prohibited.
225 Metal, woods and synthetic materials may be utilized, subject to the
226 design criteria below.

227 2. For opaque fences, the bottom of the fence shall be slightly above
228 grade to avoid blocking stormwater runoff.

229 3. Opaque fences shall be designed so that the top of the fence creates
230 an interesting, visual pattern. Stockade fences with a uniform height
231 across the fence would not meet this intent. Rather, this intent shall
232 be achieved by utilizing posts that rise above the plane of the top of
233 the fence at regular intervals of no more than 8' apart, using lattice
234 within one foot of the top of the fence, using curvilinear design such
235 that the height of fence varies in a regular pattern or other similar
236 designs.

237 4. Fences that are not opaque shall achieve the same intent as specified
 238 for opaque fences with an exception allowed for picket type fences
 239 and decorative metal fences, which may have a uniform height.

240 ***
 241 (3) Walls and fences utilized for frontage buffers shall not exceed four feet in height
 242 from grade, and shall be located along the edge of the buffer adjacent to the
 243 proposed development. Fences shall not be opaque within frontage buffers. Walls
 244 and fences shall not be utilized where the required buffer is less than 125’ in width.
 245 Walls and fences utilized in conjunction with buffer reductions permitted by
 246 Section 10.8.3 shall not be placed underneath the canopy of a preserved tree, except
 247 where it can be demonstrated to the Community Development Manager that the
 248 preserved tree will not be negatively impacted.

249 ***

250 **Figure 10.8.1 Graphic Illustration of Buffer Averaging Methodology**

251 Section 10.8.4 Compatibility Buffers.

252 Table 10.8 shall apply for the purpose of determining the buffer classification required for
 253 the compatibility buffer in accordance with Section 10.8.2. Compatibility buffers are not
 254 required where a “-“ is indicated. The symbol “-“ indicates a property under development
 255 sharing the same zoning as the adjoining property, requiring reference to the Perimeter
 256 requirements of the table in Section 10.8.7. Compatibility buffers do not apply to street
 257 frontages. See the table in Section 10.8.7 for street frontage requirements.

Proposed Use	Permitted or Existing Use								
	AG	R-1, R-1A, R-1B, R-2, MH	R-3 and R-5	RHO, B-2, B-3, B-6, NBR	B-4 and B-5	P	PK and PKO	PUD	
AG	-	-	-	-	-	-	-	-	-
R-1, R-1A, R-1B, R-2, MH	C or D	-	D	D	D	D	-	Varies	
R-3 and R-5	C or D	B or C	-	C or D	B or C	C or D	-	Varies	
RHO, B-2, B-3, B-6 NBR	-	B	C	-	C or D	D	D	Varies	
B-4 and B-5	-	B	B	B	-	D	B	Varies	
P	-	A or B	C or D	C or D	C or D	-	C or D	Varies	

	PK and PKO	-	-	-	-	-	-	-	-
	PUD	Varies	Varies	Varies	Varies	Varies	Varies	Varies	Varies

258

Proposed Use		Permitted or Existing Use								
		AG	R-1, R-1A, R-1B, R-2	MH	R-3, R-5	RBO, B-2, B-6, NBR	B-3, B-4, B-5	P	PK, PKO	PUD
AG		–	–	–	–	–	–	–	–	–
R-1, R-1A, R-1B, R-2		–	–	–	–	–	–	–	–	–
MH		C	B	–	B	C	B	B	B	C
R-3		C	B	C	–	D	D	D	D	D
R-5		B	B	B	–	D	D	D	B	D
RBO		–	C	C	C	–	C	D	C	C
B-2		–	B	B	C	–	C	D	B	C
B-6		–	B	B	B	–	D	D	B	D
NBR		–	B	B	B	–	D	C	B	D
B-3, B-4, B-5		B	B	B	B	B	–	B	B	B
P		–	B	B	C	C	C	–	B	C
PK, PKO		–	–	–	–	–	–	–	–	–
PUD		varies	varies	varies	varies	varies	varies	varies	varies	varies

259

260

261

262

Section 10.8.7 Frontage Buffers and Non-Frontage Perimeter Buffers.

263

The following buffers are required for frontage buffers (along all streets) and non-frontage perimeter buffer (along all property lines except street frontages).

