

## ORDINANCES 2014

- 14-01 **Amend** LUP 1289 & 1293 Michigan Blvd; App.# LUP-Zo-S/D-LDO 13-59.03 Z/C (4/3/14)
- 14-02 **Rezone** 1289 & 1293 Michigan Blvd; App.# LUP-Zo-S/D-LDO 13-59.03 Z/C (4/3/14)
- 14-03 Create Sec. 103-23.31 of LDC; establish form-based zoning codes (2/20/14)
- 14-04 **Amend** Ch. 103 of LDC, parkland dedication discounts; Amend Ch. 104 of LDC, parkland dedication (3/6/14)
- 14-05 Create Article IV in Chapter 34, "Chronic Nuisance Peoperty Code" (4/17/14)
- 14-06 **Rezone** 603-665 Virginia St.; App. #Zo-S/D 14-50.01 Z/C (6/5/14)
- 14-07 **Not Used**
- 14-08 **Amend** Ord. 12-19 to correct a scrivener's error Charter(4/3/14)
- 14-09 Development Agreement; 200 Main St.; Victoria Place (6/5/14)
- 14-10 Call for November Election (5/15/14)
- 14-11 **Amend** Div. F, Sec. 70-80; replace "agency" with "insurance company" (5/15/14)
- 14-12 **Not Used**
- 14-13 **Amend** Sec. 66-101(a), Solid Waste Definitions (8/21/14)
- 14-14 **Amend** Stormwater Management Utility Fee (9/25/14)
- 14-15 **Not Used**
- 14-16 **Annex** 3215 County Road 1. App# AN-LUP-Zo 14-53.00 Z/C (9/25/14)
- 14-17 **Amend** LUP 3215 County Road 1. App# AN-LUP-Zo 14-53.00 Z/C (9/25/14)
- 14-18 **Zone** 3215 County Road 1. App# AN-LUP-Zo 14-53.00 Z/C (9/25/14)

## ORDINANCES 2014

- 14-19 **Not Used**
- 14-20 **Not Used**
- 14-21 **Amend** Chapter 54, Pertaining Parks and Recreation (10/23/14)
- 14-22 **Not Used**
- 14-23 **Annex** 3235 County Road 1 App# AN-LUP-Zo 14-55.00 Z/C (12/4/14)
- 14-24 **Amend** LUP 3235 County Road 1 App# AN-LUP-Zo 14-55.00 Z/C (12/4/14)
- 14-25 **Zone** 3235 County Road 1 App# AN-LUP-Zo 14-55.00 Z/C (12/4/14)
- 14-26 **Amend** Sec. 50-3 by Adding a New Sub-Paragraph (10/23/14)
- 14-27 **Amend** Chapter 30, Pertaining to Emergency Services (10/23/14)
- 14-28 **Amend** Chapter 38 (Fire Protection and Prevention) (11/20/14)
- 14-29 **Amend** Chapter 6, Pertaining to Alcoholic Beverages (12/04/14)
- 14-30 **Amend** Chapter 10, Pertaining to Animals (12/18/14)
- 14-31 **Amend** Chapter 22, Pertaining to Code Enforcement (12/04/14)
- 14-32 **Amend** Chapter 62, Pertaining to Sales (12/04/14)
- 14-33 **Amend** Chapter 74, Pertaining a Golf Cart Crossing (01/08/15)

**ORDINANCE 14-01**

**AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY LOCATED AT 1289 MICHIGAN BOULEVARD AND A PORTION OF CERTAIN REAL PROPERTY LOCATED AT 1293 MICHIGAN BOULEVARD, WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 2.7 ACRES MOL, FROM INSTITUTIONAL (I) TO RESIDENTIAL URBAN (RU); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property receive an amended land use designation on the Dunedin Land Use Plan; and

**WHEREAS**, the owners of the property described herein have requested that the Dunedin Land Use Plan be changed to allow the site to Residential Urban (RU); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed to Residential Urban (RU); and

**WHEREAS**, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property to Residential Urban (RU), as said designation is more particularly described in said Land Use Plan:

See Exhibit "A" attached hereto and made a part hereof.

**Section 2.** The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 3rd day of April, 2014.**



Dave Eggers  
Mayor

ATTEST:



Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: January 9, 2014

READ SECOND TIME AND ADOPTED: April 3, 2014

**Parcel 1: (North Parcel)**  
Parcel ID: 23/28/15/70110/100/2100

THE NORTH 1/2 OF LOT 21 IN THE NE 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 15 EAST, ACCORDING TO THE MAP OR PLAT OF PINELLAS GROVES AS RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS OVER THE EAST 10 FEET OF SAID PARCEL AS GRANTED BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 2102, PAGE 157 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CONSISTING OF APPROXIMATELY 2.099 ACRES

AND

**Southeast Piece of Parcel 2, South of the Lodge**

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION: RUN S 00°16'38" EAST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 503.59 FEET TO THE POINT OF BEGINNING; THENCE N 89°42'32" EAST 164.93 FEET; THENCE S 00°21'06" EAST 158.83 FEET; THENCE N 89°27'00" EAST 165.12 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE N 00°17'32" WEST 156.41 FEET TO THE POINT OF BEGINNING.

CONSISTING OF APPROXIMATELY 0.597 ACRES

## ORDINANCE 14-02

**AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED AT 1289 AND 1293 MICHIGAN BOULEVARD WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 5.13 ACRES MOL, FROM SINGLE-FAMILY RESIDENTIAL (R-60) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property be zoned to Planned Residential Development (PRD); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owners be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned Planned Residential Development (PRD) as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 3rd day of April, 2014.

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: January 9, 2014

READ SECOND TIME AND ADOPTED: April 3, 2014

**Parcel 1: (North Parcel)**

Parcel ID: 23/28/15/70110/100/2100

THE NORTH 1/2 OF LOT 21 IN THE NE 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 15 EAST, ACCORDING TO THE MAP OR PLAT OF PINELLAS GROVES AS RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

SUBJECT TO AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS OVER THE EAST 10 FEET OF SAID PARCEL AS GRANTED BY INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 2102, PAGE 157 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CONSISTING OF APPROXIMATELY 2.099 ACRES

AND

**Parcel 2: (South parcel)**

Parcel ID: 23/28/15/70110/100/2101

SOUTH 1/2 OF LOT 21, IN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 15 EAST, ACCORDING TO THE PLAT OF PINELLAS GROVES, AS RECORDED IN PLAT BOOK 3, PAGE 15, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, TOGETHER WITH AND INCLUDING AN EASEMENT FOR PURPOSES OF INGRESS AND EGRESS OVER THE WEST (EAST) 10 FEET OF THE NORTH 1/2 OF SAID LOT 21, AND WHICH SAID EASEMENT IS FOR PURPOSES OF A PRIVATE ROADWAY AND NOT A PUBLIC ROADWAY, SAID EASEMENT RECORDED IN DEED BOOK 1558, PAGE 77, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CONSISTING OF APPROXIMATELY 2.429 ACRES

AND

**Southeast Piece of Parcel 2, South of the Lodge**

Parcel ID: 23/28/15/70110/100/2101

THAT PORTION OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 28 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION: RUN S 00°16'38" EAST ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 503.59 FEET TO THE POINT OF BEGINNING; THENCE N 89°42'32" EAST 164.93 FEET; THENCE S 00°21'06" EAST 158.83 FEET; THENCE N 89°27'00" EAST 165.12 FEET TO THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE N 00°17'32" WEST 156.41 FEET TO THE POINT OF BEGINNING.

CONSISTING OF APPROXIMATELY 0.597 ACRES

Application # LUP-Zo-S/D-LDO 13-59.00 Z/C

**ORDINANCE 14-03**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA  
CREATING SECTION 103-23.31 OF THE LAND DEVELOPMENT  
CODE TO ESTABLISH A FORM-BASED ZONING CODE; AND  
PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the conventional zoning model and use throughout the United States is based on the separation of residential, commercial, and industrial uses, density controls, and proscriptive standards for key development attributes such as building setbacks and heights; and

**WHEREAS**, the Standard State Zoning Enabling Act was first published in the 1920's and ultimately adopted by all 50 states; and

**WHEREAS**, in recent decades, dissatisfaction with the perceived effects of conventional zoning on urban and suburban landscapes has grown among citizens and practitioners; and

**WHEREAS**, while a variety of factors has worked together to promote development trends, such as the loss of traditional urban form and proliferation of commercial strip development and "cookie cutter" subdivisions, zoning has been identified as primary culprit; and

**WHEREAS**, in reaction to these trends, new form-based approaches to development regulation are being proposed as alternatives to conventional zoning; and

**WHEREAS**, the form-based approach seeks to codify the physical parameters of development based upon an ideal urban form (typically derived from the pre-World War II model of traditional development); and

**WHEREAS**, the form-based approach also looks to the characteristics of the surrounding environment for guidance in regulating the physical form of new development; and

**WHEREAS**, a basic premise of form-based development codes is that the regulation of physical form (not use) is the key to producing a better built environment; and

**WHEREAS**, City staff recommends the adoption of a form-based code within the City; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 103 of the Land Development Code of the City of Dunedin is hereby amended to create Section 103-23.31, which would read as follows:

## ARTICLE 1: ADMINISTRATION

### 1.1 Components of a Form-Based Code

Communities should analyze how effective the entire FBC system, not its individual components, is for responding to planning trends and goals. FBCs are more than just mixed use zoning districts. Here is an overview of standard and optional components:

#### 1.1.1 Regulating Plan

A regulating plan is the map assigning the code's various standards to physical locations, including the form-based zone standards. It replaces the zoning map in a form-based code. In a citywide form-based code, it is the same as the zoning map and will have form-based and non-form-based zones on it. It is usually applied in a more fine-grained manner than a zoning map, taking existing and intended form into account.

#### 1.1.2 Frontage Type Standards

Frontage type standards regulate the appropriate transition from the private realm to the public realm. The ultimate intent of frontage standards is to ensure, after a building is located correctly, that its interface with the public realm and the transition between the two are detailed appropriately.

**Frontage:** the area between a building Facade and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into **Private Frontage** and **Public Frontage**.

**Frontage Line:** a Lot line bordering a Public Frontage. Facades facing Frontage Lines define the public realm and are therefore more regulated than the Elevations facing other Lot Lines.

#### 1.1.3 Building Form Standards

Building form standards are form-based zone standards that replace the existing zone standards. They are the core component of an FBC and typically regulate the configuration, features, and functions (uses) for buildings that define and shape the public realm. To be the most effective, their content should be generated primarily by community character documentation, as opposed to the preexisting zone standards for each area.

#### 1.1.4 Building Type Standards

Many FBCs include building type standards that are supplemental to the building form standards. They introduce an appropriate range of building types that are allowed within each form-based zone and regulate form characteristics specific to each type. To be effectively regulated, especially when applied at a larger scale, building type standards should be tied back directly to zone standards.

#### 1.1.5 Public Space Standards

Public space standards are specifications for the elements within the public realm, including thoroughfares and civic spaces. Thoroughfare standards incorporate detailed requirements for sidewalks, parking lanes, travel lane widths, and street tree locations. Civic space standards regulate parameters, such as maximum and minimum size, and introduce a range of non-suburban civic space types into a city or town.

### 1.2 Applicability and Pre-existing Conditions

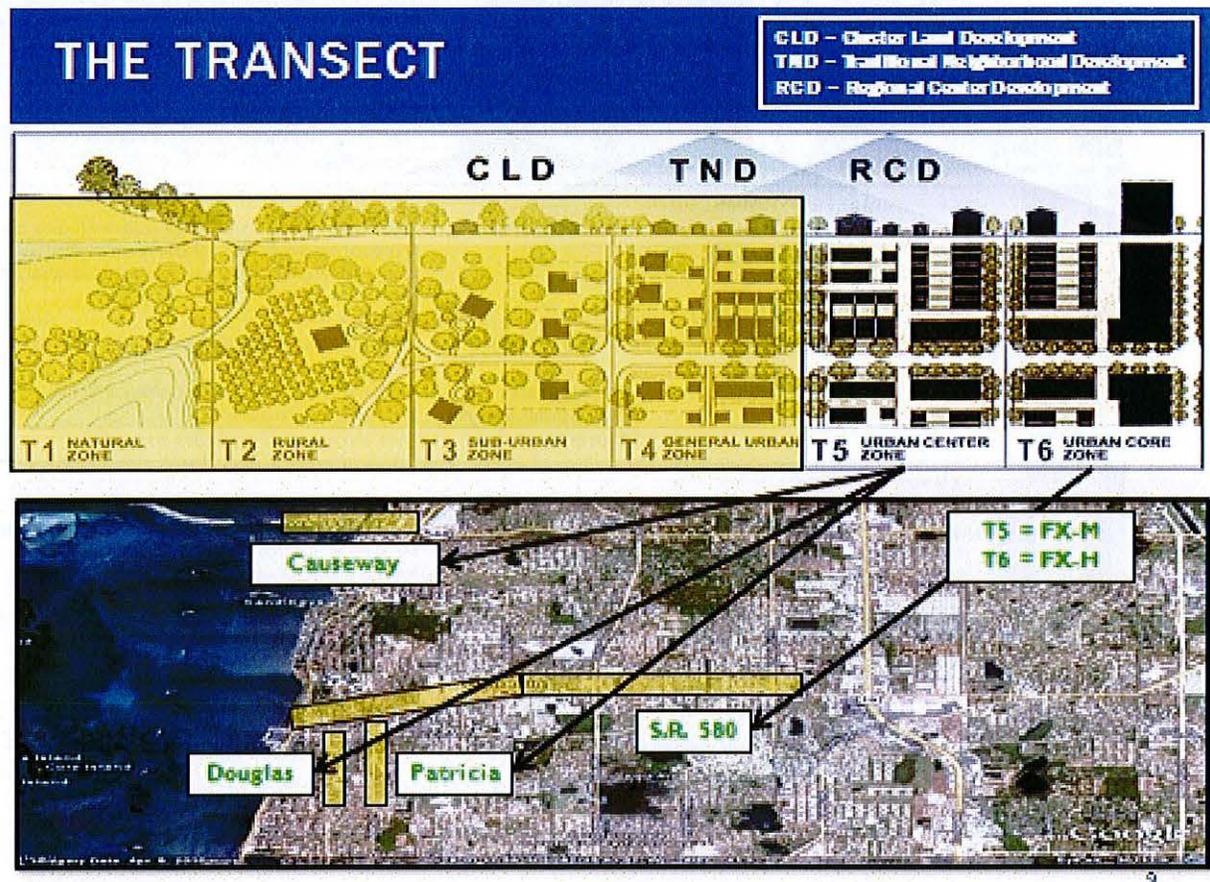
- (A) Existing buildings that do not conform to the provisions of this code may continue in use as they are, until a substantial improvement threshold (50 % of fair market value) is proposed. The FEMA substantial improvement worksheet or an appraisal will be used to determine fair market value.

- (B) For structural modifications below, the substantial improvement threshold, existing building changes are permitted by right if such changes result in greater conformance with the specifications of this code.
- (C) Where buildings exist on adjacent lots, the zoning administrator may require that a proposed building match one or the other of the adjacent setbacks and heights, rather than the provisions of this code.
- (D) Compliance with this ordinance is required if an existing site plan is expanded or substantially modified in accordance with the following applicability matrix:

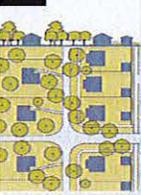
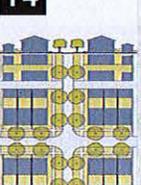
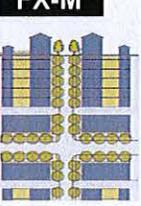
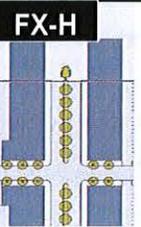
**ARTICLE 2: REGULATING PLAN**

**2.1 District Designations**

The districts in this form-based code have been established using a continuum of six intensities of development, ranging from rural to urban. The diagram below illustrates these conditions as they would apply to the entire city, with environmentally-sensitive areas that are permanently preserved for natural areas, and the downtown that is supported first and foremost for the human habitat.



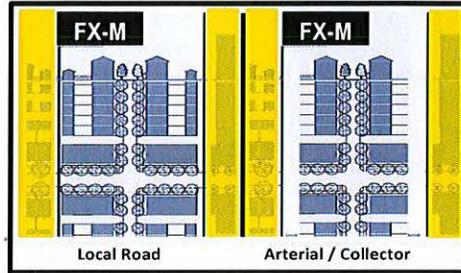
**Table 1: Transect Zone Descriptions.** This tables provides descriptions of the character of each Transect Zone.

	<p><b>T-1 NATURAL</b> T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation.</p>	<p><b>General Character:</b> Natural landscape with some agricultural use <b>Building Placement:</b> Not applicable <b>Frontage Types:</b> Not applicable <b>Typical Building Height:</b> Not applicable <b>Type of Civic Space:</b> Parks, greenways</p>
	<p><b>T-2 RURAL</b> T-2 Rural Zone consists of sparsely settled lands in open or cultivated states. These include woodland, agricultural land, grassland, and irrigable desert. Typical buildings are farmhouses, agricultural buildings, cabins, and villas.</p>	<p><b>General Character:</b> Primarily agricultural with woodland &amp; welland and scattered buildings <b>Building Placement:</b> Variable Setbacks <b>Frontage Types:</b> Not applicable <b>Typical Building Height:</b> 1- to 2-Story <b>Type of Civic Space:</b> Parks, greenways</p>
	<p><b>T-3 SUB-URBAN</b> T-3 Sub-Urban Zone consists of low density residential areas, adjacent to higher zones that have some mixed use. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks are relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.</p>	<p><b>General Character:</b> Lawns and landscaped yards surrounding detached single-family houses; pedestrians occasionally <b>Building Placement:</b> Large and variable front and side yard Setbacks <b>Frontage Types:</b> Porches, fences, naturalistic tree planting <b>Typical Building Height:</b> 1- to 2-story with some 3-story <b>Type of Civic Space:</b> Parks, greenways</p>
	<p><b>T-4 GENERAL URBAN</b> FCBM General Urban Zone consists of a mixed use but primarily residential urban fabric. It may have a wide range of building types: single, Sideyard, and Rowhouses. Setbacks and landscaping are variable. Streets with curbs and side-walks define medium-sized Blocks.</p>	<p><b>General Character:</b> Mix of houses, townhouses and small apartment buildings with scattered commercial activity; balance between landscape and buildings; presence of pedestrians <b>Building Placement:</b> Shallow to medium front and side yard setbacks <b>Frontage Types:</b> Porches, fences, dooryards <b>Typical Building Height:</b> 2- to 3-story with a few taller mixed use buildings <b>Type of Civic Space:</b> Squares, Greens</p>
	<p><b>FX-M (MEDIUM INTENSITY) URBAN CENTER</b> FX-M Urban Center Zone consists of higher density mixed use building that accommodate Retail, Offices, Row- houses and Apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting and buildings set close to the sidewalks.</p>	<p><b>General Character:</b> Shops mixed with townhouses, larger apartment houses, offices, work place and civic buildings; predominantly attached buildings; trees within the public right-of-way; substantial pedestrian activity <b>Building Placement:</b> Shallow setbacks or none; buildings oriented to street defining a street wall <b>Frontage Types:</b> Terrace, forecourt, stoop, shopfront, gallery or arcade <b>Typical Building Height:</b> 2- to 3-story with some variation <b>Type of Civic Space:</b> Parks, plazas, and squares, median landscaping</p>
	<p><b>FX-H (HIGHER INTENSITY) URBAN CORE</b> FX-H Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of municipal importance. It may have larger blocks; streets have steady street tree planting and buildings are set close to wide sidewalks. Typically only large towns and cities have an Urban Core Zone.</p>	<p><b>General Character:</b> Medium to high-density mixed Use buildings, entertainment, civic and cultural uses. Attached buildings forming a continuous street wall; trees within the public right-of-way; highest pedestrian and transit activity <b>Building Placement:</b> Shallow setbacks or none; buildings oriented toward the street, defining a street wall <b>Frontage Types:</b> Terrace, forecourt, stoop, shopfront, gallery or arcade <b>Typical Building Height:</b> 3- to 5- plus story with a few shorter buildings <b>Type of Civic Space:</b> Parks, plazas, and squares, median landscaping</p>

## 2.2 Regulatory Maps – See Dunedin Official Zoning Map

# ARTICLE 3: DISTRICT PROVISIONS

## 3.1 FORM-BASED MEDIUM (FX-M)



### BUILDING CONFIGURATION

Principal Building	3 stories max., 2 min. (arterial / collector) (A/C)
Principal Building	3 stories max., 1 min. (local road) (L)
Outbuilding / Backbuilding	not permitted - arterial / collector
Outbuilding / Backbuilding	1 story max - local road
Building Height (Max)	40 ft
Building Height (Min)	22 ft (arterial / collector), 16 ft (local road)

### DENSITY / INTENSITY STANDARDS

Determined by the Underlying Land Use

### LOT OCCUPATION

Lot Width	site plan
Lot Coverage	see land use category

### BUILDING DISPOSITION

Edgeward	permitted only on local roads
Sideward	permitted
Rearward	permitted
Courtyard	permitted

### SETBACKS - PRINCIPAL BUILDING

Front Setback Principal	2 ft. min., 12 ft. max.
Front Setback Secondary	2 ft. min., 12 ft. max.
Side Setback	0 ft. min., site plan approval.max.
Rear Setback	3 ft. min.
Frontage Buildout	80% min. at setback

### SETBACKS - BACKBUILDING / OUTBUILDING

Front Setback Principal	N/A
Front Setback Secondary	N/A
Side Setback (A/C)	site plan approval
Side Setback (L)	site plan approval
Rear Setback	3 ft. min.

### PERMITTED PRIVATE FRONTAGES

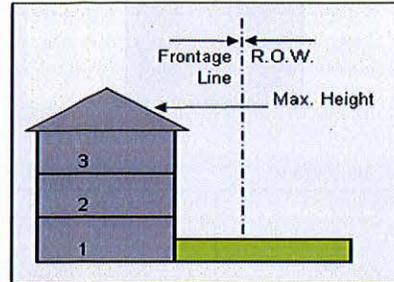
Terrace or Lightwell	permitted
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted

### PARKING PROVISIONS

(See LDC Chapter 105)

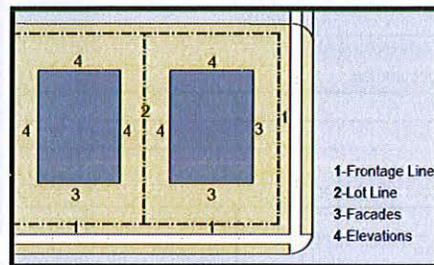
### BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 12 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 16 feet.
3. Height shall be measured to the midpoint of the eave as specified on the diagram.

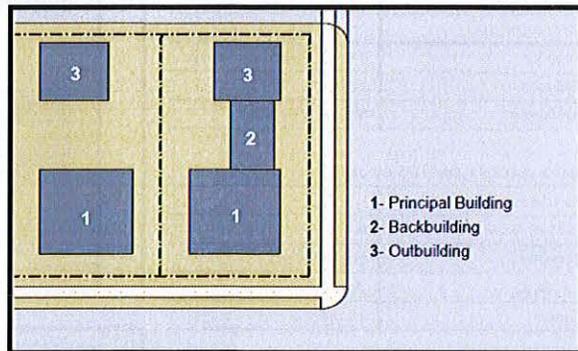


### FRONTAGE & LOT LINES

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.

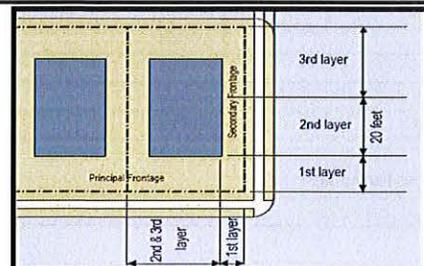


### BUILDING DISPOSITION

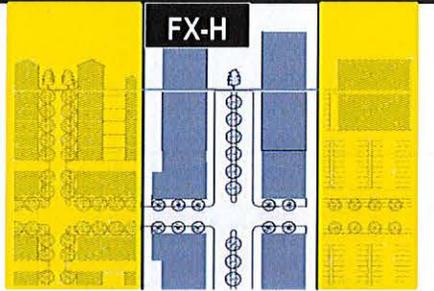


### LOT LAYER PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram above.
2. Covered parking shall be provided within the third Layer as shown in the diagram above.
3. Trash containers shall be stored within the third Layer and screened.



### 3.2 FORM BASED HIGH



#### BUILDING CONFIGURATION

Principal Building	5 stories max., 2 min.
Outbuilding	N/A
Building Height (Max)	70 ft
Building Height (Min)	30 ft

#### DENSITY / INTENSITY STANDARDS

Determined by the Underlying Land Use

#### LOT OCCUPATION

Lot Width	site plan
Lot Coverage	see land use plan category

#### BUILDING DISPOSITION

Edgeyard	not permitted
Sideyard	not permitted
Rearyard	permitted
Courtyard	permitted

#### SETBACKS - PRINCIPAL BUILDING

Front Setback Principal	2 ft. min., 12 ft. max.
Front Setback Secondary	2 ft. min., 12 ft. max.
Side Setback	0 ft. min., site plan approval max.
Rear Setback	0 ft. min.*
Frontage Buildout	80% min. at setback

#### SETBACKS - BACKBUILDING / OUTBUILDING

Front Setback Principal	N/A
Front Setback Secondary	N/A
Side Setback (A/C)	site plan approval
Side Setback (L)	site plan approval
Rear Setback	3 ft. min.

#### PERMITTED PRIVATE FRONTAGES

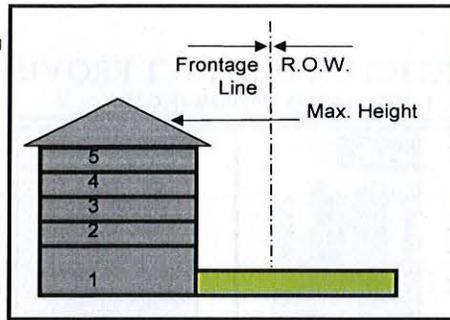
Forecourt	permitted
Stoop	permitted
Shopfront & Awning	permitted
Gallery	permitted
Arcade	permitted

#### PARKING PROVISIONS

(See LDC Chapter 105)

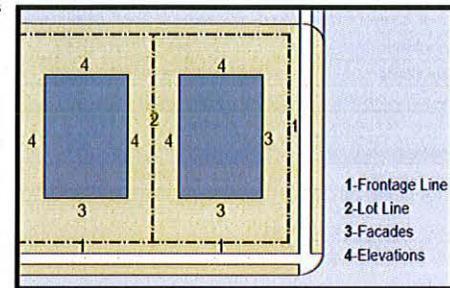
#### BUILDING CONFIGURATION

1. Building height shall be measured in number of Stories, excluding Attics and raised basements.
2. Stories may not exceed 12 feet in height from finished floor to finished ceiling, except for a first floor Commercial function which must be a minimum of 11 ft with a maximum of 16 feet.
3. Height shall be measured to the midpoint of the eave as specified on the diagram.

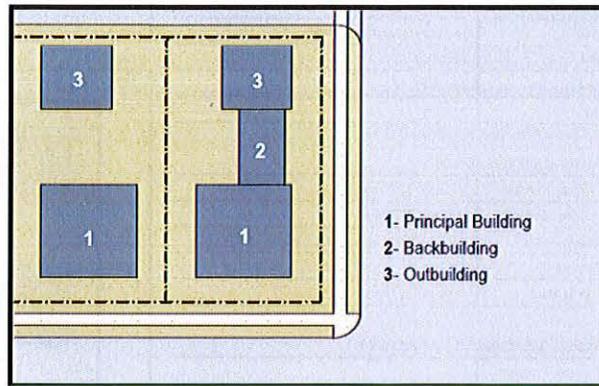


#### FRONTAGE & LOT LINES

1. The Facades and Elevations of Principal Buildings shall be distanced from the Lot lines as shown.
2. Facades shall be built along the Principal Frontage to the minimum specified width in the table.

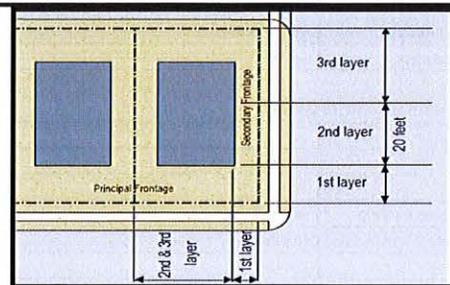


#### BUILDING DISPOSITION

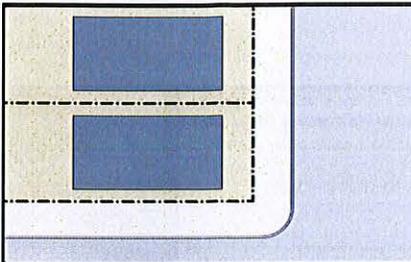
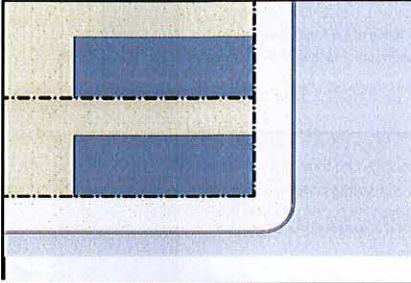
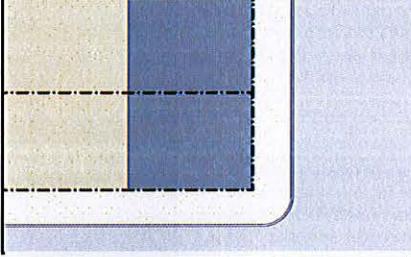
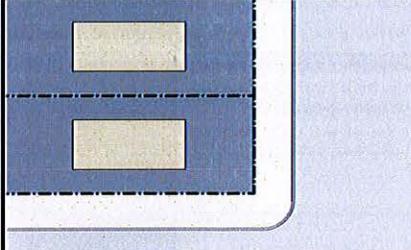


#### LOT LAYER PLACEMENT

1. Uncovered parking spaces may be provided within the third Layer as shown in the diagram.
2. Covered parking shall be provided within the third Layer as shown in the diagram.
3. Trash containers shall be stored within the third Layer and screened.



**3.3 TABLE Building Disposition.** This table approximates the location of the structure relative to the boundaries of each individual Lot, establishing suitable basic building types for each Transect Zone.

<p><b>a. Edgeyard:</b> Specific Types - single-family House, Cottage, villa, Estate House, urban villa. A building that occupies the center of its Lot with Setbacks on all sides. This is the least urban of types as the front yard sets it back from the Frontage, while the side yards weaken the spatial definition of the public Thoroughfare space. The front yard is intended to be visually continuous with the yards of adjacent buildings. The rear yard can be secured for privacy by fences and a well placed Backbuilding and/or Outbuilding.</p>		<p><b>FX-M</b> <b>LOCAL ROAD ONLY</b></p>
<p><b>Sideyard:</b> Specific Types - Charleston single-House, double house, zero-lot-line house, twin. A building that occupies one side of the Lot with the Setback to the other side. A shallow Frontage Setback defines a more urban condition. If the adjacent building is similar with a blank side wall, the yard can be quite private. This type permits systematic climatic orientation in response to the sun or the breeze. If a Sideyard House abuts a neighboring Sideyard House, the type is known as a Twin or double house. Energy costs, and sometimes noise, are reduced by sharing a party wall in this disposition.</p>		<p><b>FX-M</b></p>
<p><b>Rearyard:</b> Specific Types - Townhouse, Rowhouse, Live-work unit, loft building, Apartment House, Mixed use Block, Flex Building, perimeter Block. A building that occupies the full Frontage, leaving the rear of the Lot as the sole yard. This is a very urban type as the continuous Facade steadily defines the public Thoroughfare. The rear Elevations may be articulated for functional purposes. In its Residential form, this type is the Rowhouse. For its Commercial form, the rear yard can accommodate substantial parking.</p>		<p><b>FX-M</b> <b>FX-H</b></p>
<p><b>Courtyard:</b> Specific Types - patio House. A building that occupies the boundaries of its Lot while internally defining one or more private patios. This is the most urban of types, as it is able to shield the private realm from all sides while strongly defining the public Thoroughfare. Because of its ability to accommodate incompatible activities, masking them from all sides, it is recommended for workshops, Lodging and schools. The high security provided by the continuous enclosure is useful for crime-prone areas.</p>		<p><b>FX-M</b> <b>FX-H</b></p>

3.4 Table of Private Frontages. The Private Frontage is the areas between the building Facades and the Lot lines.

	SECTION	PLAN	
	LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE	LOT ► PRIVATE FRONTAGE ◄ R.O.W. ◄ PUBLIC FRONTAGE	
<p><b>a. Common Yard:</b> a planted Frontage wherein the Façade is set back substantially from the Frontage Line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed Thoroughfares.</p>			T2 T3
<p><b>b. Porch &amp; Fence:</b> a planted Frontage where the Façade is set back from the Frontage Line with an attached porch permitted to Encroach. A fence at the Frontage Line maintains street spatial definition. Porches shall be no less than 8 feet deep.</p>			T3 T4
<p><b>c. Terrace or Lightwell:</b> a frontage wherein the Façade is setback back from the Frontage Line by an elevated terrace or sunken Lightwell. This type buffers Residential use from urban Sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes. Syn: Dooryard.</p>			FX-M
<p><b>d. Forecourt:</b> a Frontage wherein the Façade is close to the Frontage Line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other Frontage types. Large trees within the Forecourts may overhang the Sidewalks.</p>			FX-M FX-H
<p><b>e. Stoop:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the first Story elevated from the Sidewalk sufficiently to ensure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor Residential use.</p>			FX-M FX-H
<p><b>f. Shopfront:</b> a Frontage wherein the Façade is aligned close to the Frontage Line with the building entrance at Sidewalk grade. This type is conventional for Retail use. It has substantial glazing on the Sidewalk level and an awning that should overlap the Sidewalk to within 2 feet of the Curb. Syn: Retail Frontage.</p>			FX-M FX-H
<p><b>g. Gallery:</b> a Frontage wherein the Façade is aligned with the Frontage Line with an attached cantilevered shed or lightweight colonnade overlapping the Sidewalk. This type is conventional for Retail use. The Gallery should be no less than 10 feet wide and should overlap the sidewalk to within 2 feet of the Curb.</p>			FX-M FX-H
<p><b>h. Arcade:</b> a colonnade supporting habitable space that overlaps the Sidewalk, while the Façade at Sidewalk level remains at or behind the Frontage Line. This type is conventional for Retail use. The Arcade shall be no less than 12 feet wide and should overlap the Sidewalk to within 2 feet of the Curb. See Table 8.</p>			FX-M FX-H

## **ARTICLE 4: GENERAL PROVISIONS**

### **4.1 General Lot Standards**

#### **4.1.1 Lot Frontage**

All lots must front a street, square or common open space. (exception: buildings which are interior to a site that has buildings that otherwise meet the frontage requirement). Facades shall be built parallel to the principal frontage line or to the tangent of a curved principal frontage line, and along a minimum percentage of the frontage width at the setback, as specified as frontage build-out in Table 3.1 and 3.2 (see SETBACKS - PRINCIPAL BUILDING) of the district provisions.

#### **4.1.2 Frontage Build-Out**

In the absence of a building facade along any part of a frontage line (see Section 3.4), a street screen shall be built co-planar with the facade in accordance with Section 6.3.2.

#### **4.1.3 Infill Setbacks**

Front and side setbacks must be consistent with those of surrounding buildings. In the case of an Infill Lot where there is not a consistent frontage within the block, setbacks may match one of the existing adjacent setbacks as determined by the zoning administrator.

#### **4.1.4 Setbacks on Substandard Right-of-Way**

Where insufficient right-of-way exists (e.g., right-of-way only includes the pavement area) from which to measure appropriate setbacks, projects shall measure front setbacks from the back edge of the sidewalk.

#### **4.1.5 Corner Lots**

Buildings located at street intersections must place the main building, or part of the building, at the corner.

#### **4.1.6 Pedestrian Entries from Frontage Line (see Section 3.4)**

Buildings must have their principal pedestrian entrances on a frontage line.

#### **4.1.7 Encroachments**

The features listed below may encroach into a required yard with a Right-of-Way Use Agreement.

- (A) Ground Level Air-Rights Encroachments: Awnings, arcades, canopies and galleries may encroach the sidewalk to within 2 feet of the curb, but must clear the sidewalk vertically by at least 8 feet.
- (B) Upper Story Encroachments: Bay windows, balconies and similar features projecting from the principal building may encroach up to 40% of the depth of the first layer. with approval of the City or FDOT (whichever has authority over a street).
- (C) Cornices and Gutters: Cornices, eave overhangs, and similar projections (including gutters) may encroach up to three (3) feet into any required yard.
- (D) Fences & Garden Walls: See Chapter 105 - Fences.
- (E) Handicapped Ramps: Ramps for handicap accessibility and fire escapes that are required by the Accessibility Code may encroach into any required yard, but may not be closer than five (5) feet to any property line.

(F) Porches, Decks, And Patios: See Chapter 103 - Division 5: Permitted Setback Encroachments.

(G) Steps And Stairs: See Chapter 103 - Division 5: Permitted Setback Encroachments.

#### **4.2 Height**

See Chapter 103 - Division 4: Supplemental Height Regulations.

##### **4.2.1 Parking Garage Height**

In a parking Structure or garage, each above-ground level counts as 8/10 (80%) of a Story regardless of its relationship to habitable Stories.

## **ARTICLE 5: BUILDING DESIGN STANDARDS**

### **5.1 General Design Principles**

The following list establishes general project design principles, based on what the Community of Dunedin values for its commercial corridors. The design principles list shall be used as a reference during the design review process and shall serve as the framework for project evaluation between project applicants, City staff, the Local Planning Agency and the City Commission. Project applicants will be required to address these principles by appropriate design solutions in the required submittals (site plan, renderings, green space plan) and in the narrative portion of the justification letter.

#### **5.1.1 Design Principle 1: Human Scale**

Buildings and public spaces should have strong pedestrian orientation and human scale. Building entrances should be visible from the street. The physical environment should be comfortable, friendly, accessible and approachable. Parking areas should be designed to minimize the impact of automobiles on pedestrian circulation and to be less visually intrusive by placing it in the rear of the site or on the side of the building with a streetscreen. Opportunities to convey a sense of human scale should be maximized through the following:

- (A) Provision of outdoor amenities such as street furniture and landscaping.
- (B) Design features that create visual interest through the visibility of merchandise and store-related activities by pedestrians.
- (C) The location of outdoor activity areas such as plazas and dining areas visible to passing pedestrians.

#### **5.1.2 Design Principle 2: Eclectic Building Styles**

Dunedin embraces a diversity of building styles. Regardless of style, buildings must relate to surrounding development patterns in scale, orientation, height and bulk. Eclectic styles can co-exist if building context is properly considered. The building design standards of this code intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, designers should commit to and exhibit an architectural style. The selected architectural style should exhibit the details and elements consistent with that style unless the local architectural vernacular provides an alternate precedent for a detail or element.

