



Planning & Zoning Commission

Regular Meeting Minutes

201 SE 3rd St, 2nd Fl
Ocala, FL 34471

www.ocalafl.org

Monday, May 13, 2019
5:30 PM

1. Call to Order

a. Pledge of Allegiance

b. Roll Call for Determination of a Quorum

The Ocala Planning & Zoning Commission held a meeting at City Hall, 110 SE Watula Avenue, Second Floor - Council Chambers on Monday, May 13, 2019 at 5:30 PM.

Attendee Name	Title	Status	Arrived
William Gilchrist	Chairman	Present	
Rus Adams	Vice-Chairman	Present	
Nathan Gibboney	Commissioner	Present	
Andrea Ferro	Commissioner	Present	
Andrew Hanley	Commissioner	Present	
Andy Kesselring	Commissioner	Present	
Crystal McCall	Commissioner	Present	

Others Present: Growth Management Director Tye Chighizola; Planning and Zoning Manager Patricia Hitchcock; Senior Planner Nancy Smith; Senior Planner/GIS Analyst David Boston; Planner I Francine Sutton and Office Administrator Peggy Cash

c. Agenda Notes:

Cases heard by the Planning and Zoning Commission will be presented to City Council in accordance with the schedule provided after each case in the agenda. Please note that the City Council meetings will begin at 4:00 p.m., and are held at City Hall, City Council Chambers, Second Floor, located at 110 SE Watula Avenue.

2. **Proof of Publication** – It was acknowledged that a Public Meeting Notice was posted at City Hall (110 SE Watula Ave, Ocala, Florida, 34471) and published in the Ocala Star Banner on April 26, 2019.

3. Consideration of Minutes – April 8, 2019

RESULT:	APPROVED
MOVER:	Rus Adams
SECONDER:	Crystal McCall
AYES:	Adams, McCall, Ferro, Gibboney, Hanley, Kesselring, Gilchrist

4. Annexation/Land Use/Zoning re: Koontz property

- a. **Approved ANX19-0003** a request to annex property located at 3111 South Pine Avenue, approximately 1.58 acres.
- b. **Approved LUC19-0006** a request to change the land use from Commercial (County) to Low Intensity for property located at 3111 South Pine Avenue, approximately 1.58 acres
- c. **Approved ZON19-0018** a request to change the zoning from B-4, Regional Business (County) to B-4, General Business for property located at 3111 South Pine Avenue, approximately 1.58 acres.
Petitioner: Michael P. & Diane T. Koontz
Planner: Francine Sutton

Ms. Sutton showed various photos of the property, surrounding properties and maps while presenting staff comments and the following findings of fact for an annexation, land use change and rezoning [included in staff reports provided to Commission members]:

Annexation Background

- The subject property is contiguous to the city limits.
- Annexation is requested in order to obtain City water and sewer services.
- Companion land use and zoning petitions will be considered on the same timeline as the annexation.

Basis for Approval of Annexation

The proposed annexation is contiguous to the city limits.

Land Use and Zoning Background

Applicant is requesting annexation to connect to city services. The subject property is contiguous to the city limits and will not adversely affect the general welfare of the community.

Factual Support:

1. The zoning designation of B-4, General Business is compatible with the land use designation of Low Intensity.
2. Approval of this request will not adversely affect the health, safety, convenience, prosperity or general welfare of the community.

Basis for Approval of Land Use Change and Rezoning

Subject property is proposed for annexation by the City of Ocala. Upon annexation it is appropriate to assign a City land use designation and zoning category. The subject property is contiguous to city limits Applicant has requested B-4, General Business zoning designation which is consistent with the requested Low Intensity Future Land Use.

Discussion:

There were no comments from the Petitioner, Commissioners or the public.

RESULT: APPROVED ANX19-0003
MOVER: Andy Kesselring
SECONDER: Crystal McCall
AYES: Kesselring, McCall, Adams, Ferro, Gibboney, Hanley, Gilchrist

RESULT: APPROVED LUC19-0006
MOVER: Rus Adams
SECONDER: Andrew Hanley
AYES: Adams, Hanley, Ferro, Gibboney, Kesselring, McCall, Gilchrist

RESULT: APPROVED ZON19-0015
MOVER: Crystal McCall
SECONDER: Andrew Hanley
AYES: McCall, Hanley, Adams, Ferro, Gibboney, Kesselring, Gilchrist

5. Land Use Change

- a. **Tabled LUC19-0005** a request to change the land use from Medium Residential (County) to Low Intensity for property located south of SW 66th Street, east of SW 60th Avenue, north of SW 80th Street and West of I-75, approximately 558.53 acres.
Petitioner: Cradle Holdings, Inc.
Planner: David Boston

Ms. Hitchcock requested that Case LUC19-0005 be tabled to next month's meeting to allow for proper public notice.

RESULT: TABLED
MOVER: Andy Kesselring
SECONDER: Rus Adams
AYES: Kesselring, Adams, Ferro, Hanley, Gibboney, McCall, Gilchrist

6. Public Hearing

- a. **Approved** a request for signage in the INST, Institutional zone, for property located at 2897 SE Maricamp Road.
Petitioner: Ocala Regional Medical Center
Planner: Nancy Smith

Ms. Smith showed various photos of the property, surrounding properties, maps, renderings of the proposed signage and a site layout identifying where signs would be located while presenting staff

comments and the following findings of fact [included in a staff report provided to Commission members]:

Background

The Ocala Regional Medical Center is completing construction of a new emergency room facility at 2987 SE Maricamp Road. The property is zoned Institutional and the use is considered a hospital. Section 110-156(b) requires signage for hospitals in the INST district to be approved by the planning and zoning commission at a public hearing.