264

	Frontage	Perimeter
AG	-	-
R-1, R1-A, R-1B, R-2	N/A	N/A
MH	D A	C
R-3	D C	C or D
R-5	B or C	BD
RHBO, B-2, NBR, B-6	C or D	C or D

B-3	ED	E
B-4 and B-5	A or B	BD
P	Dsame as adjoining	Bsame as adjoining
PK and PKO	-	-
PUD	Varies	N/AVaries

265
 266 PUD perimeter buffer shall not apply. PUD perimeters shall be addressed as a compatibility buffer
 267 only. PUD buffer requirements will vary depending on the types of land uses proposed in the PUD
 268 and their location and scale in relation to the street frontage. In general, PUD buffers shall achieve
 269 comparable buffering for the frontage as indicated in the chart for other zoning relationships. For
 270 example, if a PUD proposes uses at a scale and intensity comparable to a B- 4 Zoning District,
 271 then the frontage buffer would require a Class A buffer.

272 ***
 273 Section 16.15 Action by City Council on quasi-judicial land development and rezoning cases.

274 ***
 275 (c) If the application involves a specific piece of property, one public notice per road facing
 276 shall be posted conspicuously on the property affected and in two (2) public places, as well as the
 277 city web site, at least fifteen (15) calendar days prior to the date of the scheduled hearing. The
 278 cost of printing and posting the notice will be charged to the petitioners as per the city fee
 279 schedule.

- 280
 281 All notices referenced in the above paragraph shall include:
 282 (a) A statement describing what action has been requested;
 283 ~~(b) A general location map;~~
 284 (b) The name of the owner(s) of the property subject to the application or petition;
 285 (c) That a public hearing will be held by the Planning and Zoning Commission;
 286 (d) The date, time, and location of the hearing;
 287 (e) That the public is invited to attend the hearing and make comment orally or in writing;
 288 and
 289 (f) The location and times during which an interested party may inspect the application or
 290 petition.

291 ***
 292 Section 17.5 Notice and hearing.
 293 No variance shall be granted until after the board of adjustment shall hold a public hearing.
 294 Notice of said public hearing shall be placed in a newspaper of general circulation at least 15 days
 295 prior to the date of public hearing. In addition, notice in writing shall be given to the persons
 296 owning property, as listed in the tax rolls, within 300 feet of the property in question.

297
 298 If the application involves a specific piece of property, one public notice per road facing shall be
 299 posted conspicuously on the property affected and in two (2) public places, as well as the city
 300

301 web site, at least fifteen (15) calendar days prior to the date of the scheduled hearing. The cost of
302 printing and posting the notice will be charged to the petitioners as per the city fee schedule.

303

304 All notices referenced in the above paragraph shall include:

305 (a) A statement describing what action has been requested;

306 (b) A general location map;

307 (b) The name of the owner(s) of the property subject to the application or petition;

308 (c) That a public hearing will be held by the Planning and Zoning Commission;

309 (d) The date, time, and location of the hearing;

310 (e) That the public is invited to attend the hearing and make comment orally or in writing;
311 and

312 (f) The location and times during which an interested party may inspect the application or
313 petition.

314

315 ***

316

317 **SECTION 3. CODIFICATION.** It is the intent of the City Council of the City of
318 Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad
319 and liberal authority in codifying the provision of this Ordinance.

320

321 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word or portion of
322 this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall
323 not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
324 word or portion of this Ordinance not otherwise determined to be invalid, unlawful or
325 unconstitutional.

326

327 **SECTION 5. CONFLICTS.** In any case where a provision of this Ordinance is found
328 to be in conflict with a provision of any other ordinance of this City, the provision which
329 establishes the higher standards for the promotion and protection of the health and safety of the
330 people shall prevail.

331

332 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately
333 upon its passage and adoption.

334

335 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
336 the first reading and public hearing on the 13th day of January, 2020.

337

338 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
the second reading public hearing on the 9th day of March, 2020.

339

340 First public hearing advertised on the City's website on December 30, 2019 and advertised in the
Riverland News on Thursday, January 2, 2020.

341

342 Second public hearing advertised on the City's website on February 19, 2020 and advertised in the
343 Riverland News on Thursday, February 27, 2020.

344

345 ATTEST:

CITY OF DUNNELLON

346

347

348 _____
Amanda L. Roberts, CMC

349 City Clerk

350

351

352 Approved as to Form:

353

354

355 _____
Andrew J. Hand, City Attorney

356

357

358

CERTIFICATE OF POSTING

359 **I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the
360 Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, this 9th day of
361 January 2020 and on the City's Official Website on the 30th day of December 2019.