#### **5.1.3 Design Principle 3: Rhythm - Facade Framework & Components**

Building element repetition establishes a rhythm, creates patterns and alignments that visually link buildings, provides for individual building storefront identity and contributes in the establishment of a pedestrian scale environment. Unarticulated and solid wall surfaces degrade the quality of the pedestrian experience. Care should be given in designing a project to establish or maintain "rhythm", while avoiding monotony. This can be accomplished by arranging repeated major building elements into manageable groups. Repetition of existing facade modules and components (e.g. bulkheads, arches, arcades, and balconies) is strongly encouraged in infill project design.

#### **5.1.4 Design Principle 4: First Floor Block Frontage**

The design of first floor commercial buildings should be artistically composed with a high ratio of void (windows) to solid (wall) areas. The lower building level (storefront) should be predominantly comprised of transparent surfaces to foster pedestrian activity and accommodate retail-merchandising needs. Incorporating landscaping and architectural detailing at the lower level of buildings is encouraged. The height of new infill development should complement that of existing surrounding buildings.

### **5.1.5 Design Principle 5: Authenticity**

Buildings should convey a sense of timelessness, elegance and quality regardless of style or genre. Buildings should look durable and permanent, not temporary or makeshift. The particular style chosen should be well-executed and consistently carried out from overall building form to fine detail.

### **5.1.6 Design Principle 6: Dialog with Surroundings**

Buildings should be oriented, designed and sited to interact with their surroundings. Siting and design of buildings should take account of the overall physical setting in order to help frame and accent building form. Buildings should convey a distinct relationship to their larger, more distant context while simultaneously relating to their immediate surroundings in scale, mass and bulk. Site planning should maximize linkages and connections to surrounding public uses, activities and pedestrian networks.

### **5.1.7 Design Principle 7: Richness of Details and Materials**

Building materials, surfaces, finishes, lighting and landscaping should be durable and able to withstand the Florida climate. They should be designed and executed with a high degree of craftsmanship. High quality building materials should apply to all private as well as public projects, including elements of street design, landscaping, street lighting, etc.

### **5.1.8 Design Principle 8: Incremental Growth**

The Community of Dunedin favors slower, "organic" growth and development patterns over "large sum", big scale projects. Larger projects, especially those on the few remaining parcels of land in the city, should be master-planned and built-out in a way that conveys a sense of project growth over time. Ideally, each separate phase or stage of projects should be designed to "stand on its own", so that projects look complete and finished even if additional growth will occur sometime in the future.

## **5.2 Architectural Guidelines**

### **5.2.1 High Quality Building Materials and Colors**

- (A) Exterior building materials should complement those used in the surrounding area. Use of stucco (smooth or textured), brick, stone, cement board or shingle is encouraged within Dunedin's commercial corridors:
- (B) Metal buildings are prohibited unless clad with high quality materials listed above.
- (C) Accent materials should be used to highlight building features and provide visual interest.
- (D) The architectural style, building materials, building features and details, building size, orientation and context should be the primary contributing factors in the selection of building colors. The following are recommended for buildings in the FX-M and FX-H zoning districts:
  - (1) Subtle/muted colors on larger and simpler buildings
  - (2) Use of more intense colors on small buildings
  - (3) Contrasting or more intense colors to accent architectural details and entrances
  - (4) Color palettes harmonious with those found in the surrounding area

- (E) Use of building materials such as brick, stone, and copper in their natural finish color is encouraged. \

### **5.2.2 Roofs and Upper Story Details**

- (A) High quality roof materials, complementary and appropriate to the proposed building style, shall be utilized as part of the building design.
- (B) Roof-mounted mechanical or utility equipment should be architecturally integrated (screened) within the overall building design, when seen from the street.
- (C) The design and finish of roof flashing, rain gutters, downspouts, vents and other roof protrusions should complement the overall architectural theme.

### **5.2.3 Entrances/ Storefronts**

- (A) Provision of a prominent corner entry to buildings located at street intersections is recommended.
- (B) The design of corner buildings should provide storefront features or other transparent surfaces on both street faces of the lower level building elevations.
- (C) Use of high quality door design, storefronts and hardware details is encouraged.
- (D) Doors for retail shops should include a high percentage of glass area.

### **5.2.4 Windows**

- (A) The storefront window design should maximize visibility of displays and interior retail spaces.
- (B) Window designs which permit additional light penetration within building spaces (e.g. transom and clerestory windows) are encouraged.
- (C) The location of new and replacement windows should take into consideration existing "blockface" window patterns.
- (D) Adding or replacing windows without any regard for the existing architectural rhythm or character of the original building is prohibited.
- (E) Window details should add to the architectural variety along street frontages.

### **5.2.5 Awnings and Canopies**

- (A) Awnings should be designed to complement the building architecture.
- (B) Fabric or metal awnings should be used to enhance the visual appearance of buildings.
- (C) The awning design should respond to the scale, proportion and rhythm created by the structural bays.
- (D) Awnings constructed of durable, commercial grade fabrics are encouraged. Awning frames and supports should be treated to prevent corrosion. Glossy plastic awnings are prohibited.

### **5.2.6 Balconies and Rooftop outdoor areas**

- (A) Inclusion of balconies and rooftop outdoor areas in the overall building design is encouraged. The design of such spaces should complement the overall architectural theme in terms of location, size, and detail.

### **5.2.7 Arcades**

- (A) Arcades can positively contribute towards fulfilling visual and functional building needs.
- (B) The massing of all arcade components should be proportional to its overall size.

### **5.2.8 Plazas & Courtyards**

- (A) Plazas and courtyards are encouraged. Ample seating should be provided within plaza areas.
- (B) Inclusion of a visual focal point such as a fountain or public art within plaza/courtyard areas is recommended.

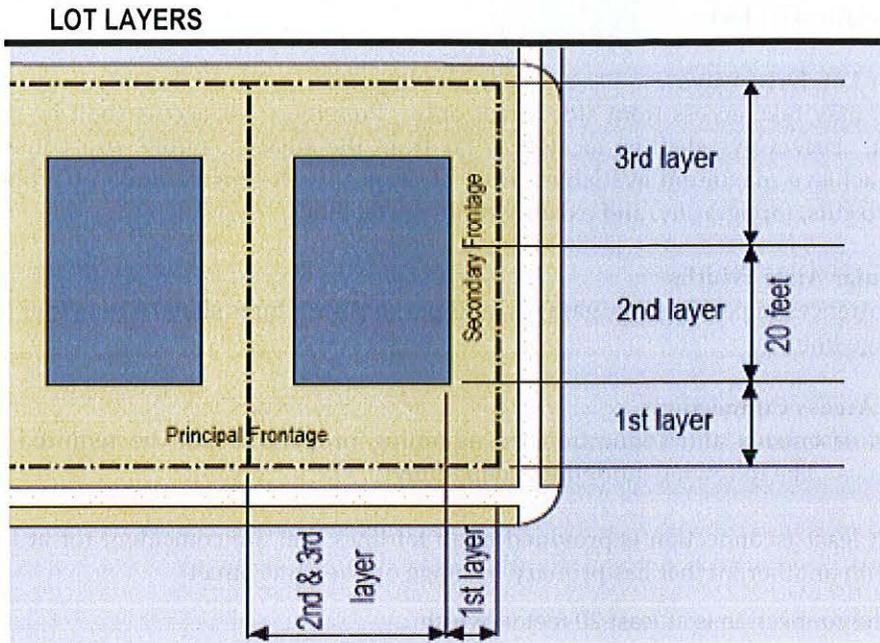
### **5.2.9 Walls and Fences**

- (A) Wall and fence enclosure design should be addressed as part of the overall development concept.
- (B) Where appropriate to the selected architectural style and project location, stucco or brick wall enclosures, enhanced with decorative inset tiles, ornamental metal fencing, entry gates, or planters are encouraged.

**ARTICLE 6: SITE STANDARDS**

6.1 Parking Requirements - see also LDC Chapter 105 for additional regulations.

6.1.2 Parking Location: Off-street parking shall be located and accessed as follows:



	<b>Parking Location</b>	<b>Site Access / Driveway</b>
<b>FX-M</b>	Unrestricted for existing structures and limited to 2nd & 3rd layer only for new structures.	In order of priority. <ol style="list-style-type: none"> <li>1. Secondary front access road for corner lot properties.</li> <li>2. Rear alley.</li> </ol>
<b>FX-H</b>	Unrestricted for existing structures and limited to 2nd & 3rd layer only for new structures.	In order of priority. <ol style="list-style-type: none"> <li>1. Secondary front access road for corner lot properties.</li> <li>2. Rear alley.</li> <li>3. Single driveway per frontage.</li> </ol>

## **6.2 Driveways and Cross-Access Connections**

### **6.2.1 Mid-block Lot Driveways**

A mid-block lot without access to a side street or alley is permitted one driveway with a maximum width of 25 feet.

### **6.2.2 Corner Lot Driveways**

Corner lots may take access from side street only. Preference for access shall be given to the minor street. Driveways shall be located as far from the adjacent public street intersection as practical to achieve maximum available corner clearance, with consideration of property limits, adjacent curb cuts, topography, and existing drainage facilities.

### **6.2.3 Vehicular Aisle Widths**

Vehicular entrances to parking lots, garages, and parking structures shall be no wider than 25 feet at the frontage line.

### **6.2.4 Cross Access Connections**

Cross-access easements and connections to adjoining properties shall be required to connect vehicular aisles. The following guidelines shall apply:

- (A) At least 1 connection is provided at all lot lines that are coincident for at least 50 feet with another lot that has primary frontage on the same street.
- (B) The connection is at least 20 feet in width.
- (C) If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
- (D) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Pinellas County Clerk of the Court.

#### **6.2.4.1 Exemption**

In the event these conditions cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the City Commission may waive the connection requirement.

## **6.3 Site Landscaping - see also LDC See Chapter 105 for additional regulations.**

### **6.3.1 Parking Area Screening**

All parking areas visible from the right-of-way should be screened from view. Parking areas in the side yard shall maintain a 3 foot high screen (75% opacity) along the street side. Shrubs, brick walls (using brick that matches or complements the adjacent building), wrought iron fencing with landscaping, or any combination thereof may be used.

### **6.3.2 Streetscreens**

Interruptions in the street wall discourage pedestrian activity. Streetscreens serve to minimize these interruptions by extending the street wall formed by storefronts and building facades with semi-opaque screens.

- (A) Minimum height six (6) / maximum height eight (8) feet above grade.
- (B) Materials: Streetscreens shall be constructed of a material matching the adjacent building facade. The streetscreen may be replaced by a hedge or fence subject to approval of the City Commission.

- (C) Openings: Streetscreens shall have openings no larger than necessary to allow automobile and/or pedestrian access. Above 42 inches from the ground, the Streetscreen shall be at least 50% opacity. All streetscreens must meet FDOT sight visibility standards.

### **6.3.3 Fences - See Chapter 105 Section 23.**

## **6.4 Utilities, Trash Containment & Loading Areas**

### **6.4.1 Underground Utilities**

When required by the City, all projects entailing new construction of a principal structure or substantial modification of an existing principal structure (in accordance with Article 1), shall install underground utilities. Underground utilities (and associated pedestals, cabinets, junction boxes and transformers) must be located in alleys, where possible. To reduce the visual impact of overhead wiring, utility services must be located underground.

### **6.4.2 Mechanical And Utility Equipment**

- (A) All equipment shall be located to the side or rear of the principal structure or on rooftops, and shall not be visible from any public open space or sidewalk area.
- (B) When located on the ground, equipment must be located in the rear or side yard and screened. Screens using vertically-enclosed opaque walls shall be made of materials which are compatible with the exterior of the building.
- (C) When located on rooftops, all rooftop equipment shall be incorporated into the design of the building and screened with materials similar to the building. Setbacks from the edge of the roof or a screen higher than the equipment may be used.
- (D) If the equipment is not visible off-site from a public right-of-way, then it need not be screened.

### **6.4.3 Loading Docks**

Loading docks and service areas shall be permitted on frontages only by Conditional Use Permit. Loading docks shall be entirely screened from view of any public way, public open space or sidewalk area, using a screen meeting the requirements of 6.3.2 - Streetscreens.

## ARTICLE 7: USE STANDARDS

### 7.1 Table of Permitted Uses

The following table identifies the permitted and conditional uses within FX-M & FX-H Zone Districts. The classifications below are intentionally broad in their scope and should be construed as such in making a determination of similar use or function. Items not listed shall be deemed to be not permitted, unless the Director of Planning & Development determines that the proposed use or function is materially similar to one shown in the table.

FORM-BASED CODE (FX-M / FX-H) - TABLE OF PERMITTED USES

Use/Activity	FX-M	FX-H	Use/Activity	FX-M	FX-H
<b>Residential</b>			<b>Public assembly</b>		
Dwelling, single-family detached	-	-	Performance arts facility	P	P
Dwelling, two family (duplex)	-	-	Movie theater	P	P
Multifamily dwelling (condo, townhome, apartment)	P	P	Cultural facility (library, museum, zoo, others)	P	P
Group living home (6 or fewer residents / live-in care)	-	-	Amusement, sports, or recreation establishment	P	P
Community residential home (7 to 14 residents)	P	P	Fitness, recreational sports, gym, or athletic club	P	P
Assisted living facility	P	P	Exhibition, convention, or conference structure	P	P
Congregate care facility	P	P	Churches, temples, synagogues, mosques, and other religious facilities	P	P
<b>Transient Use</b>			Active open space/athletic fields/golf courses	-	-
Bed-and-breakfast inn	P	-	<b>Institutional or community facilities</b>		
Hotel, motel, condo-hotel	P	P	Hospital	P	P
<b>Commercial</b>			Clinic	P	P
Shop, store or bank building	P	P	Municipal service building (fire, law enforcement, city hall, other)	P	P
Shop, store or bank building with drive-through facility	P	P	School, public or private > 300 students	P	P
Convenience store w/o gas	P	P	School, public or private < 300 students	P	P
Beer, wine, and liquor store (off-premises consumption of alcohol)	P	P	Day care center	P	P
Bars, taverns, and nightclubs	P	P	Social services	P	P
Craft /micro brewery, winery or distillery	P	P	Emergency and relief services	P	P
Restaurant	P	P	Animal hospitals	P	P
Department store building	C	P	Cemetery, monument, tombstone, or mausoleum	-	-
Grocery store	P	P	Funeral homes	P	P
Warehouse discount store / superstore / home improvement store	C	P	Cremation facilities	-	-
Gasoline station with or without convenience store	P	P	Post offices	P	P
Automobile repair and service structures (enclosed)	P	P	Fraternal organizations	P	P
Motor vehicle dealer	C	P	<b>Transportation-related facilities</b>		
Motor vehicle rental and leasing	C	P	Surface parking	P	P
Parts, accessories or tires	P	P	Parking structure	P	P
Car wash	P	P	Transit station	P	P
Boat or marine craft dealer	P	P	Bus or truck maintenance facility	-	-
Office Building	P	P	Truck and freight transportation services	P	-
Service industry / maintenance contractor	P	P	Taxi and limousine service	-	P
Dry cleaning facilities (hazardous chemicals on site)	-	-	Towing and other road services	-	-
<b>Industrial</b>			Courier and messenger services	P	P
Cottage industry	P	P	Communication towers	C	C
Light / clean manufacturing	P	P	Food trucks, roadside stands, pushcarts, kiosk, etc.	C	C
Target employment industry (see definition)	P	P			
Heavy manufacturing facilities	-	-	<b>Agriculture, forestry, fishing, and hunting</b>		
Industrial parks	-	-	Urban greenhouses/nurseries	P	P
Laboratory facility	P	P	Commercial nursery	-	-
Recycling business	-	-	Kennels and other canine-related facilities	P	P
Warehouse or storage facility	-	-	<b>Marina Facilities</b>		
Wholesale trade	-	-	Transient Use	-	-
			Commercial Use	-	-

Note: Listed uses, which are permitted or conditional permit uses, must be allowed in correlation with the underlying land use category.

"P" means Permitted Use

"C" means Conditional Use

## 7.2 Additional Use Standards

### 7.2.1 Automotive Uses & Functions

- (A) Drive-through / drive-in facility
  - (1) Drive-thru facilities shall be located in the 3rd layer only.
  - (2) Access to the drive-thru service should be from mid-block or the alley to avoid disrupting pedestrian traffic.
- (B) Gas/fueling station
  - (1) All canopies/pumps must be located in the 3rd layer only, be located at least fifty (50) feet from any interior side or rear property line that adjoins residentially-developed property, and shall be buffered from adjoining residential uses with a street screen.
  - (2) A principal building is required and shall be a minimum of one thousand five hundred (1,500) square feet.
- (C) Parking Lot / Structure - Principal Use
  - (1) Parking Garage Design Standards
    - (a) Parking garages located on arterial or collector roads shall be wrapped by ground floor retail, office or some other active use along all street-facing façades. All levels of a structured parking facility must be designed and screened in such a way as to minimize visibility of parked cars.
    - (b) Parking garage facades that support principal buildings shall be given vertical articulation and emphasis. The façade should be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.
- (D) Vehicle rental/leasing/sales
  - (1) Areas for vehicle displays shall be limited to the 2nd and 3rd layers only. For principal buildings located at the corner of arterial or collector roads may select one first layer adjacent to the building to display vehicles for sale or lease .
- (E) Vehicle services - minor maintenance/repair
  - (1) Repair and maintenance - general
    - (a) No vehicle may be parked or stored for the purpose of sale or rent, or as a source of parts.
    - (b) All repairs and storage must be contained within an enclosed building. Temporary vehicle storage may be allowed in an outdoor storage area in the 2<sup>nd</sup> and 3<sup>rd</sup> layer only, shall be no larger than twenty-five (25) percent of the total lot area and must be screened from offsite views by a solid, decorative fence or masonry wall of six (6) to eight (8) feet in height. The height of materials and equipment stored must not exceed the height of the screening fence or wall.
  - (2) Car wash or auto detailing
    - (a) An automatic car wash shall be considered an accessory use to an automotive service station use and shall be located in the 2<sup>nd</sup> or 3<sup>rd</sup> layer only.

ARTICLE 8: SIGNAGE - SEE CHAPTER 105 - SECTION 24.

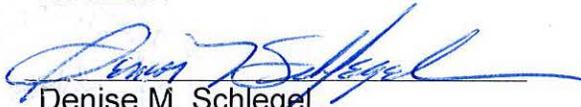
**Section 2:** This Ordinance shall become effective immediately upon its final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of February, 2014.**



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Dave Eggers  
Mayor

ATTEST:



Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: January 23, 2014

READ SECOND TIME AND ADOPTED: February 20, 2014

## ORDINANCE 14-04

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA TO AMEND CHAPTER 103 OF THE LAND DEVELOPMENT CODE OF THE CITY OF DUNEDIN TO CREATE SECTION 103-23.24.9 TO PROVIDE PARKLAND DEDICATION DISCOUNTS, INCENTIVES AND CREDITS; TO AMEND CHAPTER 104 OF THE LAND DEVELOPMENT CODE BY REVISING SECTION 104-26.2 TO PROVIDE THAT A FEE IN LIEU OF PARKLAND DEDICATION WILL BE REQUIRED AS A CONDITION OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; TO AMEND SECTION 104-26.9 REGARDING CREDIT FOR PRIVATE RECREATION AREAS; AND AMEND CERTAIN PORTIONS OF SECTION 104-26.10 TO PROVIDE THAT A FEE IN LIEU OF PARKLAND DEDICATION WILL BE REQUIRED AS A CONDITION OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission of the City of Dunedin adopted a Parkland Dedication Ordinance in 1977, some 37 years ago, which required as a condition of the approval of a final plat of a subdivision or a final site plan of a planned residential development, or in cases where five (5) or more residential dwelling units are to be constructed on one tract of property, that subdividers and developers dedicate land for neighborhood and community parks to serve the immediate and future needs of the residents of the development, or provide a cash contribution in lieu of actual land dedication, or a combination of both at the option of the City, in accordance with the standards and formulas set forth in Section 104-26 of the City's Land Development Code; and

**WHEREAS**, the City Commission of the City of Dunedin has determined that each and every development of a new residential unit has an impact on the parklands owned by the City; and

**WHEREAS**, the basic premise of maintaining sufficient parkland for the residents of the City of Dunedin has not changed since the initial adoption of the Land Dedication Ordinance (LDO); and

**WHEREAS**, the LDO formula set forth in the Land Development Code relies upon a determination of the fair market value of the amount of acreage that would otherwise have been dedicated as park and recreation land; and

**WHEREAS**, the fair market value of land in downtown Dunedin has increased dramatically since 1977; and

**WHEREAS**, many of the buildings in downtown Dunedin are older and prime candidates for adaptive re-use; and

**WHEREAS**, soft costs such as fees in lieu of land dedication can no longer be bank financed; and

**WHEREAS**, the term “parks” in a downtown setting has evolved to be more than just a green space; and

**WHEREAS**, downtown Dunedin needs to encourage residential uses; and

**WHEREAS**, City staff and the City Commission have listened to the concerns of stakeholders, landowners, residents and developers as they relate to the LDO; and

**WHEREAS**, City staff has recommended a single unified vision of a formula which it believes is beneficial in providing for downtown redevelopment, the development community, and additional park and recreation spaces; and

**WHEREAS**, City staff has recommended that a fifty percent (50%) credit be applied toward the requirement of parkland or fees in lieu thereof, for development containing residential units in the “Downtown Core” (DC) zoning district; and

**WHEREAS**, City staff has also recommended vertical mixed-use incentives, high quality architected incentives, and great public space incentives; and

**WHEREAS**, it is necessary to revise the Land Development Code to provide for the credit and incentives; and

**WHEREAS**, City Commission has considered the recommended revisions to the Land Development Code and has determined that the revisions are appropriate; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Subsection 103-23.24.9 to Chapter 103 of the Land Development Code of the City of Dunedin is hereby created to read as follows:

**103-23.24.9 Parkland Dedication Discounts, Incentives and Credits**

Where parkland dedication is required pursuant to Section 104-26 of the Land Development Code and the City Commission has determined that the payment of a fee in lieu of parkland dedication is acceptable, the following discounts, incentives and/or credits may be applied towards the required fee. City staff shall determine the appropriate incentive and/or credit, up to thirty-

five percent (35%), in addition to the fifty percent (50%) discount, and submit their recommendation for final determination by the City Commission.

- (A) Fifty percent (50%) discount of the fee in lieu of parkland dedication for residential projects in the “DC” zoning district (CRA).
- (B) Up to ten percent (10%) credit / incentive of the fee in lieu of parkland dedication for mixed-use projects with buildings that vertically integrate residential uses over retail uses.
- (C) Up to ten percent (10%) credit / incentive of the fee in lieu of parkland dedication for High Quality Architecture meeting the design guidelines below:

### **1. Human Scale**

Buildings and public spaces should have strong pedestrian orientation and human scale. The physical environment should be comfortable, friendly, accessible and approachable. Parking areas should be designed to minimize the impact of automobiles on pedestrian circulation. Opportunities to convey a sense of human scale should be maximized through the following:

- Provision of outdoor amenities such as street furniture and landscaping.
- Design features that create visual interest through the visibility of merchandise and store-related activities by pedestrians.
- The location of outdoor activity areas such as plazas and dining areas visible to passing pedestrians.

### **2. Eclectic Building Styles**

Dunedin embraces a diversity of building styles. Regardless of style, buildings must relate to surrounding development patterns in scale, orientation, height and bulk. Eclectic styles can co-exist if building context is properly considered. The building design standards of this code intentionally do not mandate a particular style and permit a wide variety of architectural expressions. However, designers should commit to and exhibit an architectural style.

### **3. Rhythm - Facade Framework & Components**

Building element repetition establishes a rhythm, creates patterns and alignments that visually link buildings, provides for individual building storefront identity, and contributes in the establishment of a pedestrian-scale environment. Unarticulated and solid wall

surfaces degrade the quality of the pedestrian experience. Care should be given in designing a project to establish or maintain “rhythm”, while avoiding monotony. This can be accomplished by arranging repeated major building elements into manageable groups. Repetition of existing facade modules and components (e.g. bulkheads, arches, arcades and balconies) is strongly encouraged for infill project design.

#### **4. First Floor Block Frontage**

The design of first floor commercial buildings should be artistically composed with a high ratio of void (windows) to solid (wall) areas. The lower building level (storefront) should be predominantly comprised of transparent surfaces to foster pedestrian activity and accommodate retail-merchandising needs. Incorporating landscaping and architectural detailing at the lower level of buildings is encouraged. The height of new infill development should complement that of existing surrounding buildings.

#### **5. Authenticity**

Buildings should convey a sense of timelessness, elegance and quality regardless of style or genre. Buildings should look durable and permanent, not temporary or makeshift. The particular style chosen should be well-executed and consistently carried out from overall building form to fine detail.

#### **6. Dialog with Surroundings**

Buildings should be oriented, designed and sited to interact with their surroundings. Siting and design of buildings should take account of the overall physical setting in order to help frame and accent building form. Buildings should convey a distinct relationship to their larger, more distant context while simultaneously relating to their immediate surroundings in scale, mass and bulk. Site planning should maximize linkages and connections to surrounding public uses, activities and pedestrian networks.

#### **7. Richness of Details and Materials**

Building materials, surfaces, finishes, lighting and landscaping should be durable and able to withstand the Florida climate. They should be designed and executed with a high degree of craftsmanship. High quality building materials should apply to all private as well as public projects, including elements of street design, landscaping, street lighting, etc.

- (D) Up to fifteen percent (15%) credit / incentive of the fee in lieu of parkland dedication for the creation of a Great Public Space meeting the guidelines below. This space shall be privately owned and maintained, but open to the public:

**1. Features and Elements**

Landscape and hardscape should contribute to the unique or special nature of the space. The space should accommodate pedestrians or others whose access to the space is by transit, bicycles or other means, and should be welcoming to those with physical disabilities or others with special needs. The space should accommodate multiple activities, and help to serve the surrounding community. The space should utilize existing topography, vistas or geography, and provide interesting visual experiences, vistas or other qualities. Murals or other public art may potentially be incorporated into the space.

**2. Activities and Sociability**

The space should be attractive to people and encourage social interaction (commerce, entertainment or performances, recreational or sporting, cultural, markets or vending, exhibits, fairs, festivals, special events, etc.) The space should provide a sense of comfort and safety to people gathering there, and should provide a friendly and welcoming atmosphere that encourages people to interact with one another. It should encourage use by a diverse cross section of the public.

**3. Unique Qualities, Traits, and Characteristics**

There should be qualities about this public space that stand out, that make it extraordinary or memorable. There should be a commitment to maintain the space and to keep it a usable space over time. The public should have a sense of ownership about the space. If the space has a special history, it should be remembered or passed on from one generation to the next. The space should possibly serve as a place of inspiration. The space should contribute to a sense of community.

**Section 2.** That Subsection 104-26.2 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.2 Payment of Fee in Lieu Thereof**

In the situations stated in this section, dedication of parklands or payment of a fee in lieu thereof shall be required:

- (A) As a condition of approval of a final plat of a subdivision or of a final site plan of a planned residential development, each subdivider or developer will be required to dedicate land for neighborhood and community park and recreational purposes to serve the immediate and future needs of the residents of the development, or cash contribution in lieu of actual land dedication, or a combination of both, at the option of the city, in accordance with the standards and formula set forth in this section.
- (B) As a condition of the approval of any replat of any subdivision or the amendment of any site plan of a planned residential development in cases where the density of the land involved will be increased, the developer or subdivider will be required to dedicate land for park and recreational purposes or to pay the cash contribution in lieu of such dedication in accordance with the standards and formula set forth in this section in an amount appropriate for the increased density.
- (C) As a condition for the issuance of a Certificate of Occupancy, in cases where five or more residential dwelling units are to be constructed on one lot, parcel or tract of property under a common ownership or common beneficial interest, whether one or multiple building permits are applied for, the developer will be required to dedicate land for park and recreational purposes or to pay the cash contribution in lieu of such dedication in accordance with the standards and formula set forth in this article. In situations in which there is an overall development configuration and pattern or a development activity in phases in which there is a common ownership or common beneficial interest which will result in five residential units or more being built as a result of the full scope of the development activity or phase development, the obligation for the above dedication of park and recreational lands or the payment of the fee in lieu thereof shall occur upon the issuance of a Certificate of Occupancy for any part of the proposed construction activity. In cases of dispute as to the liability of the developer under this section or as to the extent of the development pattern, or at the option of the City, the developer shall be required to file a declaration under oath in affidavit form as to the ultimate development plan and the ownership or beneficial interest in the property in question. In lieu of a formal decision on the plat to be recorded, the subdivider may, at the City's option, convey the required lands to the City by general warranty deed. The developer of a planned residential development shall deed the lands required to be dedicated by general warranty deed. The developer or builder of a project containing five or more residential dwelling units shall deed the lands required to be dedicated by general warranty deed.

**Section 3.** That Subsection 104-26.9 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.9 Credit for Private Recreation Areas**

A finding that the standards listed below have been met shall be necessary to allow the credit for 75 percent of the neighborhood park requirement. Where private open space for park and recreational purposes is provided in a proposed development and such space is to be privately owned and maintained by the future residents of the subdivision, planned residential development or multiunit development, partial credit not to exceed 75 percent may be given against the requirement of land dedication for neighborhood park facilities (total of 2.25 acres/1,000 residents), or payment of fees in lieu thereof, if the City Commission finds that it is in the public interest to do so and if all the following standards are met:

- (A) Easements, setbacks, and buffers required to be maintained by the zoning and building code regulations shall not be included in the computation of such recreational lands. However, green space or hardscape, such as court yards and common areas, designed for human interaction and gathering, are encouraged and shall be counted toward the private credit.
- (B) The private ownership and maintenance of the recreational lands shall be set forth in a recorded covenant and shall be restricted for park, recreational, or gathering purposes, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the City or its successor.
- (C) The proposed private recreational area is reasonably adaptable for use for park, recreational, or gathering purposes, taking into consideration such factors as size, shape, topography, geology, access and location.

In general, a substitution of private recreational areas will imply a substantially higher degree of improvement in the installation of recreational facilities, including equipment by the developer as part of his/her/their obligation. Detailed plans of such areas, including specifications and facilities to be installed, must be approved by the City before any credit is given for private recreational areas, and the subdivider or developer must guarantee that these private recreation areas will be permanently maintained for such use by the execution of the appropriate legal documents. When an adjustment for private recreational areas is warranted, it will be necessary to compute the total park land dedication that would have been required from the subdivision, planned residential development or multiunit development, and then subtract the credit to be given.

**Section 4.** That Subsection 104-26.10 to Chapter 104 of the Land Development Code of the City of Dunedin is hereby revised to read as follows:

**104-26.10 Time of Dedication or Payment of Fees; Procedure**

At the time of a final plat or replat of a subdivision, or a final site plan or amendment of any site plan of a planned residential development, or the development of five (5) or more residential dwelling units, the City Commission shall determine, pursuant to the standards set forth in this article, the land to be dedicated and/or fees to be paid by the subdivider or developer. Upon the issuance of a Certificate of Occupancy, the subdivider or developer shall dedicate the land and/or pay the fees as deemed appropriate by the City Commission. Open space written covenants for private park or recreational facilities shall be submitted to the City and recorded in the Public Records of Pinellas County, Florida, prior to the issuance of a Certificate of Occupancy. At the time of the parkland dedication required by this section, the City Commission shall specify when development of any private recreational facilities may be developed in phases. Failure to develop private recreational facilities in accordance with the schedule approved by the City Commission shall constitute grounds for the withholding of the Certificate of Occupancy until such completion is accomplished or until such guarantee of accomplishment is provided to the City.

**Section 5.** That this Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 6th day of March, 2014.**



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Dave Eggers  
Mayor

ATTEST:



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Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: February 20, 2014

READ SECOND TIME AND ADOPTED: March 6, 2014

## ORDINANCE 14-05

AN ORDINANCE OF THE CITY OF DUNEDIN CREATING ARTICLE IV IN CHAPTER 34 OF THE CODE OF ORDINANCES, TO BE TITLED "CHRONIC NUISANCE PROPERTY CODE," RELATING TO THE PROVISION OF CHRONIC NUISANCE SERVICES BY THE CITY; AUTHORIZING THE IMPOSITION AND COLLECTION OF CHRONIC NUISANCE SERVICE ASSESSMENTS AGAINST REAL PROPERTY; ESTABLISHING A PROCEDURE FOR IMPOSING CHRONIC NUISANCE SERVICE ASSESSMENTS; PROVIDING THAT THE LIEN FOR A CHRONIC NUISANCE SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3635, FLORIDA STATUTES, SHALL BE PERFECTED AND SHALL ATTACH TO THE PROPERTY UPON ADOPTION OF THE ASSESSMENT ROLL; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; PROVIDING A CODIFICATION CLAUSE; PROVIDING A CONFLICTS AND SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the City Commission finds that chronic nuisance properties disproportionately consume city services and impose an economic and social burden on properties within the city; and

**WHEREAS**, the City Commission finds that chronic nuisance properties receive special services that extend beyond general law enforcement activities or the general enforcement of municipal codes; and

**WHEREAS**, the City Commission has taken notice of the *City of Milwaukee Chronic Nuisance Property Code*, the *West Palm Beach Chronic Nuisance Property Code* and the *City of Madeira Beach Chronic Nuisance Property Code*; and

**WHEREAS**, the Florida Constitution, Municipal Home Rule Powers Act and Charter of the City of Dunedin, Florida, authorize the City Commission to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission finds that the provision of chronic nuisance services by the City provides a direct, special benefit to assessed real property; and

**WHEREAS**, the City Commission finds that there is a logical relationship between the provision of chronic nuisance services by the City and an enhancement in the value and desirability of assessed real property; and

**WHEREAS**, the City Commission finds that the adoption of the *City of Dunedin Chronic Nuisance Property Code* is in the best interests of the public health, safety and welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DUNEDIN, FLORIDA:**

**SECTION 1.** The City Commission of the City of Dunedin, Florida, hereby ascertains, finds, determines and declares that:

(a) Pursuant to Fla. Const. art. VIII, section 2(b), F.S. §§ 166.021 and 166.041, and City Charter art. I, section 1.01, the city commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law. Such powers may be exercised by the enactment of city ordinances.

(b) The city commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law. The city commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in F.S. §§ 166.021(3)(a), (b) and (c). The subject matter described in F.S. §§ 166.021(3)(a), (b) and (c), is not relevant to the imposition of special assessments related to the provision of chronic nuisance services by the City.

(c) Chronic nuisance properties disproportionately consume city services and impose an economic burden on properties within the city.

(d) Chronic nuisance properties place a substantial, unacceptable threat and burden on the common health, safety and welfare of the residents and businesses within the city.

(e) The abatement of chronic nuisances by the city is a municipal service.

(f) Chronic nuisance properties receive special services that extend beyond general law enforcement activities or the general enforcement of municipal codes.

(g) The provision of chronic nuisance services by the city and elimination of chronic nuisances possesses a logical relationship to the use and enjoyment of the benefited real property and provides a direct, special benefit to real property by:

(1) reducing or deferring property maintenance costs;

(2) reducing or deferring property management costs;

- (2) reducing or deferring property management costs;
- (3) eliminating unsanitary and unsightly conditions; and
- (4) eliminating the invitation of on-site criminal activities;
- (5) protecting the health and safety of the occupants;
- (6) protecting the value of the real property; and
- (7) enhancing market perceptions.

(h) The cost of abating chronic nuisances shall be entirely apportioned to the benefited real property receiving the chronic nuisance service.

(i) The cost of abating chronic nuisances may be levied against benefited real property as a special assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes

(j) The special assessments to be levied using the procedures provided in this Ordinance shall constitute non-ad valorem assessments within the meaning and intent of F.S. § 197.3632.

(k) The special assessments to be levied using the procedures provided in this Ordinance are imposed by the city commission. The duties of the property appraiser and tax collector under the provisions of this Ordinance and F.S. § 197.3632 are ministerial.

**SECTION 2:** The City Commission of the City of Dunedin, Florida, hereby establishes and adopts the City of Dunedin Chronic Nuisance Property Code, Chapter 34 (Environment), Article IV (Chronic Nuisance Property Code), Sections 34-71 through 34-98, of the Code of Ordinances, which shall read as follows:

## **ARTICLE IV. CHRONIC NUISANCE PROPERTY CODE.**

### **DIVISION 1. CHRONIC NUISANCE SERVICES.**

#### **Sec. 34-71. Short title.**

This article shall be known as the "City of Dunedin Chronic Nuisance Property Code" or "chronic nuisance property code."

#### **Sec. 34-72. Pattern of nuisance activity.**

(a) *Nuisance activity.* Nuisance activity means any activities relating to the following violations, whenever engaged in by the property owner, agent, tenant, or invitee of the property owner, agent or tenant:

## **Dunedin Land Development Code**

- (1) Chapter 34, article I, section 34-1 – offensive accumulation
- (2) Chapter 34, article II, section 34-31 – excessive growth of weeds, grasses or turf
- (3) Chapter 34, article II, section 34-32 – premises to be kept clean of offensive accumulation
- (4) Chapter 34, article III, section 34-61 – junked, wrecked, abandoned property
- (5) Chapter 105, division 6, section 105-61.5 – boat parking
- (6) Chapter 105, division 6, section 105-61.5 – trailer parking
- (7) Chapter 105, division 6, section 105-61.5 – recreational vehicle parking
- (8) Chapter 105, division 6, section 105-61.5 – parking on grass
- (9) Chapter 107, division 4, section 107-41 - noise

## **International Property Maintenance Code**

- (1) Chapter 1, Section 108.1.5 – Dangerous Structure or Premises
- (2) Chapter 3, Section 301.3 – Vacant Structures and Land
- (3) Chapter 3, Section 302 – Exterior Property Areas (all subparagraphs)
- (4) Chapter 3, Section 303.1 – Swimming pools
- (5) Chapter 3, Section 303.2 – Enclosures
- (6) Chapter 3, Section 304 – Exterior Structure (all subparagraphs)
- (7) Chapter 3, Section 308 – Rubbish and Garbage (all subparagraphs)

## **Florida State Statutes**

- (1) F.S. § 562.111 - possession of alcoholic beverages by persons under age 21 prohibited
- (2) F.S. § 767.12 - dangerous dogs
- (3) F.S. § 784.011 - assault
- (4) F.S. § 784.041 - felony battery; domestic battery by strangulation

- (5) F.S. § 784.045 - aggravated battery
- (6) F.S. § 790.15(1) - discharging firearm in public
- (7) F.S. § 796.06 - renting space to be used for prostitution
- (8) F.S. § 796.07 - prostitution
- (9) F.S. § 800.03 - exposure of sexual organs
- (10) F.S. § 806.13 - criminal mischief
- (11) F.S. § 810.02 - burglary
- (12) F.S. § 810.08 - trespass in structure or conveyance
- (13) F.S. § 810.09 - trespass on property other than structure or conveyance
- (14) F.S. § 812.014 - theft
- (15) F.S. § 812.019 - dealing in stolen property
- (16) F.S. § 812.13 - robbery
- (17) F.S. § 812.173 - convenience business security
- (18) F.S. § 823.01 - nuisances
- (19) F.S. § 828.12 - cruelty to animals
- (20) F.S. § 843.20 - harassment of a participant of a neighborhood crime watch program
- (21) F.S. § 856.011 - disorderly intoxication
- (22) F.S. § 856.015 - open house parties
- (23) F.S. § 856.021 - loitering or prowling
- (24) F.S. § 856.022 - loitering or prowling in close proximity to children
- (25) F.S. ch. 874 - criminal gang enforcement and prevention
- (26) F.S. § 877.03 - breach of the peace; disorderly conduct
- (27) F.S. ch. 893 – any offense under the Florida Comprehensive Drug Abuse Prevention & Control Act
- (28) Any other offense under state or federal law that is punishable by a term of imprisonment exceeding one year.

