

**ORDINANCE #ORD2025-04**

**AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING APPENDIX "A" – 'ZONING' OF THE CITY'S CODE OF ORDINANCES; AMENDING CHAPTER 94, ARTICLE II OF THE CITY'S CODE OF ORDINANCES PERTAINING TO THE PLANNING COMMISSION; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon desires to update its land development regulations to eliminate outdated, irrelevant, or otherwise outdated provisions and to ensure consistency in its procedures and regulations regarding the Planning Commission; and

**WHEREAS**, the Planning Commission, acting as the Local Planning Agency, found and determined that this Ordinance is consistent with the City's Comprehensive Plan, and the City Council finds and determines that the following amendments are consistent with all applicable policies of the City's Comprehensive Plan; and

**WHEREAS**, the City Council finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Dunnellon.

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

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

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

**SECTION 2.** Section 16.6 of 'Article XVI. Administration' of 'Appendix A – Zoning' of 'Subpart B – Land Development Regulations' of the City's Code of Ordinances is hereby deleted in its entirety:

**~~Section 16.6 Dunnellon planning commission.~~**

~~Effective with the adoption of this ordinance, the city council shall appoint five citizens to act as the planning commission. The initial terms of office shall be for three years. The planning commission members will elect one of their members to serve as chairman.~~

~~The planning commission duties are to conduct public hearings on applications for future land use amendments, development orders, development permit and other applications as specified in this code and to make recommendations to the city council regarding such applications; to~~

~~prepare amendments to the comprehensive plan, zoning code and land development regulations for city-initiated applications; and to hear appeals as specified by this code. The planning commission is designated as the local planning agency for the purposes set forth in F.S. ch. 163.~~

**SECTION 3.** ‘Article XVII. Conditional Permits and Variances’ of ‘Appendix A – Zoning’ of ‘Subpart B – Land Development Regulations’ of the City’s Code of Ordinances is hereby vacated and deleted in its entirety. The deleted provisions are attached hereto as Exhibit “A.”

**SECTION 4.** “Chapter 94 – Planning, Article II – Planning Commission” of the City’s Code of Ordinances is hereby amended as follows:

**CHAPTER 94, ARTICLE II – PLANNING COMMISSION.**

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**Sec. 94-37. Powers and duties.**

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**(12) Variances.**

- a. Upon application for a variance and payment of the review fee, ~~the~~ the commission may recommend to the city council approval of a request for a variance from the terms of the relevant ordinance as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the ordinance would result in unnecessary and undue hardship. Hardship means an unreasonable burden that is unique to a parcel of property, such as peculiar physical characteristics. Economic problems may be considered but may not be the sole basis for finding the existence of a hardship.
- b. In order to recommend a variance from the terms of the relevant ordinance, the commission must find that:
  1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
  2. The special conditions and circumstances do not result from the actions of the applicant.
  3. Granting the variance requested will not confer on the applicant any special privilege that is denied by ordinance to other lands, buildings, or structures in the same zoning district.
  4. Literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
  6. The grant of the variance will be in harmony with the general intent and purpose of the ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- c. ~~In recommending the variance,~~ The commission may offer recommend:
1. Appropriate conditions and safeguards in conformity with this division and any ordinance enacted. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted by the city council, shall be deemed a violation of law.
  2. ~~Similarly, if a variance is granted by the city council, a reasonable time limit within which the action for which the variance is required shall be deemed not in violation of law. That the variance granted shall expire one year after the date of approval by the city council, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun under the terms of the building permit.~~
- d. Under no circumstances, except as permitted in this section, shall the commission recommend granting a variance to permit a use not generally or by special exception permitted in the zoning district involved or any use expressly or by implication prohibited by the terms or the ordinance in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning districts shall be considered grounds for the authorization of a variance.

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(17) Applications;

~~a~~ Notice of commission procedure with regard to land planning/zoning cases, site plan reviews, variances, supplemental standards, and review/appeal of administrative orders, variances, special exceptions and appeals of administrative decisions. Any applicant applying to the commission must do so on forms provided by the city and thereon provide sufficient information to show the details, extent and scope of the proposed request. Such application shall be accompanied by a lot plan, diagram and survey if requested by the city to show the nature of the proposed request, and any other information required by these land development regulations. All applicants shall be provided a public hearing before the commission after public notice thereof. Public notice shall mean publication of notice of the time, place and purpose of such hearing and that interested persons will have an opportunity to be heard. Notice shall be published once in a newspaper of general circulation in the city and on the city website, publication to be not less than 14 days prior to the date of the hearing except as provided for by Florida Statute.

Applicants shall be given notice of hearing by letter addressed to such applicant at the address given in such application, and mailed at least 15 days prior to the date of hearing.

In connection with hearings on quasi-judicial applications, owners of property within 300 feet of the property which is the subject of the application shall be given notice of such hearing by U.S. mail. Such notice shall be mailed at least 15 days prior to date of the

hearing. For the purpose of this notification an owner of property shall be deemed to be the person who, with his address, is so shown on the county tax rolls. These requirements are in addition to statutory notice requirements.