362

City Administrator Report 03/9/2020

City Clerk(HR) & City Administrator:

- Clerk's staff continues to finalize the auditing of data for the new cemetery software. Phase 2, website integration will then be addressed.
- City Clerk will attend Marion County 2020 Census Sub-Committee information meeting on March 12th.
- Marion County Day is Saturday, March 28th. Staff will participate same as last year. Any Councilmember interested in participating please contact City Clerk.
- HR staff is assisting departments on rehiring seasonal employees and attending police department interviews for open positions.
- Staff continues to work with consultant on salary survey as discussed during budget meetings in order to prepare for 2020/21 budget.
- Presidential Preference Primary Election voting will take place at City Hall on Tuesday, March 17th.
- The next Turnpike Extension Task Force Meeting is March 25th from 10:00 a.m. – 4:00 p.m. at the Hilton, 3600 SW 36th Avenue, Ocala. Public is encouraged to attend and voice concerns about protecting the Dunnellon area.
- Police Impact Fee Ordinance is being drafted by the City Attorney and the final impact fee report is pending waiting for Council's decision relative to acquisition of a new police facility before the impact fee cost projections are finalized.
- Habitat Wall Raising is scheduled for 4:00 p.m. on Friday, March 13th at 19348 St. George Street, Dunnellon Heights. City Council has been emailed the specifics. Please wear closed-toed shoes as it is an active job site.

Finance:

- The Cooperative Funding Initiative (CFI) SWFWMD grant that the City applied for is included in SWFWMD's budget for FY2019-2020. SWFWMD is currently selecting the engineering consultant to perform the inventory. This grant is to inventory and assess the City's stormwater infrastructure assets and identify and prioritize stormwater projects. We have requested \$285,000 over 3 years. The City's commitment (match) is \$47,500 each fiscal year beginning in 2020 to be funded with 1 cent sales tax revenue. SWFWMD Governing Board has approved the 1st year funding agreement. The application requesting 2nd year funding has been submitted for consideration.
- Field work for the annual financial audit is complete. Work continues on providing final information to the auditors.
- We anticipate receiving the final report on the Asset Inventory within the next week. This is an update from the inventory conducted in 2011 to comply with state statute. This document will be updated and used on an annual basis to assist Finance in auditing the City's Assets.

Police:

- See attached statistics report.
- Police staff is in the process of applying for the COPS grant and completing Jag Grant progress reports.

Community Development:

- Staff is working with the Historic Board to create flags to hang on the historic light poles in conjunction with the new West Pennsylvania Streetscape project. The next scheduled meeting is March 10th.
- Police Department rezone application will appear before the Planning Commission March 24th should the sale agreement be approved by the City Council on March 9th.
- Aquifer protection Comp plan amendment is scheduled on the agenda for planning commission on the 24th of March
- John Taylor with Renewable Management Services will be presenting at the PC meeting for a proposed Solar farm south of the City.
- IT recently attended a Cyber security workshop and will be implementing some of the strategies learned from the class.
- Staff is considerably delayed in the launch of the new permitting/code enforcement module. There were some minor setbacks that have extended the time for launch. We are now attempting to get all data in and setup by mid-May.

Public Services:

- CDBG Project update: Park Avenue construction is complete and ready to begin the change over to the new water line once the testing and certification of the lines is complete. Water and sewer lines are installed along Walnut Street and road construction has begun. There been a few challenges with the storm water runoff design. However, the engineers and contractors are working together to resolve.
- Golf cart signs have been installed indicating boundaries and the appropriate signage to inform vehicular traffic of golf carts sharing roadways will be addressed.
- W. Pennsylvania Streetscape is coming to completion for this phase and staff is ordering new park benches and should have them installed in the next couple of weeks.
- Ernie Mills parking lot and Short-Tower projects are underway. Surveying and engineering in progress.
- Staff met with FDOT last week and they should be providing us with an amended design change for the cross walk located along 41 by the entrance to the boat ramp. They will need to negotiate with the City for right of way space for installation of the mast arms.
- City Beach: A clean-up was scheduled earlier this month and has been rescheduled due to weather conditions. The next clean-up is planned for March 20th starting at 9am.
- Mowing season has begun and part-time/seasonal employees have returned to assist with city wide mowing and landscaping.
- Restoration of the fountain at City Hall is underway and expected to be complete around March 20th, 2020.

February 2020 Stats

Persons Arrested	26		
Felony	2		
Misdemeanor	5		
Warrants	2		
DUI	1		
Vehicle Stops	67		
UTC	7		
Domestic Violence	0		
Part 1 Assigned	11		
Part 1 Closed	4		
FIVO	0		
Long forms	31		
Follow Ups	9		
Bus - checks	619		
Total calls assigned through dispatch	319		
Clearance rate for February 2020	36%		
*** This total equals approx. 6 calls per shift. ***			