(b) *Pattern of nuisance activity.* Real property shall be deemed to exhibit a pattern of nuisance activity if:

- (1) the Sheriff's Department has responded to three or more nuisance activities at the property within thirty days; or
- (2) the Sheriff's Department has responded to seven or more nuisance activities at the property within six months; or
- (3) the Sheriff's Department has responded to five or more nuisance activities at a commercial retail business or alcoholic beverage establishment within thirty days or twenty or more nuisance activities at the said properties within six months; or
- (4) failure to correct code violations by the time ordered by the Code Enforcement Board in any order entered pursuant to section 22-78 of this code; or
- (5) as otherwise provided by this code;

(c) *Construction and application.* Pattern of nuisance activity shall not be construed to include:

- (1) a nuisance activity where the property owner, agent, tenant, or invitee of the property owner, agent or tenant is the victim of a crime;
- (2) a nuisance activity that does not arise from the conduct of the property owner, agent, tenant, or invitee of the property owner, agent or tenant; or
- (3) a complaint or call for service to which the Sheriff's Department responded and determined that no violation was committed.

(d) *Separate occurrences.* For purposes of this article, each day that the Sheriff's Department responds to a nuisance activity at the property shall be a separate occurrence.

**Sec. 34-81. Declaration of chronic nuisance property; action plan.**

(a) *Declaration of chronic nuisance property.* If a pattern of nuisance activity exists upon real property, the city may declare the property to be a chronic nuisance. The city shall notify the property owner by certified mail, return receipt required and by first class mail to the address listed on the ad valorem tax roll. Notice shall be posted at the property where the nuisance activities occurred. The declaration of chronic nuisance property shall contain at least the following information:

- (1) A reference to chapter 34, article IV (the "City of Dunedin Chronic Nuisance Property Code");

- (2) The address and parcel control number of the property;
- (3) The dates that the nuisance activities occurred at the property;
- (4) A description of the nuisance activities;
- (5) A statement that the property owner is required to provide the city with a written action plan outlining the specific measures that the property owner will take to curtail or eliminate the re-occurrence of nuisance activities on the property. A statement that the action plan must be provided to the city no later than fifteen days from the date of the declaration of chronic nuisance property;
- (6) A statement that failure to provide the city with a timely written action plan will result in a violation of this article and the entry of a chronic nuisance service order by the code enforcement board;
- (7) A statement that the costs of any chronic nuisance services provided by the city to a property that has been declared to be a chronic nuisance may be levied against the property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
- (8) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

(b) *Development of action plan.* The property owner shall provide the city with a written action plan outlining the specific measures that the owner will take to curtail or eliminate the re-occurrence of nuisance activities at the property. The property owner shall provide the action plan to the city no later than fifteen days from the date of the declaration of chronic nuisance property. Failure to provide the city with a timely action plan shall be a violation of this article.

(c) *Adequacy and implementation of action plan.* If the city determines that the action plan is adequate to curtail or eliminate the re-occurrence of nuisance activities on the property, the city shall notify the property owner by certified mail, return receipt required and first class mail. The city shall establish a reasonable time period not exceeding forty-five days from the date that the action plan is determined to be adequate to implement the action plan. The city may extend the time period beyond forty-five days if additional time is necessary to implement the action plan. Failure to implement the action plan within the time period established by the city shall be a violation of this article. If the property owner implements the action plan within the time period established by the city, the declaration of chronic nuisance will be closed and no further action shall be required, except that the city may require the property owner to revise the action plan in the event that a nuisance activity re-occurs.

(d) *Revision of inadequate action plan.* If the city determines that the action plan is not adequate to curtail or eliminate the re-occurrence of nuisance activities on the property, the city may require the property owner to revise the action plan. The property owner shall provide the revised action plan to the city no later than ten days from the date that the action plan is determined to be inadequate. Failure to revise the action plan or to provide the city with a timely revised action plan shall be a violation of this article. The provision of an inadequate action plan on three consecutive occasions shall be a violation of this article and may result in the entry of a chronic nuisance service order against the property.

(e) *Factors determining adequacy of action plan.* Factors to be considered in determining the adequacy of an action plan may include, but shall not be limited to:

- (1) commencement of an eviction action pursuant to chapter 83, Florida Statutes to remove from the property those individuals engaged in the nuisance activity;
- (2) implementation of crime prevention through environmental design (CPTED) measures;
- (3) frequency of site visits and inspections at various times of both day and night;
- (4) hiring of property management;
- (5) hiring of private security;
- (6) installation of security cameras;
- (7) use of a written lease agreement;
- (8) criminal background checks for prospective tenants and lease renewals;
- (9) posting of 'no trespassing' signs at the property and execution of a 'no trespass affidavit' authorizing the police department to act as an agent of the property owner to enforce trespass statutes on the property;
- (10) regular requests for offense and incident reports relating to the property that are available through the records custodian of the Sheriff's Department records division;
- (11) written documentation of all efforts to curtail or eliminate the re-occurrence of nuisance activities on the property;
- (12) any other action that the city determines is reasonably sufficient to curtail or eliminate the re-occurrence of nuisance activities on the property.

**Sec. 34-82. Notice of violation.**

(a) *Notice of violation.* If the property owner fails to satisfy any requirement of this article, the city shall notify the property owner by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The notice of violation shall be posted at the property where the nuisance activities occurred. The notice of violation shall contain at least the following information:

- (1) The address and parcel control number of the property;
- (2) A description of the facts constituting a violation of this article;
- (3) A statement that the property has been declared to be a chronic nuisance;
- (4) A statement that unless the property owner files a timely request for hearing pursuant to section 34-83, the property owner shall be deemed to have waived the right to contest the notice of violation;
- (5) A statement that the costs of any unpaid chronic nuisance services provided by the city may be levied against the property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
- (6) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

**Sec. 34-83. Request for hearing.**

(a) *Request for hearing.* A property owner may request a hearing before the code enforcement board upon receipt of a declaration of chronic nuisance property or notice of violation regarding the action plan. A request for hearing shall be filed with the city and shall:

- (1) Be in writing;
- (2) Provide a short, plain statement identifying the factual, procedural or legal error upon which the request for hearing is based; and
- (3) Include a copy of the declaration of chronic nuisance property or notice of violation.

(b) *Time for filing a request for hearing.* A request for hearing shall be filed with the city within fifteen days from the date of the declaration of chronic nuisance property or fifteen days from the date of the notice of violation regarding the action plan.

(c) *Waiver of right to contest.* If the owner of a chronic nuisance property fails to file a timely request for hearing, the property owner shall be deemed to have waived the right to contest the declaration of chronic nuisance property or notice of violation.

(d) *Hearing by the code enforcement board.* Upon receipt of a timely request, the city shall schedule a hearing before the code enforcement board. The hearing shall be limited to the review of the record or evidence upon which the city based the declaration of chronic nuisance property or notice of violation regarding the action plan.

(e) *Decision of the code enforcement board.* After reviewing the record or evidence upon which the city based its determination, the code enforcement board shall either uphold or reject the declaration of chronic nuisance property or notice of violation regarding the action plan, as appropriate. The decision of the code enforcement board shall be in writing and shall be deemed final. If the code enforcement board upholds the notice of violation, the code enforcement board shall immediately enter a chronic nuisance service order in accordance section 34-84. If the code enforcement board rejects the notice of violation, the code enforcement board shall identify the factual, procedural or legal error upon which the decision is based. Notwithstanding, the property owner shall be required to submit and implement an action plan in accordance with section 34-81 if the code enforcement board finds that a pattern of nuisance activity occurred at the property.

**Sec. 34-84. Entry of chronic nuisance service order.**

(a) *Chronic nuisance service order.* If a timely request for hearing has not been filed pursuant to section 34-83 and a notice of violation has been issued, the code enforcement board shall enter a chronic nuisance service order. If the code enforcement board upholds the declaration of chronic nuisance property or determines after a hearing that there has been a failure to provide or implement an adequate action plan, the code enforcement board shall enter a chronic nuisance service order. The city shall provide a copy of the chronic nuisance service order to the property owner by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The chronic nuisance service order shall:

- (1) Enter findings of fact establishing a pattern of nuisance activity and violation of this article;
- (2) Authorize the city to provide chronic nuisance services to the property;
- (3) Authorize the city to bill the costs of any chronic nuisance services to the owner of the chronic nuisance property;
- (4) Provide for the mailing of a copy of the chronic nuisance service order by certified mail, return receipt required and first class mail to any

mortgagee of record. Failure to provide a copy of the chronic nuisance service order to a mortgagee of record shall not operate to release or discharge any obligation under this article or otherwise affect the validity of a chronic nuisance service order;

- (5) Provide for the recording of a certified copy of the chronic nuisance service order in the public records; and
- (6) Provide for continuing jurisdiction over the chronic nuisance property.

(b) *Duration of chronic nuisance service order.* The chronic nuisance service order entered in accordance with this section shall terminate if there have been no nuisance activities at the property for one year.

**Sec. 34-85. Abatement of chronic nuisances; provision of services; apportionment.**

(a) *Abatement by city.* The city may abate chronic nuisances on real property by providing chronic nuisance services to curtail or eliminate the re-occurrence of nuisance activities. The costs of such chronic nuisance services shall be billed to the property owner in accordance with section 34-86 and such costs may be collected by the city by any legal means.

(b) *Apportionment.* Chronic nuisance service costs shall be entirely apportioned to the assessed real property receiving the chronic nuisance service.

**Sec. 34-86. Establishment of costs; billing of costs; notice of delinquency.**

(a) *Chronic nuisance service costs to be established by resolution.* All chronic nuisance service costs shall be established by resolution of the city commission. No chronic nuisance service cost shall be modified other than by resolution of the city commission. Chronic nuisance service costs shall only be in the amounts established by resolution of the city commission.

(b) *Billing of chronic nuisance service costs.* The city shall bill all chronic nuisance service costs to the owner of the chronic nuisance property by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll. The bill shall contain at least the following information:

- (1) The address and parcel control number of the chronic nuisance property;
- (2) The date of each chronic nuisance service;
- (3) A brief description of each chronic nuisance service;
- (4) The amount of the bill for each chronic nuisance service;

- (5) A statement that the total amount of the bill shall be paid to the city within thirty days from the date of the bill and that any chronic nuisance service cost which has not been paid within thirty days from the date of the bill shall be delinquent;
- (6) A statement that that any unpaid chronic nuisance service costs will be levied against the property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
- (7) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

(c) *Notice of delinquency.* The total amount of the bill shall be paid to the city within thirty days from the date of the bill. Any chronic nuisance service cost which has not been paid within thirty days from the date of the bill shall be delinquent. If the property owner fails to pay the total amount of the bill within thirty days from the date of the bill, the city shall notify the property owner of the delinquency. The notice of delinquency shall be by certified mail, return receipt required and first class mail to the address listed on the ad valorem tax roll and shall contain at least the following information:

- (1) The address and parcel control number of the property;
- (2) The amount of the delinquent billings, individual and total;
- (3) A statement that that any unpaid chronic nuisance service costs will be levied as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes; and
- (4) A statement that unpaid assessments may be certified to the tax collector for collection pursuant to the uniform method provided in F.S. § 197.3632.

(d) *Construction of chronic nuisance service cost.* Chronic nuisance service costs shall not include any amount attributable to general law enforcement activities or the general enforcement of municipal codes upon a property that has not been declared by the city to be a chronic nuisance and that has not received a chronic nuisance service order from the code enforcement board.

**Sec. 34-87. Method of notice; construction.**

(a) *Notice.* Unless otherwise provided, notice required by this article shall be by certified mail, return receipt required and by first class mail to the address listed

on the ad valorem tax roll. Notice shall be posted at the property where the nuisance activities occurred.

(b) *Construction of notice.* A property owner shall be deemed to have notice of a nuisance activity if that property owner (1) has actual knowledge of the nuisance activity; (2) has received notice of the nuisance activity; (3) has reason to know about the nuisance activity; (4) knows about a fact related to the nuisance activity; or (5) is able to ascertain the existence of a nuisance by checking an official filing or recording. The lack of knowledge of, acquiescence, or participation in, or responsibility for a nuisance activity on the part of property owner shall not be a defense to any enforcement of this article.

**Sec. 34-88. Change in title to chronic nuisance property.**

(a) *Purchase at judicial sale upon final judgment of foreclosure.* Every purchaser of a chronic nuisance property at judicial sale upon final judgment of foreclosure shall provide the city with an action plan and implement an action plan no later than forty-five days from the date of sale.

(b) *Receivership.* Every trustee of a chronic nuisance property appointed after the entry of a chronic nuisance service order shall provide the city with an action plan and implement the action plan no later than forty-five days from the date of appointment of receiver in any state or federal action at law.

(c) *Probate.* Every personal representative of an owner of a chronic nuisance property shall provide the city with an action plan and implement an action plan no later than forty-five days from the date of appointment. If the owner of the chronic nuisance property died intestate, beneficiaries of the estate shall be required to provide the city with an action plan and implement an action plan.

(d) *Other changes in title to chronic nuisance property.* An arms-length purchaser of a chronic nuisance property that has purchased the property after entry of a chronic nuisance service order for the property shall have forty-five days from the date of closing or recording of the order, whichever occurs last, to provide the city with an action plan and implement the action plan.

**Sec. 34-89. Registration of distressed vacant property.**

(a) *Registration by owner.* Every owner of a chronic nuisance property that is also distressed vacant property shall register with the city.

(b) *Registration by foreclosing mortgagee.* Every foreclosing mortgagee of a chronic nuisance property that is also distressed vacant property shall register with the city.

**Sec. 34-90. Construction of article.**

(a) *Levy of special assessments.* This article shall not be construed to limit the city from levying special assessments and the amendments to the standard unsafe building abatement code, as adopted by the city.

(b) *Monthly reinspection assessments.* This article shall not be construed to limit the city from imposing monthly reinspection assessments.

(c) *Imposition of administrative fines.* This article shall not be construed to limit the city from imposing administrative fines.

(d) *Exemptions.* This article shall not be construed to apply to property owned by the city or any other governmental entity.

(e) *Provision of this article supplemental.* Nothing in this article shall be construed to limit the authority of the city to collect special assessments by any other method according to law.

**DIVISION 2. LEVY AND COLLECTION OF NON-AD VALOREM ASSESSMENTS.**

**Sec. 34-91. Unpaid chronic nuisance service costs; non-ad valorem assessment.**

Any chronic nuisance service costs that remain delinquent and unpaid as of June 1st of each year shall be a special assessment levied against the benefitted real property as a non-ad valorem assessment superior to all other private rights, interests, liens, encumbrances, titles and claims upon the benefitted real property and equal in rank and dignity with a lien for ad valorem taxes.

**Sec. 34-92. Initial assessment roll.**

(a) *Contents of initial assessment roll.* The finance director shall, annually, prepare or direct the preparation of an initial assessment roll which shall contain the following:

- (1) A summary description of all benefitted real property with delinquent chronic nuisance service costs to be assessed, conforming to the description contained on the ad valorem tax roll;
- (2) The name of the owner of the benefitted real property as listed on the ad valorem tax roll and maintained on the property appraiser's system; and
- (3) The amount of the chronic nuisance service costs to be assessed against each parcel of benefitted real property.

(b) *Public inspection of initial assessment roll.* The initial assessment roll shall be retained by the city clerk and shall be open to public inspection. The foregoing

shall not be construed to require that the assessment roll be in printed form if the amount of the chronic nuisance service assessment for each parcel of benefited real property can be determined by use of a computer terminal available to the public.

(c) *Notice to property appraiser.* A copy of the initial assessment roll shall be provided to the property appraiser and included as a part of the notice of proposed property taxes under F.S. § 200.069, the truth-in-millage notification.

**Sec. 34-93. Notice of public hearing.**

(a) *Public hearing.* The city commission shall adopt a non-ad valorem assessment roll at a public hearing in accordance with F.S. § 197.3632.

(b) *Notice by mail.* The city shall notice the hearing related to the initial assessment roll by certified mail, return receipt required and first class mail. The notice by mail shall be sent to each person owning property subject to the assessment and shall include the following information:

- (1) the purpose of the assessment;
- (2) the total amount to be levied against each parcel of assessed real property;
- (3) a statement that failure to pay the assessment will cause a tax certificate to be issued against the property which may result in a loss of title;
- (4) a statement that all affected property owners have a right to appear at the hearing and to file written objections with the city commission within twenty days of the notice; and
- (5) the date, time, and place of the hearing.

The mailed notice shall conform to the requirements set forth in F.S. § 197.3632. Notice shall be mailed at least twenty calendar days prior to the hearing to each property owner at the address listed on the ad valorem tax roll. Failure of the property owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a chronic nuisance service assessment.

(c) *Notice by publication.* The city shall notice the hearing related to the initial assessment roll by publication in a newspaper generally circulated within the county. The published notice shall conform to the requirements set forth in F.S. § 197.3632 and shall contain at least the following information:

- (1) identifying the city;

- (2) a geographic depiction of the city boundaries subject to the assessment;
- (3) a brief and general description of the chronic nuisance services provided;
- (4) the proposed schedule of the assessment;
- (5) the fact that the assessment will be collected by the tax collector;
- (6) a statement that all affected property owners have the right to appear at the public hearing and the right to file written objections within twenty days of the publication of the notice; and
- (7) a statement that the initial assessment roll is available for inspection at the office of the city clerk and that all interested persons may ascertain the amount to be assessed against a parcel of assessed real property at the office of the city clerk.

**Sec. 34-94. Public hearing; adoption of final assessment roll.**

(a) *Public hearing.* At the public hearing, the city commission shall receive the written objections and shall hear testimony from all interested persons. The city commission may adjourn the hearing from time to time. If the city commission adopts the non-ad valorem assessment roll, the city commission shall specify the amount of the assessment. Notwithstanding the notices provided for in this division, the city commission may adjust the assessment or the application of the assessment to any assessed real property based on the benefit which the city will provide or has provided to the property.

(b) *Adoption of final assessment roll.* The city commission may, at the public hearing or at any subsequent meeting of the city commission, adopt an assessment roll which shall confirm, modify, or repeal the initial assessment roll with such amendments, if any, as the city commission deems equitable.

(c) *Legislative determination of special benefit and fair apportionment.* The adoption of the final assessment roll by the city commission shall constitute a legislative determination that all assessed parcels of real property derive a special benefit from the chronic nuisance services provided by the city and a legislative determination that the assessments are fairly and reasonably apportioned to the properties.

**Sec. 34-95. Lien of chronic nuisance service assessments.**

Upon the adoption of the final assessment roll, all chronic nuisance service assessments shall constitute a perfected lien against the assessed real property superior to all other private rights, interests, liens, encumbrances, titles and claims upon the property and equal in rank and dignity with a lien for ad valorem taxes.

**Sec. 34-96. Correction of errors and omissions.**

(a) *Validity of assessment.* Any informality or irregularity in the proceedings in connection with the levy of a chronic nuisance service assessment shall not affect the validity of the assessment after approval by the city commission. A chronic nuisance service assessment as finally approved by the city commission shall be competent evidence that the assessment was duly levied, made and adopted, and that all other proceedings were duly taken. No act of error or omission on the part of the property appraiser, tax collector, finance director, or other employee of the city shall operate to release or discharge any obligation for payment of a chronic nuisance service assessment imposed by the city under this article.

(b) *Correction of errors by the finance director.* Prior to the delivery of the assessment roll to the tax collector in accordance with F.S. § 197.3632, the finance director shall have the authority at any time to correct any error or omission in applying the assessment to any particular parcel of assessed real property not otherwise requiring the provision of notice pursuant to F.S. § 197.3632. Any such correction shall be considered valid *ab initio* and shall not affect the enforcement of the chronic nuisance service assessment. Any such correction shall be processed by the finance director and not the property appraiser or tax collector.

**Sec. 34-97. Method of collection.**

Unless otherwise directed by the city commission, chronic nuisance service assessments shall be collected pursuant to the uniform method provided in F.S. § 197.3632. Any hearing or notice required by this division may be combined with any other hearing or notice required by F.S. § 197.3632 or other provision of law.

**Sec. 34-98. Alternative method of collection.**

(a) In lieu of using F.S. § 197.3632, the city may elect to collect a chronic nuisance service assessment by any other method authorized by law or under the alternative collection method provided by this section.

(b) The city shall have the right to foreclose and collect all delinquent chronic nuisance service assessments in the manner provided by law for the foreclosure of mortgages on real property. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action shall be included in any judgment or decree rendered

(c) Notwithstanding the city's use of an alternative method of collection, the finance director shall have the same power and authority to correct errors and omissions as provided in this division.

**SECTION 3:** Specific authority is hereby granted to codify Section 2 of this Ordinance.

**SECTION 4:** In the event of a conflict between the provisions of this Ordinance and any other ordinance, resolution or policy of the City, the provisions of this Ordinance shall govern and control.

**SECTION 5:** Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 6.** That this Ordinance shall become effective upon passage.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 17th day of April, 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED:	_____ April 3, 2014 _____
ADVERTISED:	_____ April 6, 2014 _____
READ SECOND TIME AND ADOPTED:	_____ April 17, 2014 _____

**ORDINANCE 14-06**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, REZONING CERTAIN REAL PROPERTY LOCATED AT 603 THROUGH 665 VIRGINIA STREET WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 1.75 ACRES, FROM MULTI-FAMILY (MF-7.5) TO DOWNTOWN CORE (DC); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owner of the property described herein has requested that the said property be zoned to Downtown Core (DC); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned Downtown Core (DC) as said zoning classification is more particularly described in Dunedin's Land Development Code:

See Exhibit "A" attached hereto and made a part hereof.

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 5th day of June, 2014.



\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:



\_\_\_\_\_  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: May 1, 2014

READ SECOND TIME AND ADOPTED: June 5, 2014

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, Block N, GROVE TERRACE,  
according to the map or plat thereof as recorded in Plat Book 9, Page  
60, Public Records of Pinellas County, Florida.

## **ORDINANCE 14-08**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 1 OF ORDINANCE 12-19 TO CORRECT A SCRIVENERS ERROR IN THE TRANSITION OF THE TERMS OF OFFICE FOR COMMISSION SEATS TWO (2) AND FOUR (4) WHILE IMPLEMENTING THE PROVISIONS OF ORDINANCE NUMBER 10-09 FOLLOWING THE AMENDMENT OF SECTION 5.03 OF THE CITY CHARTER AS APPROVED BY REFERENDUM ELECTION IN THE SPECIAL ELECTION CONDUCTED WITHIN THE CITY OF DUNEDIN ON NOVEMBER 2, 2010; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the Electors of the City of Dunedin approved an amendment to Section 5.03 of the City Charter to provide for four (4) year terms for the Mayor and City Commissioners at a referendum election held on November 2, 2010 in which the said Charter change was approved, and

**WHEREAS**, seats two (2) and four (4) were automatically filled by the qualification only of the incumbents for the election of March 8, 2011 and no other candidate having qualified for those seats and the incumbents were automatically elected and shall assume their new three (3) year term at the time of the second regular City Commission meeting following March 8, 2011, and

**WHEREAS**, Ordinance 12-19 amended Section 5.03 of the City Charter to provide for term limits, Ordinance 11-46 amended Section 5.03 of the City Charter to change the date of the regular election from the first Tuesday in November to the first Tuesday following the first Monday in November and implemented Ordinance 10-09, which amended Section 5.03 to start the transition period.

**WHEREAS**, Section 5.03 of the City Charter of the City of Dunedin needs to be corrected to clarify the March 8, 2011 election was for a three year term to implement the four year term to fall on even numbered years; now therefore,

BE IT ORDAINED BY THE CITY COMMISSION. OF THE CITY OF  
DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

**Section 1.** That Section 1 of Ordinance 12-19 shall be corrected to read  
as follows:

**Section 5.03 Elections.**

The regular election of Mayor and Commissioners shall be held on the first Tuesday following the first Monday in November of every year in which an election is held in the manner provided in Article V of this Charter and shall be for four (4) year terms.

In one election, the qualified electors shall elect two (2) Commissioners; in the following even numbered year election the qualified electors shall elect a Mayor and two (2) Commissioners, and thereafter, elections will fall on even numbered years.

Future elections shall be held in the same sequence. Candidates ~~of~~ for the office of City Commissioner shall qualify for a single numbered specific seat.

In the first year in which an election (*i.e. March 8, 2011*) for Commissioners is held, the qualified electors shall elect two (2) Commissioners, one for seat two (2) and one for seat four (4) to serve for a term of ~~four (4)~~ three (3) years; and thereafter seats two (2) and four (4) shall serve for a term of four (4) years.

In the following election (*i.e., November 6, 2012*), the qualified electors shall ~~select~~ a Mayor and two (2) Commissioners, one for seat one (1) and one for seat three (3) to serve for a term of four (4) years.

The candidate receiving the highest number of votes for the numbered seat shall be declared elected, if otherwise qualified.

The candidates so elected shall assume their offices at a Special City Commission meeting on the second Monday following the election.

No person shall be eligible as a candidate for Mayor who has been elected to two (2) consecutive full four year terms as Mayor immediately preceding the general election for Mayor; and no person shall be eligible as a candidate for Commissioner who has been elected to two (2) consecutive full four year terms as Commissioner without waiting until the next election (*i.e. sit out for two years to become eligible.*)

Any Commissioner who has served for two (2) consecutive full four year terms as Commissioner will be eligible as a candidate for the next Mayoral election.

The Mayor, after two consecutive full four year terms as mayor, will not be eligible to run for Commissioner without waiting until the next election.

**Section 2.** That in the event any portion of this Ordinance is, for any reason, held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. Further, in the event this Ordinance or any provision hereof shall be held to be inapplicable to any person, property or circumstance, such holding shall not affect its applicability to any other persons, property, or circumstance.

**Section 3.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 3rd day of April, 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED:	<u>March 20, 2014</u>
ADVERTISED:	<u>March 23, 2014</u>
READ SECOND TIME AND ADOPTED:	<u>April 3, 2014</u>

**ORDINANCE 14-09**

**AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DUNEDIN AND VICTORIA PLACE, LLC; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City of Dunedin and Victoria Place, LLC have entered into and concluded negotiations of a development agreement pertaining to and setting forth the terms and conditions for the development of certain parcels located at 200 Main Street, Dunedin, Florida; and

**WHEREAS**, the City Commission approved the Development Agreement after having considered it at two public hearings; and

**WHEREAS**, Victoria Place, LLC, a Florida limited liability company, approved the Development Agreement and authorized the signing of the Development Agreement on behalf of Victoria Place, LLC; and

**WHEREAS**, the City Commission wishes to authorize the Mayor of the City to sign the said Development Agreement with Victoria Place, LLC; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That the Mayor is authorized to execute the Development Agreement between the City of Dunedin and Victoria Place, LLC as attached hereto and incorporated herein.

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 5th day of June, 2014.



\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:



Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: May 1, 2014

READ SECOND TIME AND ADOPTED: June 5, 2014

## DEVELOPMENT AGREEMENT

JUNE THIS AGREEMENT (the "Agreement") made and entered into this 5<sup>th</sup> day of JUNE, 2014, by and between the **CITY OF DUNEDIN**, a municipal corporation of the State of Florida (hereinafter referred to as "City") and **VICTORIA PLACE, LLC**, a Florida limited liability company authorized to transact business in the State of Florida (hereinafter referred to as "Developer").

### RECITALS:

- A. 200 Main Street, LLC, a Florida limited liability company, is the fee simple owner of that certain property located at 200 Main Street as more particularly described in Exhibit "A," attached hereto and made part hereof ("Property").
- B. The Property has a future land use category of Community Redevelopment District ("CRD") and a zoning category of Downtown Core ("DC").
- C. Developer desires to develop the Property with a maximum of 10,000 sq. ft. of commercial use and up to 30 residential units (hereinafter referred to as the "Project"), as more particularly shown on Exhibit "B" attached hereto and made part hereof ("Final Design Review").
- D. The Project includes the following public benefits:
  - a. The Developer will utilize public art in a sculpture garden designated on the southeast corner of the Property. This area shall include paver sidewalk, landscaping, benches, bike racks and two to four stations for art displays that are approved by the City Commission consistent with the City's Public Art Program.
  - b. The Developer shall provide a Courtyard at the entrance to the residential area which will remain open to the general public and include appropriate landscaping and hardscaping. The area shall include one to three stations for art displays that are approved by the City Commission consistent with the City's Public Art Program.
  - c. The Developer will make improvements to and adjacent to the public right-of-way of Victoria Drive, which include: (i) relocation of the dumpster across Victoria Drive that currently services the Best Western Motel and removal of the shuffleboard courts and relocate the existing fence to the hotel property line; (ii) landscaping along Victoria Drive for the depth of the Project; (iii) construction of nine (9) parking spaces as shown on the Final Design Review; (iv) construction of a new sidewalk along the eastern right-of-way of Victoria Drive as shown on the Final Design Review; and (v) burying overhead electrical lines along Victoria Drive which are currently located on the eastern side of Victoria Drive.

RE-RECORDED TO INCLUDE Exhibits A, B & C

KEN BURKE, CLERK OF COURT  
AND COMPTROLLER PINELLAS COUNTY, FL  
INST# 201417101 06/17/2014 at 10:04 AM  
OFF REC BK: 18436 PG: 369-383  
DocType:AGM RECORDING: \$129.00

d. The Developer will make improvements to and adjacent to the public right of way of Main Street which include: (i) removal of vehicular access drives on Main Street and replace with new curbs, sidewalks and landscaping to match existing; (ii) removal of brick retaining wall along the edge of Main Street right-of-way/Property, as required to be consistent with the Final Design Review; and (ii) relocation of foxtail palm trees located on the southern edge of the property adjacent to Main Street as shown on the plans submitted.

E. The City has determined that the Final Design Review, as described herein is consistent with the City's Comprehensive Plan and the City's Land Development regulations.

F. The following development rights are hereby approved pursuant to this Agreement on the Property consistent with the Final Design Review:

**SITE DATA TABLE**

<b>Category</b>	<b>Allowed/Required By City Code</b>	<b>Proposed</b>
<b>Zoning</b>	Downtown Core (DC)	Downtown Core (DC)
<b>Future Land Use</b>	Community Redevelopment District (CRD)	Community Redevelopment District (CRD)
<b>Usage</b>	Mixed Use (Retail/Residential)	Mixed Use (Retail/Residential)
<b>Lot Area</b>	None	1.27 Acres
<b>Gross Floor Area (Sq. ft.)</b>	None	92,928 Sq. ft.
<b>Setbacks:</b>		
<b>Front (Main Street)</b>	None	0.5'
<b>Front, Secondary (Victoria Drive)</b>	None	0.5'
<b>Side (North)</b>	None	1.5'
<b>Side (East)</b>	None	1.5'
<b>Rear</b>	None	1.5'
	None	1.5'
<b>Building Height</b>	35' to 52'	52'

<b>Impervious Surface Area - ISR</b>	.85	.85
<b>Parking / Handicap Parking</b>	55 spaces	77 standard spaces 2 handicap accessible spaces

**NOW THEREFORE**, for and in consideration of the mutual promises made and agreed to be kept hereunder and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and in consideration of the approval of certain uses by the City and conditioned on the performance in all respects of this Agreement by each of the parties, it is hereby agreed between the parties as follows:

**THE AGREEMENT BETWEEN THE PARTIES:**

1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference as fully enforceable agreements and representations by the parties hereto.
2. Authority. This Agreement is authorized by Section 163.3220, et seq. F.S. (2013) and the Land Development Code of the City.
3. Effective Date. This Agreement shall be effective upon:
  - a. Proper recordation in the public records of Pinellas County, Florida within fourteen (14) days after the City approves the execution of this Agreement;
  - b. After the time tolled during any appeals period or litigation and appeal challenging this Agreement or challenging other matters affecting the purpose, content, or the right of the Developer or City to develop the Property as contemplated hereby.

This Agreement shall continue in effect until terminated, as defined herein, but for a period not to exceed ten (10) years.

In the event that a Court decision materially changes any aspect of this Agreement or has made the performance of a portion of this Agreement impossible or unacceptable to one of the parties, either party may choose to terminate this Agreement upon thirty (30) days written notice to the other party and the parties shall assist each other in returning each party to the positions and legal status that it enjoyed immediately prior to the date of the entry into this Agreement; or, alternatively, the parties shall work together to restore the material benefit if such is reasonably possible.

In the event that this Agreement is subject to termination pursuant to the provisions hereof, either party may record an affidavit signed by all parties hereto or their respective

successors and assigns in the Public Records of Pinellas County, Florida reflecting that such termination has occurred and that this Agreement is thereby terminated and by such affidavit, notice that the termination provisions of this Agreement pursuant to this paragraph have occurred. The party recording such affidavit shall send a copy of the recorded affidavit to the other party and this Agreement shall be terminated and shall be deemed void and of no further force and effect. In the event that the Developer's fee simple title is encumbered by any mortgages, liens or other rights of third persons which are not subordinated to the terms, conditions, covenants and restrictions set forth in this Agreement, said third party encumbrances shall be of no force and effect as to the provisions of this Agreement.

This Agreement shall be superior to any mortgages, liens or other rights of third persons. Any mortgages or liens or encumbrances on the Property created contemporaneously or after the effective date of this Agreement shall be subject to and subordinate to the terms of this Agreement.

4. Third Party Rights. The parties represent, to their respective best knowledge, that nothing herein is barred or prohibited by any other contractual agreement to which it is a party, or by any Statute or rule of any governmental agency, or any third party's rights or by the rights of contract vendees, lien holders, mortgage holders or any other party with a direct or contingent interest in the Property, whether legal or equitable.

5. Law and Ordinance Compliance. The City finds that development of the Property is consistent with the terms of this Agreement, is consistent with the City Comprehensive Plan and the Code. The ordinances, policies and procedures of the City concerning development of the Property that are in existence as of the approval of this Agreement shall govern the development of the Project, and the same shall be in compliance with the applicable regulations of County, State and Federal agencies. No subsequently adopted ordinances, policies, or procedures shall apply to the Project except in accordance with the provisions of Section 163.3233(2), Florida Statutes (2013). Notwithstanding the foregoing, the City shall have the absolute discretion to amend and/or adopt life safety codes such as but not limited to fire codes, that may conflict with the provisions herein or may impose additional burdens on the Developer as is otherwise authorized by State Statutes or the regulations of governmental administrative agencies, provided that such life safety codes retroactively apply to all development similar to the Project in the City. The parties agree that such codes may be adopted without any special notice to the Developer and that the Developer shall not be entitled to any special hearing relative to the adoption of such codes. Failure of this Agreement to address a particular permit, condition, term, restriction, or to require a development permission shall not relieve the Developer of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions in any matter or thing required under existing Ordinances of the City or regulations of any other governmental agency, or any other entity having legal authority over the Property. Except as provided in this Agreement, all applicable impact fees, development review fees, building permit fees and all other fees of any type or kind shall be paid by Developer in accordance with their terms and in such amount applicable as they become due and payable.

6. No Estoppel. The parties agree that prior to the approval of this Agreement by the City Commission, the City's interest in entering into this Agreement, the studies, surveys, environmental studies, consultant plans or investigations, the expenditure of substantial funds, the staff approval or recommendation relative to the proposed development and any other act in furtherance of this Agreement, shall not be used by the Developer or its successors in title in any way whatsoever as committing the City legally through a theory of equitable estoppel, action in reliance, or any other legal theory as to the approval of such proposed development in the event that this Agreement is not approved by the City Commission or for any other reason does not take effect in all material respects.

The parties further agree that any and all action by the Developer or its representatives in negotiation of this Agreement, including all acts or expenditures in the implementation of this Agreement or submittals to other governmental bodies shall in no way be deemed to be an action in reliance giving rise to an equitable estoppel.

7. No Partnership or Joint Venture. The City and Developer agree that the matters contained in this Agreement shall under no circumstances constitute a joint venture, partnership or agency between them. No third party shall be deemed to have any beneficial interest in this Agreement or any expectation of benefit or property rights or any other rights of any kind arising from this Agreement.

8. Scope of Project. The Property shall be developed in substantial conformance with the Final Design Review (Exhibit "B") as may be modified by the requirements of other state and county governmental agencies having jurisdiction over the development of the Property. Except as may be authorized by the parties hereto, any material deviation from the commitments made by the parties herein shall require an amendment to this Agreement.

The Project shall consist of the following:

- a. Up to 30 Attached Residential units and up to 10,000 sq. ft. of Commercial space;
- b. 79 parking spaces; 67 shall be located on the Property and 9 shall be located along Victoria Drive Right-of-Way as shown on the Final Design Review;
- c. A height of no more than 52 feet as measured from BFE Elevation 12 ft. including a first floor height of 13.5 ft. as shown on the Final Design Review;
- d. The design of the Project as represented in Exhibit "B," is consistent with the Code except as stated herein.

9. Developer's Obligations.

- a. The obligations under this Agreement shall be binding upon and the benefits of this Agreement shall inure to the Developer, its successors in interests or assigns. At the time of development of the Property, the Developer will submit

such applications and documentation as are required by law and shall comply with the City's Code applicable at the time of building permit review.

- b. Developer shall construct the vertical mixed use Project consistent with the Final Design Review and all required City approvals.
- c. Public Infrastructure. The Developer or its successor in title, as appropriate, at its sole cost, shall design, construct and maintain, until acceptance by the City and conveyance by recordable instrument or bill of sale, as appropriate, to the City, all public infrastructure facilities and lands necessary to serve the Project which are shown on the Final Design Review, provided that said public infrastructure facilities have received construction plan approval and that all applicable review procedures have been complied with fully, inspected and accepted by the City. Public infrastructure facilities shall include those facilities to be located in rights-of-way or easement areas conveyed to the City, as shown on the approved engineering construction drawings and shall include, but not be limited to the following:
  - i. Victoria Drive Improvements.
    - (1) New landscaping as shown on the Greenscape Plan attached hereto and made part hereof as Exhibit "C" ("Greenscape Plan");
    - (2) Construct nine (9) public parking spaces as shown on the Final Design Review and provide a parking easement to the City;
    - (3) New brick paver sidewalk adjacent to or within the eastern right-of-way of Victoria Drive as shown on Final Design Review, and provide a sidewalk easement to the City as needed;
    - (4) Repaving of Victoria Drive from Main Street to northern end of Property pursuant to City engineering standards; and
    - (5) Bury overhead electrical lines along Victoria Drive which are currently located on the eastern side of Victoria Drive.
    - (6) Maintenance agreement requiring the Developer to maintain landscaping installed by the Developer within the Victoria Drive right of way in perpetuity.
  - ii. Main Street Improvements.
    - (1) Remove vehicular access drives on Main Street and replace with new curbs, brick paver sidewalks, and landscaping to match existing;
    - (2) Remove brick retaining wall along edge of Main Street right-of-way/Property, as required to be consistent with Final Design Review; and
    - (3) Relocate foxtail palm trees located on southern edge of property adjacent to Main Street as shown on Greenspace Plan.
- d. Public Art. The Developer shall utilize public art in a sculpture garden designated on the southeast corner of the Property and provide a public easement for this

space and for the courtyard area identified on the Final Design Review plan. These areas shall include paver sidewalk, landscaping, benches, bike racks and a total of three to five art display stations as approved by the City in conjunction with the City's Public Art Program.

