

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.