

ORDINANCE #ORD2020-11

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, ORD2020-11, PROVIDING FOR TEXTUAL COMPREHENSIVE PLAN AMENDMENTS TO THE FUTURE LAND USE ELEMENT BY INCLUDING SOLAR FARMS IN POLICY 1.7 AND 1.8; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR 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 Local Planning Agency, reviewed the proposed amendments and provided recommendations to the City Council by resolution after a duly noticed public hearing; and

WHEREAS, it is the goal of the City to make provisions for appropriate land uses, to 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; and

WHEREAS, the City Council finds that there is currently no provision in the Comprehensive Plan or the City of Dunnellon's Land Development Regulations for solar farms as a land use, there is the present and future need for the availability of such land use under the appropriate conditions within the public and agriculture land uses categories; 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, 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 FUTURE LAND USE ELEMENT. The proposed amendments to the Future Land Use 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. Within Exhibit "A," underlined words constitute additions to the Future Land Use Element and strikethrough constitutes deletions.

Section 3. TRANSMISSION TO AGENCIES; 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 5. CONFLICTS. After the effective date of this Ordinance in any case where all or any part of this Ordinance 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 6. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance 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.

Section 7. 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 9th day of November 2020.

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

First public hearing advertised on the City's website on October 26, 2020 and advertised in the Riverland News on Thursday, October 29, 2020.

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

Attest:

CITY OF DUNNELLON

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, and on the City's Official Website this 26th day of October 2020.

Amanda L. Roberts, CMC
City Clerk

FUTURE LAND USE ELEMENT



Goals, Objectives and Policies

FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES

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 1.1:

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

Policy 1.2:

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

Policy 1.3:

The high-density residential land use category allows multifamily dwelling units and customary residential accessory uses. Multifamily structures shall have at least two dwelling units per building. The minimum density is 5.1 dwelling units per gross acre and the maximum density is 12.0 units per gross acre. The maximum impervious surface is fifty (50) percent. Buildings shall not exceed forty (40) feet in height. Multifamily development shall be located to provide direct access to a collector road where available.

Policy 1.4:

The commercial land use category includes uses such as retail, entertainment, eating establishments, offices, medical facilities, personal services, trade services, wholesale and discount establishments, storage facilities, lodging establishments, recreational vehicle parks, fueling facilities, rental establishments, religious facilities, and facilities for repair and maintenance of vehicles and equipment. The maximum impervious surface is 65 percent and the

maximum building height is forty (40) feet. The following standards apply to uses and locations as specified:

- A. Uses such as the sale, rental, repair, storage, or maintenance of vehicles (cars, boats, trucks, motorcycles) shall be permissible only when determined to be compatible with adjacent residential uses.
- B. Uses that use, generate, store, or handle hazardous materials shall be permissible only when approved as a conditional use in order to ensure appropriate location, handling, storage, and disposal of the hazardous materials.
- C. Uses which occupy a single building with 80,000 or more square feet of total floor area or which occupy two or more buildings on a single parcel with a total of 100,000 square feet of total floor area shall meet the following standards:
 - 1. Screening of mechanical equipment, utility devices, and similar service components.
 - 2. Integration of accessory uses and structures into the overall design of the building and site.
 - 3. Specific design techniques to minimize the impact of walls longer than fifty (50) feet in length.
 - 4. Sign standards that ensure integration of sign design with the design of the buildings.
 - 5. Provision of a perimeter buffer that is 150% of the otherwise required buffer.
 - 6. Provision for landscaped internal pedestrian circulation.
 - 7. Specific design requirements for parking lots to ensure protection of native vegetation and provision of canopy trees for shade.
 - 8. Approval shall be only by special exception.
- D. Uses with drive-up or drive-through facilities shall meet the following requirements:
 - 1. The drive through lanes shall not be adjacent to land used or designated for use for residential development.
 - 2. Windows for ordering or providing services shall not be located adjacent to land used or designated for use for residential development.
- E. Recreational vehicle parks shall be subject to special design standards to ensure compatibility and safe layout of the vehicle sites and park amenities.
- F. All commercial uses shall meet the following compatibility requirements:
 - 1. Buffers will be provided to ensure compatibility between commercial and residential uses.
 - 2. Dumpsters will be located to avoid negative impacts to adjacent residential uses.
 - 3. Outdoor lighting will be designed and located to avoid direct illumination of adjacent properties.
 - 4. Parking lots will be designed and located to avoid negative impacts from vehicle lights and noise to adjacent residential properties.