- e. Parking. Developer shall provide a total of seventy nine (79) parking spaces for the Project. The equivalent of twenty-five parking spaces shall be required for the retail use ("Retail Parking Requirement"). The Retail Parking Requirements shall be fulfilled by Developer as follows: (i) ten (10) parking spaces within the parking structure; (ii) nine (9) spaces on Victoria Drive as shown on the Final Design Review; and (iii) payment of \$2500/space for six (6) retail parking spaces (total of \$15,000) to the City's parking fund.

10. Public Facilities.

- a. Potable water is available from the City. The Developer shall be responsible for all necessary main extensions and applicable connection fees.
- b. Sewer service is currently provided by the City. The Developer shall be responsible for all necessary main extensions and applicable connection fees.
- c. Fire protection from the City.
- d. Drainage facilities for the Property will be provided by the Developer at the Developer's sole expense.
- e. All improvements associated with the public facilities identified herein shall be completed prior to the issuance of any certificate of occupancy.

11. Obligations of the City.

- a. The City shall promptly process site and construction plan applications for the Property that are consistent with the Comprehensive Plan and the Final Design Review and that meet the requirements of the Code.
- b. The final effectiveness of the Agreement is subject to:
  - i. The provisions of Chapters 163 and 166, Florida Statutes, as they may govern such amendments; and
  - ii. The expiration of any appeal periods or, if an appeal is filed, at the conclusion of such appeal.
  - iii. Release of Sidewalk Easement recorded in O.R. Book 17299, Pages 2074 through 2076, and modifications to the public right-of-way as referenced herein.

iv. Modification of the Use Permit between the City of Dunedin and European Management Services, Inc. dated August 8, 1991.

12. Permits. Development permits, which may need to be approved and issued, include, but are not limited to the following:

- a. City of Dunedin construction plan approvals, building permits, and certificates of occupancy.
- b. Southwest Florida Water Management District surface water management permit.
- c. Florida Department of Environmental Protection NPDES permit.
- d. Florida Department of Health drinking water permit.
- e. Florida Department of Environmental Protection wastewater collection permit.
- f. All other approvals or permits as required by existing governmental regulations as they now exist.

Except as set forth in this Agreement, all development permits required to be obtained by the Developer for the Project will be obtained at the sole cost of the Developer and in the event that any required development permissions issued by entities other than the City are not received, no further development of the Property shall be allowed until such time as the City and the Developer have reviewed the matter and determined whether to modify or terminate this Agreement.

13. City Impact Fee Credits.

a. Project. The City has computed and will grant certain impact fee credits for the Project to the Developer consistent with City ordinances and reflecting previous uses on the Property, which entitle the Developer to certain impact fee credits. The impact fee credits to be granted to Developer are:

(i) Park Land Dedication Fee Credit.

1. Fifty percent (50%) adjustment for residential project in the Downtown Core zoning district.
2. Ten percent (10%) credit for a vertical Mixed Use Development, as this Project has three floors of residential use above retail use.
3. Ten percent (10%) credit for high quality architecture as this Project will consist of coastal/Victorian architecture that complement and blend with the coastal and Victorian architectural styles found in Dunedin. The corner of Victoria Drive and Main Street will be designed as a focal point

with a wrapped retail area. The entry to the residential portion of the Project includes a courtyard at the transect of Main Street into the property.

4. Fifteen percent (15%) credit for the creation of a great public space which will be privately owned and maintained. The Developer will provide a sculpture garden on the southeast corner of the Property. The Developer will work with the City's public art committee to incorporate public art in the area for gathering between the downtown retail district and the marina. In addition, the Developer will provide enhanced landscaping along Main Street and Victoria Drive as described in the Final Design Review and Greenspace Plan. These spaces will be well lit, have sufficient benches or chairs, and include a friendly and welcoming atmosphere.

(ii) Transportation Impact Fee Credit. The transportation impact fee credit to be granted to the Developer is \$64,476 based upon a credit for 24 motel rooms and 29 apartments which were previously developed on the Property.

(iii) Any other impact fee credits that are authorized by the Code.

14. Recordation. Not later than fourteen (14) days after the execution of this Agreement, the City shall record this Agreement with the Clerk of the Circuit Court in Pinellas County, Florida, and a copy of the recorded Agreement shall be submitted to the Florida Department of Economic Opportunity within fourteen (14) days after the Agreement is recorded. The burdens of this Agreement shall be binding upon, and the benefits of the Agreement shall inure to, all successors and assigns in interest to the parties to this Agreement.

15. Agreement as Covenant. This Agreement shall constitute a covenant running with the Property for the duration hereof and shall be binding upon the Developer and upon all persons deriving title by, through or under said Developer and upon its successors and assigns in title. The agreements contained herein shall benefit and limit all present and future owners of the Property, and the City for the term hereof.

16. Legislative Act. This Agreement is agreed to be an legislative act of the City in furtherance of its powers to regulate land use and development within its boundaries and, as such, shall be superior to the rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the Property and this Agreement and the obligations and responsibilities arising hereunder as to the Developer shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of this Agreement. The execution of this Agreement or the consent to this Agreement by any existing mortgage holder, lien holder or other persons having an encumbrance on the Property shall be deemed to be in agreement with the matters set forth in this paragraph.

17. Entire Agreement. This Agreement constitutes the entire agreement and understanding between the parties and no modification hereof shall be made except by written agreement executed with the same formality as this Agreement. The parties agree that there are no outstanding agreements of any kind other than are reflected herein and, except as is otherwise specifically provided herein, for the term of the Agreement the Property shall be subject to the laws, ordinances and regulations of the City of Dunedin as they exist as of the date of this Agreement. Any reference in this Agreement to "Developer" contemplates and includes the fee simple title owners of record of the Property their heirs, assigns or successors in title and interest. Any oral agreements, agreements created by written correspondence or any other matter previously discussed or agreed upon between the parties are merged herein.

18. Enforcement. The parties agree that either party may seek legal and equitable remedies for the enforcement of this Agreement, provided however that neither the City nor the Developer may seek or be entitled to any monetary damages from each other as a result of any breach or default of this Agreement. In any litigation arising out of this Agreement, the prevailing party shall be entitled to recover its costs and attorneys fees at mediation, trial and through any appellate proceedings.

Except as provided above, the parties agree that any legislative and quasi-judicial decisions, if any are required, by the City regarding the appropriate land use or other development regulations impacting the Property shall, in no event or under any conditions, give rise to a claim for monetary damages or attorney fees against the City and any claim for such damages or fees by the Developer or its successors or assigns are specifically waived.

19. Execution. The Developer represents and warrants that this Agreement has been executed by those persons with authority to execute consistent with their equitable title in the subject Property.

The City represents that the officials executing this Agreement on behalf of the City have the legal authority to do so, that this Agreement has been approved in accordance with the ordinances and Charter of the City and applicable State law, that appropriate approval of this Agreement has been received in a public hearing and that the City Commission of the City of Dunedin has authorized the execution of this Agreement by the appropriate City officials.

20. Severability. In the event that any of the covenants, agreements, terms, or provisions contained in this Agreement shall be found invalid, illegal, or unenforceable in any respect by a court of competent jurisdiction, the validity of the remaining covenants, agreements, terms, or provisions contained herein shall be in no way affected, prejudiced, or disturbed thereby.

21. Estoppel Certificates. Within twenty (20) days after request in writing by either party or any lender, the other party will furnish a written statement in form and substance reasonably acceptable to the requesting party, duly acknowledging the fact that (a) this Development Agreement is in full force and effect, (b) there are no uncured defaults hereunder by City or Developer, if that be the case, and (c) additional information concerning

such other matters as reasonably requested. In the event that either party shall fail to deliver such estoppel certificate within such twenty (20) day period, the requesting party shall forward such request directly to the City Manager and the City Attorney or to the Developer with copies to the Developer's general counsel by certified mail, return receipt requested or by Federal Express or other delivery service in which delivery must be signed for. In the case where the Developer is the requesting party, the Developer may in its sole discretion but without obligation, appear at a public meeting and request the estoppel certificate to insure that the City Manager and staff are aware of the request and the Developer may rely on the statement of the City Manager at such public meeting or may request that the City Manager be directed by the City Commission to respond to the estoppel certificate request in a timely manner.

22. Venue. Venue for the enforcement of this Agreement shall be exclusively in Pinellas County, Florida.

23. Default. Upon default or breach of any substantive portion of this Agreement by any party, the non-defaulting party shall provide written notice via overnight, traceable delivery service of the default and opportunity to cure within sixty (60) days to the defaulting party. Upon the failure of the Developer to cure such defaults, the City shall provide notice via overnight traceable delivery service to Developer and its lenders of its intent to terminate this Agreement on a date not less than sixty (60) days from the date of such notice and upon the expiration of such period, the City, unless ordered otherwise by a court of competent jurisdiction, may revoke the then existing development permits issued by it and the Developer shall have no claim for damages against the City arising from such revocation. Alternatively, the City may proceed in court to obtain any legal or equitable remedies available to it to enforce the terms of this Agreement. In the event of any default or breach of any substantive portion of this Agreement by the City, the Developer may: (i) give written notice via overnight traceable delivery service to the City of said default with an opportunity to cure within sixty (60) days of receipt of such notice. In the event City fails to cure within said time period, the Developer may thereafter proceed in a court of competent jurisdiction to institute proceedings for specific performance or to obtain any other legal or equitable remedy to cure the default of this Agreement by the City. In any litigation arising hereunder, the prevailing party shall be entitled to recover its costs and attorneys fees at mediation, trial and through any appellate proceedings.

24. Notices. All notices and other communications required or permitted to be given hereunder shall be in writing and shall be mailed by certified or registered mail, postage prepaid or by Federal Express, Airborne Express or similar overnight delivery services, addressed as follows:

**To the Developer:**

Victoria Place, LLC  
2201 4<sup>th</sup> Street North, Ste 200  
St. Petersburg, FL 33704  
Attention: J. Michael Cheezem

**To the City:**

City of Dunedin  
542 Main Street  
Dunedin, FL 34698  
Attention: Robert DiSpirito  
City Manager

**with copies to:**

Katherine E. Cole, Esq.  
Hill Ward Henderson  
311 Park Place, Suite 240  
Clearwater, FL 33756

Thomas J. Trask, Esq.  
City Attorney  
Trask, Metz & Daigneault, LLP  
1001 South Ft. Harrison Avenue  
Suite 201  
Clearwater, FL 33756

Notice shall be deemed to have given upon receipt or refusal.

25. Binding Effect. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors and assigns in interest to the parties of this Agreement.

26. Third Party Beneficiaries. There are no third party beneficiaries to this Agreement.

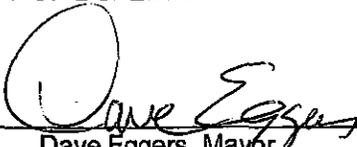
[Signature pages to follow]

IN WITNESS WHEREOF, the parties hereto have set their hands and their respective seals affixed as of the date first written above.

CITY OF DUNEDIN

  
\_\_\_\_\_  
Witness

  
\_\_\_\_\_  
Witness

By:   
\_\_\_\_\_  
Dave Eggers, Mayor

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 6th day of JUNE, 2014 by Dave Eggers, Mayor of the City of Dunedin, who  is personally known to me or who produced \_\_\_\_\_ as identification.

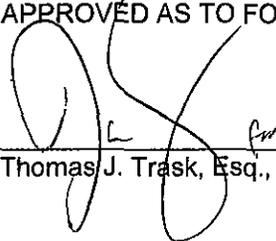


  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF FLORIDA

  
\_\_\_\_\_  
Robert DiSpirito, City Manager

  
\_\_\_\_\_  
Denise Schlegel, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thomas J. Trask, Esq., City Attorney

VICTORIA PLACE, LLC, a Florida limited liability company

By: JMC Victoria Place, Ltd., a Florida limited partnership, its manager

By: JMC Communities VP, Inc., a Florida corporation, its general partner

John R. Hobson  
Witness  
J. Michael Cheezem  
Witness

By: J. Michael Cheezem  
J. Michael Cheezem, CEO

STATE OF FLORIDA  
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority, personally appeared J. Michael Cheezem, CEO of JMC Communities VP, Inc., a Florida corporation, as general partner of JMC Victoria Place, Ltd., a Florida limited partnership, as manager of Victoria Place, LLC, a Florida limited liability company who  is personally known to me or who produced \_\_\_\_\_ as identification and, being first duly sworn, acknowledges that he has read the foregoing and that the same is true and correct, and that he is duly authorized to execute this Agreement on behalf of Victoria Place, LLC, this 5<sup>th</sup> day of June, 2014.



Gail M. Cooper  
NOTARY PUBLIC, STATE OF FLORIDA



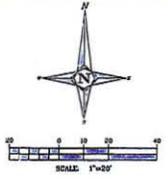
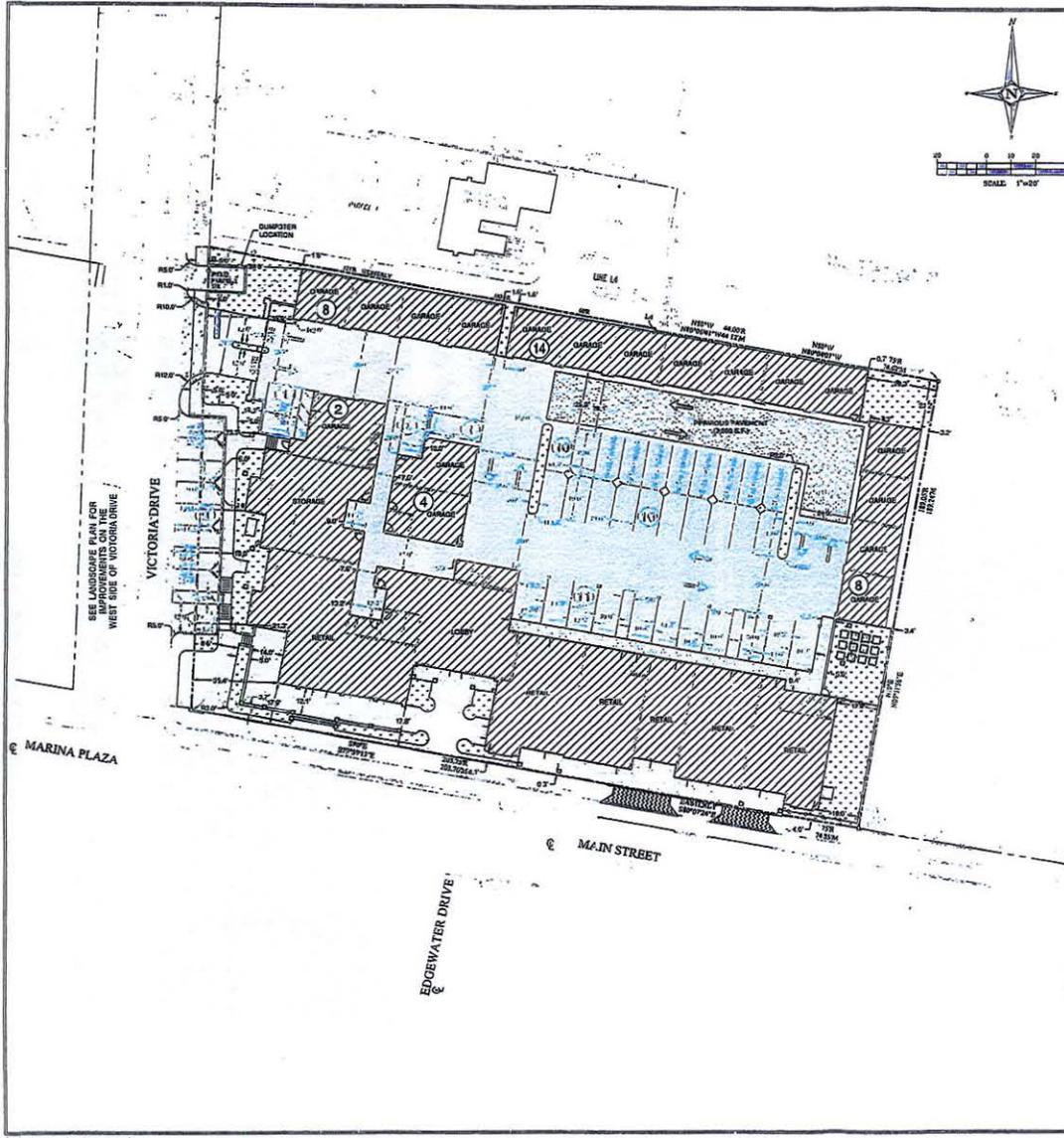
### LEGAL DESCRIPTION

THAT PART OF BLOCK 21 OF GEORGE L. JONES & WIFE'S ADDITION TO DUNEDIN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED IN PLAT BOOK 1, PAGE 48 OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE SOUTH BOUNDARY OF BLOCK 21 OF GEORGE L. JONES & WIFE'S ADDITION TO DUNEDIN, AS RECORDED IN PLAT BOOK 1, PAGE 48, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, WHICH IS 259 FEET WEST OF THE SOUTHEAST CORNER OF SAID BLOCK 21; THENCE WESTERLY, ALONG THE SOUTHERLY BOUNDARY OF SAID BLOCK 21, A DISTANCE OF 75 FEET; THENCE N80°W, ALONG SAID SOUTHERLY BOUNDARY OF BLOCK 21, A DISTANCE OF 203.75 FEET TO THE SOUTHWEST CORNER OF SAID BLOCK 21; THENCE NORTHERLY, ALONG THE EAST RIGHT-OF-WAY OF VICTORIA DRIVE, A DISTANCE OF 182.0 FEET; THENCE CONTINUE NORTHERLY, ALONG SAID EAST RIGHT-OF-WAY OF VICTORIA DRIVE, A DISTANCE OF 10 FEET, MORE OR LESS; THENCE EASTERLY, ALONG THE SOUTHERLY BOUNDARY OF G.B. & C.P. LEWIS ADDITION TO TOWN OF DUNEDIN, FLORIDA, AS RECORDED IN PLAT BOOK 1, PAGE 98, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, A DISTANCE OF 183 FEET, MORE OR LESS; THENCE S10°W, A DISTANCE OF 0.85 FEET, MORE OR LESS, TO THE NORTH BOUNDARY OF THE SOUTH 1/2 OF SAID BLOCK 21; THENCE S80°E, ALONG SAID NORTH BOUNDARY OF THE SOUTH 1/2 OF BLOCK 21, A DISTANCE OF 44.00 FEET; THENCE CONTINUE S80°E, ALONG SAID NORTH BOUNDARY OF THE SOUTH 1/2 OF BLOCK 21, A DISTANCE OF 75 FEET; THENCE S10°W, A DISTANCE OF 189.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 55,407 SQUARE FEET OR 1.27 ACRES, MORE OR LESS.

EXHIBIT "B"



VICINITY MAP

VICKS/IRON ENGINEERING SERVICES, INC.  
 505 20th Avenue NE  
 St. Petersburg, FL 33704  
 Telephone No. (727) 384-0404  
 Cell No. 37884

CONCEPTUAL SITE PLAN  
 VICTORIA PLACE  
 DUNEDIN, FLORIDA

**Victoria Place Mixed Use Building**  
 Consisting of 30 Residential Units and 10,000 sq. ft. of Retail

Floor(s)	Area In Square Feet
Level 1 - Retail	16,000
Level 1 - Storage, garages, misc.	12,741
Levels 2 & 3 - Residential @ 27,167 sq/ft	54,334
Level 4 - Residential	15,853
Gross Building Area	92,928

**Parcel Size and Building Coverage**

Parcel Size	55,407 (1.27 acres)
Parcel Building Coverage	33,517 (60.49%)
Open Space	8,314 (15%)

**Parking Count**

Retail Required - 10,000 SF @ 1.0 parking spaces per 400 SF	25 Spaces
10,000 SF / 400 SF =	25 Spaces
Residential Required - 30 Units @ 1.0 parking space per unit	30 Spaces
30 Units x 1.0 =	30 Spaces
Total Parking Required	55 Spaces
Parking Provided - standard spaces	77 Spaces
- accessible spaces	2 Spaces
Total Parking Provided	79 Spaces

**Zoning Summary (DC Zoning District)**

Zoning Standard	Required	Proposed
Minimum Lot Area	None	1.27 acres
Minimum Lot Width	None	276.79'
Minimum Lot Depth	None	103.05'
Front Setback	None	0.2
Side Setback	None	3.2
Rear Setback	None	0.7
Max. Building Height	35' to 50'	52'
Max. No. of Stories	3 to 5	3 and 4
Residential Density	30 units/acre	33.62 units/acre
First Floor Height	16.0'	13.5'

SITE LEGEND

- [Symbol] DENOTES EXISTING ASPHALT PAVEMENT
- [Symbol] DENOTES PROPOSED ASPHALT PAVEMENT
- [Symbol] DENOTES PROPOSED CONCRETE WALKWAYS
- [Symbol] DENOTES PROPOSED CONCRETE PAVEMENT
- [Symbol] DENOTES PROPOSED PAVES
- [Symbol] DENOTES PROPOSED PERVIOUS PAVEMENT
- [Symbol] DENOTES EXISTING UTILITIES TO BE MAINTAINED OR TRUNCATED DOWNS
- [Symbol] DENOTES PROPOSED LANDSCAPED AREAS
- [Symbol] DENOTES HAND AP PARKING
- [Symbol] DENOTES DUMPSTER LOCATION
- [Symbol] DENOTES NUMBER OF PARKING SPACES
- [Symbol] TRAFFIC CIRCULAR SIGN (NOT FOR PAINTING)

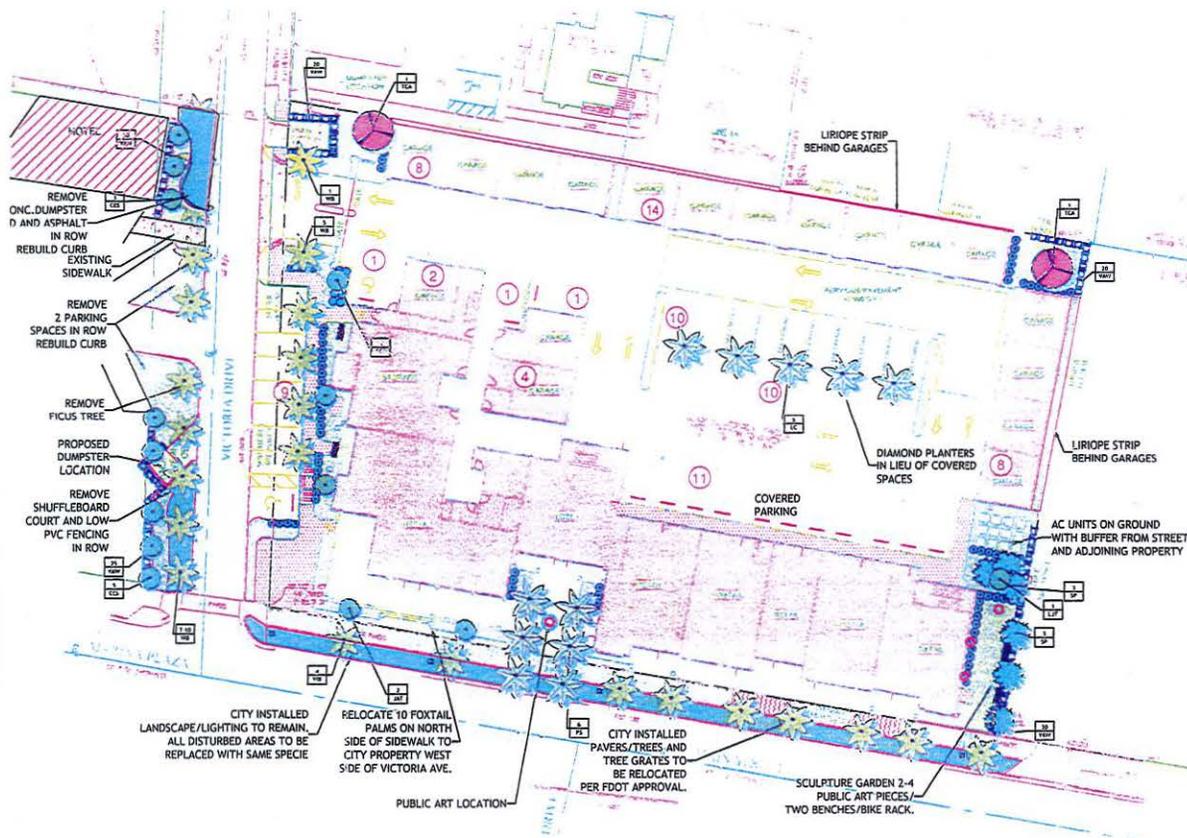
CLIENT  
 Victoria Place, LLC  
 Copyright 2014  
 2201 Fourth Street North, Suite 200  
 St. Petersburg, Florida, 33704  
 Telephone No. 727.861.1800

REVISIONS  
 OWNER REVISION 3.15.14  
 OWNER REVISION 2.21.14  
 CITY COMMENTS 3.15.14

Daniel M. Vickson, P.E.  
 P.E. No. 46080  
 State of Florida  
 DATE: 2.20.14  
 SCALE: 1"=20'  
 DESIGNED BY: KES  
 CHECKED BY: DMV  
 PROJ. No. 13-181  
 Sheet C1

App'd DEV STD LDO 14-51-037/C

EXHIBIT "C"



TREE REMOVAL SCHEDULE	
SYMBOL	NOTE
	EXISTING TREE TO REMAIN
	EXISTING TREE TO BE REMOVED/RELOCATED

**GREENSPACE CALCULATIONS:**

PARCEL SIZE	35,407 (1.27 ACRES)
PARCEL BUILDING COVERAGE	33,517 (60.49%)
OPEN SPACE/LANDSCAPE AREAS	8,314 (15%)
PERCENTAGE OF PARKING AREA LANDSCAPED	NA
WIDTH OF PERIMETER BUFFERS (0 SETBACKS)	NA

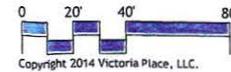
NOTE: ALL EXISTING SABAL PALMS IN VICTORIA DRIVE R.O.W. REMOVED WILL REQUIRE CITY PERMIT

**PLANT MATERIAL SCHEDULE**

QTY	CODE	BOTANICAL NAME	COMMON NAME	SPECIFICATION
11	CES	CONDOCARPUS ERECTUS SERICEUS	SILVER BUTTONWOOD	9'-10' HT STD
2	JAT	JATROPHA INTEGERRIMA 'COMPACTA'	JATHROPA	15 GAL. 4-5' HT. STANDARD
5	LC	LIVISTONIA CHINENSIS	CHINESE FAN PALM	SEE PLAN FOR CLEAR TRUNK HEIGHTS
1	LJT	LIGUSTRUM JAPONICUM TREE FORM	TREE FORM LIGUSTRUM	8' HT. x 8' SPR., MULTI-TRUNK
6	PSY	PHOENIX SYLVESTRIS	SILVER DATE PALM	12' C.T. HT.
9	SP	SABAL PALMETTO	CABBAGE PALM	REGENERATED HEADS STAGGERED HTS.
2	TCA	TABEUBA ARGENTEA	SILVER/ YELLOW TRUMPET FLOWER	12-14' X 6' SPD.
115	VAV	VIBURNUM ODORATISSIMUM AWABUKI	MIRROR LEAF VIBURNUM	7 GAL., 26" HT. x 18" SPD., FULL 2.5' O.C.
10	WB	WODYETIA BIFURCATA	FOXTAIL PALM	MATCHING 16' O.A.

**PROPOSED SHRUB AND GROUNDCOVER LEGEND**

	INFORMAL SHRUBS / ACCENT PLANTS: CRINUM LILY, DWARF VARIEGATED SHEFFLERA, PODOCARPUS, AGAPANTHUS, BIRD OF PARADISE, LOREPSTULUM, XANADU PHILODENDRON, VIBURNUM SPECIES
	GROUND COVERS: CONFEDERATE JASMINE, VARIEGATED CONFEDERATE JASMINE, BULBINE, SOCIETY GARLIC, INDIAN HAWTHORN, EMERALD GODDESS L'RIOPE, LANTANA, DWARF BOUGAINVILLEA, PENTAS
	EXISTING CITY LANDSCAPE IN ROW TO REMAIN





2201 4TH STREET NORTH #200  
ST PETERSBURG FL 33704  
727-823-0022

OWNER:  
VICTORIA PLACE, LLC

VICTORIA PLACE  
DUNEDIN FLORIDA  
GREENSPACE PLANS

REFERENCE SHEET(S)

REVISIONS

1	03-13-14	CITY COMMENTS
2	05-09-14	CITY COMMENTS

CHECKED BY: HAB

DRAWN BY: HAB

02/21/14

14006

L-1.00

App No DEV-SD-LDC 14-51 03 2/2

## ORDINANCE 14-10

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, CALLING FOR A GENERAL MUNICIPAL ELECTION ON NOVEMBER 4, 2014, FOR THE PURPOSE OF ELECTING A MAYOR, A COMMISSIONER FOR SEAT ONE(1), A COMMISSIONER FOR SEAT TWO (2) AND A COMMISSIONER FOR SEAT FOUR (4), THE ELECTED COMMISSIONERS FOR SEATS TWO (2) AND FOUR (4) SHALL SERVE FOR A TERM OF FOUR (4) YEARS;THE ELECTED MAYOR AND COMMISSIONER FOR SEAT ONE (1) SHALL SERVE FOR A TERM OF TWO (2) YEARS; PROVIDING FOR GUIDELINES IN ACCORDANCE WITH FLORIDA STATUTES, THE DUNEDIN CITY CHARTER AND CITY OF DUNEDIN CODE OF ORDINANCES, CHAPTER 26 (ELECTIONS) AND AS ADDITIONALLY OUTLINED IN EXHIBIT A (AGREEMENT FOR CONDUCTING THE NOVEMBER 4, 2014 IN CONJUNCTION MUNICIPAL ELECTION); PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO SIGN THE AGREEMENT;PROVIDING FOR PUBLICATION;PROVIDING AUTHORIZATION OF ELECTION EXPENDITURES; PROVIDING FOR READING BY TITLE ONLY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; AND BY PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to the City of Dunedin City Charter, Section 5.04 (Election Ordinance), the City Commission shall, by City Ordinance define and describe to the voter and candidates qualifications, rules and methods of conducting elections within the City of Dunedin; and

**WHEREAS**, pursuant to the City Charter, Section 5.03 (Elections), on November 4, 2014, the qualified electors shall elect a Commissioner for Seat Two (2) and a Commissioner for Seat Four (4) to serve for a term of four (4) years; and

**WHEREAS**, pursuant to the City Charter, Section 3.06 (Vacancies; Forfeiture of Office; Filling of Vacancies) on November 4, 2014, the qualified electors shall elect a Mayor and a Commissioner for Seat One (1) to serve for a term of two (2) years; and

**WHEREAS**, pursuant to the City Charter, Section 5.03 (Elections):

- The candidate receiving the highest number of votes for the Mayor and the Commissioner's numbered seats shall be declared elected, if otherwise qualified.
- The candidates so elected shall assume their offices at a Special City Commission meeting on the second Monday following the election.

**WHEREAS**, pursuant to the City Charter, Section 3.03 (Qualifications), any elector of the City who is a resident of the City, having physically resided therein for a period of at least one (1) year immediately prior to the time of qualifying and who has met the requirements of Article V of the City Charter shall be eligible to hold the office of Mayor or Commissioner. Except as otherwise provided herein, the City Commission shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office; and

**WHEREAS**, pursuant to Chapter 26 (Elections) of the City of Dunedin Code of Ordinances, Section 26-74 (Time for qualifying): No person may qualify as a candidate prior to the 155th day before the next city election nor later than 12:00 noon, local time, on the 141st day before the said election, except that if the 141st day falls on a day that is a Saturday, Sunday or City holiday, the qualifying period shall be extended to the next city business day; and

**WHEREAS**, said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 (Elections) of the City of Dunedin Code of Ordinances and as outlined in Exhibit A (Agreement for Conducting November 4, 2014 in Conjunction Municipal Election), now therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That an election shall be held in the City of Dunedin, Florida on November 4, 2014, for the purpose of electing a Commissioner for Seat Two (2) and a Commissioner for Seat Four (4) to serve a term of four (4) years; and a Mayor and a Commissioner for Seat One (1) to serve for a term of two (2) years.

**Section 2.** That said election shall be held in accordance with Florida Statutes, the City Charter and Chapter 26 (Elections) of the City of Dunedin Code of Ordinances and as outlined in Exhibit A (Agreement for Conducting November 4, 2014 in Conjunction Municipal Election).

**Section 3.** That the City Manager shall be authorized to sign the Agreement between the Pinellas County Supervisor of Elections and the City of Dunedin.

**Section 4.** That the City Clerk shall be authorized:

- To procure such voting equipment, ballots, tally sheets, list of registered voters, certificates and such other similar items as shall be necessary for the conducting and holding of such election.
- To expend such monies as may be necessary in order to prepare for and conduct said election.
- To accept Campaign Treasurer's Reports and review such reports to verify information for completeness and allow amendments as provided by law.

**Section 5:** That the new four-year term for elected Commissioners for Seats Two (2) and Four (4) and the new two year term for the elected Mayor and Commissioner of Seat One (1) will commence on the second Monday following the election, which will be a Special Meeting on November 17, 2014.

**Section 6:** That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

**Section 7:** This Ordinance shall become effective immediately upon its final passage and adoption.

adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of May, 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Schlegel  
City Clerk

Passed on First Reading: \_\_\_\_\_ May 1, 2014

Published: \_\_\_\_\_ May 2, 2014

Passed on Second Reading: \_\_\_\_\_ May 15, 2014

**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS**

**NOVEMBER 4, 2014**

**CITY OF DUNEDIN**

RECEIVED

2014 MAY 19 PM 3: 26

WHEREAS, the City/Town of **Dunedin** has requested the assistance of the Office of the County Supervisor of Elections (Supervisor) in conducting its General Election; and

OFFICE OF ELECTIONS  
ELECTION SERVICE CENTER

WHEREAS, the Supervisor is agreeable to providing such assistance to the City/Town subject to the following conditions, considerations and agreements arrived at between the parties;

IT IS HEREBY AGREED AS FOLLOWS:

**GENERAL PROVISIONS**

The election is to be conducted under any applicable ordinances of the City/Town and all sections of Chapters 97-106, Florida Statutes (the State Election Code). It is understood that the Supervisor is in charge of the election, and that the County Canvassing Board is responsible for canvassing the election (no cost to the City/Town). The City/Town may have a designated representative in the canvassing board room. This designee may only serve in an "observer" capacity and may not participate in the canvassing of the election. The County Canvassing Board will determine whether a recount is required and advise the City/Town. The County Canvassing Board will certify the election results and will provide a certificate of election and a conduct of election report to the City/Town (ONE certificate of election and conduct of election report will include all elections held on the same day). These documents will be provided to the City/Town after the County Canvassing Board certifies the official election results.

The Post-Election Audit may not begin until the Canvassing Board has certified the official election results. The City/Town is responsible for the costs associated with conducting an annexation election (mapping annexation areas, reassigning addresses, and mailing new voter registration cards).

The City/Town is responsible for the costs associated with any legal action or contest of election arising from its election. The City/Town, the Supervisor of Elections and the County Canvassing Board agree that the County Attorney's Office will represent the Supervisor of Elections and County Canvassing Board in any legal action concerning the canvass or certification of the election.

JUN 03 2014

OFFICE OF THE CITY CLERK

**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS  
NOVEMBER 4, 2014**

It is understood that the provisions of this contract are based on current state law, and if any changes in election law should occur during the period of this agreement, those changes will supersede the terms of this contract where applicable.

**The City/Town will provide the Supervisor with the current City/Town definition/boundaries (which includes ALL current annexations) no later than 5:00 p.m., August 19, 2014. It is the responsibility of the City/Town to ensure the Supervisor has the current definition/boundary information so all eligible voters can participate in the City/Town's election. The City/Town agrees that NO changes to the City/Town definition/boundaries will be made effective between 5:00 p.m., August 19, 2014, and Midnight, November 4, 2014.**

This contract must be signed by the City/Town and received by the Supervisor no later than the **ballot language deadline of 5 p.m., August 19, 2014.**

The Supervisor will certify to the City/Town the number of registered voters for this election approximately 10 days prior to the election.

**SPECIFIC PROVISIONS (City of Dunedin)**

CITY/TOWN CLERK:	Denise Schlegel
OFFICE PHONE:	(727) 298-3034
FAX:	(727) 298-3505
ELECTION DAY CELL PHONE:	(727) 423-5316
ADDRESS:	750 Milwaukee Ave (Zip 34698) P.O. Box 1348 Dunedin, FL 34697-1348

ELECTION TITLE:	General Election
ELECTION DATE:	November 4, 2014
VOTER REGISTRATION DEADLINE:	October 6, 2014

(The City/Town Clerk MUST be available from 6 a.m. to 7:30 p.m. on Election Day)

**BALLOT INFORMATION (Julie Marcus 464-6641)**

- o Final Ballot Language is due no later than **5:00 p.m., August 19, 2014** and must include all opposed candidate oaths and resolutions and/or ordinances with ballot questions.
- o All ballot language must comply with Florida Statutes [101.161(1)] and the Uniform Ballot Rule (1S-2.032).

**AGREEMENT FOR CONDUCTING  
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NOVEMBER 4, 2014**

- Using the Ballot Language Submittal Forms – Complete required information. Include information and Candidate Oaths for ONLY qualified opposed candidates in ballot order, and all Charter Amendments/Referendum Questions with SIGNED/APPROVED Ordinances/Resolutions including numbering for ballot order.
- Scan and Email ballot language to Julie Marcus at [jmarcus@votepinellas.com](mailto:jmarcus@votepinellas.com) by the final ballot language deadline.

**BALLOT LAYOUT/PRINTING (Marc Gillette 464-4958)**

- The Supervisor is responsible for creating the ballot (ballot layout will comply with Florida Statutes and the Uniform Ballot Rule).
- The City/Town is responsible for approving the City/Town's portion of the ballot.
- Precinct ballots will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card (includes shipping charges) if the City/Town's portion of the ballot creates an additional ballot card.
- Provisional Ballots (minimum of 25 ballots per precinct) will be printed by the Supervisor. The Supervisor will bill the City/Town 22 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.
- If the City/Town requires a ballot change after ballots are printed, the City/Town is responsible for additional costs.