Public notice signs shall be posted as specified in Subpart B, Appendix A, Section 16.15(c) of the City's Code of Ordinances.

After the commission forwards its recommendation to the city council, the council will hold appropriate public hearings with code required advertisements.

**SECTION 5. CODIFICATION.** It is the intent of the City Council of the City of Dunnellon that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

**SECTION 6. CONFLICTS.** After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to 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 7. 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 8. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption.

**Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first reading on the 14<sup>th</sup> day of May 2025.

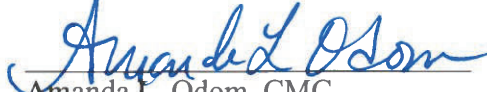
**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 11<sup>th</sup> day of June 2025.

Ordinance Posted on the City's website on May 12, 2025.

Final Public hearing advertised on the City's website on May 22, 2025, and advertised in the Riverland News on May 30, 2025.

**[SIGNATURES ON FOLLOWING PAGE]**

ATTEST:

  
Amanda L. Odom, CMC  
City Clerk

**CITY OF DUNNELLON**

  
Walter L. Green, Mayor

Approved as to Form:

  
Andrew J. 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 12<sup>th</sup> day of May 2025.

  
Amanda L. Odom, CMC  
City Clerk

## EXHIBIT “A”

### ~~ARTICLE XVII. CONDITIONAL PERMITS AND VARIANCES~~

#### ~~Section 17.1 Variances.~~

- ~~(a) The code enforcement board acting as a board of adjustment shall have the power to grant adjustment of, and permit variances in the application of any provision of this code, except for the sections dealing with uses permitted. Such variances shall be granted where no adjoining property rights are interfered with, under the conditions herein provided. The board may also issue conditional permits as provided by this code and in addition thereto for the following purposes:~~
- ~~(1) Use of a lot or lots for temporary field sales or construction office during specified periods of time, provided a map of said subdivision has been approved by the community development manager. Plans for any such temporary building shall also require approval of the community development manager.~~
  - ~~(2) Extension of a zone when its boundary splits a privately owned lot to the nearest established land line.~~
  - ~~(3) Variation, the purpose of which is to conform to front line requirements of the rest of the block, to allow a reduction in the minimum lot area requirement or setbacks where the shape of the building lot or location of existing nearby buildings justifies such variance. In no case shall such variance provide less than 40 feet of frontage on a street.~~
  - ~~(4) Special temporary permits for temporary stands, landing fields, public buildings or structures for temporary refuse dumps, temporary use of a trailer, etc.~~

#### ~~Section 17.2 Requirements for variances.~~

- ~~(a) No variance from the terms of the zoning code shall be authorized by the board of adjustment unless the board finds that all of the following facts and conditions exist:~~
- ~~(1) That there are unique and special circumstances or conditions applying to the property in question, or the intended use of the property, that do not apply generally to other properties in the same district.~~
  - ~~(2) That any alleged hardship is not self created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the zoning code.~~
  - ~~(3) That strict application of the provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.~~
  - ~~(4) That the variance proposed is the minimum variance which makes possible the reasonable use of the property.~~
  - ~~(5) That the sole reason for the request for variance is not real or alleged monetary gain or loss.~~



**~~Section 17.3 Conditions.~~**

~~The board of adjustment may place any reasonable limitation or special condition upon the property which in their judgment will protect the neighborhood in which the variance is granted.~~

**~~Section 17.4 Time limit.~~**

~~Each variance shall state a time limit for the fulfillment of the conditions governing its issue and shall be revocable where said conditions are not met.~~

**~~Section 17.5 Notice and hearing.~~**

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

~~If the application involves a specific piece of property, one public notice per road facing shall be posted conspicuously on the property affected and in two public places, as well as the city web site, at least 15 calendar days prior to the date of the scheduled hearing. The cost of printing and posting the notice will be charged to the petitioners as per the city fee schedule.~~

~~All notices referenced in the above paragraph shall include:~~

- ~~(a) A statement describing what action has been requested;~~
- ~~(b) The name of the owner(s) of the property subject to the application or petition;~~
- ~~(c) That a public hearing will be held by the Planning and Zoning Commission;~~
- ~~(d) The date, time, and location of the hearing;~~
- ~~(e) That the public is invited to attend the hearing and make comment orally or in writing;  
and~~
- ~~(f) The location and times during which an interested party may inspect the application or petition.~~

~~(Ord. No. 2020-02, § 2, 3-9-2020)~~

**~~Section 17.6 Fee for zoning change, variance or comprehensive plan amendment.~~**

- ~~(a) Upon application for a variance, special exception or zoning change, the applicant shall pay a fee in accordance with any fee schedules adopted by the city. These fees shall be used for the defraying of cost of publication and administration.~~
- ~~(b) Upon application of an amendment to the comprehensive plan of the city, the applicant shall pay a fee in accordance with any fee schedule adopted by the city plus any publication costs of the city.~~