Policy 1.5:

The traditional neighborhood land use category includes the following uses: residential, neighborhood scale commercial, neighborhood scale office, artisan uses, personal service, civic, cultural, transient lodging, bed and breakfast establishments, religious facilities, and financial services. The following location and design standards apply:

- A. A single platted lot may be developed for a single use.
- B. A single platted lot may contain a nonresidential use and one dwelling unit, provided that the dwelling unit is located on a second floor or to the rear or side of the business use, either attached or detached from the principal building.
- C. A development proposed for two (2) or more lots may contain a single use or a mixture of uses. When mixed uses are proposed, no more than fifty (50) percent of the development acreage shall be devoted to residential uses. When residential uses are proposed, either single-family or multifamily is acceptable. Density shall not exceed eight (8) units per gross residential acre.
- D. Transient lodging and bed and breakfast uses shall be limited to an equivalent of eight (8) units per gross acre. Each guest bedroom shall be considered a unit.
- E. Uses which have frontage on West Pennsylvania Avenue or Cedar Street may have up to twelve (12) dwelling units per gross acre.
- F. The maximum impervious surface for all sites is sixty-five (65) percent.
- G. Parcels with five (5) or more acres shall contain at least two (2) different uses. Single-use development is not permissible. Residential uses shall not exceed sixty-five (65) percent of the development site.
- H. When an amendment to the Future Land Use Map is proposed to apply the traditional neighborhood land use category, a minimum of five (5) acres is required.
- I. Where neighborhood scale development is proposed, no individual building shall exceed a total of 3,000 square feet of floor area.
- J. The maximum height for building development is forty (40) feet.
- K. Parking lots within the traditional neighborhood land use district shall be designed to ensure that no tier of parking includes more than ten (10) cars.
- L. All uses, including accessory structures, mechanical and service equipment, and utility structures shall be integrated with the design of the principal building. Mechanical, service, and utility equipment shall be screened.
- M. Nonresidential land uses within the traditional neighborhood district shall be limited to uses with a trip generation of 100 trips per day per 1,000 square feet of building, per fuel station, or comparable unit of measure. The trip generation calculation shall be based on the Institute of Transportation Engineers trip generation book or a similar, professionally acceptable source.

Policy 1.6:

The mixed-use land use category includes the following uses: residential, neighborhood scale commercial/office uses (includes retail, financial services, professional services, personal services, restaurants, transient lodging, and bed and breakfast establishments), and institutional uses (including schools, civic, cultural, religious facilities and similar uses), recreational vehicle parks. The following location and design standards apply:

- A. A development shall contain at least three (3) of the permissible uses within the following ranges measured by acreage: Residential uses or recreational vehicle parks (40-80%), commercial uses (10-50%) and institutional (5-10%).
- B. A development site with ten (10) or more acres may have community scale commercial or office uses.
- C. Where neighborhood scale development is proposed, no individual building shall exceed 3,000 square feet. The maximum height for buildings used for neighborhood scale development is forty (40) feet.
- D. Where community scale development is proposed, no individual building shall exceed 30,000 square feet.
- E. The maximum residential density is twelve (12) units per gross acre.
- F. The maximum impervious surface in a mixed-use development is sixty-five (65) percent.
- G. All development shall be designed to ensure compatibility with adjacent development, based on concepts such as transition of building height, buffering, building orientation, and location and design of site features such as parking, outdoor lighting, and equipment.
- H. All uses, including accessory structures, mechanical and service equipment, and utility structures shall be integrated with the design of the principle building. Mechanical, service, and utility equipment shall be screened.
- I. When an amendment to the Future Land Use Map is proposed to apply the mixed-use land use category, a minimum of five (5) acres is required.
- J. A recreational vehicle park shall be subject to specific design standards to ensure compatibility and safe layout of vehicle sites and amenities. The maximum density of RV sites within a park is twelve (12) sites per gross acre.

Policy 1.7:

The public land use category includes schools, government offices, public works buildings and yards, community centers, solar farms, and similar uses typically owned or operated by public agencies or quasi-public agencies. The maximum building height is forty (40) feet.