**CANDIDATE AUDIO RECORDING (Nicole Sokolowski/David Wise 464-4958)**

- The deadline for candidates to record their names and office titles for the audio ballot is **5:00 p.m., August 26, 2014**. It is the responsibility of the City/Town to notify City/Town candidates of this deadline. Candidates must call (727) 453-3293; a voice message will prompt the candidate to record his/her name as indicated on the Candidate Oath and the office for which the candidate is running.

**MAIL /ABSENTEE BALLOTS (Martin Munro 464-6788)**

- The Supervisor will bill the City/Town 22 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in the initial mailing.
- The Supervisor will bill the City/Town 40 cents per ballot card, if the City/Town's portion of the ballot creates an additional ballot card, used in daily mailings.

**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS  
NOVEMBER 4, 2014**

- The City/Town will be billed for additional postage if the City/Town's portion of the ballot creates an additional ballot card.
- The deadline for mailing military/overseas mail/absentee ballots is September 20, 2014. [F.S. 101.62(4)(a)]. **Tentative Mailing Schedule for military/overseas ballots: The week of September 15, 2014, no later than September 20, 2014.**
- **Domestic ballots must be mailed no earlier than September 30, 2014 and no later than October 7, 2014 [F.S. 101.62(4)(b)].**
- After the initial mailings, ballots will be mailed daily as requests are received up to the fourth day prior to the election.
- Duplicate and Test Ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

**LEGAL NOTICES (Nancy Whitlock 464-7493)**

- The Supervisor is responsible for publishing the canvassing board meeting schedule.
- The Supervisor is responsible for creating the Sample Ballot and publishing it in a newspaper of general circulation. The City/Town is responsible for the advertising costs associated with publishing their portion of the sample ballot ad. The Supervisor will bill the City/Town for the City/Town's portion of the sample ballot ad.
- The Supervisor is responsible for mailing any necessary polling place change notices, one per household, and publishing the list in a newspaper of general circulation.
- If the City/Town is conducting a special election or special referendum election, the City/Town is responsible for any additional notices required by Florida law. The City/Town is responsible for any notices required in its charter or by ordinance.

**TESTING BALLOT COUNTING EQUIPMENT (Marc Gillette 464-4958)**

- The canvassing board will certify test results of the ballot counting equipment and the Supervisor will file the election parameters with the Division of Elections. The Supervisor will publish the canvassing board meeting schedule. The canvassing board meeting schedule is:

**AGREEMENT FOR CONDUCTING**  
**IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS**  
**NOVEMBER 4, 2014**

DATE	MEETING TIME	ACTIVITY
October 15, 2014	9:00 a.m.	Pre-election test of precinct and early voting ballot scanning equipment and mail/absentee and provisional ballot scanning equipment [F.S. 101.5612]
October 22, 2014	9:00 a.m.	Second test of mail/absentee and provisional ballot scanning equipment [F.S. 101.5612]; Canvass mail/absentee ballots (No earlier than 15 days prior to election) [F.S. 101.68(2)]
October 23 - November 2, 2014	9:00 a.m.	Canvass mail/absentee ballots [F.S. 101.68(2)] <i>(Meeting If Necessary)</i>
November 3, 2014	9:00 a.m.	Canvass mail/absentee ballots [F.S. 101.68(2)]; Early voting and mail/absentee processing [F.S. 102.141(4)(a)]
November 4, 2014	9:00 a.m.	Canvass mail/absentee ballots [F.S. 101.68(2)]
	7:00 p.m.	Election Day processing
		Release unofficial results (does not include provisional ballots and 10-day overseas mail/absentee ballots)
	7:30 p.m.	Deadline to begin reporting early voting and mail/absentee ballots results to State [F.S. 102.141]
November 5 - 7, 2014	9:00 a.m.	Canvass provisional ballots [F.S. 101.048] <i>(Meeting If Necessary)</i>
November 8, 2014	9:00a.m.	Deadline to file Unofficial Election Returns with State (does not include 10-day overseas mail/absentee ballots) [F.S. 102.141(5)] (No later than Noon of the 4th day after election) <i>(Meeting If Necessary)</i>
November 9 - 12, 2014	9:00a.m.	<i>(Meeting If Necessary)</i>
November 13, 2014	9:00a.m.	Deadline to file 2nd Unofficial Election Returns with State (if necessary) [F.S. 102.141(7)(c)] (No later than 3 p.m. of the 9th day after election) <i>(Meeting If Necessary)</i>
November 14, 2014	9:00a.m.	Deadline for Receipt of 10-day overseas mail/absentee ballots [Rule 1S-2.013; F.S. 101.6952] (No later than 10 days from the date of the election) <i>(Meeting If Necessary)</i>
November 15, 2014	9:00a.m.	<i>(Meeting If Necessary)</i>
November 16, 2014	9:00a.m.	Deadline to file Official Election Returns and Conduct of Election Report with State [F.S. 102.112(2)] (Noon on the 12th day after election) [F.S. 102.141] <i>(Meeting If Necessary)</i>
November 17 - 19, 2014	9:00 a.m.	<i>(Meeting If Necessary)</i>

- o All Canvassing Board Meetings will take place at: Election Service Center, 13001 Starkey Road, Largo

**AGREEMENT FOR CONDUCTING  
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NOVEMBER 4, 2014**

**EARLY VOTING (Martin Munro 464-6788)**

- Early Voting will be October 20, 2014 – November 2, 2014

**Early Voting Locations, F.S. 101.657(1)(a)**

Election Office - County Courthouse  
315 Court St., Room 117  
Clearwater, FL 33756-5190

Election Service Center  
13001 Starkey Rd.  
Largo, FL 33773-1416

Election Office – County Building  
501 First Ave. N.  
St. Petersburg, FL 33701-3726

**Days/Times of Operation**

Monday – Friday: 7 a.m. – 7 p.m.

Saturday and Sunday: 7 a.m. – 7 p.m.

- Early Voting ballots will be printed by the Supervisor; the Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

**MAIL /ABSENTEE BALLOT DROP-OFF LOCATIONS (Julie Marcus 464-5710)**

- The Supervisor will provide mail/absentee ballot drop-off locations. For locations, dates and times please refer to Exhibit A.

**POLL WATCHERS (Julie Marcus 464-6641)**

- Early Voting poll watcher designations for municipal candidates/committees must be submitted to the City/Town PRIOR TO NOON **October 6, 2014** [F.S. 101.131(2)]. The City/Town must submit poll watcher designations to the Supervisor PRIOR TO 5 P.M. **October 6, 2014.**
- Precinct poll watcher designations for Election Day for municipal candidates/committees must be submitted to the City/Town PRIOR TO NOON **October 21, 2014** [F.S. 101.131(2)]. The City/Town must submit poll watcher designations to the Supervisor PRIOR TO 5 P.M. **October 21, 2014.**

**AGREEMENT FOR CONDUCTING  
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- The City/Town shall provide to each designated poll watcher for a municipal candidate/committee, no later than 7 days prior to the beginning of early voting and Election Day, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the early voting area or polling room. [FS 101.131(5)].

**OVER-THE-COUNTER BALLOT PICKUP (Martin Munro 464-6788)**

- In-office ballot pickup will be available in each of the Supervisor of Elections locations during the following dates and times:
  - September 22 – October 19: 8 a.m. – 5 p.m. (closed weekends and holidays)
  - October 20 – November 2: 7 a.m. – 7 p.m. (Saturdays and Sundays 7 a.m. – 7 p.m.)
  - November 3: 8 a.m. – 5 p.m.
  - November 4: 7 a.m. – 7 p.m. (only permitted in cases of emergency, F.S. 101.62(4)(c).5)
  - The Supervisor will bill the City/Town 40 cents per ballot card if the City/Town's portion of the ballot creates an additional ballot card.

**VOTING EQUIPMENT AND SUPPLIES (Ken Lanphar 464-6788)**

- The Supervisor will contract with a moving company to transport the voting equipment and supplies to and from polling locations.
- Supplies not transported by the moving company will be picked up by the precinct clerks after Clerks' Class at the Election Service Center.

**POLLING PLACES (Dawn Grasso 464-6110)**

- The Supervisor will select, contract with and compensate polling places.

**POLL WORKERS (Wendy Grimes 464-6110)**

- The Supervisor will recruit, assign, train, and compensate ALL poll workers. A Deputy Sheriff will deputize the poll deputies.

**CANVASSING MAIL / ABSENTEE BALLOTS (Martin Munro 464-6788)**

- The Supervisor, in the presence of the County Canvassing Board will open and prepare mail/absentee ballots for tabulation at the Election Service Center. Questionable ballots

**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS  
NOVEMBER 4, 2014**

will be presented to the County Canvassing Board for decision. Florida Statute 101.68(2) allows for the canvassing of mail/absentee ballots to begin 15 days prior to the election. The Canvassing Board/testing schedule reflects ALL possible meeting days. The Canvassing Board will modify the schedule as needed based on the number of mail/absentee ballots received. Updates to the canvassing board schedule will be posted to the Supervisor's Web site.

**PROVISIONAL BALLOTS (Martin Munro 464-6788)**

- The Supervisor will research each provisional ballot to determine the voter's eligibility and will present the provisional ballots to the County Canvassing Board for decision. Voters casting a provisional ballot have two days after Election Day to provide written proof of eligibility to the County Canvassing Board. The deadline for this election is November 6, 2014 at 5 p.m. [Florida Statute 101.048]. All provisional ballots will be canvassed at the Election Service Center.

**ELECTION NIGHT PROCEDURE (Julie Marcus 464-5710)**

- The Supervisor will have unofficial election results modemed from the polling places to the Election Service Center.
- The Supervisor will have the precinct scanner memory sticks, voted precinct and provisional ballots, and election supplies transported to the Election Service Center.
- Results will be released throughout the night and posted to the Supervisor's Web site ([www.voteinellas.com](http://www.voteinellas.com)). The Supervisor will provide unofficial results on election night.

**AFTER ELECTION DAY (Nancy Whitlock 464-7493)**

- Provisional ballots will be canvassed. All ballots accepted by the County Canvassing Board will be processed and added to the election night results to produce Official Election Results. Provisional ballots cannot be rejected until after the deadline for provisional voters to provide written proof of eligibility [F.S. 101.048].
- The County Canvassing Board will certify the election results and will provide a certificate of election and a conduct of election report to the City/Town (ONE certificate of election and conduct of election report will include all elections held on the same day). These

**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS  
NOVEMBER 4, 2014**

documents will be provided to the City/Town via email after the County Canvassing Board certifies the official election results.

- The County Canvassing Board will conduct a post-election audit in accordance with F.S. 101.591 and Division of Elections administrative rule 1S-5.026. The Supervisor will post the required post-election audit notices to the Supervisor's Web site and at each elections office. The Supervisor will provide a copy of the notices via email to the City/Town to post at City/Town Hall (and Web site, if applicable). The Supervisor will post the final post-election audit report to the Supervisor's Web site and will provide to the City/Town a copy of the report, via email, to post to the City/Town Web site, if applicable, after the County Canvassing Board completes the audit.
  - Election materials will remain sealed at the Election Service Center for the duration of the public records retention period.
  - The Supervisor of Elections in accordance with Florida Statute 98.0981(2) will report precinct-level results to the Department of State within 30 days after the County Canvassing Board certifies the official election results.

**DATA PROCESSING ORDERS (Nicole Sokolowski 464-4958)**

- The City/Town may place orders directly with the Data Center staff.
- The City/Town has requested and will be billed for the voter list on CD within 10 days following the Voter Registration Deadline.

**VOTER HISTORY (Marc Gillette/David Wise 464-4958):**

- When voter history is completed, the City/Town will be provided with the names of those who voted. Information to be provided on CD.

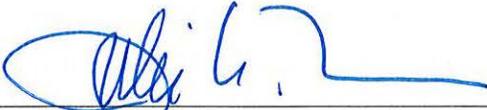
**AGREEMENT FOR CONDUCTING  
IN CONJUNCTION GENERAL ELECTION/MUNICIPAL ELECTIONS  
NOVEMBER 4, 2014**

**ELECTION COSTS (Dawn Ricketts 464-6108)**

- o There will be a 10-cent election administration fee per registered voter.

By affixing their signatures hereto, the parties acknowledge each to the other that they have full authority to enter into this Contract.

**APPROVED:**



*for*  
DEBORAH CLARK  
Supervisor of Elections  
Pinellas County, Florida

Date: 6/2/14

**APPROVED:**



ROB DISPIRITO  
City Manager  
City of Dunedin, Florida

Date: May 15, 2014

**APPROVED AS TO FORM:**



JEWEL WHITE  
Sr. Assistant County Attorney

Date: 5-29-14

**APPROVED AS TO FORM:**



THOMAS J. TRASK  
City Attorney

Date: May 15, 2014

**ATTEST TO:**



DENISE M. SCHLEGEL  
City Clerk

Date: May 15, 2014

**ORDINANCE 14-11**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING DIVISION F OF SECTION 70-80 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO PROVIDE FOR REPLACEMENT OF THE TERM "AGENCY" WITH THE TERM "INSURANCE COMPANY"; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, City staff has requested an amendment to Division F of Section 70-80 of the Code of Ordinances to replace the term "Agency" with the term "Insurance Company"; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Division F of Section 70-80 of the Code of Ordinances of the City of Dunedin is hereby amended to read as follows:

**Division F. FINANCE, INSURANCE AND REAL ESTATE.**

This division includes establishments operating primarily in the fields of finance, insurance and real estate but does not include the construction of buildings:

*Major Group 1. Banks, Credit Unions and Other Financial Institutions and Services:*

- (01) Automatic teller machines \$75.00
- (02) Banks, savings and loan SF, NOW
- (03) Currency exchange SF, NOW
- (04) Investment agents and counselors (independently employed) SF, NOW
- (05) Loan, finance, consumer discount (excluding banks, savings and loans and pawnbrokers (See Note D) SF, NOW
- (06) Mortgage brokerage service (See Note D) SF, NOW
- (07) Stocks, bonds and other securities: (See Note D)
  - (a) Brokerage firm SF, NOW
  - (b) Individual not employed by city-licensed firm SF, NOW
- (08) Other financial institutions and services NOC SF, NOW

*Major Group 2. Insurance Carriers and Services: (Agents, Brokers, etc.; writes one or more policies for Accident and Health, Burglary, Casualty, Liability, Fidelity and Surety, Fire, Funeral, Life, Marine, Title Guarantees, Workers Compensation, etc.):*

(01) Adjuster	SF, NOW
(02) Agency, local office acting for one or more insurance companies	SF, NOW
(03) <del>Agency Insurance Company, out of state</del>	\$50.00
(04) Agent: placed in city by local agent or travel representative	SF, NOW
(05) Appraiser, bonding agent	SF, NOW
(06) Individual not employed by city agency	SF, NOW
(07) Other insurance carriers and services NOC	SF, NOW

*Major Group 3. Apartments, Hotels and General Lodging Facilities:*

(01) Hotels, motels, apartments, roominghouses, boardinghouses and other rental lodging facilities (See Note F), commercial units:	
(a) Two to five units	\$25.00
(b) Over five units, plus \$2.00 for each additional unit up to ten	\$25.00
(c) Ten units, plus \$1.00 for each additional unit up to 20	\$30.00
(d) Twenty units, plus \$0.75 for each additional unit up to 30	\$45.00
(e) Thirty units, plus \$0.60 for each additional unit up to 50	\$55.00
(f) Fifty units, plus \$0.50 for each additional unit	\$70.00

*Major Group 4. Real Estate Services (buyers, sellers, agents and brokers):*

(01) Apartment operators (See Div. F, MG 3)	
(02) Auctioneers (See Note A and section 70-81)	SF, NOW
(03) Cemetery (plot sales and operation)	SF, NOW
(04) Land developer	SF, NOW
(05) Real estate appraiser	SF, NOW
(06) Real estate broker/agency: (See Note D)	SF, NOW
(07) Title abstract companies	SF, NOW
(08) Other real estate services NOC	SF, NOW

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 15th day of May, 2014.**



\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:



\_\_\_\_\_  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: May 1, 2014

PUBLISHED: May 2, 2014

READ SECOND TIME AND ADOPTED: May 15, 2014

## ORDINANCE 14-13

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO SOLID WASTE SERVICES, BY ADDING TO ARTICLE I, SEC. 66-1 DEFINITIONS OF "ADDITIONAL SERVICES", "ANNUAL", "AUTOMATED COLLECTION", "BULK", "CART", "CITY", "COMPACTED", "COMPACTOR", "CONSTRUCTION AND DEMOLITION DEBRIS", "CONTAINERIZED SERVICE", "CURBSIDE", "CUSTOMER", "DUMPSTER ENCLOSURE", "DUMPSTER PAD", "PUTRESCIBLE GARBAGE", "RECOVERED MATERIALS", "RECYCLABLE", "RECYCLING", "RECYCLING CART", "RESIDENTIAL REFUSE AND RECYCLING CART", "SOLID WASTE", "SOLID WASTE MANAGEMENT", "SOLID WASTE DIRECTOR", "SPECIAL WASTE", "WHITE GOODS"; BY ADDING "CONTAINER" AND DELETING "THE PRESENCE OF A PERMANENT ROLL OFF CONTAINER EXCEEDING EIGHT CUBIC YARDS" FROM THE DEFINITION OF "SPECIALIZED SERVICES"; BY AMENDING SEC. 66-2 TO REPLACE THE WORDS "PUBLIC AREA" AND "REFUSE" WITH THE WORD "TRASH"; BY ADDING TO THE TITLE OF SEC. 66-3 "AND FOUL ODOR NUISANCE", AND DELETING FROM PARAGRAPH (a) THE WORDS "GARBAGE, TRASH OR OTHER", AND AMENDING PARAGRAPH (c) TO ADDRESS CURBSIDE HOURS; BY INCLUDING THE LANGUAGE IN SEC. 66-4 IN SEC. 66-3 AND REPLACING THE WORDS "RECYCLING DEBRIS" FOR THE WORD "TRASH"; BY RENUMBERING SEC. 66-5 AS 66-4 AND AMENDING PARAGRAPH (a) BY REPLACING "SANITATION SUPERINTENDENT" WITH "SOLID WASTE DIVISION" AND CHANGING 48 TO 24 HOURS; BY AMENDING PARAGRAPH (b) BY DELETING THE WORDS "TRASH OR" AND ADDING "RECYCLING, YARD WASTE AND BULK"; BY DELETING SEC. 66-42; BY DELETING CURRENT LANGUAGE UNDER SEC. 66-61 AND ADDING PARAGRAPH (a) REGARDING HOW WASTE SHALL BE BAGGED, SEALED AND CONTAINERS FILLED, PARAGRAPH (b) REGARDING RECYCLING CART PROVIDED BY THE SOLID WASTE DIVISION, PARAGRAPH (c) REGARDING YARD WASTE

CONTAINERS AND MANAGEABLE BUNDLES, AND PARAGRAPH (d) REGARDING COMMERCIAL CONTAINERS; BY DELETING SEC. 66-62 IN ITS ENTIRETY AND RENUMBERING SEC. 66-63 AS 66-62 AND CHANGING TITLE TO "LOCATION AND ACCESS TO GARBAGE AND RECYCLING CARTS AND BULK & YARD WASTE" AND AMENDING IT BY ADDING PARAGRAPH (a) REGARDING WHERE TO PLACE GARBAGE AND RECYCLING CARTS, (b) WHERE RESIDENTIAL BULK AND YARD WASTE COLLECTIONS WILL OCCUR, (c) LOCATIONS AND APPROVAL OF MULTI-FAMILY CONTAINERS AND DUMPSTERS, AND (d) PROVISION OF DUMPSTER ENCLOSURES FOR DUMPSTERS AND OVERSIZED CARTS ABOVE 95 GALLONS IN CAPACITY; BY RENUMBERING SEC. 66-64 AS 66-63 AND ADDING TO THE TITLE "OR RECYCLING", AND ADDING TO THE SECTION "RECYCLING MATERIALS", AND "CART"; BY RENUMBERING SEC. 66-65 AS 66-64 AND DELETING "BUILDING" FROM THE TITLE AND ADDING "CONSTRUCTION" THERETO, AND ADDING PARAGRAPH (a) AND DELETING "BUILDING" AND ADDING "CONSTRUCTION", AND ADDING NEW PARAGRAPHS (b), (c) AND (d) REGARDING CONTAINERS AND DUMPSTERS; BY DELETING THE TITLE OF SEC. 66-66 AND ADDING LANGUAGE AS NEW PARAGRAPH (e) OF SEC. 66-64; BY DELETING SEC. 66-67 DEAD ANIMALS, IN ITS ENTIRETY; BY RENUMBERING SEC. 66-68 AS 66-65 AND IN PARAGRAPH (a) ADDING "LICENSED, BONDED, AND CITY PERMITTED" AND "SERVICE PROVIDER" AND "ARE RESPONSIBLE FOR DISPOSAL" AND ADDRESSING REMOVAL YARD WASTE; BY AMENDING PARAGRAPH (b) OF SEC. 66-65 BY REPLACING THE WORD "MAY" WITH "SHALL", ADDING THE WORDS "AND DISPOSE", "CAN ARRANGE SPECIALIZED SERVICES WITH THE CITY" AND "CITY COMMISSION" AND DELETING THE WORDS "WILL BE PROVIDED DUMPSTERS" AND "CITY MANAGER"; BY DELETING PARAGRAPH (d) OF SEC. 66-65 IN ITS ENTIRETY AND MAKING PARAGRAPH (e) NOW PARAGRAPH (d); BY RENUMBERING SEC. 66-69 AS 66-66 AND REWORDING PARAGRAPH (a) TO PROVIDE THAT "SINGLE FAMILY/CURBSIDE RESIDENTIAL HOUSEHOLDS SHALL PLACE SEALED GARBAGE BAGS IN CITY ISSUED AUTOMATED GARBAGE CART WHEN PUT OUT FOR COLLECTION"; PROVIDING A LIMIT ON THE NUMBR OF CONTAINERS OF YARD WASTE TO BE COLLECTED WITHOUT

**ADDITIONAL CHARGE IN PARAGRAPH (b); BY DELETING FROM PARAGRAPH (c) THE WORDS "REAR YARD", "OF GARBAGE" AND "CANS" AND ADDING "COLLECTIONS" TO THE WORD "COLLECTION" AND "CARTS"; BY DELETING FROM PARAGRAPH (c)(1) "CANS" AND ADDING "AND RECYCLING CARTS"; BY DELETING FROM PARAGRAPH (c)(2) "CANS" AND ADDING "CARTS"; BY DELETING PARAGRAPH (c)(3) IN ITS ENTIRETY; BY DELETING FROM PARAGRAPH (d) THE WORD "THREE" AND ADDING "FOUR", AND DELETING "FOR A CHARGE OF \$35.00 PER LOAD" AND ADDING "AT A RATE SET BY THE CITY COMMISSION"; BY AMENDING SEC. 66-101, PARAGRAPH (a) BY DELETING "REFUSE, TRASH", ADDING "RECYCLING" AND DELETING LANGUAGE THAT CHARGES MAY BE CHANGED WITHOUT NOTICE TO CUSTOMERS AND BECOME EFFECTIVE UPON THE DATE SPECIFIED IN SUCH ORDINANCE, AND DELETING LANGUAGE STATING THE CITY COMMISSION SHALL REVIEW CHARGES ANNUALLY, AND BY ADDING A NEW PARAGRAPH TO (a) THAT CHARGES A MONTHLY FEE FOR THE LARGEST REFUSE CART SIZE USED TO AUTOMATED CUSTOMERS SERVED BY MORE THAN ONE GARBAGE CART PER DWELLING, AND ANY ADDITIONAL CART SHALL BE AT A DISCOUNTED RATE OF 50% OF THE TOTAL ORIGINAL MONTHLY RATE; BY ADDING TO THE END OF THE SECOND PARAGRAPH OF SECTION (b) OF SEC. 66-101 THAT THE CITY MANAGER SHALL ESTABLISH AN ADMINISTRATIVE PROCEDURE TO ENSURE PROPERTY OWNERS HAVE AN OPPORTUNITY TO CONTEST THE PAYMENT OF DELINQUENT SOLID WASTE SERVICE PRIOR TO THE DISCONTINUATION OF THOSE SERVICES; BY DELETING FROM PARAGRAPH (c) "THE CITY SHALL CONTRACT ONLY WITH THE OWNER OF COMMERCIAL PROPERTY FOR REFUSE COLLECTION SERVICES TO BE FURNISHED TO THE PROPERTY, AND THE FEES THEREFORE ARE CHARGEABLE TO THE PROPERTY OWNER. THERE SHALL BE NO DIRECT TENANT BILLING BY THE CITY"; BY DELETING FROM PARAGRAPH (d) THE WORD "GARBAGE" AND ADDING "SOLID WASTE", CHANGING "COLLECTION" TO "COLLECTIONS" AND DELETING "OUTSIDE THE CITY" AND "PREPAY A TWO-MONTH FEE TO THE CITY IN ADVANCE OF THE COMMENCEMENT OF SERVICES BEING PROVIDED" AND ADDING "PAY A \$100 DEPOSIT (SEC. 78-214(c)(1)(2)"; BY**

**ADDING A NEW PARAGRAPH (e) NOTIFYING OF BILLING IN CONJUNCTION CHARGES FOR GARBAGE COLLECTION AND WATER AND SEWER CHARGES; BY ADDING A NEW PARAGRAPH (f) NOTIFYING THAT GARBAGE COLLECTION CHARGES SHALL BE IN ARREARS UNDER THE SAME TERMS AS WATER BILLS AND THAT GARBAGE COLLECTION SERVICES WILL BE DISCONTINUED AT SAME TIME WATER SERVICE IS TURNED OFF AND WILL NOT RESUME UNTIL ACCOUNT IS PAID IN FULL; BY ADDING ARTICLE IV, RECYCLING PROGRAM, AND SEC. 66-102 RESIDENTIAL AND COMMERCIAL RECYLING WHICH INCLUDE SINGLE-FAMILY/CURBSIDE RESIDENTIAL, COLLECTION DATE, MATERIALS TO BE COLLECTED, REQUIREMENTS, METHOD OF COLLECTION, SCAVENGING, RESPONSIBILITIES OF MULTI-FAMILY RESIDENTIAL AND COMMERCIAL CUSTOMERS RECEIVING GARBAGE DUMPSTER COLLECTIONS, EXCLUSION OF HAZARDOUS MATERIALS, AND LABELING OF COMMERCIAL CONTAINERS AND CARTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 66 of the Code of Ordinances to reflect the latest practices in solid waste service delivery by the City of Dunedin; and

**WHEREAS**, the City Commission seeks to create Article IV of Chapter 66 entitled Recycling Program;

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission those amendments and Article IV creation;

**WHEREAS**, a rate study was performed to determine the appropriate fees and charges for solid waste services; and

**WHEREAS**, pursuant to Section 66-101 of the Code of Ordinances of the City of Dunedin, rates for solid waste services are to be provided by ordinance adopted by the City Commission from time to time; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** Chapter 66 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

**CHAPTER 66**  
**SOLID WASTE\***

**ARTICLE I. IN GENERAL**

**Sec. 66-1. Definitions.**

**Sec. 66-2. Public trash receptacles.**

**Sec. 66-3. Littering.**

**Sec. 66-4. Dumping refuse other than in landfill or resource recovery locations.**

**Sec. 66-5. Penalty for violation of chapter.**

**Sec. 66-6 – 66-40. Reserved.**

**ARTICLE II. COLLECTION AND DISPOSAL**

**Division 1. Generally**

**Sec. 66-41. Hauling of refuse or garbage.**

**Sec. 66-42. Handling of cartons, crates, baskets, packages and paper.**

**Sec. 66-43 – 66.60. Reserved.**

**Division 2 Containers**

**Sec. 66-61. Use of garbage cans for disposal of garbage.**

**Sec. 66-62. Spreading or scattering.**

**Sec. 66-63. Location and access to garbage containers.**

**Sec. 66-64. Removing garbage from cans.**

**Sec. 66-65. Collection of building debris, dirt, stumps, tree trunks and materials.**

**Sec. 66-66. Collecting and hauling from private property prior to occupancy.**

**Sec. 66-67. Dead Animals**

**Sec. 66-68. Responsibility of fence companies, tree surgeons or other individuals.**

**Sec. 66-69. Garbage, trash and other refuse service.**

**Sec. 66-70 – 66-100. Reserved.**

### **ARTICLE III. RATES, CHARGES, BILLING PROCEDURES**

**Sec. 66-101. Services charges; stop or start service.**

### **ARTICLE IV. RECYCLING PROGRAM**

**Sec. 66-102. Residential and commercial recycling.**

**\* County code reference—Solid waste, Pinellas County Code, ch. 106**

**Cross references — Any ordinance approving or prescribing rates, charges and fees for garbage collection service or for other utilities or services saved from repeal, § 1-9(11); environment, ch. 34; dumping or littering at Dunedin Causeway Beach, § 54-41; utilities, ch. 78; buildings and building regulations, ch. 98; solid waste component, § 106-76.**

## ARTICLE I. IN GENERAL

### Sec. 66-1. - Definitions.

The following words and terms, when used in this chapter, shall have the meanings as respectively ascribed to them by this section, unless the context clearly indicates otherwise:

**Additional Services (AS)** means service which is not part of the scheduled basic services provided by ordinance, and which is performed and charged in addition to basic services.

**Annual** means the period beginning October 1 and ending the following September 30 of any year.

**Automated collection** means a system of waste and recycling collection which utilizes automated or semi-automated containers, or dumpsters and collection vehicles capable of automatically or semi-automatically picking up and unloading.

**Bulk** or bulky waste means waste types that are too large to be accepted inside automated cart containers. Bulky waste

**Business** means each person, firm, corporation or association which is licensed to do business in the city and having a physical site location or premises therein. The term "business" shall include motels, nursing homes, schools, libraries, governmental organizations and buildings, hospitals, and, in addition thereto, any establishments generating more than two cubic yards of refuse or garbage per week.

**Cart** – means City owned automated garbage or recycling receptacle with a watertight lid, wheels, and handle.

**City** means the City of Dunedin, its elected officials, officers, duly appointed officials, and agents.

**Commercial container** means a container, other than a garbage can or trash container, which shall be furnished by the city.

**Compacted** means refuse or garbage condensed by a compactor.

**Compactor** means any mechanical hydraulic or electrical machine designed and used specifically for compacting refuse or recyclables.

**Construction and demolition debris** means materials generally considered not to be water soluble and are nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, nonhazardous roofing materials, pipe, gypsum wallboard, and lumber resulting from the construction, demolition, or maintenance of a structure. Soil, tree remains, and other vegetative matter resulting from site work or land clearing shall not be considered construction and demolition debris. Such construction debris may be either commercial or residential in character.

**Containerized service means** collection of solid waste or recyclables in City approved containers.

**Curbside** means that portion of the right-of-way adjacent to and abutting the traveled city streets. The intention of a curbside designation is to allow collection in a rapid manner with walking or reaching minimized. In all cases, the city manager or director shall have the authority to approve or specify the precise location for such curbside placement.

**Customer** means owner, occupant, tenant, or other person having control of the improved real property.

**Dumpster enclosure** means a three-sided structure used to enclose a dumpster pad. The enclosure includes attachment of swinging gates at the dumpster service entrance of the pad. The enclosure and gates must be constructed in compliance with City specifications.

**Dumpster pad** means construction of a concrete pad at a location approved by the public works department that is constructed in compliance with City specifications.

*Garbage* means all putrescible waste accumulations of ~~animal~~, fruit or vegetable matter that attend the preparation, use, cooking, dealing in or storage of meat, fowl, fish, fruits or vegetables and cans or other containers originally used for foodstuffs.

*Garbage can* means a watertight receptacle or container of substantial construction having a capacity of not more than 32 gallons, with a tightfitting lid or cover, with not less than one handle on the lid or cover and two handles on the receptacle or container by which the container may be conveniently lifted or moved. No can in excess of 32 gallons' capacity will be serviced. Cans and contents shall not exceed 50 pounds in weight per garbage can.

*Hazardous waste* means any material or substance identified as such in 40 CFR 261.

*Landfill* means a place for dumping or disposing refuse, designated by the city or such other place designated and approved by the county health officers.

**Putrescible garbage** means household or commercial solid waste that will putrefy.

**Recovered materials** means metal, paper, glass, plastic, textile or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source-separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation from each other, but does not include materials destined for any use that constitutes disposal. Recovered materials are not solid waste.

**Recyclable** means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.

**Recycling** means the collection, processing, marketing, reprocessing and resale or reuse of any material which would otherwise be processed or disposed of as solid waste.

**Recycling cart** means any container, automated or manual type, issued by the city for the purpose of recycling.

*Refuse* means unwanted items, including garbage, trash and yard waste, as defined in this section; hazardous waste; furniture; plastics; and any other waste product of which any individual, firm or business is seeking to dispose, but not including sales, gifts, charitable donations or other similar transfers.

*Residential* means all single-family residences, apartments, multiple-family dwellings, duplexes and triplexes.

**Residential refuse and recycling cart** means a City issued automated cart and/or other container approved by the Director of Solid Waste.

**Solid waste** means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in 403.703 Florida Statute (2010) subsection (24) are not solid waste.

**Solid waste management** means the process by which solid waste is collected, transported, stored, separated, processed or disposed of according to an orderly, purposeful and planned program which includes closure and long-term maintenance.

**Solid Waste Director** means the person authorized to exercise and enforce the provisions of this ordinance.

**Specialized services** means commercial collection services that require either specialized container, equipment, or handling of the refuse or garbage or that require ~~additional services~~ AS the presence of a permanent roll-off container exceeding eight cubic yards.

**Special waste** means solid waste that can require special handling and management, including, but not limited to, white goods, waste tires, used

oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash and biological wastes.

*Trash* means nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, rubbish, cardboard, boxes, crates, yard clippings, leaves, glass, bedding and similar materials.

*White goods* means inoperative and discarded refrigerators, ranges, water heaters, freezer[s] and other similar domestic and commercial large appliances of any color.

*Yard waste* means yard clippings, grass cuttings, leaves, shrubs, palm fronds, small tree limbs not exceeding four inches in diameter nor over four feet in length, and such other small rubbish as ordinarily grows as vegetation about residential premises.

(Code 1977, § 10-1; Ord. No. 98-08, § 1, 6-4-1998; Ord. No. 00-56, § 1, 3-8-2001)

**Cross reference**— *Definitions generally, § 1-2.*

#### **Sec. 66-2. - Public trash receptacles.**

It shall be unlawful for any person to remove or cause to be removed from any public area, street or sidewalk in the city any receptacle furnished by the city for the deposit of trash refuse. It shall be unlawful for any person to sit upon or deface any such receptacle or cause it to be used in any way which will make it inaccessible for the receipt of trash refuse. It shall be unlawful for any person to place, store, or cause to be placed or stored, any goods, merchandise, lumber, trash, or any other material near any such receptacle in such a manner as to interfere with or preclude the use of any such receptacle, for the purpose which it is intended to serve.

(Code 1977, § 10-11)

#### **Sec. 66-3. - Littering and foul odor nuisance.**

- (a) It shall be unlawful for any person to sweep, throw, or otherwise deposit or cause to be swept, thrown, or otherwise deposited, any ~~garbage, trash or other~~ refuse into or on any public street, alley, sidewalk, park or the property of another person or property which is in the possession of another person within the city, or to permit any ~~garbage, trash or other~~ refuse to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of the rain, or of the wind.

- (b) It shall be unlawful for any person to throw, cast or otherwise deposit, any garbage, trash and other refuse, containers of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway, or lot, or body of water, vacant or occupied.
- (c) ~~Garbage cans shall be removed from the curb as soon as practical after collection. Garbage cans not removed on the scheduled collection day shall be considered litter.~~

Automated carts, yard waste, bulk, or other debris shall not be put out curbside prior to 6:00 p.m. the evening before collection and carts shall be removed by 7:00 a.m. the day following collections. All items in violation will be tagged by the solid waste division with a warning. After two recorded warnings, repeat violators will be subject to a fine in the amount of \$50 per violation, which will be placed on the customer's utility bill.

*(Code 1977, § 10-5; Ord. No. 00-56, § 2, 3-8-2001)*

**~~Sec. 66-4. Dumping refuse other than in landfill or resource recovery location.~~**

- (d) It shall be unlawful for any person to dump, or cause to be dumped, any garbage, ~~trash~~ recycling debris or other refuse upon any property other than a landfill or resource recovery location.

*(Code 1977, § 10-4)*

**Sec. 66-4. - Penalty for violation of chapter.**

- (a) Any person harboring a health hazard or condition that is detrimental to the safety or health of any person in the city shall, upon notification by the ~~sanitation superintendent~~ Solid Waste Division, remove the cause not later than ~~48~~ 24 hours. Failure to remedy the cause will constitute a violation of this chapter. Each day such violation is allowed to continue shall constitute a separate offense.
- (b) Any person dumping ~~trash or~~ garbage, recycling, yard waste and bulk into a receptacle not belonging to or paid for by that individual will be violating the provisions of this chapter. All such persons are responsible to arrange for and pay for such services.
- (c) Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided by section 1-15 of this Code.

(Code 1977, § 10-17)

**Secs. 66-~~5~~—66-40. - Reserved.**

## **ARTICLE II. COLLECTION AND DISPOSAL**

### **Division 1 Generally**

#### **Sec. 66-41. - Hauling of refuse or garbage.**

- (a) The city shall have the exclusive right to provide garbage and refuse service to all citizens and businesses within the municipal limits of the city. Individuals requiring specialized services to their premises may contact the city manager or his authorized agent and request permission to contract for such services.
- (b) The city manager or his authorized agent may in his sole discretion authorize such service and enter into annual agreements establishing a private hauler as solid waste collector for certain individuals or firms. These agreements shall contain any information the city manager or his authorized agent deem reasonably necessary regarding the collection of garbage or refuse from the customer requesting such service.
- (c) Any individual requesting specialized services from either the city or a private hauler shall pay to the city, in the same manner as the normal garbage collection charge, an appropriate reasonable surcharge to be established by resolution of the city commission. The surcharge provision of this section shall not apply to persons or firms subject to the provisions of section.
- (d) Any individual hauling garbage or refuse within the municipal limits of the city shall do so only in a vehicle of such a type that will prevent leakage or spillage.