Code Requirements

Sec. 110-156(b) requires signage for hospitals in the INST district to be approved by the planning and zoning commission at a public hearing. The regulations state that the planning and zoning commission shall consider the size, type and location of the signage, and its relation to adjoining and abutting land uses and zoning districts in making its determination. Approval of requested signs shall be subject to the following conditions:

- (1) Total sign area for the property shall not exceed two square feet for each property front foot.
- (2) The type of sign requested is permitted by the Code.

Code Compliance

The permit application is reviewed based on the criteria in the City’s Code of Ordinances, Section 110-156 (b).

Freestanding and wall signs are permitted within the Institutional zoning district. The sign area permitted for each street frontage is reviewed below:

SE Maricamp Road:

Street frontage: 532.61 linear feet
Sign Allowance, maximum: 1,065 square feet
Total proposed: 262 square feet

SE 30th Avenue:

Street frontage: 212.57 linear feet
Sign Allowance, maximum: 425 square feet
Total proposed: 130 square feet

As proposed, the application meets the Code requirements for types of signs and overall sign area. The Planning and Zoning Commission may also consider the types and sizes of signs relative to the adjacent and abutting use and zoning districts. The signs are across from other offices and institutional uses and are consistent with existing signage along SE Maricamp Road.

Staff Recommendation: Approval

Discussion:

There were no comments from the Petitioner, Commissioners or the public.

RESULT: **APPROVED**
MOVER: Rus Adams
SECONDER: Andy Kesselring
AYES: Adams, Kesselring, Ferro, Gibboney, Hanley, McCall, Gilchrist

7. Code Change

Approved COD19-0003 a request to amend Section 122-1221 to allow backyard chickens in the rear yard of a single-family dwelling unit, subject to certain restrictions.

Petitioner: City of Ocala
Planner: Tye Chighizola

Mr. Chighizola provided the following staff comments [included in a staff report provided to Commission members]:

Background

Staff is proposing an ordinance to allow chickens in the R-1, R-1A, and R-1AA zoning district subject to the following conditions:

- A permit is required with the City’s Growth Management Department to keep up to six chickens in the rear yard of an occupied detached single-family residence. Code Enforcement will inspect permitted properties at least twice a year to ensure compliance with conditions.
- Ducks, geese, turkeys, peafowl, male chickens/roosters, pigeons, or any other poultry or fowl are not allowed.
- Chickens must be provided with a covered, properly ventilated, clean and maintained, predator-resistant chicken house that is designed to be easily accessed, with at least two square feet per chicken.
- The coop and pen/run area must be cleaned regularly and kept free of insects and rodents. Odors from chickens, including chicken manure, or other items associated with the keeping of chickens must not be perceptible at the property boundaries. Chickens will not be allowed to create a nuisance including odor, noise or contribute to any other nuisance condition.
- Composting of chicken manure is allowed in an enclosed bin. The composting bin shall be kept at least 15 feet away from all property lines.
- Chickens shall be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens is prohibited.
- Chickens may not be slaughtered on premises.
- The building official has the sole discretion to revoke the permit and require that the chickens be removed within 10 days if he or she determines that the permittee is in violation of conditions set forth in the City’s Code.

FINDINGS AND CONCLUSIONS:

Over the past few years, the issue of raising chickens in an urban backyard has been debated in many cities. Currently, the City allows livestock in the R-1, R-1A and R-1AA zoning districts on properties over 5 acres. The proposed change is similar to ordinances adopted by other communities to allow only

backyard chickens. Common reasons why people want chickens are food production, educational opportunities for children and as a hobby. Concerns from a zoning perspective are noise, odor and enforcement.

Discussion:

Commissioner Kesselring confirmed that there are no property size limitations. Mr. Chighizola said there is no limitation to the size of the property. The lots in the R-1, R-1A and R-1AA zoning designations have certain size requirements; in R-1AA, the lot has to be a minimum of 6,000 (60' x 100') square feet. Other lot sizes are 80' x 100' and 100' x 100'. Mr. Chighizola said he didn't include setback requirements. The manure has to be 15 feet from the property line. It was briefly discussed that the coop could be considered an accessory structure, which would need to meet accessory structure setback requirements except Mr. Chighizola said he did not want chickens allowed in the side yard, only the rear yard. Mr. Chighizola said he didn't include setback requirements because there is a requirement that an odor should not be perceived beyond the property's boundaries.

Commissioner Kesselring confirmed that if there is a problem with the noise, the complaint would go to the Chief Building Official. Mr. Chighizola said it would and if the Chief Building Official revoked the license, the property owner could appeal to the Board of Adjustment. The complaint could also be a Code Enforcement action.

There were no public comments.

Commissioner Gibboney said that a number of years ago he called the City about having chickens because his son wanted one for a 4-H project. Commissioner Gibboney said where he currently lives they can't have chickens because of deed restrictions. He said the reality is that there are a lot of subdivisions with deed restrictions that don't allow chickens. He said he does not have a problem with chickens being allowed. He suggested that a lot of people in the City already have chickens.

RESULT:	APPROVED
MOVER:	Rus Adams
SECONDER:	Nathan Gibboney
AYES:	Adams, Gibboney, Ferro, Hanley, Gilchrist
NAYES:	Kesselring, McCall

8. **Next Meeting**
Monday, June 10, 2019 at 5:30 pm.

9. **Adjournment**
The meeting was adjourned at 5:51 pm.