Policy 1.8:

The agriculture land use category includes agricultural and silvicultural activities, as well as solar farms. 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 design 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 1.9:

Notwithstanding the density limitations of the Comprehensive Plan and minimum lot size and dimension requirements as set forth in the Land Development Regulations, a lot of record in a residential land use category may be developed for one (1) single family dwelling unit and an accessory dwelling unit, subject to compliance with eligibility requirements and additional standards as may be adopted in the Land Development Regulations to protect the public health, safety and welfare. For the purpose of this policy, a “lot of record” includes any lot established pursuant to a plat or metes and bounds description recorded in the records of Marion County, provided that the lot was established prior to the effective date of the Dunnellon Comprehensive Plan. Any lot established after the effective date of the Dunnellon Comprehensive Plan shall conform to all requirements of the Dunnellon Comprehensive Plan and Land Development Regulations.

Policy 1.10:

Notwithstanding the minimum lot size and dimension requirements as set forth in the Land Development Regulations, a lot of record in a non-residential land use category may be developed for permitted uses as authorized by the applicable land use category, subject to compliance with eligibility requirements and additional standards as may be adopted in the Land Development Regulations. For the purpose of this policy, a “lot of record” includes any lot established pursuant to a plat or metes and bounds description recorded in the records of Marion County, provided that the lot was established prior to the effective date of the Dunnellon Comprehensive Plan. Any lot established after the effective date of Dunnellon Comprehensive Plan shall conform to all requirements of the Dunnellon Comprehensive Plan and Land Development Regulations.

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 allowed to be paved. Clearing on any sites designated as conservation land use 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 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 1.13:

Conservation subdivisions shall meet the following requirements:

- A. Clustering of units is required. A conservation subdivision on land designated for agricultural use may have lots of two (2) or more acres.
- B. Required open space is at least fifty (50) percent of the site, with at least fifty (50) percent of the open space in one (1) contiguous parcel.
- C. All open spaces shall be connected to the maximum extent feasible. Whenever possible, required open space shall be adjacent to open space on adjacent parcels.
- D. No more than twenty (20) percent of the open space shall be devoted to stormwater facilities.
- E. Open space should be located on the most vulnerable portion of the site. There shall be no chemical applications permissible on required open space land.
- F. Required open spaces shall be protected in perpetuity through recorded easements.
- G. Central water and sewer treatment facilities are available.
- H. Development shall be located in such a manner as to minimize the length of new roads and drives from existing public streets to the development.
- I. Development shall be sited as far away as possible from water bodies, rivers, wetlands, or other environmentally fragile features.

- J. Development shall be designed to minimize site disturbance to the minimum area necessary to accomplish development. This shall include minimizing soil compaction by delineating the smallest disturbance area feasible.
- K. Existing native vegetation shall be protected, whether within the designated open space or on the developed portion of a site.

Policy 1.14:

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through the following techniques. Not all techniques may be required to accomplish the requirement to minimize connections of impervious surfaces:

- A. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- B. Directing flows from paved areas to vegetated areas;
- C. Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- D. Breaking up flow directions from large paved surfaces.

Policy 1.15:

Porous pavement materials, such as pervious concrete, pervious asphalt, or other pervious or porous materials shall be used to minimize the amount of impervious surface within all development.

Policy 1.16:

All golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the *Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002)* as may be amended by city code to conform to other policies of this Comprehensive Plan and to city needs and characteristics. All golf courses shall use reclaimed water for irrigation.

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.

Policy 1.18:

The land development code shall include requirements that new development in areas of elevated radon emissions use appropriate radon resistant construction techniques, as recommended by the State of Florida.

Policy 1.19:

Public schools shall be an allowable use in all residential land use categories and the traditional neighborhood development category.

Policy 1.20:

All residential and nonresidential development shall be subject to site plan review procedures.

Policy 1.21:

The City of Dunnellon relies on the definitions in Chapter 163, Florida Statutes, and in the land development regulations in the City Code of Ordinances. In addition, the following terms are defined for application to the Dunnellon Comprehensive Plan:

Best Management Practices (BMPs) means practice or combination of practices, including non-structural and structural improvements, based on sound science and professional judgment to be the most effective and practicable means of carrying out the specified activity. BMPs may be promulgated by government agencies such as the Florida Department of Agriculture and Consumer Services, and the Florida Department of Environmental Protection.

Naturalized plant species means vegetation that, while not native, has naturally adapted to the soils and climate of the area without direct or indirect human intervention. Acceptable species

are found on the Florida-friendly plant database from the University of Florida Institute of Food and Agricultural Sciences or other similar database.

Wetlands means those areas that are saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Wetlands are identified by the uniform methodology adopted in Section 373.421, Florida Statutes and by a certified wetlands delineator.