(Code 1977, § 10-13; Ord. No. 00-56, § 4, 3-8-2001)

#### **~~Sec. 66-42. Handling of cartons, crates, baskets, packages and paper.~~**

~~All cartons, crates, baskets, packages, boxes and other similar items shall be broken down as to permit them to be hauled flat.~~

~~(Code 1977, § 10-14)~~

**Secs. 66-~~42~~—66-60. - Reserved.**

## Division 2. Containers

### Sec. 66-61. - Use of garbage cans for disposal of garbage.

~~It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and, in the case of multiple dwellings or multiple occupancy, the owner of the premises at all times to keep or cause to be kept a sufficient number of garbage cans (at least one garbage can for each family or other unit, but not to exceed two cans of garbage per family or other unit as provided in this chapter) for the deposit of garbage therein; provided, however, that the city may require any business or multiple dwelling to use a commercial container or containers of adequate capacity provided by the city at the specified rates when, in the city's discretion, such containers shall become necessary or proper to provide adequate and proper sanitary facilities for such business or multiple dwellings. All garbage cans shall be maintained in safe handling condition and in good repair and shall be subject to condemnation by the city. Upon such condemnation, the owner of the premises shall be so notified. It shall be unlawful to place garbage, trash or other refuse in a condemned garbage can for collection.~~

~~(Code 1977, § 10-2(a))~~

- (a) All putrescible waste shall be bagged and sealed airtight prior to placement in residential automated garbage carts or commercial dumpsters to prevent litter, odors, and vermin. Containers shall be filled to allow lids to fully close and shall not be overloaded. All carts and containers provided by the City will be safe and in good repair. Containers shall not be modified with locks, lids, wheels, or by painting without prior approval from the Solid Waste Division. All repairs to carts and containers will be performed by Solid Waste personnel only. Persons should not play in or around solid waste carts and containers. Responsibility for damages to carts and containers supplied by the City. Damage to carts and containers resulting from loss, abuse or negligence shall be the responsibility of the subscriber to whom the container was supplied. The City shall determine the extent of the damage and assess cost for repair or replacement.
- (b) The Solid Waste Division will provide one automated residential garbage and one recycling cart of sufficient size per residential single family

dwelling unit after the customer has contracted and setup an account with the Utility Billing Division at rates that are approved by the City Commission from time to time. Solid Waste service is required for every residence and business within city limits. The appropriate size is determined by the Solid Waste Division. Additional automated garbage and recycling carts, or commercial dumpsters are available for excessive amounts of garbage and recycling by request for an additional fee approved by the City Commission. The Solid Waste Division may require any business or multi-family dwelling to use a commercial container (dumpster) or containers of adequate capacity provided by the City at specified rates when in the city's discretion such containers shall become necessary or proper to provide adequate and proper sanitary facilities for such business or multiple dwellings. Only household garbage and small amounts of loose yard waste shall be placed in automated residential garbage cans. The following materials are not permitted for disposal in automated residential cans: hazardous waste including electronics, chemicals, and fluorescent light bulbs, medical waste, appliances, construction or demolition debris, large stumps. Excessive amounts of yard debris and/or construction and demolition debris require special services.

Automated carts serviced by the City of Dunedin, or its contractor, are property of the City of Dunedin and each cart is assigned to a specific address. In the event it is determined that a cart is being serviced at an address different than that to which it was originally assigned and delivered to, the customer wherein the container is wrongfully located may incur an administrative fee of \$25.00.

- (c) Yard Waste containers and manageable bundles. All loose yard waste that exceeds the capacity of the City-owned automated residential garbage cart shall be placed in containers supplied by the customer that shall not exceed 32-gallons in capacity and shall weigh less than 50

pounds; or in bags not to exceed 50 pounds; or tied and bundled into manageable piles not to exceed 4 foot in length and 50 pounds per bundle. Only loose brush shall be placed in containers or bags outside the automated can and should not contain trash or garbage. Up to, and no more than 21 bags of leaves or 4 total cubic yards of manageable yard waste shall be placed at the curb on a single pickup service day. All personal, non City owned, cans shall be maintained in safe handling condition and in good repair and shall be subject to condemnation by the City. Upon such condemnation, the owner of the premises shall be so notified.

- (d) Commercial Containers. Functional commercial dumpsters shall be supplied by the City in good repair with working drain plugs and lids. The following materials are not permitted for disposal in commercial dumpsters: hazardous waste including electronics, chemicals, and fluorescent light bulbs, medical waste, appliances, large stumps. Commercial containers should not be overloaded to allow lids to close and garbage shall be placed in bags and sealed to prevent litter, odors, and vermin.

**~~Sec. 66-62. Spreading or scattering.~~**

~~It shall be the duty of every person in possession, charge or control of any premises where garbage, trash or other refuse is created or accumulated, at all times to keep or cause to be kept a sufficient number of garbage cans or other approved containers for the deposit therein of garbage, trash or other refuse to prevent the spreading or scattering of such garbage, trash or other refuse upon the premises, or upon the premises of others.~~

~~(Code 1977, § 10-3)~~

~~**Cross reference** — Fire protection and prevention, ch. 38.~~

**Sec. 66-62. - Location and access to garbage and recycling carts containers, and bulk & yard waste.**

~~It shall be incumbent upon tenants, lessees, occupants or owners of the premises to provide a safe, convenient location for garbage cans along the~~

~~curbside of the premises for the purpose of collecting refuse. All collection of garbage, trash or other refuse shall be at curbside except as further provided in this division. All vicious animals shall either be confined or restrained where collectors may empty receptacles without attack from such animals. Where commercial or residential collections are made from private or public alleys and accessways, such approaches shall be maintained in such a manner as not to be a hazard to sanitation personnel or equipment. Failure to comply with the provisions of this section after notification by the solid waste division will cause service to be discontinued until such time as the hazard is corrected.~~

~~(Code 1977, § 10-2(b))~~

- (a) Residential automated garbage and recycling carts put out for collection shall be placed within two feet of the curb with the handle facing away from the curb. Automated carts shall be placed at least three feet away from any other object, including but not limited to trees, mailboxes, parked cars or utility lines. Containers shall not be placed under overhead obstructions including trees and utility lines. If the container is blocked or placed in an unsafe location, a notice tag will be placed on the can. That owner should move the can and contact the Solid Waste Division for a safe location.
- (b) Residential bulk and yard waste collections will occur curbside at the same approved collection spot automated collections occurs. Scattered bulk and yard waste will not be collected. The intention of a curbside designation is to allow collection in a rapid manner with walking or reaching minimized. The City Manager or Solid Waste Director shall have the authority to approve or specify the alternative location(s) for specialized services.
- (c) Multi family containers shall not be moved or relocated by customer and only by Solid Waste Division staff. Requests for relocation of dumpsters will be accommodated upon approval from the division if the relocated dumpster is able to be serviced in a safe and timely manner and complies with all other city codes including Fire and Land Development

Standards (105-41.10). New developments shall show the location of dumpsters in their development documents. Locations must be approved by the Solid Waste Division and are determined to minimize backing (30 feet) and to allow safe ingress, egress, turning radii. Commercial containers that are unserviceable due to blockages, or overloading, will be noticed but will not be serviced. If containers are in violation of this section, the solid waste division may decline service for safety reasons. Commercial recycling containers must be placed in a location approved by the Solid Waste Division.

- (d) Dumpster enclosures shall be provided for all new commercial and multi family dumpsters and oversized carts above 95 gallons in capacity.

**Sec. 66-63. - Removing garbage or recycling from cans.**

It shall be unlawful for any person other than those removing the entire contents of cans for disposal, to remove any garbage, recycling materials or other like materials from any garbage or recycling can cart or other containers within the corporate limits of the city after it has been placed therein. It shall be unlawful to place in any garbage ~~can~~ cart or containers any hazardous waste.

(Code 1977, § 10-6)

**Sec. 66-64. - Collection of building construction debris, dirt, stumps, tree trunks and materials.**

- (a) Building Construction Debris such as scrap lumber, plaster, roofing, concrete, brickbats and sanding dust resulting from the construction, repair or remodeling of any building or appurtenances on private property, dirt, stumps and tree trunks, limbs, and branches four inches or larger in diameter, or metal materials not acceptable at the landfill or resource recovery location, will not be removed by the solid waste division, but the owner must remove this waste privately. Special pickups may be arranged at a per load price set by the city manager.

(Code 1977, § 10-7)

- (b) Roll-off container or other form of dumpster in a Single-Family Residential District must be maintained in a clean and sanitary condition free of rust and graffiti. If it is necessary to locate the container on top of

any grass or other landscaped area, the area must be fully restored once the container has been removed. No blocking of any primary means of pedestrian or vehicular traffic on a city street; ingress and egress of any building nor any sidewalk or encroaching into any right-of-way. No more one (1) such container or dumpster on any parcel of property at any time. No overflowing containers. Not to be used for the disposal of any household putrescible waste , or hazardous waste.

(c) All roll-off containers or other forms of dumpsters are prohibited in all single-family residential Districts (SF) except: When a valid, City-issued building permit is active on the property; or during periods of construction that do not require a building permit , so long as the roll-off container or other form of dumpster is not on the property for more than fourteen-calendar days without service during a 90-day period.

(d) The violation of any of the above standards shall result in the City immediately having the container removed at the property Owner 's expense.

~~**Sec. 66-66. Collecting and hauling from private property prior to occupancy.**~~

(e) The city shall not be responsible for the collecting or hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during, or subsequent to the construction of new buildings of whatever type prior to occupancy. The material shall be removed by the owner of the property or the contractor responsible for the accumulation of debris.

*(Code 1977, § 10-8)*

~~**Sec. 66-67. Dead animals.**~~

~~(a) Dead animals in the corporate limits of the city not in excess of 50 pounds in weight shall be collected by the sanitation department, but in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than 12 hours. If the dead animal must be disposed of on a day other than the regular designated collection day, the sanitation department shall be notified. Dead animals under 50 pounds shall be~~

~~enclosed in a box, garbage can, garbage bag, or similar container in such a manner that the dead animal may not be seen prior to collection. All animals above 50 pounds shall be removed within 12 hours by the owner. It shall be unlawful for any person to throw or put into the streets, lanes, alleys, parkways, rights of way, or on any public property not designated a garbage dump, any dead animal.~~

- ~~(b) It shall be the duty of places of business making a business of treating, handling, keeping, or disposing of animals to remove all dead animals from their premises to the proper disposal site.~~
- ~~(c) No animal excreta shall be placed in garbage cans or containers regardless of how packaged.~~

~~(Code 1977, § 10-9; Ord. No. 00-56, § 3, 3-8-2001)~~

**Sec. 66-65. - Responsibility of fence companies, tree surgeons or other individuals.**

- (a) It shall be the responsibility of all licensed, bonded, and city permitted fence companies, tree surgeons, nurseries, lawn care services, landscaping contractors, roofing contractors, carpet installers, or any individual or service provider company doing work on private property, to arrange for the removal of or remove from the premises all residue, yard waste and rubbish resulting from such work. Any amount of yard waste generated by the companies enumerated in this subsection are responsible for disposal. ~~under two cubic yards (two cubic yards equaling eight 32-gallon trash cans) will be serviced by the solid waste division on yard waste collection days. Any yard waste exceeding two cubic yards shall be removed by the person doing the work.~~
- (b) Material shall ~~may~~ be hauled and disposed of by lawn services, tree trimmers, and landscaping contractors. Fence companies, roofing contractors, and carpet installers shall ~~may~~ haul and dispose their own debris or can arrange specialized services with the City ~~will be provided dumpsters at rates set by the City Commission city manager.~~
- (c) It is the responsibility of the property owner to ensure all such material is removed from the premises.
- (d) ~~All brush material shall be bundled in four-foot lengths not exceeding 50 pounds per bundle and will be hauled by the solid waste division on yard waste days at no additional charge.~~
- (e) The solid waste division will provide dumpsters for the disposal and recycling of all volumes of loose yard wastes at standard rates set by the city manager from time to time by memorandum to the solid waste division.

(Ord. No. 98-08, § 2, 6-4-1998)

**Sec. 66-66. - Garbage, trash and other refuse service.**

- (a) ~~The collection, hauling and disposal of garbage, trash and other refuse shall be made by the solid waste division not less than two times a week in residential areas. Single family/curbside residential households shall place sealed garbage bags in City issued automated garbage cart when put out for collection. Residents shall store garbage or may mix refuse commonly known as trash with garbage in garbage cans not exceeding 32 gallons in capacity only. Residents may store only trash in containers other than garbage cans, not exceeding 32 gallons in capacity. These cans may be placed at curbside for collection after 6:00 p.m. on the day prior to the scheduled collection day.~~
- (b) ~~The Refuse defined as trash and yard waste in section 66-1 shall be placed at the curb in not more than four cans, plastic bags or containers not to exceed 32 gallons in capacity on the regular garbage pickup days (twice each week). Yard waste too bulky to be containerized shall be cut into four foot pieces not more than four inches in diameter, tied in bundles not to exceed 50 pounds, or placed in neat piles not exceeding two cubic yards in volume (two cubic yards is equal to eight 32-gallon cans). Piles in excess of two cubic yards will be considered the responsibility of the occupant. The piles of yard waste in excess of two cubic yards may be picked up by special arrangement with the solid waste division at an additional charge set by the city manager from time to time by memorandum to the solid waste division. All bundled material will be hauled on designated yard waste days at no additional charge to the resident.~~

Refuse defined as yard waste shall be collected by the city if the materials are contained in no more than 21 non-city issued cans or plastic bags not exceeding 32 gallon per container. Brush branches too bulky to fit inside cans or plastic bags shall be tied and secured into bundles not exceeding four-foot in length. Brush branches must be tied and secured into bundles for manual collections not exceeding 50 pounds each and not exceeding four cubic yards in total volume per collection day. All yard waste within the above limits will be collected on the designated collection day without additional charge to the resident. Tree logs and brush branches exceeding 4 inches in diameter will not be collected as yard waste but will require a special waste collection. All

other yard waste exceeding the stated limits will be in violation and must be removed from the public right-of-way within 24 hours after the residents assigned collection day, or make arrangements with the solid waste division for a special waste collection.

- (c) Special arrangements will be made for ~~rear yard~~ collections of garbage for proven hardship cases, with the solid waste division having the right to approve the location of ~~cars~~ carts. A request must be made in writing to the city stating the reason for such hardship. In instances of hardship cases:
- (1) Garbage ~~cars~~ and recycling carts shall be located for easy accessibility to solid waste employees;
  - ~~(2) Cars~~ Carts will not be picked up when stored in closed buildings, carports or behind closed gates, ~~and~~
  - ~~(3) Residents shall not mix garbage and trash in receptacles.~~
- (d) Any person desiring recycled yard waste mulch material may request the solid waste division to deliver such material to their residence in any amount of mulch up to a maximum of ~~three~~ four cubic yards per load at a rate set by the City Commission ~~for a charge of \$35.00 per load.~~ Delivery shall be to the front portion of the property, to a location as may be acceptable to the property owner and the driver delivering the product. The city shall not be responsible for rutting of lawns or cracked or broken sidewalks, driveways or walkways that may occur as a result of the delivery of the mulch product. Mulch material shall not be off loaded in such a manner as to block sidewalks, roadways, and other public access or rights-of-way. It is the responsibility of the property owner to be on site at the time of delivery and designate a proper site for delivery of the mulch product. The solid waste division may refuse delivery of mulch product if ingress and egress to the site of delivery is unsuitable for solid waste vehicles.

*(Code 1977, § 10-15; Ord. No. 98-08, § 3, 6-4-1998)*

**Secs. 66-~~67~~—66-100. - Reserved.**

### ARTICLE III. RATES, CHARGES, BILLING PROCEDURES

#### Sec. 66-101. - Services charges; stop or start service.

- (a) The charges for residential service, commercial container service, commercial and mobile home can service for the removal of garbage, ~~refuse, trash~~ recycling or yard waste (hereinafter "solid waste"), and providing for the minimum scheduled pickup for containers containing solid waste, shall be as provided by ordinance adopted by the city commission from time to time. ~~Such charges may be changed without notice to the customers and shall become effective upon the date specified in such ordinance. The city commission shall review such charges annually.~~

Automated customers served by more than one garbage cart per dwelling shall incur a monthly fee for the largest refuse cart size used. Any additional cart shall be at a discounted rate of 50% of the total original refuse cart monthly rate.

- (b) All service will be charged on a continuous basis unless stop service for water is requested by the customer. If a stop service for water is requested by the customer, a dormant fee of 25 percent of the standard monthly fee as established by ordinance of the city commission will continue to be billed during such discontinuance of service.

Any delinquent charges for any services provided pursuant to solid waste services provided for in this chapter 66 shall constitute a lien in the favor of the city against the property to which such services were provided. Such lien shall be superior to any encumbrances on the property, except for tax liens, and may be foreclosed by the city attorney as is provided by law. The proper city officials are authorized and directed to record a lien in the public records of Pinellas County for such charges and to foreclose the lien in accordance with law. The city manager shall establish an administrative procedure for ensuring an opportunity for property owners to contest the payment of delinquent solid waste service prior to the discontinuation of those services.

- (c) On commercial properties where storage capacity is limited and individual dumpsters for each tenant cannot be provided, ~~the city shall contract only with the owner of commercial property for refuse collection services to be furnished to the property, and the fees therefore are chargeable to the property owner. There shall be no direct tenant billing by the city.~~ If the service charges for refuse collection services remain unpaid for a period of 30 days, the city may discontinue the provision of refuse collection services and water and sewer service to the property; and such services shall not be resumed until the charges are paid in full.

- (d) The charges for residential garbage collection service to accounts located outside the city limits shall be the in-city charge as established by ordinance of the city commission plus an 11 percent surcharge fee in addition thereto. Customers desiring service for residential ~~garbage~~ solid waste collections outside the city shall ~~prepay a two-month fee to the city in advance of the commencement of services being provided~~ pay a \$100 deposit (Sec. 78-214(c)(1)(2).
- (e) The charges for garbage collection service shall be billed in conjunction with charges for water and sewer services.
- (f) Garbage collection charges shall be in arrears under the same terms as are in effect for water bills, and garbage collection services shall be discontinued at the same time as water service is turned off and shall not be resumed until the account is paid in full.

*(Code 1977, § 10-16; Ord. No. 98-08, § 4, 6-4-1998; Ord. No. 00-56, § 5, 3-8-2001; Ord. No. 05-17, § 1, 6-2-2005; Ord. No. 10-16, § 1, 9-23-2010; Ord. No. 11-31, § 1, 9-22-2011)*

#### **ARTICLE IV. RECYCLING PROGRAM.**

##### **Sec. 66-102 Residential and commercial recycling.**

- (a) Single-Family/curbside residential. The following requirements shall apply to all Recyclable Material generated by Single-Family/curbside residential consumers:
- (1) Collection date. Recyclable Material shall be collected weekly on a day that coincides with the designated Solid Waste collection day.
  - (2) Materials to be collected. The following materials shall be segregated from all other Solid Waste material and may be commingled in Recycling Cart(s) provided by the City: Newspapers, newspaper inserts, and all clean paper, such as magazines, phone books, catalogs, junk mail, regular paper, printer paper and receipts, colored glass containers, aluminum, steel, and

bimetal containers, aseptic packages, plastic containers types #1 through #7, cereal boxes, shoe boxes, and cartons and drink boxes shall be placed in the Recycling Cart provided. Complete folded broken down cardboard boxes that are placed beside a Recycling Cart shall be collected by the City's Solid Waste contractor ("Contractor"). Unacceptable materials not collected: Scrap metal, diapers, bio-hazardous materials such as needles, sanitary products, hazardous waste such as paint, car batteries, and household batteries, Styrofoam, ceramics, porcelain, light bulbs and window glass.

(3) Requirements. Food and beverage containers must be clean of putrescible residue.

(4) Method of collection. Recyclable materials shall be placed inside the City issued recycling cart. Containers shall be placed within two feet of the curb with the handle facing away from the curb on the assigned collection day. Automated Carts shall be placed at least three feet away from any other object, including but not limited to trees, mailboxes, parked cars or utility lines.

(5) SCAVENGING. Recyclable Materials set out in the public right-of-way are property of the City until such time as they are collected by the Contractor. It shall be a violation of this Section for any person not authorized in writing by the City, to collect or remove any item that has been specifically placed in the right-of-way for collection through the City's Solid Waste Recycling Program.

(b) Multi-family residential and commercial customers receiving garbage dumpster collections shall be responsible for implementing an on-site recycling program separate from the City's Solid Waste contractor's agreement.

(1) The Recycling program at each multi-family residential facility shall ensure that each living unit has access to a Recycling Cart(s) suitable for the collection of Recyclable Material. The type and frequency of collection service and the type, number, and size of Recycling Carts for multi-family residential and commercial customers shall be determined by the property owner, or its agent, based on the requirements of the particular location. Frequency of collection is encouraged to be at least once a week.

(2) SCAVENGING. Recyclable Materials set out in the public right-of-way are property of the City until such time as they are collected by the Contractor. It shall be a violation of this Section for any person not authorized in writing by the City, to collect or remove any item that has been specifically placed in the right-of-way for collection through the City's Solid Waste Recycling program.

(c) Hazardous materials. Recycling Carts containing hazardous or noxious wastes shall be excluded from the residential Recycling program.

(d) Commercial containers and carts. All commercial containers and/or carts used for accumulating Recyclable Material shall be permanently labeled "FOR RECYCLING ONLY, NO TRASH".

**Section 2:** That there is hereby established the following schedule of rates for solid waste services provided pursuant to Chapter 66 of the Code of Ordinances of the City of Dunedin:

As per Exhibit "A" attached hereto and incorporated herein by reference.

**Section 3:** That the commercial solid waste rates reflected in Exhibit "A" shall be increased by 5% on October 1, 2015; by 1.5% on October 1, 2016 through 2017; and by 2% on October 1, 2018 through 2024, inclusive. Said automatic increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account.

oil, lead-acid batteries, construction and demolition debris, ash residue, yard trash and biological wastes.

*Trash* means nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, rubbish, cardboard, boxes, crates, yard clippings, leaves, glass, bedding and similar materials.

**White goods** means inoperative and discarded refrigerators, ranges, water heaters, freezer[s] and other similar domestic and commercial large appliances of any color.

*Yard waste* means yard clippings, grass cuttings, leaves, shrubs, palm fronds, small tree limbs not exceeding four inches in diameter nor over four feet in length, and such other small rubbish as ordinarily grows as vegetation about residential premises.

(Code 1977, § 10-1; Ord. No. 98-08, § 1, 6-4-1998; Ord. No. 00-56, § 1, 3-8-2001)

**Cross reference**— *Definitions generally, § 1-2.*

#### **Sec. 66-2. - Public trash receptacles.**

It shall be unlawful for any person to remove or cause to be removed from any public area, street or sidewalk in the city any receptacle furnished by the city for the deposit of ~~trash~~ refuse. It shall be unlawful for any person to sit upon or deface any such receptacle or cause it to be used in any way which will make it inaccessible for the receipt of ~~trash~~ refuse. It shall be unlawful for any person to place, store, or cause to be placed or stored, any goods, merchandise, lumber, trash, or any other material near any such receptacle in such a manner as to interfere with or preclude the use of any such receptacle, for the purpose which it is intended to serve.

(Code 1977, § 10-11)

#### **Sec. 66-3. – Littering and foul odor nuisance.**

- (a) It shall be unlawful for any person to sweep, throw, or otherwise deposit or cause to be swept, thrown, or otherwise deposited, any ~~garbage, trash or other~~ refuse into or on any public street, alley, sidewalk, park or the property of another person or property which is in the possession of another person within the city, or to permit any ~~garbage, trash or other~~ refuse to accumulate in such manner that it may be carried and deposited into or on any of the above places by action of the rain, or of the wind.

- (b) It shall be unlawful for any person to throw, cast or otherwise deposit, any garbage, trash and other refuse, containers of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway, or lot, or body of water, vacant or occupied.
- (c) ~~Garbage cans shall be removed from the curb as soon as practical after collection. Garbage cans not removed on the scheduled collection day shall be considered litter.~~

Automated carts, yard waste, bulk, or other debris shall not be put out curbside prior to 6:00 p.m. the evening before collection and carts shall be removed by 7:00 a.m. the day following collections. All items in violation will be tagged by the solid waste division with a warning. After two recorded warnings, repeat violators will be subject to a fine in the amount of \$50 per violation, which will be placed on the customer's utility bill.

*(Code 1977, § 10-5; Ord. No. 00-56, § 2, 3-8-2001)*

**~~Sec. 66-4. Dumping refuse other than in landfill or resource recovery location.~~**

- (d) It shall be unlawful for any person to dump, or cause to be dumped, any garbage, ~~trash~~ recycling debris or other refuse upon any property other than a landfill or resource recovery location.

*(Code 1977, § 10-4)*

**Sec. 66-4. - Penalty for violation of chapter.**

- (a) Any person harboring a health hazard or condition that is detrimental to the safety or health of any person in the city shall, upon notification by the ~~sanitation superintendent~~ Solid Waste Division, remove the cause not later than ~~48~~ 24 hours. Failure to remedy the cause will constitute a violation of this chapter. Each day such violation is allowed to continue shall constitute a separate offense.
- (b) Any person dumping ~~trash or~~ garbage, recycling, yard waste and bulk into a receptacle not belonging to or paid for by that individual will be violating the provisions of this chapter. All such persons are responsible to arrange for and pay for such services.
- (c) Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided by section 1-15 of this Code.

- (b) It shall be unlawful for any person to throw, cast or otherwise deposit, any garbage, trash and other refuse, containers of any kind in or upon any curb, gutter, street, avenue, highway, tunnel, sidewalk, park, parkway, or lot, or body of water, vacant or occupied.
- (c) ~~Garbage cans shall be removed from the curb as soon as practical after collection. Garbage cans not removed on the scheduled collection day shall be considered litter.~~

Automated carts, yard waste, bulk, or other debris shall not be put out curbside prior to 6:00 p.m. the evening before collection and carts shall be removed by 7:00 a.m. the day following collections. All items in violation will be tagged by the solid waste division with a warning. After two recorded warnings, repeat violators will be subject to a fine in the amount of \$50 per violation, which will be placed on the customer's utility bill.

(Code 1977, § 10-5; Ord. No. 00-56, § 2, 3-8-2001)

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- (b) Any person dumping ~~trash or~~ garbage, recycling, yard waste and bulk into a receptacle not belonging to or paid for by that individual will be violating the provisions of this chapter. All such persons are responsible to arrange for and pay for such services.
- (c) Any person violating any of the provisions of this chapter shall, upon conviction, be punished as provided by section 1-15 of this Code.

**Section 4:** That the residential solid waste rates reflected in Exhibit "A" shall be increased by 1.6% on October 1, 2016, and by 1.75% on October 1, 2017, and by 2% on October 1, 2018 through 2024, inclusive. Said automatic increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account.

**Section 5:** That this Ordinance shall be effective upon passage and adoption. The fees set forth in this Ordinance shall become effective on October 1, 2014.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 21st day of August, 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: August 5, 2014

READ SECOND TIME AND ADOPTED: August 21, 2014

Exhibit "A"									
		FY 2015	5% Commercial Increase per Ordinance 14-13						
Solid Waste Master Rate Table									
<b>Residential Services:</b>		<b>Residential Services:</b>		<b>Miscellaneous Services:</b>					
Single Family Residential-1TG-MHTG-RTG	\$ 17.10	month	Commercial Cart-CAN	\$ 17.10	month				
Single Family Residential (Unincorporated)-RTG	\$ 18.98	month	Commercial Additional Cart (per)-ADLC	\$ 8.55	month				
Additional Cart (per) (Incorporated Dunedin) ADDC	\$ 8.55	month	Additional 90 ga. Cart (Container Svcs)-AD90	\$ 28.40	month				
Additional Cart (per) (Unincorporated)-ADDC	\$ 9.49	month	Commercial Caster/Rollout-CCO-CMF	\$ 14.81	month				
Mobile Home Unit Rate (no yard waste; no bulk)-MHTG	\$ 8.55	month	Commercial Caster shared-CCOS	\$ 7.40	month				
Appliances (White Goods, E-Waste, etc.)-AP	\$ 15.82	each	Compactor Roll Off rental-CPRO	\$ 438.65	month				
			Residential Dormant-DORM	\$ 4.27	month				
			Container/Dumpster Late Rental Fee-LF	\$ 4.00	day				
			Labor Rate-LF	\$ 35.00	hour				
<b>Commercial Services:</b>		<b>Commercial Services:</b>							
Temporary 2-Yd <sup>3</sup> Yard Dumpster (2-Yd <sup>3</sup> Claw Truck Pile)	\$ 53.17	load							
Temporary 4-Yd <sup>3</sup> Yard Dumpster (4-Yd <sup>3</sup> Claw Truck Pile)	\$ 77.53	load							
Temporary 6-Yd <sup>3</sup> Yard Dumpster (6-Yd <sup>3</sup> Claw Truck Pile)	\$ 98.57	load							
Temporary 8-Yd <sup>3</sup> Yard Dumpster (8-Yd <sup>3</sup> Claw Truck Pile)	\$ 119.63	load							
10-Yd <sup>3</sup> Roll Off Container (2 ton weight limit)	\$ 245.91	load							
20-Yd <sup>3</sup> Roll Off Container (3 ton weight limit) or 20-Yd <sup>3</sup> Claw Truck Pile	\$ 351.15	load							
30-Yd <sup>3</sup> Roll Off Container (4 ton weight limit) or 30-Yd <sup>3</sup> Claw Truck Pile	\$ 456.37	load							
40-Yd <sup>3</sup> Roll Off Container (5 ton weight limit)	\$ 561.61	load							
Overweight Charge (tip fee pass through)*	\$ 37.50	ton							
Clean Fill / Concrete temp container (2 Yard)	\$ 53.17	load							
Clean Fill / Concrete temp container (10 Yard without tip fee)*	\$ 140.68	load							
Roll Off Container/Dumpster rental (14 days idle)	\$ 4.00	day							
Standard Rolloff Haul Rate (not including disposal)	\$ 140.68	load							
<i>*Pinellas County Solid Waste per ton tip fee rate</i>									
		<b>Frequency per Week / Price per Month</b>							
<b>Commercial Container Services **(Uncompacted)</b>		<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>Extra Dumps</b>
300 gallons	\$ 47.33	\$ 94.66	\$ 141.98	\$ 189.31	\$ 236.64	\$ 283.97	\$ 331.29	\$ 383.29	\$ 18.19
2 Yd <sup>3</sup>	\$ 54.72	\$ 109.43	\$ 164.16	\$ 218.89	\$ 273.60	\$ 328.32	\$ 383.03	\$ 437.76	\$ 21.04
4 Yd <sup>3</sup>	\$ 109.43	\$ 218.89	\$ 328.32	\$ 437.76	\$ 547.20	\$ 656.64	\$ 766.08	\$ 875.51	\$ 31.59
6 Yd <sup>3</sup>	\$ 164.16	\$ 328.32	\$ 492.48	\$ 656.64	\$ 820.81	\$ 984.95	\$ 1,149.12	\$ 1,313.28	\$ 42.13
8 Yd <sup>3</sup>	\$ 218.89	\$ 437.76	\$ 656.64	\$ 875.51	\$ 1,094.40	\$ 1,313.28	\$ 1,532.16	\$ 1,751.04	\$ 52.65
<b>** Uncompacted</b>		<i>Uncompacted means loose solid waste or refuse. Rates for solid waste and refuse in containers which has been compacted by a compacting unit shall be three times the rate for containers with uncompacted solid waste or refuse.</i>							

**ORDINANCE 14-14**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING SECTION 78-174(B)(1) OF ARTICLE IV OF CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO AMEND THE STORMWATER MANAGEMENT UTILITY FEE; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Commission of the City of Dunedin finds and determines that the equivalent residential unit (ERU) rate for calculation of the stormwater management utility fee must necessarily be increased to provide additional funds to finance the required needs of the stormwater management system of the City of Dunedin due to rising costs in the operation and maintenance of such system, fund major capital improvements and associated debt service payments, and meet the requirement of the federal National Pollution Discharge Elimination System (NPDES) to require the treatment of stormwater prior to its discharge into the waters of the State of Florida, now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That Section 78-174(b)(1) of Article IV of Chapter 78 of the Code of Ordinances of the City of Dunedin is amended in its entirety to read as follows:

“(1) For each equivalent residential unit (ERU) the stormwater management utility fee is \$9.72 per month.”

**Section 2.** That the resultant stormwater management utility fee shall become effective October 1, 2014.

**Section 3.** That the stormwater ERU rate reflected above shall be increased by 4.5% on October 1, 2015 through 2017; by 3.5% on October 1, 2018 through 2019; and by 1.5% on October 1, 2020 through 2024, inclusive. Said automatic increases shall be prorated in accordance with the applicable customer's billing cycle, as appropriate to that customer's account.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 25th day of September , 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: September 18, 2014

READ SECOND TIME AND ADOPTED: September 25, 2014

## ORDINANCE 14-16

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 3215 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.38 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owners thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owner of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as Exhibit "B" and incorporated herein by reference.**

**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 25th day of September, 2014.**



Dave Eggers  
Mayor

ATTEST:



Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: September 18, 2014

READ SECOND TIME AND ADOPTED: September 25, 2014

EXHIBIT "A"

THAT PART OF THE NORTH 2/3 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LYING EAST OF STATE ROAD 15 (COUNTY ROAD 1); LESS THE NORTH 320 FEET AND ALSO LESS THE EAST 142.48 FEET, PINELLAS COUNTY FLORIDA.

THE TRACT HEREBY CONVEYED IS OTHERWISE DESCRIBED AS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 AND RUN THENCE SOUTH 00°22'14" EAST, 987.23 FEET ALONG 40 ACRE LINE (BEING ALSO THE CENTERLINE OF GARRISON ROAD); THENCE NORTH 89°34'27" WEST, 142.48 FEET FOR POINT OF BEGINNING; FROM POINT OF BEGINNING THUS ESTABLISHED RUN THENCE NORTH 89°34'27" WEST, A DISTANCE OF 134.91 FEET TO EAST BOUNDARY LINE OF STATE ROAD 15; THENCE SOUTH 9°57'02" WEST ALONG SAID LINE 126.25 FEET; THENCE SOUTH 89°32'02" EAST 157.62 FEET; THENCE NORTH 00°22'14" WEST 125.5 FEET MORE OR LESS TO POINT OF BEGINNING, PINELLAS COUNTY FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 NORTH 89°40'39" WEST ON AN ASSUMED BEARING A DISTANCE OF 130.58 FEET TO THE CENTERLINE OF COUNTY ROAD NO.1; THENCE ALONG THE CENTERLINE OF COUNTY ROAD NO.1; SOUTH 10°00'57" WEST, A DISTANCE OF 1.04 FEET; THENCE CONTINUE ALONG SAID CENTERLINE OF COUNTY ROAD NO. 1 SOUTH 09°54'59" WEST, A DISTANCE OF 995.05 FEET; THENCE SOUTH 80°05'01" EAST, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER AS OCCUPIED OF THAT PARCEL OF LAND DESCRIBED IN O.R. BOOK 4578, PAGE 1980 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NO.1 AS PER SAID OFFICIAL RECORDS AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°36'30" EAST, A DISTANCE OF 17.24 FEET; THENCE SOUTH 09°54'59" WEST, A DISTANCE OF 126.07 FEET TO THE NORTH LINE OF THE SOUTH ONE-THIRD (S 1/3) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE NORTH 89°33'12" WEST ALONG SAID NORTH LINE, A DISTANCE OF 17.24 FEET TO ITS INTERSECTION WITH EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD NO.1; THENCE NORTH 09°54'59" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 126.05 FEET TO THE POINT OF BEGINNING, PINELLAS COUNTY, FLORIDA.

Parcel Identification Number: 24-28-15-00000-220-1700



## ORDINANCE 14-17

**AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 3215 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.38 ACRES, ASSIGNING A RESIDENTIAL URBAN (RU) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

**WHEREAS**, the owners of the property described herein have requested that the Dunedin Land Use Plan be changed following annexation to Residential Urban (RU); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Urban (RU); and

**WHEREAS**, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Urban (RU), as said designation is more particularly described in said Land Use Plan:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2.** The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is

issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 25th day of September, 2014.**

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: September 18, 2014

READ SECOND TIME AND ADOPTED: September 25, 2014

EXHIBIT "A"

THAT PART OF THE NORTH 2/3 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LYING EAST OF STATE ROAD 15 (COUNTY ROAD 1); LESS THE NORTH 320 FEET AND ALSO LESS THE EAST 142.48 FEET, PINELLAS COUNTY FLORIDA.

THE TRACT HEREBY CONVEYED IS OTHERWISE DESCRIBED AS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 AND RUN THENCE SOUTH 00°22'14" EAST, 987.23 FEET ALONG 40 ACRE LINE (BEING ALSO THE CENTERLINE OF GARRISON ROAD); THENCE NORTH 89°34'27" WEST, 142.48 FEET FOR POINT OF BEGINNING; FROM POINT OF BEGINNING THUS ESTABLISHED RUN THENCE NORTH 89°34'27" WEST, A DISTANCE OF 134.91 FEET TO EAST BOUNDARY LINE OF STATE ROAD 15; THENCE SOUTH 9°57'02" WEST ALONG SAID LINE 126.25 FEET; THENCE SOUTH 89°32'02" EAST 157.62 FEET; THENCE NORTH 00°22'14" WEST 125.5 FEET MORE OR LESS TO POINT OF BEGINNING, PINELLAS COUNTY FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 NORTH 89°40'39" WEST ON AN ASSUMED BEARING A DISTANCE OF 130.58 FEET TO THE CENTERLINE OF COUNTY ROAD NO.1; THENCE ALONG THE CENTERLINE OF COUNTY ROAD NO.1; SOUTH 10°00'57" WEST, A DISTANCE OF 1.04 FEET; THENCE CONTINUE ALONG SAID CENTERLINE OF COUNTY ROAD NO. 1 SOUTH 09°54'59" WEST, A DISTANCE OF 995.05 FEET; THENCE SOUTH 80°05'01" EAST, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER AS OCCUPIED OF THAT PARCEL OF LAND DESCRIBED IN O.R. BOOK 4578, PAGE 1980 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NO.1 AS PER SAID OFFICIAL RECORDS AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°36'30" EAST, A DISTANCE OF 17.24 FEET; THENCE SOUTH 09°54'59" WEST, A DISTANCE OF 126.07 FEET TO THE NORTH LINE OF THE SOUTH ONE-THIRD (S 1/3) OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE NORTH 89°33'12" WEST ALONG SAID NORTH LINE, A DISTANCE OF 17.24 FEET TO ITS INTERSECTION WITH EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD NO.1; THENCE NORTH 09°54'59" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 126.05 FEET TO THE POINT OF BEGINNING, PINELLAS COUNTY, FLORIDA.

Parcel Identification Number: 24-28-15-00000-220-1700

## ORDINANCE 14-18

**AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 3215 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.38 ACRES, TO SINGLE-FAMILY RESIDENTIAL (R-60) AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property be zoned following annexation to Single-Family Residential (R-60); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

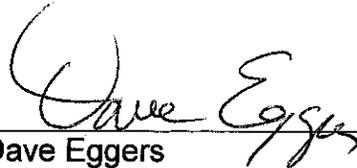
**Section 1:** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned Single-Family Residential (R-60) as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 25th day of September, 2014.**



  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED: September 18, 2014

READ SECOND TIME AND ADOPTED: September 25, 2014

EXHIBIT "A"

THAT PART OF THE NORTH 2/3 OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LYING EAST OF STATE ROAD 15 (COUNTY ROAD 1); LESS THE NORTH 320 FEET AND ALSO LESS THE EAST 142.48 FEET, PINELLAS COUNTY FLORIDA.