Objective 2:

The City shall ensure the availability of suitable land for placement of utilities and facilities necessary to support proposed development, and coordinate future land use with availability of services and facilities.

Policy 2.1:

New residential development, including subdivisions, multifamily developments, or mobile home developments may provide land to meet the recreation and park needs of its residents as one option to satisfy concurrency requirements for neighborhood parks if the adopted level of service standard is not otherwise met, and the population of the development shall not be counted in calculating the neighborhood level of service standard for the City thereafter. The amount of land to be provided shall be based upon the estimated population of the development based on the number of approved units in the development. Single-family and duplex structures on lots platted on or before the effective date of this comprehensive plan and residential development proposed within the designated historic district shall not be included in the City population counted for calculating level of service for neighborhood parks.

Policy 2.2:

The City shall establish incentives for all new water front residential development to reserve a portion of the total development acreage to provide public access to the river. This acreage may count as part of the development's share of providing recreation facilities.

Policy 2.3:

All development orders and permits for future development and redevelopment shall be issued only if public facilities necessary to meet level of service standards adopted as part of the Capital Improvement Element are available concurrently with the impacts of the proposed development.

Policy 2.4:

All waterfront development shall connect to the City wastewater treatment system. Waterfront property is property which borders the Rainbow River, Withlacoochee River, prairie ponds, borrow pits, wetlands, lakes, and other water bodies.

Policy 2.5:

When development is proposed, other than waterfront development, where the wastewater treatment system has not yet been extended, a septic system may be permissible, provided that the system is a performance-based system.

Policy 2.6:

Existing development, at any density or in any land use category, shall be required to connect to the City wastewater treatment system in accordance with Section 381.00655, Florida Statutes and when sewer service is available as defined by the City's codes.

Objective 3:

The City will continue to prevent blight and eliminate any instances of existing blight through code enforcement, enforcement of building and housing codes, and implementation of a Community Redevelopment Plan.

Policy 3.1:

The land development regulations and codes shall be enforced for all property within Dunnellon.

Policy 3.2:

The land development regulations shall maintain minimum housing codes, providing for conservation, demolition, and rehabilitation techniques of residential structures.

Policy 3.3:

Land development regulations shall be enforced as one means to ensure structural and aesthetic integrity of housing stock.

Policy 3.4:

The City shall continue to coordinate with property owners concerning the availability of tax benefits and other incentives available for renovation and improvements of historic structures.

Policy 3.5:

The City shall continue to coordinate with the private sector in order to encourage rehabilitation of both residential and nonresidential structures, through continued application for CDBG and other grant programs which fund rehabilitation efforts and through establishment of partnerships with the private sector for construction and other services upon which the City relies on the private sector.

Policy 3.6:

The City shall coordinate with Marion County, the Department of Economic Opportunity, the Florida Department of Rehabilitative Services and US Department of Housing and Urban

Development concerning various alternatives available towards the rehabilitation of substandard housing within the City.

Objective 4:

The City shall continue to enforce regulations regarding nonconformities as one means of eliminating both uses which are nonconforming with the Future Land Use Map or zoning map and structures which are nonconforming with this Comprehensive Plan or land development regulations. The City shall revise its land development regulations, to make provisions for development on existing substandard sized platted lots in older subdivisions.

Policy 4.1:

The City shall revise its land development regulations to provide specific provisions necessary to implement the following policies regarding nonconformities.

- A. Lawfully existing nonconforming structures and structures devoted to nonconforming uses shall not be expanded.
- B. If the cost to reconstruct or repair a lawfully existing nonconforming structure, or a structure devoted to a nonconforming use, will exceed 50 percent of the property appraiser's assessed value prior to reconstruction or repair, the structure must be built or repaired in compliance with current codes, and the structure loses its nonconforming status.
 - 1. Structures within the riverfront corridor protection area, on lots of record recorded on or before October 27, 2008 that are less than 150 feet from the ordinary high water line of rivers, navigable coves, and abutting wetlands, as established by this Comprehensive Plan, are exempt from this Policy 4.1.B.
- C. Lawfully existing nonconforming structures, and structures devoted to nonconforming uses, which are involuntarily damaged by terrorist acts, accidental fires, or natural disasters may be rebuilt to their original nonconforming condition, even if damages exceed 50 percent of the property appraiser's assessed value prior to reconstruction or repair.
- D. Properties subject to the floodplain regulations shall adhere to those regulations.

Policy 4.2:

A legal nonconforming use may continue, or be resumed if destroyed, if it is not enlarged, increased, or extended to occupy a greater area. A legal nonconforming use that is voluntarily abandoned for a specific period of time set by the land development regulations shall lose its nonconforming status, and any future use of the property must be in conformity with this Plan and the land development regulations.

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 coordination mechanisms with Marion County.

Policy 5.1:

Applicants for large scale-future land use map amendments shall submit an evaluation to demonstrate that the proposed amendment discourages urban sprawl, based on the criteria set forth in Chapter 163, Florida Statutes, when any of the following conditions occur:

- A. The property is not contiguous on at least 50% of its boundary to parcels with existing residential, commercial or industrial development;
- B. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity on adjacent developed parcels;
- C. The property is not proposed for a future land use category that is equal to or greater in allowable density or intensity as compared to the average density or intensity allowed by the Future Land Use Map designation on adjacent developed parcels;
- D. The property is not served by central water or sewer at time of application and its nearest boundary is more than a half-mile from existing water or existing sewer; o
- E. The property requires capacity improvements or other capital improvements to achieve adequate water or sewer service.

An application that exhibits one or more of the conditions above does not necessarily mean that it fails to discourage urban sprawl, but rather that it warrants more comprehensive review to demonstrate that it discourages urban sprawl. An applicant can demonstrate that an amendment discourages urban sprawl by analyzing the extent to which the applicant triggers the 13 indicators of urban sprawl set forth in Section 163.3177(6)(a)9.a, Florida Statutes, taking into account the context of the area. An applicant can also demonstrate that the plan amendment discourages urban sprawl based on the criteria set forth in Section 163.3177(6)(a)9.b, Florida Statutes. The City shall review the Application and make finding of facts determining whether the plan amendment discourages urban sprawl. At its discretion, the City may also conduct an evaluation of a plan amendment application which does not trigger an evaluation by the applicant based on the criteria in this policy.

Policy 5.2:

Proposed plan amendments for land uses which are more intense than those designated on the adopted Future Land Use Map shall be required to extend water and sewer service at adopted levels of service at the developer's expense, in addition to demonstrating consistency with the adopted comprehensive plan, as required by Section 163.3194, Florida Statutes.

Policy 5.3:

Extension of services within the Dunnellon city limits shall be consistent with the prioritization policies set forth in the Capital Improvements Element. Service agreements shall be required in order to extend services to unincorporated areas or proposed annexation areas and shall demonstrate that they will be fiscally advantageous to the City and will discourage urban sprawl. This does not prohibit extension of services to unincorporated areas where needed to achieve protection of public health and safety.

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 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 the extension of sewer on the Rainbow River.

Policy 5.5:

Develop an interlocal agreement with Marion County to increase coordination during subsequent updates of both comprehensive plans in order that the City play an increasing role in the planning of areas directly outside City limits, and which hold potential for annexation.

Policy 5.6:

The land development regulations shall contain design standards to control and minimize the negative impacts of strip commercial development.

Objective 6:

Designate land use categories on the Future Land Use Map to meet the short term and long term needs of the community in a manner consistent with the policy direction set forth in the elements of the Comprehensive Plan. All proposed amendments to the comprehensive plan, including amendments to the Future Land Use Map, shall meet the criteria in the following policies.

Policy 6.1:

The City of Dunnellon adopts two planning periods for the purposes set forth in the Comprehensive Plan. The short term planning period shall be five years, and the long range planning period shall be approximately twenty years, allowing for adjustment to coincide with decade or mid-decade years (i.e., 2035, 2040, etc) to maximize coordination with other agency plan updates. The short term planning period shall be utilized primarily for capital improvements planning to meet the immediate needs for the community as addressed in the Capital Improvements Element. The long range planning period shall be utilized to determine land use allocations based on population demand and other community needs and to appropriately plan for associated long term transportation, infrastructure and schools needs in

coordination with Marion County, the Florida Department of Transportation, the Southwest Florida Water Management District and the Marion County School District. Population projections shall be updated at a minimum during each evaluation-based, comprehensive plan amendment cycle pursuant to Section 163.3191, Florida Statutes.