THE TRACT HEREBY CONVEYED IS OTHERWISE DESCRIBED AS: COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 AND RUN THENCE SOUTH 00°22'14" EAST, 987.23 FEET ALONG 40 ACRE LINE (BEING ALSO THE CENTERLINE OF GARRISON ROAD); THENCE NORTH 89°34'27" WEST, 142.48 FEET FOR POINT OF BEGINNING; FROM POINT OF BEGINNING THUS ESTABLISHED RUN THENCE NORTH 89°34'27" WEST, A DISTANCE OF 134.91 FEET TO EAST BOUNDARY LINE OF STATE ROAD 15; THENCE SOUTH 9°57'02" WEST ALONG SAID LINE 126.25 FEET; THENCE SOUTH 89°32'02" EAST 157.62 FEET; THENCE NORTH 00°22'14" WEST 125.5 FEET MORE OR LESS TO POINT OF BEGINNING, PINELLAS COUNTY FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 24 NORTH 89°40'39" WEST ON AN ASSUMED BEARING A DISTANCE OF 130.58 FEET TO THE CENTERLINE OF COUNTY ROAD NO.1; THENCE ALONG THE CENTERLINE OF COUNTY ROAD NO.1; SOUTH 10°00'57" WEST, A DISTANCE OF 1.04 FEET; THENCE CONTINUE ALONG SAID CENTERLINE OF COUNTY ROAD NO. 1 SOUTH 09°54'59" WEST, A DISTANCE OF 995.05 FEET; THENCE SOUTH 80°05'01"EAST, A DISTANCE OF 33.00 FEET TO THE NORTHWEST CORNER AS OCCUPIED OF THAT PARCEL OF LAND DESCRIBED IN O.R. BOOK 4578, PAGE 1980 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POINT BEING ON THE EAST RIGHT OF WAY LINE OF COUNTY ROAD NO.1 AS PER SAID OFFICIAL RECORDS AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89°36'30" EAST, A DISTANCE OF 17.24 FEET; THENCE SOUTH 09°54'59" WEST, A DISTANCE OF 126.07 FEET TO THE NORTH LINE OF THE SOUTH ONE-THIRD (S 1/3) OF THE SOUTH ONE-HALF (S 1/2). OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 24; THENCE NORTH 89°33'12" WEST ALONG SAID NORTH LINE, A DISTANCE OF 17.24 FEET TO ITS INTERSECTION WITH EAST RIGHT OF WAY LINE OF SAID COUNTY ROAD NO.1; THENCE NORTH 09°54'59" EAST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 126.05 FEET TO THE POINT OF BEGINNING, PINELLAS COUNTY, FLORIDA.

Parcel Identification Number: 24-28-15-00000-220-1700

## **ORDINANCE 14-21**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO PARKS AND RECREATION, BY AMENDING ARTICLE I, BY ADDING SEC. 54-1 PURPOSE AND INTENT TO REGULATE THE USE OF PARKLAND WITHIN THE CITY OF DUNEDIN IN ORDER TO PROMOTE THE PUBLIC HEALTH, SAFETY, AESTHETICS AND GENERAL WELFARE OF THE PARKLAND AND THE COMMUNITY; BY ADDING SEC. 54-2 DEFINITIONS OF "PARK(S)", "MUNICIPAL PARK(S)", "CITY PARKS" AND "DEPARTMENT"; BY RENUMBERING THE FORMER SEC. 54-1 AS 54-3; BY ADDING SEC. 54-4 VEHICLES AND TRAFFIC CONTROL; BY ADDING SEC. 54-5 PROTECTION OF PROPERTY, FACILITIES, FLORA AND FAUNA; BY ADDING SEC. 54-6 ACTIVITIES WITHIN CITY PARKS; BY ADDING SEC. 54-7 CREATING PUBLIC DISTURBANCE; BY ADDING SEC. 54-8 COMMERCIAL ACTIVITIES ON ANY PUBLIC LAND BELONGING TO THE CITY; BY AMENDING ARTICLE II, BY DELETING SEC. 54-32 IN ITS ENTIRETY AND RENUMBERING SEC. 54-33 AS 54-32; BY DELETING SECS. 54-34 THROUGH 54-46; BY ADDING SEC. 54-33 GLASS CONTAINERS; BY ADDING SEC. 54-34 PERMISSION REQUIRED FOR LEAVING BOATS, VEHICLES, TRAILERS, CAMPING EQUIPMENT OR OTHER PERSONAL PROPERTY AFTER 11:00 P.M. TO 5:00 A.M.; BY RENUMBERING SEC. 54-47 AS 54-35; BY DELETING SEC. 54-48 THROUGH 54-49; BY RENUMBERING SEC. 54-50 AS 54-37; BY RENUMBERING 54-51 AS 54-38; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 54 of the Code of Ordinances to regulate the use of parkland within the City of Dunedin in order to promote the public health, safety, aesthetics and general welfare of the parkland and the community; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** Chapter 54 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

## **CHAPTER 54, PARKS AND RECREATION**

### **ARTICLE I. IN GENERAL**

#### **Sec. 54-1. – Purpose and intent.**

This Chapter is intended to regulate the use of parkland within the City of Dunedin in order to promote the public health, safety, aesthetics and general welfare of the parkland and the community. Article I of this Chapter shall apply to all Municipal Parks as defined in Section 54-2. Article II of this Chapter shall apply only to Dunedin Causeway Beach as designated by Section 54-31.

#### **Sec. 54-2. – Definitions.**

As used in this Chapter, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*“Park(s)”, “Municipal Park(s)”, “City Parks”* means all City of Dunedin designated parks and any other parklands for which the City of Dunedin has jurisdiction, oversight or responsibility by virtue of interlocal agreement or otherwise, and including Dunedin Causeway Beach (as defined in Article II of this Chapter), as set forth in a parkland list to be maintained by the Parks and Recreation Director or his or her designee.

*“Department”* means the Parks and Recreation Department.

#### **Sec. 54-3. – Hours of operation of municipal parks.**

There shall be established through act of the City Commission closing hours and opening hours for all municipal parks. The City Manager shall have the authority to modify these closing and opening times for special events or circumstances.

**Sec. 54-4. – Vehicles and traffic control.**

- (a) *Speed of vehicles.* Within any park, no person shall operate a vehicle at a speed that is greater than reasonable or prudent, having due regard for the surface width and surface condition and the traffic thereon, particularly when near pedestrians, bicyclists or other public-use trails. At no time shall speed exceed the posted speed limit or 15 miles per hour if no speed limit is posted.
- (b) *Restriction to roads.* Within parks, all persons shall only operate vehicles on areas approved for vehicular use, except when permission is granted by the Department.
- (c) *Parking.* All vehicles shall be parked only in designated parking areas or in such other areas and at such other times as may be authorized by appropriate signage or by the direction of Department staff.
- (d) *Driving and parking in prohibited areas.* It shall be unlawful for any person to drive or park a vehicle in any area which is designated, posted, or signed as prohibited for vehicular traffic unless permission is granted by the Department.
- (e) *Obeying traffic control.* It shall be unlawful for any person to fail to obey all law enforcement officers or any other person authorized to direct traffic by the City Manager or his designee. This application applies wherever and whenever needed in a City park or on Dunedin Causeway Beach and on the highway, streets or roads immediately adjacent thereto, in accordance with the provisions of the regulations of this article.
- (f) *Miscellaneous motorized vehicles or motorized conveyance.* No person shall operate any motorized *vehicle or motorized conveyance* including, but not limited to motorized scooter, motorized skateboard,

go-cart, all-terrain vehicle, golf cart or electric cart vehicle in any park, except in areas designated for such use, or if permission is granted by the Department. The prohibitions herein shall not apply to an electric personal assistive mobility device to the extent authorized by state law.

**Sec. 54-5. - Protection of property, facilities, flora and fauna.**

- (a) *Buildings and facilities.* No person shall engage in any of the following activities in any park without prior written authorization from the Department:
- (1) Willfully mark, deface, damage, displace, remove, or destroy any buildings, facilities, bridges, piers, tables, benches, paving, signs, or other structures, equipment or City property;
  - (2) Use any City land or related facility, including, but not limited to, buildings, bridges, piers, tables, benches, or railings in a manner that precludes regular and customary usage to other patrons, unless such person has obtained the right to exclusive usage from the Department;
  - (3) Construct or erect any buildings or structures of whatever kind whether permanent or temporary character, or run or string any public service utility into, upon, or across such lands;
  - (4) Use tacks, nails, staples, or other items that penetrate wood or other materials on shelters, signs, trees, or other structures;
  - (5) Climb on or over any buildings or facilities, fences, structures, or historic markers, or boardwalk and/or bridge railings unless expressly permitted by the Department, nor shall any person stand or sit on any structure not intended for such use.

(b) *Plant life.* All plant life living or dead, terrestrial, aquatic, and epiphytic species, within any City park is the property of the City. No person shall engage in any of the following activities in any park without prior written authorization from the Department:

- (1) Cut, carve, nail into, or otherwise damage the bark, or break off limbs or branches or mutilate in any way, or harvest the flowers or seeds of any plant or tree, except by special permit or within designated special use areas;
- (2) Dig in, disturb, or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant, or climb, or attach any rope, wire, wooden boards, or ladders thereto, except by special permit or within designated special use areas;
- (3) Transplant, possess, or remove any plant or plant part, except by special permit, nor shall any person introduce any plant species by willful act, negligence, or for any other reason; or
- (4) Fix, tie, chain, or hitch any animal to any tree or other plant life, sign pole, boardwalk rail, bench, fence or similar structure within any park unless otherwise designated for such use.

(c) *Wildlife.* No person shall engage in any of the following activities in any City park without prior written authorization from the Department:

- (1) Possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife; nor shall any person remove the eggs, nest, or young of any wildlife; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen, dead or alive of any wildlife from within the boundaries of a City park, except by special permit granted by the Department or in accordance with a

valid fishing permit issued by the state. However, this prohibition shall not apply to de minimus collection or removal, such as incidental collection of shells or bait fish;

- (2) Feed or attempt to pet any wildlife;
  - (3) Remove live shells; provided, however, that dead shell collection is permitted, except at sites as designated by the Department; or
  - (4) Introduce any pet, plant or other wildlife into any City park by willful abandonment, negligence, or for any other reason.
- (d) *Sand and soil.* No person shall, without prior written authorization from the Department, on any City park:
- (1) Move or remove any property such as any beach sand, whether submerged or not, or any soil, rock, stones, down timber or other wood or materials; or
  - (2) Make any search or excavation by tool, equipment, blasting, or other means or agency.
  - (3) Nothing in this subsection shall be construed to prohibit normal playing in the sand at the Dunedin Causeway Beach or other City beaches.

**Sec. 54-6. - Activities within City parks.**

- (a) *Public use.* The Department reserves the right to limit public access to any City park when deemed necessary or when public use is deemed a disturbance to wildlife. No person shall loiter in or around any restroom, dressing room, or parking lot in any City park.
- (b) *Fires.* No person shall build or light any fire upon the ground, or on any other object in any area except in a grill, stove, or fireplace. Use

of a designated fire circle is permitted only in a supervised City event or program. No person shall use any type of gasoline, kerosene, or diesel fuel as an accelerant to start a fire in a grill, nor shall any person starting a fire leave the area without completely extinguishing the fire, nor use a grill or other device in such a manner as to burn, char, or blemish any bench, table, or other property, nor dispose of hot coals anywhere except in designated areas. No person shall dispose of any burning matches or other flammable materials except in designated receptacles.

- (c) *Camping.* Camping is strictly prohibited at all times unless specifically permitted by the Department in an organized program. When permitted, camping shall be limited to those areas specifically designated for such use. Campers shall obey all Department rules and regulations.
  
- (d) *Fishing.* Persons fishing shall obey all posted rules and regulations. Fishing is prohibited from beaches in any area where bathing and swimming are permitted. No person shall leave the area without disposing of unwanted fish and bait on piers, catwalks, or other areas where fishing is authorized.
  
- (e) *Bathing and swimming.* Swimming, bathing or wading is prohibited except in those public areas designated for such activity. Further, no person shall engage in the following activities in any City park:
  - (1) No person shall swim or bathe in any waters after dark, or in any beaches or waters closed to the public.
  - (2) The use of soap or other cleansers, in any swimming area or any other public waters, including but not limited to beaches, stormwater facilities, lakes or streams is prohibited.

- (3) It shall be unlawful for anyone to swim or bathe in the Gulf of Mexico or St. Joseph Sound within the corporate limits of the City, or at any City-managed aquatic facility while intoxicated.
- (f) *Picnicking.* All picnic shelters may, through the Department, be reserved by the public. The use of park property, including picnic shelters that have not been reserved, tables and benches generally follows the rule of first-come, first-served.
- (g) *Dumping or littering:* All refuse, waste and trash shall be placed in disposal containers where provided. Where no disposal containers are provided, or where the containers provided are full, all refuse shall be carried away and properly disposed outside of the City parks. No person shall dispose of trash or garbage generated outside City parks in any refuse facility within a City park, with the exception of disposing of recyclable materials in bulk collection recycling containers provided by the City.
- (h) *Audio devices.* Radios, tape players, musical instruments and all other audio devices are permitted so long as they are played at volume levels that do not disturb, annoy, injure, or endanger the comfort, health, peace, or safety of the wildlife or reasonable persons of ordinary sensibilities or unnecessarily detract from a peaceful atmosphere. Such noise shall not be heard within a City park from a location more than 100 feet from the source of the noise, unless a special permit has been issued for such use.
- (i) *Nudity.* It shall be unlawful for any person over the age of four years old to appear nude in any City park, including but not limited to, swimming or appearing nude to sunbathe, except in a restroom, locker or shower facility or when the conduct of being nude cannot constitutionally be prohibited by City ordinance because it is otherwise protected pursuant to the United States Constitution or the Florida Constitution under existing judicial decisions.

- (j) *Hunting and weapons.* No person shall carry, use or possess weapons of any description, including, but not limited to, air rifles, spring guns, bows and arrows, paint guns, BB gun, slingshots, boomerangs, or any other form of weapon harmful or dangerous to wildlife or dangerous to human safety on or in any City park except as a participant in a City-supervised program, unless authorized by law. Firearms as defined in F.S. § 790.001 are exempt from this provision and regulation is pre-empted to state law as provided in F.S. 790.33.
- (k) *Fireworks and explosives.* No person shall have in his or her possession nor shall any person discharge any fireworks or explosive within any City park. Parents or guardians will be held strictly responsible and accountable for the actions of minors with regard to the prohibitions in this and other subsections.
- (l) *Animal control.* No owner of an animal shall permit such animal to go on public property unless such animal is firmly secured by a substantial leash or other restraining device having the same effect as a leash for animals not appropriate for leash restraint, held by the owner, such leash or other restraining device not to exceed six feet in length, a retractable leash mechanism not greater than 16 feet in length, or unless such animal is enclosed in a cage sufficient to prohibit its escape therefrom.

No owner of an animal shall allow such animal to run unconfined on public property except where specific signage allows such activity and in enclosed public lands specified for such purpose.

- (m) *Domestic animals prohibited in certain areas.* No person shall have or be permitted to have any dog, cat or other domestic animal on Dunedin Causeway Beach or other designated park areas such as ball fields or playgrounds, at any time whether muzzled, leashed or not, provided that dogs, cats or other domestic animals are permitted to remain in a parked vehicle in properly designated parking areas.

- (n) *Alcoholic beverages.* Consumption of an alcoholic beverage ("consumption") or possession of an alcoholic beverage in an open container ("possession") is unlawful within or upon any park, parking area, street, street right-of-way, recreation facilities, and lands dedicated to or owned by or otherwise under the control and authority of a government or public agency ("public property") unless and until a letter of permission for such consumption or possession shall have been obtained from the City Manager or designee or from an authorized representative of the government or public agency using or controlling such property. Consumption or possession of alcoholic beverages on board vessels in the Dunedin Marina and the sale, possession of open containers and consumption of alcoholic beverages at Grant Field purchased from authorized concessionaires at Grant Field shall be an exception to this section. The City Manager or designee may give permission for the possession of open containers or the consumption of alcoholic beverages at City parks and other City property or recreation facilities or City streets or rights-of-way for special events and may condition such permission as the City Manager deems appropriate to protect the public interest.
- (o) *Miscellaneous.* No person shall engage in any activity within any City park that is dangerous to the health, safety or welfare of any person or that would cause damage to the property of other patrons or City-owned lands, including, but not limited to, hitting golf balls, racing or speeding in a dangerous manner, and diving or jumping from bridges or catwalks. Nor shall any person engage in any activity that interferes with the use and enjoyment of the park and its facilities by other patrons.

**Sec. 54-7. - Creating public disturbance.**

It shall be unlawful for any person to come upon a park and, individually or in concert with others, do any act or create any conditions which does or is

calculated to encourage, aid, abet or start a riot, public disorder or disturbance of the peace, and it shall not be necessary to prove that such person was solely responsible for such public disorder, but only that his appearance, manner, conduct, condition, status or general demeanor was the motivating factor that resulted in the disturbance of the peace. Any such person who refuses, when commanded by a law enforcement officer, to leave the area immediately shall be guilty of an offense for refusal to obey the order of command of a law enforcement officer and deemed to be a rioter or disturber of the peace.

**Sec. 54-8. - Commercial activities on any public land belonging to the City.**

- (a) The following commercial activities on any public lands belonging to the City are prohibited, except for any commercial activities performed under a franchise or license agreement granted by the City:
  - (1) Retail and wholesale of food, such as ice cream trucks, beverage or any other products;
  - (2) Vendor, vending or caterer operations;
  - (3) Rental of any products or equipment, such as chairs, bicycles, umbrellas, blankets, kayaks, jet skis, sailboats, motorized and unmotorized boats;
  - (4) Recreation programs such as camps, schools, athletic teams, yoga, karate, aerobics or any other exercise classes or athletic instructions such as tennis lessons, hitting or pitching instructions.
- (b) The placement of any stand, cart, or vehicle for the transportation, sale or display of any articles of food, beverage on any public land belonging to the City is also prohibited.

- (c) Notwithstanding the prohibitions set forth in subsection (a) of this section, the City Manager or his designee may suspend the operation of this section through a special permit and set forth in writing.

**Sec. 54-9—54.30. Reserved.**

**ARTICLE II. - DUNEDIN CAUSEWAY BEACH**

**Sec. 54-31. - Designated.**

For the purpose of this article, Dunedin Causeway Beach is defined as that real property located between the western boundary of the subdivision known as Dunedin Causeway Center, as shown on the plat thereof and recorded in Plat Book 59, Pages 20-22, of the public records of the county, and the fixed span bridge on the western end of the causeway.

**Sec. 54-32. - Operation of watercraft from Dunedin Causeway Beach regulated; definitions; operation of watercraft within certain distance from mean high waterline of Dunedin Causeway Beach regulated.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

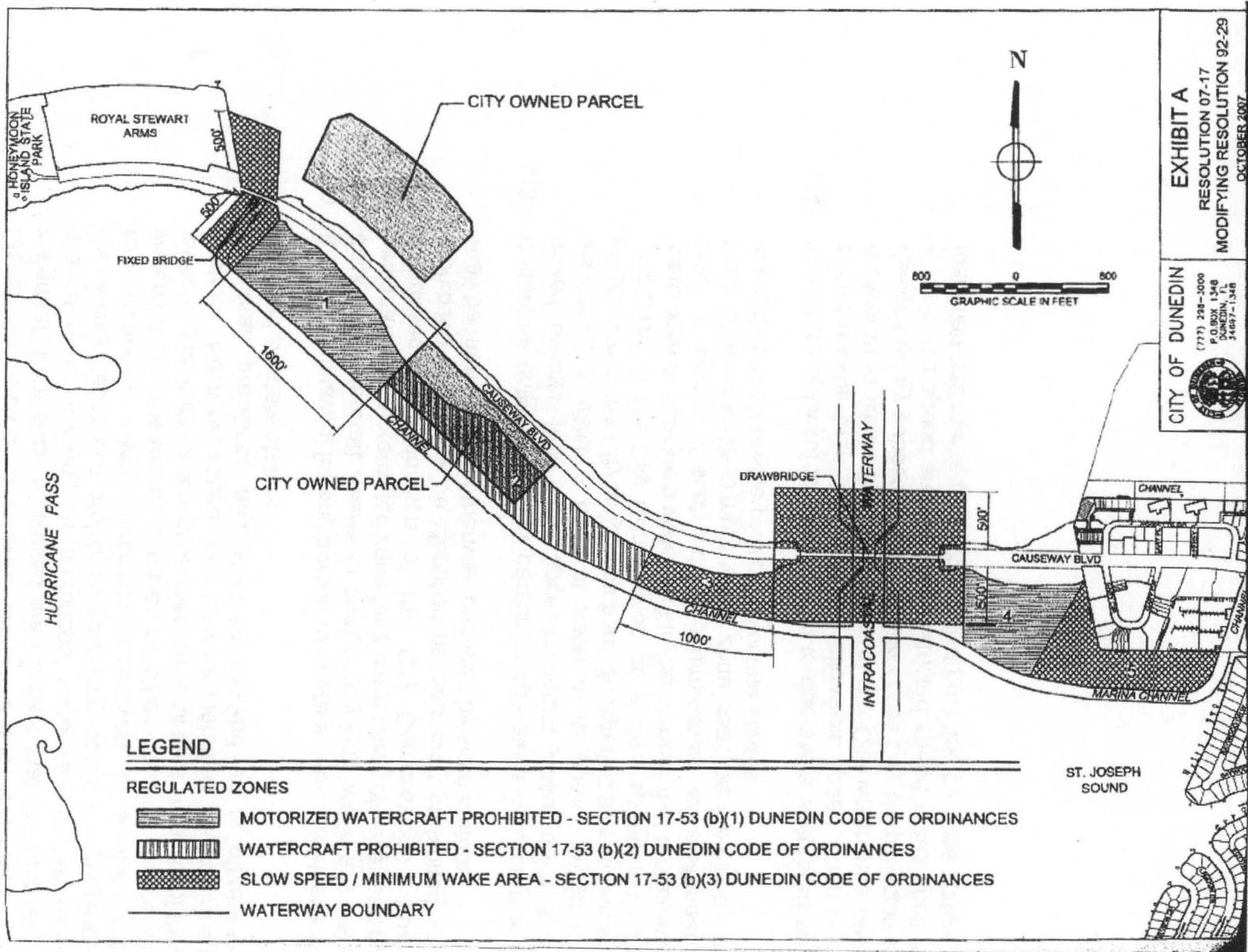
*Watercraft* means all boats, vessels, ships, yachts, rafts, barges, jet skis, personal watercraft, houseboats, windsurfers, sailboards or other floating structures; and this term shall be synonymous with the term "boat," as referenced in section 1(b), article VII, of the state constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. A watercraft shall be considered to be motorized if it is actually or is capable of being propelled by a motor device of any kind regardless of the source of fuel or power to such motor. Whether or not the motor is in actual operation shall not affect the character of whether a watercraft is motorized or not.

- (b) *Certain uses of watercraft prohibited.*

- (1) It shall be unlawful for any person to launch or otherwise operate any motorized watercraft on or from the Dunedin Causeway Beach within any area designated as a prohibited zone for the operation of motorized watercraft by subsequent resolution of the

City Commission or to recover, retrieve or dock any motorized watercraft from such prohibited area except that the recovery, grounding or docking of motorized watercraft on Dunedin Causeway Beach in a prohibited zone may occur in emergency circumstances. Any launching or recovery of a motorized watercraft by means of a trailer or other carrying device or launching by hand or any other method shall be a violation of this section. Such prohibited area may be identified as motorized watercraft prohibited and shall be marked as is otherwise provided by state statute.

- (2) It shall be unlawful for any person to operate, launch, retrieve or dock any watercraft, vessel or boat of any kind within any area designated as a prohibited zone for the operation of watercraft by a subsequent resolution of the City Commission. Such prohibited zone may be identified as watercraft prohibited and shall be marked as is otherwise provided by state statute.
- (3) It shall be unlawful for any person to operate a watercraft at a speed greater than slow speed/minimum wake when such watercraft is within a body of water or its portion within the jurisdiction of the City which has been designated by subsequent resolution of the City Commission as a slow speed/minimum wake area or operate a watercraft in the manner that produces a wake in excess of such slow speed/minimum wake standard. Such slow speed/minimum wake zone shall be identified and marked as is otherwise provided by state statute.
- (4) It shall be unlawful for any person to operate a watercraft at a speed greater than the maximum allowable speed when such watercraft is within the jurisdiction of the City which has been designated by subsequent resolution of the City Commission as a restricted speed area. Such restricted speed areas shall be identified and marked as is otherwise provided by state statute.



**LEGEND**

**REGULATED ZONES**

-  **MOTORIZED WATERCRAFT PROHIBITED - SECTION 17-53 (b)(1) DUNEDIN CODE OF ORDINANCES**
-  **WATERCRAFT PROHIBITED - SECTION 17-53 (b)(2) DUNEDIN CODE OF ORDINANCES**
-  **SLOW SPEED / MINIMUM WAKE AREA - SECTION 17-53 (b)(3) DUNEDIN CODE OF ORDINANCES**
-  **WATERWAY BOUNDARY**

**EXHIBIT A**  
**RESOLUTION 07-17**  
**MODIFYING RESOLUTION 92-29**  
**OCTOBER 2007**

**CITY OF DUNEDIN**  
 (772) 288-3000  
 P.O. BOX 1348  
 DUNEDIN, FL  
 34697-1348



**Sec. 54-33. - Glass Containers**

It shall be unlawful for any person to carry, possess, transport or cause to be carried, possessed or transported any glass container, glassware or glass bottle off the paved road surface and onto any portion of Dunedin Causeway Beach.

**Sec. 54-34. - Permission required for leaving boats, vehicles, trailers, camping equipment or other personal property after 11:00 p.m. to 5:00 a.m.**

No person shall on Dunedin Causeway Beach leave tents, other temporary shelter for the purpose of overnight camping, motorboats, vehicles, sailboats, kayaks, canoes or other recreation equipment and trailers or other transportation devices or any other personal property of any kind or nature after 11:00 p.m. to 5:00 a.m., without first obtaining permission from the City Manager or designee in the form of a revocable license agreement for such purpose. No such revocable license shall extend for a period greater than two consecutive days in any seven-day period unless extended by special permission of the City Manager. Such revocable license may be issued on an annual basis. The City Commission may, from time to time, by motion, establish a fee to cover the administrative and enforcement costs of such license. The purpose and intent of the section shall not be defeated by multiple persons requesting a license for substantially the same item of recreational equipment or personal property.

**Sec. 54-35. - Permission required for being on beach between 11:00 p.m. and 5:00 a.m.**

Dunedin Causeway Beach shall be closed to the use of or by any person between the hours of 11:00 p.m. and 5:00 a.m. of the following day, and it shall be unlawful for any person to go upon or use or loiter, stand, idle, wander, stroll or play in or upon Dunedin Causeway Beach during or between such hours, unless there is obtained permission from the City Manager or his designee.

**Sec. 54-36. - Commercial activities on Dunedin Causeway Beach**

All commercial activities on any public lands belonging to the City, the county or the state or any of their agencies within the geographical area known as the Dunedin Causeway Beach, as is otherwise defined in Exhibit A incorporated in this section by reference, are prohibited except for any commercial activities performed under a franchise granted by the City. Such commercial activities shall include, but not be limited to, retail and wholesale of food, beverages, beach apparel or any other products, as well as any vending operations or rental of any products or equipment.

**Sec. 54-37. - Penalty for violation of article.**

Any person violating the provisions of this article, upon conviction, shall be punished by the same penalty as is therefor provided by the laws of the state, but in no case shall the penalty exceed the punishment provided in section 1-15 of this Code. This shall be a class V violation of the county court uniform fine schedule for local ordinance violations.

**Sec. 54-38. - State laws incorporated.**

There is hereby incorporated into this article the provisions of F.S. chs. 327 and 370, and violations of those state statutes are hereby declared to be violations of the provisions of this article. Upon conviction of any such state laws as incorporated into this article, the violator shall be punished in accordance with the provisions of such statutes.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DUNEDIN, FLORIDA, THIS 23rd day of October, 2014.



Dave Eggers  
Mayor

ATTEST:



Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: September 25, 2014

READ SECOND TIME AND ADOPTED: October 23, 2014

## **ORDINANCE 14-22**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, PURSUANT TO CHAPTER 171, PART II, FLORIDA STATUTES (“THE INTERLOCAL SERVICE BOUNDARY AGREEMENT ACT”), AUTHORIZING AN INTERLOCAL SERVICE BOUNDARY AGREEMENT BETWEEN AND AMONG THE CITY OF DUNEDIN, PINELLAS COUNTY, THE CITIES OF CLEARWATER, TARPON SPRINGS, LARGO, PINELLAS PARK, SAFETY HARBOR, ST. PETERSBURG, AND SEMINOLE, AND THE TOWN OF KENNETH CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Part II, Chapter 171, Florida Statutes, entitled the “Interlocal Service Boundary Agreement Act” (the Act), provides an alternative to Part I of said Chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county; and

**WHEREAS**, the Act intends to establish a more flexible process for adjusting municipal boundaries and to address a wider range of the effects of annexation; and

**WHEREAS**, a more flexible annexation process is appropriate and desirable within Pinellas County given the highly urban character of the county, which distinguishes it from many of Florida’s other counties; and

**WHEREAS**, the process provided in the Act is intended to encourage intergovernmental coordination in planning, service delivery, and boundary adjustments in order to reduce governmental conflicts and litigation between local governments; and

**WHEREAS**, the overriding goal of the process set forth within the Act is to promote sensible boundaries that reduce the cost of local government, avoid

duplicating local services and increase political transparency and accountability;  
and

**WHEREAS**, the Florida Legislature recognized that enclaves can create significant problems in planning, growth management, and service delivery, and therefore declared it to be the policy of the state to eliminate enclaves; and

**WHEREAS**, the governing bodies of the parties to the Interlocal Service Boundary Agreement proposed in this ordinance adopted resolutions initiating the negotiating process provided for in the Act; and

**WHEREAS**, the City of Dunedin participated in the negotiation process under the Act commenced by Pinellas County with all participating governmental agencies in order to provide services to property located in unincorporated areas within the enclaves; and

**WHEREAS**, those negotiations resulted in the Interlocal Service Boundary Agreement attached hereto; and

**WHEREAS**, the City Commission of the City of Dunedin, Florida has determined that it is in the best interests of the citizens of the City to enter into the proposed Interlocal Service Boundary Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA THAT:**

**SECTION 1.** The recitals contained in the Whereas clauses above are true and correct and hereby incorporated herein by reference as findings of fact.

**SECTION 2.** The City approves, accepts, and adopts the Interlocal Services Boundary Agreement between and among the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, and the City of Tarpon Springs, Florida municipalities, and Pinellas County, and authorizes the City Manager to execute such agreement.

**SECTION 3.** This ordinance shall take effect on October 1, 2014.

INTERLOCAL SERVICE BOUNDARY AGREEMENT

This INTERLOCAL SERVICE BOUNDARY AGREEMENT is made and entered into on this 21<sup>st</sup> day of OCTOBER, 2014, by and among the City of Clearwater, City of Dunedin, Town of Kenneth City, City of Largo, City of Pinellas Park, City of Safety Harbor, City of St. Petersburg, City of Seminole, and City of Tarpon Springs, Florida municipalities (hereinafter individually "City" and collectively "Cities"), and Pinellas County, a political subdivision of the State of Florida (herein the "County"), hereinafter collectively referred to as the "Parties".

WHEREAS, annexation of unincorporated area by the incorporated municipalities of Pinellas County is an ongoing, significant occurrence that has important growth management and service delivery implications to the unincorporated county, the incorporated municipalities, and the citizenry; and

WHEREAS, Part II, Chapter 171, Florida Statutes, entitled the "Interlocal Service Boundary Agreement Act" (Act), provides an alternative to Part I of said Chapter for local governments regarding the annexation of territory into a municipality and the subtraction of territory from the unincorporated area of the county; and

WHEREAS, one of the goals of the process set forth within the Act is to promote sensible boundaries that reduce the cost of local government, avoid duplicating local services and increase political transparency and accountability; and

WHEREAS, Section 171.044(1), Florida Statutes prohibits the voluntary annexation of property that is not contiguous to a municipality and within an enclave; and

WHEREAS, given the highly urban character of Pinellas County, a more flexible process providing for municipalities to voluntarily annex non-contiguous property within an enclave is appropriate and desirable within Pinellas County; and

WHEREAS, Section 171.204, Florida Statutes authorizes the parties to enter into an Interlocal Service Boundary Agreement as defined in Part II, Chapter 171, Florida Statutes, to permit non-contiguous, voluntary annexation of property within an enclave as defined in Section 171.031(13)(a), Florida Statutes (hereinafter "Type A enclaves"); and

WHEREAS, pursuant to Section 171.203, Florida Statutes, the County, on December 6, 2011, adopted Resolution No. 11-185 and authorized transmittal to the ten municipalities that

contain Type A enclaves and to the five independent special districts that serve these enclaves;  
and

WHEREAS, the cities of Clearwater, Dunedin, Largo, Kenneth City, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs, the Lealman Special Fire Control District, and the Pinellas Suncoast Fire and Rescue District responded with their respective resolutions to participate in this process; and

WHEREAS, during the negotiation process to develop the Interlocal Service Boundary Agreement, the Lealman Special Fire Control District and the Pinellas Suncoast Fire and Rescue District have decided not to continue to participate in the negotiation process and be a party to the Interlocal Agreement; and

WHEREAS, pursuant to Part II, Chapter 171, Florida Statutes, the Parties hereto agree that the following terms and conditions shall direct the manner in which non-contiguous properties within Type A enclaves may be annexed by the Cities.

NOW, THEREFORE, in consideration of the covenants made by each party to the other, the County and Cities agree as follows:

SECTION 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Authority. This Interlocal Service Boundary Agreement (“Agreement”) is entered into pursuant to the general authority of Part II, Chapter 171, Florida Statutes.

SECTION 3. Municipal Service Area. Pursuant to Section 171.202(11)(a), Florida Statutes, the Municipal Service Area is defined in this Agreement as the areas within the geographical boundaries of Pinellas County as set forth in Section 7.52, Florida Statutes, that meet the definition of an enclave as defined in Section 171.031(13)(a), Florida Statutes, as “any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality,” and as set forth in Exhibit A.

SECTION 4. Voluntary Annexation Within a Municipal Service Area. Each City shall have the authority to voluntarily annex real property within the Municipal Service Area that is not contiguous to that municipality as defined in Section 171.031(11), Florida Statutes, and is enclosed within or bounded on all sides by that municipality. Annexation is considered voluntary through the submission of a petition for annexation by the current property owner. A municipality may not execute a petition for annexation on behalf of a property owner under an existing annexation agreement in order to use the voluntary annexation provisions under this Agreement. If the current property owner withdraws a petition for annexation prior to final

action by the municipality to annex the property, voluntary annexation of that property may not proceed under this Agreement.

SECTION 5. Annexation Agreements. The subject property to be annexed shall not involve a property that is subject to an existing annexation agreement on the effective date of this Agreement without the consent of the current owner(s) of the real property, unless the current owner is a party to the existing annexation agreement and has executed a petition for voluntary annexation. Property annexed pursuant to this Agreement shall not provide the basis for annexing an adjoining property that is subject to an annexation agreement without the consent of the current owner(s) of the real property.

SECTION 6. Procedure for Voluntary Annexation Within a Municipal Service Area. The owner or owners, or his/her or their agent, of real property that meets the requirements of Section 4 above, may petition the governing body of the municipality that said property be annexed into the municipality and the municipality may annex said property. The Parties agree to comply with the prerequisites to annexation as defined in Section 171.204, Florida Statutes and in Chapter 171, Part II, as are applicable. All notice requirements applicable to voluntary annexations under Chapter 171, Florida Statutes, shall be required. Additionally, notice to the property owner by certified mail prior to each reading of the ordinance shall be required. The County and the Cities agree to negotiate in good faith separate joint planning agreements for the Municipal Service Areas in order to comply with Section 171.204(2), Florida Statutes. All agreements relating to annexation existing on the Effective Date of this Agreement, whether settlement agreements or otherwise, between any of the Parties, are not intended to and shall not be amended or superseded by this Agreement and shall remain in full force and effect.

SECTION 7. Effect of Agreement. The procedure of Sections 4, 5, and 6 shall affect only the voluntary annexation of real property located within the Municipal Service Area as established by this Agreement. The procedures provided in Chapter 171, Part I, Florida Statutes governing annexation shall remain in full force and effect, except as modified in this Agreement.

SECTION 8. Term. The term of this Agreement shall be twenty (20) years. The renegotiation of this Agreement, if desired, must begin at least eighteen (18) months before its termination date.

SECTION 9. Periodic Review. The Parties agree to perform a periodic review of the Agreement at the conclusion on the 6<sup>th</sup>, 12<sup>th</sup>, and 18<sup>th</sup> years of the Agreement. The Cities agree to submit to the County the parcel number, date of annexation, size, the County Taxable Value as determined by the Pinellas County Property Appraiser and future land use map designation of each parcel that has been annexed in the prior six year period pursuant to the authority granted in

this Agreement, as well as any issues pertaining to the implementation of the Agreement. The County agrees to collate this information into a summary report.

SECTION 10. Notice. Notice by any of the Parties to the other Parties pursuant to this Agreement shall be given in writing and hand-delivered or mailed via certified mail, return receipt requested as follows:

If to the County:	County Administrator 315 Court Street Clearwater, Florida 33761
If to the City of Dunedin:	City Manager 542 Main Street Dunedin, FL 34698
If to the City of Largo:	City Manager P.O. Box 296 Largo, FL 33779-0296
If to the City of Safety Harbor:	City Manager 750 Main Street Safety Harbor, FL 34695
If to the City of Clearwater:	City Manager P.O. Box 4748 Clearwater, FL 33758-4748
If to the City of St. Petersburg:	City Administrator 175 Fifth Street N P.O. Box 2842 St. Petersburg, FL 33731
If to the City of Pinellas Park:	City Manager 5141 78 <sup>th</sup> Avenue Pinellas Park, FL 33781

If to the City of Seminole: City Manager  
9199 113<sup>th</sup> Street N.  
Seminole, FL 33772

If to the City of Tarpon Springs: City Manager  
324 E. Pine Street  
Tarpon Springs, FL 34689

If to the Town of Kenneth City: Town Manager  
6000 54<sup>th</sup> Avenue N.  
Kenneth City, FL 33709

SECTION 11. Construction. This Agreement shall be construed as an expression of inter-agency cooperation enabling the parties to conduct annexations within the Municipal Service Area established herein in a more efficient manner. However, this Agreement shall not be construed as delegating or authorizing the delegation of the constitutional or statutory duties of either party to the other.

SECTION 12. Filing; Effective Date. This Agreement shall take effect on November 1, 2014.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the date set forth above.

PINELLAS COUNTY, FLORIDA by and  
through its Board of County Commissioners

By: Karen Seel  
Chair

Approved as to Form:

[Signature]  
County Attorney

ATTEST:  
KEN BURKE, CLERK  
[Signature]  
Deputy Clerk



The seal is circular with the text "BOARD OF COUNTY COMMISSIONERS" around the top and "PINELLAS COUNTY, FLORIDA" around the bottom. In the center, the word "SEAL" is written in large, bold letters. A small number "5" is visible at the bottom of the seal.