Policy 6.2:

The City of Dunnellon shall allocate sufficient residential and non-residential land uses to support community needs through the 20-year planning period. The City population projections shall be based on the medium population projections published by the Office of Economic and Demographic Research for Marion County and shall allocate, at a minimum, a proportionate share of countywide population growth to the City, taking into account historic growth trends and potential alternative growth scenarios. In evaluating long term community needs, the City recognizes the following guiding principles:

- A. Support a diversity of residential housing types and products and allow for the operation of real estate markets as set forth in Section 163.3177(6)(a), Florida Statutes.
- B. Encourage job creation, economic diversification and capital investment from the private sector to achieve and sustain a healthy local economy.
- C. Provide opportunities for diverse growth within the City to discourage urban sprawl beyond the City corporate boundaries.

Policy 6.3

Demonstrate that the proposed uses as allowed by the land use category are suitable for the property, considering potential impacts on natural resources and environmentally sensitive lands. If an amendment is proposed for land within 500 feet of a wetland, shoreline, sinkhole, or geologic feature, the amendment shall be accompanied by a geophysical analysis with at least the following information: the characteristics of on-site soils; locations of geologic features including sinkholes, depressions, and swallets; depth of the water table; location of the Floridian Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer.

Policy 6.4:

Where a geophysical analysis confirms a direct connection to the aquifer, a comparative nitrate loading analysis shall be prepared by a licensed professional geologist using professionally acceptable methodology based on the designation on the Future Land Use Map at the time of the proposed amendment versus the proposed land use designation, considering the maximum intensity possible under the proposed land use designation. The analysis must demonstrate that there is no measurable net increase in nitrate loading to groundwater.

Policy 6.5:

Demonstrate that the uses permissible in the proposed land use category are able to be developed consistent with the city's codes implementing applicable Best Management Practices and the specific requirements set forth in the Conservation Element.

Policy 6.6:

Applications for future land use map amendments shall include a traffic study to determine the impacts on the operating level of service on arterials and collector roads within the City. The purpose of the study is not to implement transportation concurrency, which has been repealed, but rather to support the planning efforts of the TPO regarding long term transportation needs. The City shall provide a copy of the traffic study to the TPO.

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 applicable.

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.

Policy 7.2:

The City of Dunnellon shall encourage to the extent possible the location of schools based on the following criteria:

- A. proximity to urban residential areas, particularly for elementary schools;
- B. proximity to existing or planned public facilities, such as parks, libraries, and community centers;
- C. location of elementary schools along local or collector streets;
- D. location of middle and senior high schools near arterial streets;
- E. location of lands contiguous to existing school sites;
- F. avoidance of school siting in environmentally sensitive areas;
- G. avoidance of school siting in any area where the nature of existing or proposed adjacent land uses would endanger the safety of students or decrease the effective provision of education; and
- H. avoidance of school siting in any area where the proposed school facility would be incompatible with surrounding land uses, including but not limited to, airport hazard zones, airport clear zones and airport noise compatibility zones.

Objective 8:

The City of Dunnellon shall prohibit land uses and development that are defined as incompatible with normal airport operations at the Dunnellon Airport.

Policy 8.1:

The City of Dunnellon shall coordinate with Marion County to execute an interlocal agreement or formulate a Joint Airport Zoning Board by June 15, 2017 to ensure that decision-making by both jurisdictions are adequately coordinated regarding Marion County airport planning and Dunnellon land use and transportation planning.

Policy 8.2:

The City of Dunnellon shall prohibit public education facilities and residential uses and development within noise compatibility zones, as defined by 333.03(2)(c) and (d), Florida Statutes, as applicable. The City shall confirm the extent of existing noise compatibility zones with Marion County, and the potential extent of future noise compatibility zones based on any runway modifications that may be considered by Marion County.

Policy 8.3:

The City of Dunnellon shall prohibit the following uses within clear zones, as defined by 333.03(3), Florida Statutes:

- A. Public and private schools.
- B. Uses encouraging or requiring a concentration of people, such as auditoriums, arenas, large-scale multifamily development and large-scale office uses.
- C. Industrial uses which emit smoke and uses which emit light that could potentially pose a hazard to aircraft operations.

Policy 8.4:

The City of Dunnellon shall not allow obstructions, such as buildings, structures, poles and trees to penetrate airport hazard zone surfaces occurring within its jurisdiction. The City limits building height to 40' within all future land use categories. Prior to considering any future amendment to the 40' building height standard, the City shall document that any proposed building height standard would not penetrate applicable airport hazard zones and surfaces, as defined by the Federal Aviation Administration.

Policy 8.5:

The City of Dunnellon shall adopt an airport zoning overlay by June 15, 2017 to implement land development regulations based on Objective 8 and its implementing policies.