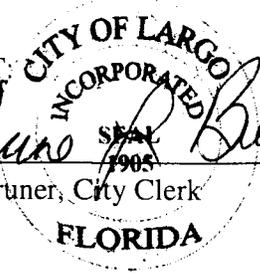
CITY OF LARGO  
a municipal corporation

By: Norton Craig  
Norton Craig, City Manager

REVIEWED AND APPROVED:

[Signature]  
Alan S. Zimmer, City Attorney

ATTEST: [Signature]  
Diane Bruner, City Clerk



CITY OF DUNEDIN  
a municipal corporation

By: \_\_\_\_\_  
Rob DiSpirito, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Trask, City Attorney

ATTEST:

\_\_\_\_\_  
Denise Schlegel, City Clerk

CITY OF CLEARWATER  
a municipal corporation

By: \_\_\_\_\_  
William B. Horne, II, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Pamela K. Akin, City Attorney

ATTEST:

\_\_\_\_\_  
Rosemarie Call, City Clerk

CITY OF LARGO  
a municipal corporation

By: \_\_\_\_\_  
Norton Craig, City Manager

REVIEWED AND APPROVED:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

\_\_\_\_\_  
Diane Bruner, City Clerk

CITY OF DUNEDIN  
a municipal corporation

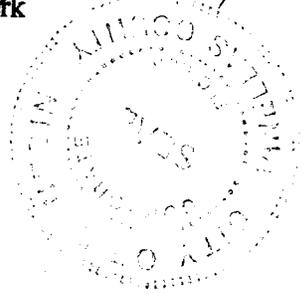
By: *Rob DiSpirito*  
Rob DiSpirito, City Manager

APPROVED AS TO FORM:

*Thomas J. Trask*  
Thomas J. Trask, City Attorney

ATTEST:

*Denise Schlegel*  
Denise Schlegel, City Clerk



CITY OF CLEARWATER  
a municipal corporation

By: \_\_\_\_\_  
William B. Horne, II, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Pamela K. Akin, City Attorney

ATTEST:

\_\_\_\_\_  
Rosemarie Call, City Clerk

CITY OF LARGO  
a municipal corporation

By: \_\_\_\_\_  
Norton Craig, City Manager

REVIEWED AND APPROVED:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

\_\_\_\_\_  
Diane Bruner, City Clerk

CITY OF DUNEDIN  
a municipal corporation

By: \_\_\_\_\_  
Rob DiSpirito, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas J. Trask, City Attorney

ATTEST:

\_\_\_\_\_  
Denise Schlegel, City Clerk

CITY OF CLEARWATER  
a municipal corporation

By: William B. Horne II  
William B. Horne, II, City Manager

APPROVED AS TO FORM:

Pamela K. Akin  
Pamela K. Akin, City Attorney

ATTEST:

Rosemarie Call  
Rosemarie Call, City Clerk



REVIEWED AND APPROVED:

ATTEST:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

\_\_\_\_\_  
Diane Bruner, City Clerk

CITY OF DUNEDIN  
a municipal corporation

By: \_\_\_\_\_  
Rob DiSpirito, City Manager

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Thomas J. Trask, City Attorney

\_\_\_\_\_  
Denise Schlegel, City Clerk

CITY OF CLEARWATER  
a municipal corporation

By: \_\_\_\_\_  
William B. Horne, II, City Manager

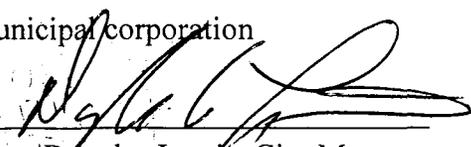
APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
Pamela K. Akin, City Attorney

\_\_\_\_\_  
Rosemarie Call, City Clerk

CITY OF PINELLAS PARK  
a municipal corporation

By:   
Douglas Lewis, City Manager

APPROVED AS TO FORM AND CORRECTNESS:

James W. Denhardt  
James W. Denhardt, City Attorney

ATTEST:

Diane Corna  
Diane Corna, City Clerk

CITY OF SAFETY HARBOR  
a municipal corporation

By: \_\_\_\_\_  
Matt Spoor, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

\_\_\_\_\_  
Karen Sammons, City Clerk

CITY OF ST. PETERSBURG  
a municipal corporation

By: \_\_\_\_\_  
Gary Cornwell, City Administrator

CITY OF PINELLAS PARK  
a municipal corporation

By: \_\_\_\_\_  
Douglas Lewis, City Manager

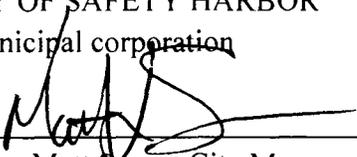
APPROVED AS TO FORM:

\_\_\_\_\_  
James W. Denhardt, City Attorney

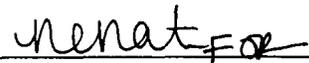
ATTEST:

\_\_\_\_\_  
Diane Corna, City Clerk

CITY OF SAFETY HARBOR  
a municipal corporation

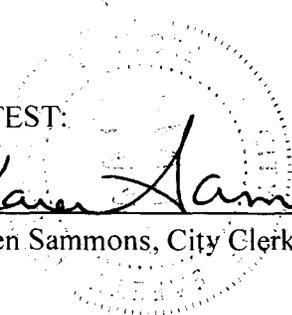
By:  \_\_\_\_\_  
Matt Spoor, City Manager

APPROVED AS TO FORM:

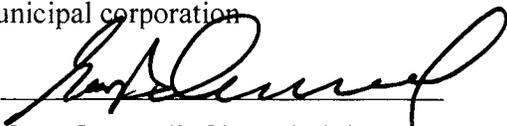
 \_\_\_\_\_  
Alan S. Zimmet, City Attorney

ATTEST:

 \_\_\_\_\_  
Karen Sammons, City Clerk



CITY OF ST. PETERSBURG  
a municipal corporation

By:   
Gary Cornwell, City Administrator

APPROVED AS TO FORM:

  
Heather Judd, City Attorney (Designee)

ATTEST:

  
Chan Srinivasa, City Clerk



TOWN OF KENNETH CITY  
a municipal corporation

By: \_\_\_\_\_  
Matthew Campbell, Town Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
John Elias, Town Attorney

ATTEST:

\_\_\_\_\_  
Susan Scrogam, Town Clerk

CITY OF ST. PETERSBURG  
a municipal corporation

By: \_\_\_\_\_  
Gary Cornwell, City Administrator

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeanne Hoffmann, City Attorney

ATTEST:

\_\_\_\_\_  
Eva Andujar, City Clerk

TOWN OF KENNETH CITY  
a municipal corporation

By: Matthew Campbell  
Matthew Campbell, Town Manager

APPROVED AS TO FORM:

John Elias  
John Elias, Town Attorney  
Randy Mora

ATTEST:

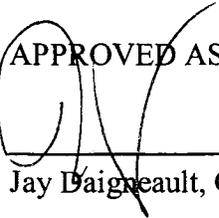
Susan Scrogam  
Susan Scrogam, Town Clerk



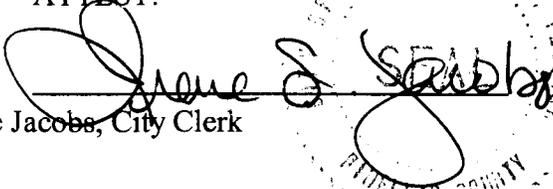
CITY OF TARPON SPRINGS  
a municipal corporation

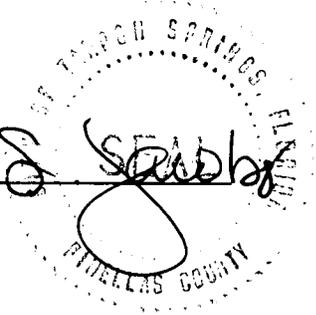
By:   
Mark LeCouris, City Manager

APPROVED AS TO FORM:

  
Jay Daigneault, City Attorney

ATTEST:

  
Irene Jacobs, City Clerk



CITY OF SEMINOLE  
a municipal corporation

By: \_\_\_\_\_  
Frank Edmunds, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
John Elias, City Attorney

ATTEST:

\_\_\_\_\_  
Rose Benoit, City Clerk

CITY OF TARPON SPRINGS  
a municipal corporation

By: \_\_\_\_\_  
Mark LeCouris, City Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Jay Daigneault, City Attorney

ATTEST:

\_\_\_\_\_  
Irene Jacobs, City Clerk

CITY OF SEMINOLE  
a municipal corporation

By: Frank Edmunds  
Frank Edmunds, City Manager

Mark L. Ely  
**MARK L. ELY**  
Notary Public, State of Florida  
My Comm. Expires July 25, 2015  
No. EE 111161

APPROVED AS TO FORM:

John Elias  
John Elias, City Attorney

ATTEST:

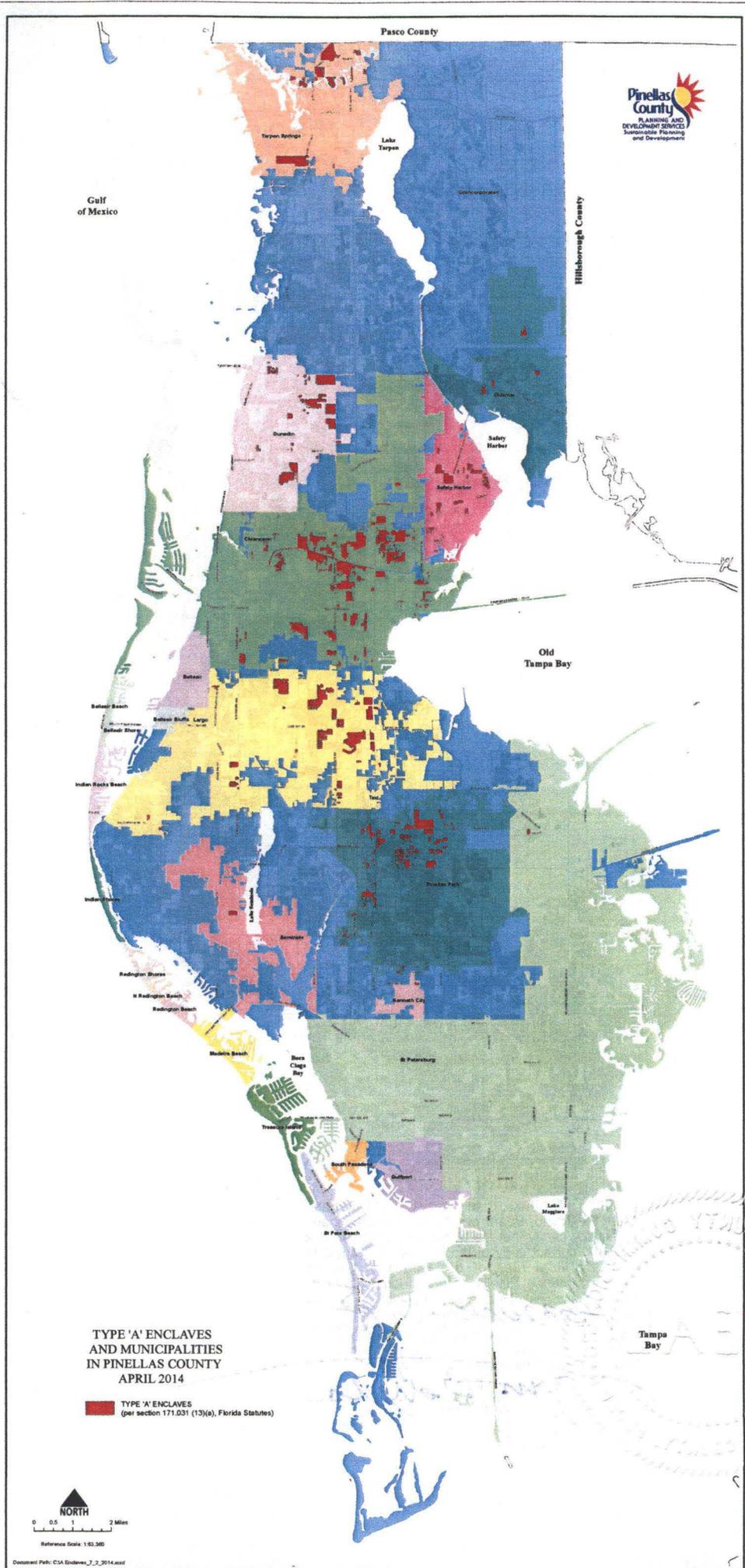
Patricia A. Beliveau  
Deputy City Clerk

RECORDED  
CITY OF SEMINOLE

DEC 17 2014

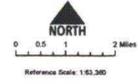
OFFICE OF  
CITY CLERK

EXHIBIT A



TYPE 'A' ENCLAVES AND MUNICIPALITIES IN PINELLAS COUNTY APRIL 2014

TYPE 'A' ENCLAVES (per section 171.031 (13)(a), Florida Statutes)





I, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio, Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this 5 day of February, A.D. 2015

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida

By [Signature]  
Deputy Clerk

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 25th day of September, 2014.



Dave Eggers  
Mayor

ATTEST:



Denise M. Schlegel  
City Clerk

READ FIRST TIME AND PASSED:

September 18, 2014

READ SECOND TIME AND ADOPTED:

September 25, 2014

## **ORDINANCE 14-23**

**AN ORDINANCE DECLARING THE INTENTION OF THE CITY OF DUNEDIN, FLORIDA TO ANNEX CERTAIN REAL PROPERTY LOCATED AT 3235 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.34 ACRES, INTO THE CORPORATE LIMITS OF THE CITY OF DUNEDIN; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, pursuant to the provisions of the Florida Statutes, the City of Dunedin may lawfully annex land lying contiguous to the boundaries of the City upon written petition of the property owners thereof; and

**WHEREAS**, the City of Dunedin has received a written petition of the property owners of the following described property and has received proper proof of title setting forth the names of all persons, firms or corporations owning any interest in said property; and

**WHEREAS**, said property is reasonably compact and is contiguous to the City of Dunedin, lying in an unincorporated area; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** The City of Dunedin, acting by and through its City Commission, hereby declares its intention to annex into the corporate limits of the City Dunedin the following property lying contiguous to the territorial limits of said City:

**SEE ATTACHED EXHIBIT "A"**

**A map clearly showing the annexed area is attached hereto as EXHIBIT "B" and incorporated herein by reference.**

**Section 2.** Upon final passage and adoption, a certified copy of this Ordinance shall be duly recorded in the Office of the Circuit Court of Pinellas County and filed with the Department of State, State of Florida and the County Administrator of Pinellas County, Florida.

**Section 3.** When this Ordinance has been duly recorded and filed as aforesaid, the territory hereinabove described shall be thereupon annexed to the City of Dunedin and the inhabitants thereof shall enjoy all the privileges and be

subject to all liabilities as are applicable to the other lands and inhabitants within the corporate limits and subject to all laws and ordinances of the City of Dunedin.

**Section 4.** That this Ordinance shall become effective immediately upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

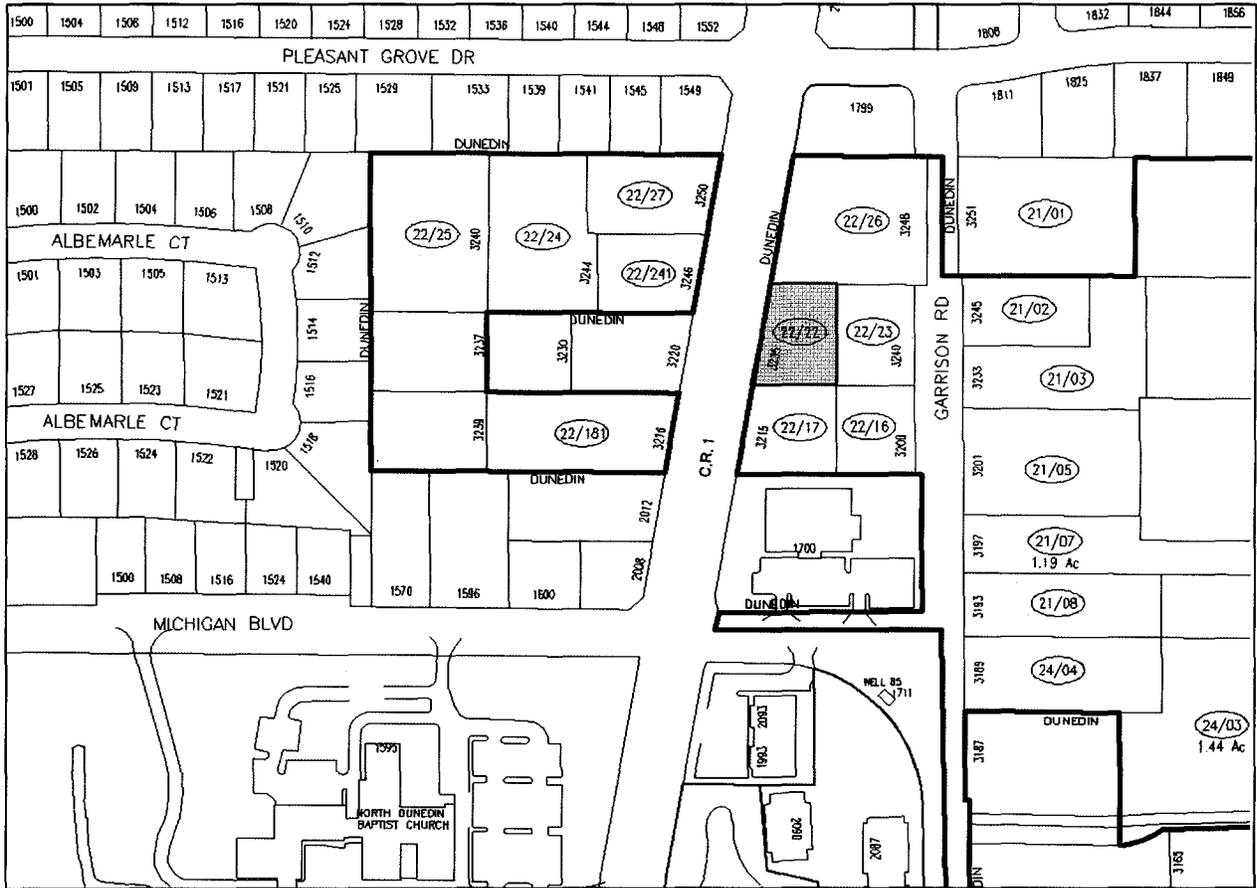
READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

THAT PART OF THE SOUTH 140 FEET OF THE NORTH 320 FEET OF THE SOUTH  $\frac{1}{2}$   
OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ , LYING EAST OF STATE ROAD NO.  
15, IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LESS THE 142.48  
FEET THEREOF, LOCATED IN PINELLAS COUNTY, FLORIDA.

Parcel ID: 24-28-15-00000-220-2200

a/k/a 3235 County Road 1



## **ORDINANCE 14-24**

**AN ORDINANCE AMENDING THE CITY OF DUNEDIN LAND USE PLAN, AS ADOPTED BY ORDINANCE 89-21, ON CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 3235 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.34 ACRES, ASSIGNING A RESIDENTIAL URBAN (RU) LAND USE DESIGNATION; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property receive an amended land use designation on the Dunedin Land Use Plan following annexation; and

**WHEREAS**, the owners of the property described herein have requested that the Dunedin Land Use Plan be changed following annexation to Residential Urban (RU); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin has duly considered the type of land use designation that would be appropriate on said property and has recommended that the property herein below be changed following annexation to Residential Urban (RU); and

**WHEREAS**, the City Commission of the City of Dunedin has considered such request and finds that such request should be granted; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That the Dunedin Land Use Plan as adopted by Ordinance 89-21 be amended by redesignating the following described real property following annexation to Residential Urban (RU), as said designation is more particularly described in said Land Use Plan:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2.** The effective date of this small scale development plan amendment shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(3), F.S. If challenged, the effective date of this amendment shall be the date a final order is issued by the Department of Economic Opportunity, or the Administration Commission, finding the

amendment in compliance with Section 163.3184, F.S. No development orders, development permits or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

THAT PART OF THE SOUTH 140 FEET OF THE NORTH 320 FEET OF THE SOUTH  $\frac{1}{2}$   
OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ , LYING EAST OF STATE ROAD NO.  
15, IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LESS THE 142.48  
FEET THEREOF, LOCATED IN PINELLAS COUNTY, FLORIDA.

Parcel ID: 24-28-15-00000-220-2200

a/k/a 3235 County Road 1

## **ORDINANCE 14-25**

**AN ORDINANCE ZONING CERTAIN REAL PROPERTY FOLLOWING ANNEXATION LOCATED AT 3235 COUNTY ROAD 1 WITH DESIGNATED METES AND BOUNDS AND TOTALING APPROXIMATELY 0.34 ACRES, TO SINGLE-FAMILY RESIDENTIAL (R-60); AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the owners of the property described herein have requested that the said property be zoned following annexation to Single-Family Residential (R-60); and

**WHEREAS**, the Local Planning Agency of the City of Dunedin, Florida, has duly considered the type of zoning which would be proper on said real property, and has recommended that the zoning request of said owner be granted; and

**WHEREAS**, due and proper public hearing on the said recommended zoning has been conducted by the City Commission and the recommendations of the Local Planning Agency having been found by the Commission to be meritorious; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1.** That from and after the effective date of the within Ordinance, the following described real property shall hereby be zoned Single-Family Residential (R-60) as said zoning classification is more particularly described in Dunedin's Land Development Code:

**See Exhibit "A" attached hereto and made a part hereof.**

**Section 2.** This Ordinance shall become effective upon final passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

THAT PART OF THE SOUTH 140 FEET OF THE NORTH 320 FEET OF THE SOUTH  $\frac{1}{2}$   
OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$ , LYING EAST OF STATE ROAD NO.  
15, IN SECTION 24, TOWNSHIP 28 SOUTH, RANGE 15 EAST, LESS THE 142.48  
FEET THEREOF, LOCATED IN PINELLAS COUNTY, FLORIDA.

Parcel ID: 24-28-15-00000-220-2200

a/k/a 3235 County Road 1

## ORDINANCE 14-26

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO MISCELLANEOUS OFFENSES, BY AMENDING SEC. 50-3 BY ADDING A NEW SUBPARAGRAPH (a) TO STATE IT IS UNLAWFUL TO MAKE AND/OR DISCHARGE ANY EXPLOSIVE DEVICE WITHIN THE CITY; BY DELETING SECTION 50-10 IN ITS ENTIRETY AND RENUMBERING SECTION 50-11 AS 50-10; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 50 of the Code of Ordinances to address the discharge of explosive devices within the City; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Section 50-3 of Chapter 50 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

**Sec. 50-3. - Discharge of firecrackers or explosives; permit required.**

**(a)** It shall be unlawful for any person to make and/or discharge any explosive device within the city.

**(b)** It shall be unlawful for any person to fire, shoot, light or discharge, or to aid or abet any other person to fire, shoot, light or discharge, within the city, any firecrackers, rockets, torpedoes, Roman candles, fire wheels, flares or other appliances intended or suitable for pyrotechnic display or any other explosive or fire-producing articles commonly known as fireworks, unless first having obtained a permit therefor from the city manager.

**Section 2:** That Section 50-10 of Chapter 50 of the Code of Ordinances is hereby deleted.

**Section 3:** That Section 50-11 of Chapter 50 of the Code of Ordinances shall be renumbered 50-10.

**Section 4:** That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DUNEDIN, FLORIDA, THIS 23rd day of October, 2014.



\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:



Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: September 25, 2014

READ SECOND TIME AND ADOPTED: October 23, 2014

## **ORDINANCE 14-27**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO EMERGENCY SERVICES BY AMENDING SEC. 30-31 PURPOSE AND POLICY OF ARTICLE BY STRIKING LANGUAGE REGARDING HIGH SPEED TRAVEL; BY AMENDING SEC. 30-32 DEFINITIONS BY ADDING A DEFINITION FOR "ALARM USER" AND DELETING THE DEFINITION OF "PERSON MAKING USE OF AN ALARM SYSTEM AND ALARM USER"; BY AMENDING SEC. 30-33 FALSE ALARM PROHIBITED; MAINTENANCE RESPONSIBILITY BY REMOVING THE REFERENCE OF SERVANTS OR AGENTS; BY AMENDING SEC. 30-38 FREQUENCY OF FALSE ALARMS; DUTY TO REPAIR; SERVICE CHARGE, SUBSECTION (A) TO PROHIBIT THE REMOVAL OF EXISTING ALARM SYSTEMS AND PROVIDING A SERVICE CHARGE FOR THE EXCESSIVE USE OF FALSE ALARMS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 30 as proposed by the Fire Chief; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Section 30-31 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

**Sec. 30-31. - Purpose and policy of article.**

The purpose of this article is to establish requirements for the use of emergency alarm systems in the city. It is declared to be the public policy of the city to discourage and prevent a possibility of false alarms to the greatest degree possible. This public policy is created in recognition of the fact that false law enforcement and fire alarms endanger the lives of the citizens of the city and of law enforcement and firefighting personnel to an even greater degree than the incident of actual emergencies. In responding to law enforcement and fire alarms on an emergency basis, the allocation of law enforcement personnel and firefighting personnel and equipment to a false alarm removes these resources from service, thus endangering lives and property in the event of an actual law enforcement emergency or fire taking

place within the city. For these reasons, it is the policy of the city that law enforcement and fire alarm equipment must be maintained and monitored in a manner that ensures that false alarms will be kept to an absolute minimum.

**Section 2:** That Section 30-32 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

**Sec. 30-32. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system* means any device or system for the detection and notification of the presence of a medical emergency, unauthorized entry into a building, structure or facility, or alerting others to the commission of an unlawful act, or which detects heat, smoke, flames, sprinkler activation or other fire event, which emits a sound or transmits a signal or message when activated. The term "alarm system" includes, but is not limited to, direct dial telephone devices, audible alarms and proprietor alarms.

*Alarm user* means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein a security alarm system is maintained. If the lessee of the premises is responsible for ensuring the proper maintenance of the security alarm system, then the lessee shall be considered the alarm user.

*City* means the geographical boundaries of the city and, for the purpose of regulation of fire alarm systems, the fire district of the city under the authority of the laws of the state.

*False alarm* means an alarm signal eliciting a response by the public safety department of law enforcement officers or fire personnel when the situation requiring that response does not exist.

**Section 3:** That Section 30-33 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

**Sec. 30-33. - False alarm prohibited; maintenance responsibility.**

- (a) It shall be unlawful for any person to cause an alarm system to give a false alarm because of mechanical failure, malfunction, improper installation, or the negligent or intentional misuse by the user of an alarm system or by his employees or persons under his custodial care, including children.

- (b) Every alarm user of an alarm system within the city shall be responsible for the proper maintenance, adjustment and usage of such system. It shall be unlawful for any person not to properly maintain an alarm system. It shall be unlawful for any person making use of an alarm system which has previously caused a false alarm to fail to take appropriate corrective action to prevent further improper operation of the system.

**Section 4:** That Section 30-38 of Chapter 30 of the Code of Ordinances is amended in its entirety as follows:

**Sec. 30-38. - Frequency of false alarms; duty to repair; service charge.**

- (a) If any premises within the city on which an alarm system is located has a false alarm on such premises within the following frequency:
  - (1) Two false alarms within one week;
  - (2) Three false alarms within 90 days; or
  - (3) Five false alarms within 12 months;

the owner of such premises shall be required to repair the system. Each day of failure to repair such system shall constitute a violation of this subsection.

- (b) If a false alarm in excess of the frequency set forth in subsection (a) of this section occurs on any premises, a service charge of \$150.00 for each alarm requiring a police response and a charge of \$500.00 for each alarm requiring a fire response shall be imposed upon the property. Such charge shall not relieve the owner or person in possession of the premises from any other penalties under the provisions of this article. Such charge shall be billed immediately following the response to the false alarm. Such charge shall be a lien upon the property and shall be superior to any or all liens of mortgages, mechanics liens and all other liens of whatever type or nature and shall be of equal dignity to the lien of ad valorem taxes. The city clerk shall record such lien against the property in the public records of the county, and such lien shall bear interest at the rate then prescribed for interest owed on judgments in circuit court. Such lien may be foreclosed by the city attorney in accordance with law.

**Section 5:** That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY  
OF DUNEDIN, FLORIDA, THIS 23rd day of October, 2014.

  
\_\_\_\_\_  
Dave Eggers  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: October 9, 2014  
READ SECOND TIME AND ADOPTED: October 23, 2014

## ORDINANCE 14-28

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO FIRE PROTECTION AND PREVENTION BY DELETING SEC. 38-32 IN ITS ENTIRETY AND RENUMBERING SECTIONS 38-33 THROUGH 38-45; BY AMENDING SEC. 38-32 *DEFINITIONS*, BY ADDING A DEFINITION FOR "AHJ OR AUTHORITY HAVING JURISDICTION"; BY AMENDING SEC. 38-35 *FIRE PROTECTION, HYDRANT AND FLOW REQUIREMENTS*, SUBSECTION (A) TO DELETE THE CHARGE TO REVIEW PLANS; BY AMENDING SUBSECTION (B)(1)C TO PROVIDE A SAFE CLEARANCE AROUND ALL SIDES OF ALL PUBLIC OR PRIVATE FIRE HYDRANTS; BY ADDING SUBSECTION (B)(3)C TO ADDRESS THE SIDE OF STREET LOCATION OF FIRE HYDRANTS; BY ADDING SUBSECTION (B)(4) TO PROVIDE LOCATION OF FIRE HYDRANTS TO ANY FIRE DEPARTMENT CONNECTION; BY ADDING SUBSECTION (B)(5) REGARDING MEASUREMENTS TO EXCLUDE ACROSS MEDIAN STRIPS OR ACROSS TWO-LANE DIVIDED ROADWAYS IN COMMERCIAL/INDUSTRIAL ZONED DISTRICTS; BY ADDING SUBSECTION (B)(6) REGARDING HYDRANT DISTRIBUTION IN AREAS WITH DIVIDED OR MULTILANE ROAD SYSTEMS; BY ADDING SUBSECTION (B)(7) REGARDING INSTALLATION AND OPERATION OF WATER SUPPLY AND FIRE HYDRANTS PRIOR TO ANY CONSTRUCTION; BY ADDING SUBSECTION (B)(8) REGARDING ADDITIONAL HYDRANTS ON PUBLIC OR PRIVATE PROPERTY TO BE SPECIFIED BY FIRE OFFICIAL FOR ADEQUATE PROTECTION; BY ADDING SUBSECTION (D)(1) – (4) TO PROVIDE FIRE PROTECTION SPECIFICATIONS AND REQUIREMENTS; BY AMENDING SEC. 38-38 *MERCANTILE, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS TO COMPLY*, TO PROVIDE THAT ALL EXISTING BUILDINGS AND BUILDINGS TO BE ERRECTED AND BUILDING ADDITIONS SHALL CONFORM WITH FIRE CODE AND SPECIAL FIRE DISTRICTS STANDARDS; BY AMENDING SEC. 38-40 *PROPERTY MAINTENANCE*, TO PROVIDE THAT MAINTENANCE OF PROPERTY SHALL NOT CONSTITUTE A HAZARD OR UNREASONABLY INTERFERE WITH FIRE DEPARTMENT; BY AMENDING SEC. 38-42 *OPEN BURNING*, BY ADDING SUBSECTION (B) TO PROHIBIT THE USE OR OPERATION OF OUTDOOR HEATING DEVICES OR BURNING OF UNAPPROVED FUEL; BY ADDING SUBSECTION (C) TO PROVIDE THE AHJ (FIRE DEPARTMENT) WITH LEGAL AUTHORITY TO PROHIBIT OPEN FIRES DEEMED HAZARDOUS; BY AMENDING SUBSECTION (D)(1) TO PROVIDE REQUIREMENT OF A PERMIT FOR CAMPFIRE OR OTHER FIRE USED FOR NONCOMMERCIAL PURPOSES; BY AMENDING SUBSECTION (D)(3) TO AMEND THE ALLOWANCE OF OPEN BURNING BY REMOVING THE SUPERVISION OF CITY FIRE DEPARTMENT UPON APPROVAL BY MOTION OF THE CITY COMMISSION, TO SUPERVISION OF THE APPROPRIATE

**PUBLIC CONTROL OFFICIAL; BY AMENDING SEC. 38-43 LANDS IN CITY EXEMPT FROM COUNTY ORDINANCE ON OPEN BURNING, TO DELETE REFERENCE TO THE PROVISIONS OF COUNTY ORDINANCE NO. 76-18; BY ADDING SEC. 38-44 APPROVED ACCESS BOX, TO PROVIDE THE REQUIREMENT OF AN APPROVED ACCESS BOX IN ALL COMMERCIAL BUILDINGS AND THE GUIDELINES FOR SUCH; BY AMENDING THE TITLE TO ARTICLE III TO READ FIRE PUBLIC SAFETY FACILITIES IMPACT FEE; BY AMENDING SEC. 38-81 REQUIRED; EXCEPTION, TO ADD IMPACT FEE AS SET FORTH IN THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-83 AMOUNT, BY DELETING REFERENCE TO THE FIRE FACILITIES FEE AND PAYMENT REQUIREMENTS AND ADDING THE FIRE PUBLIC SAFETY FACILITIES IMPACT FEE IS SET FORTH IN THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-84 REFUNDS AND FEE FOR SPECIAL NEEDS, SUBSECTION (a) TO REPLACE FIRE PUBLIC SAFETY FACILITIES FEES PAID UNDER THIS ARTICLE WITH FIRE PUBLIC SAFETY FACILITIES IMPACT FEE PAID UNDER THE LAND DEVELOPMENT CODE; BY AMENDING SUBSECTION (b) TO REPLACE SPECIAL PUBLIC SAFETY FACILITIES FEE WITH SPECIAL FIRE PUBLIC SAFETY FACILITIES IMPACT FEE, AND REPLACE THIS ARTICLE WITH THE LAND DEVELOPMENT CODE; BY AMENDING SEC. 38-85 USE OF PROCEEDS, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEE AND TO DELETE REFERENCE TO BEING NECESSARY FOR PROTECTION OF THE PUBLIC; BY AMENDING SEC. 38-86 TRUST FUNDS ESTABLISHED, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEES AND TO DELETE THE REVIEW OF THE FEE AMOUNT BY THE CITY COMMISSION TO DETERMINE IF CURRENT FEE IS APPROPRIATE AND DELETE THAT FUNDS FROM FIRE DISTRICT REVENUES RELATIVE TO CAPITAL EXPENDITURES FROM FIRE CAPITAL IMPROVEMENT TRUST FUND WILL BE DEPOSITED IN SUCH TRUST FUND; BY AMENDING SEC. 38-87 WAIVER OF FEE, TO ADD IMPACT TO THE FIRE PUBLIC SAFETY FACILITIES FEE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS,** the City Commission seeks to amend Chapter 38 as proposed by the Fire Chief to bring it into compliance with state and national standards along with flexibility to meet the city needs; and

**WHEREAS,** the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 38 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

## CHAPTER 38 FIRE PROTECTION AND PREVENTION

### ARTICLE I IN GENERAL

**Secs. 38-1—38-30. - Reserved.**

### ARTICLE II STANDARDS

**Sec. 38-31. - Fire prevention codes; adopted.**

- (a) There is hereby adopted by the city that the current edition of the Florida Fire Prevention Code published by the fire marshal of the State of Florida is hereby adopted and incorporated by reference as fully as if set out at length in this section; and from the effective date on which this section shall take effect, the provisions of such code shall be controlling within the limits of the city.
- (b) The fire prevention division shall make periodic inspection of all buildings or structures and is empowered to issue citations for violations.

**Sec. 38-32. - Definitions.**

The following words, terms and phrases, when used in the Florida Fire Prevention Code or this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*AHJ or Authority Having Jurisdiction* means an organization office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure.

*Bureau of fire prevention* means the fire prevention division of the fire department of the city or any equivalent.

*Chief of the bureau of fire prevention and chief of the fire department* mean the fire chief or his designee.

*Corporate counsel* means the city attorney.

*Fire marshal* means the fire chief or his designee.

*Municipality* means the municipality of the city.

**Sec. 38-33. - Reserved.**

**Sec. 38-34. - Committee designated to determine new materials, process or occupancies requiring permits.**

The city manager and the fire marshal shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits in addition to those now enumerated in the code. The fire marshal shall post such a list in a conspicuous place in his office, and distribute copies to interested persons.

**Sec. 38-35. - Fire protection, hydrant and flow requirements for new development.**

- (a) When plans are submitted to the city for approval of proposed subdivisions, mobile home parks or other developments, the fire marshal shall review the developments for compliance to adopted fire codes. Plans for any structural development or remodeling shall be reviewed by the fire marshal for compliance to the adopted fire codes.
- (b) The following hydrant specifications are considered to be minimal, and the fire chief or designee may require a higher level of fire protection for specific developments:
  - (1) All fire hydrants, public or private, shall be:
    - a. Accessible at all times, with hose connections readily available;
    - b. Not less than 25 feet from a building without the specific approval of the fire official;
    - c. Installed and maintained with a clearance of seven and one half feet in front of and to the sides of the fire hydrant, four foot clearance to the rear of the fire hydrant;
    - d. Without visual obstruction from roadways;
    - e. Protected by six-inch concrete, reinforced posts not less than three feet above and below surrounding grade and painted for high visibility, when located in paved areas or parking lots or other areas of traffic hazard;
    - f. Set with the lowest hose connection at least 18 inches above the finished surrounding grade; and
    - g. Painted chrome-yellow.
  - (2) Fire hydrants in single-family subdivision areas, shall be:
    - a. Spaced not more than 500 vehicular travel feet between hydrants;

- b. Capable of delivering a minimum fire flow of 500 gpm with required pressure; and
  - c. Located in the public right-of-way or easement in alignment with the side lot lines of abutting properties.
- (3) Fire hydrants in industrial, commercial, multifamily, mobile home park, recreational vehicle park, structures for public congregation and other high-value sites, shall be:
  - a. Spaced not more than 300 vehicular travel feet between hydrants; and
  - b. Capable of providing a minimum fire flow of 750 gpm with required residual pressure.
  - c. Provided on the same side of the street as the proposed project.
- (4) Fire hydrants shall be located in close proximity (no closer than 40ft, no further than 100ft) to any fire department connection (sprinkler or standpipe) and be located on the same side of the street as the proposed connection as determined by the AHJ.
- (5) Other than within residential developments, all measurements as called in this section shall be measured along the same side of the street.
- (6) Streets classified as arterial and collector roadways (as defined in Ordinance 105-31.8.1) should have fire hydrant distribution on both sides of the roadway, utilizing spacing criteria listed above.
- (7) Prior to any construction, water supply and fire hydrants required by and in accordance with this code shall be installed and operational prior to the construction of any building.
- (8) The fire official shall specify additional hydrants on public or private property where required for adequate protection of structures, buildings or other hazards.
- (c) Existing fire hydrants within private property or isolated by physical barriers from the proposed development site may not be utilized for fire protection requirements of the proposed construction.
- (d) The following fire protection specifications are considered to be minimal, and the fire chief or designee may require a higher level of fire protection for specific developments:
  - (1) Size of mains - The minimum size for all main distribution lines to which a fire hydrant is connected to shall be six inches in diameter

and be of a looped system or not exceeding dead end lengths as identified in the City of Dunedin standard detail.

- (2) All fire line and fire department connection lines shall be DR 14 type and/or rated to a minimum of 200 PSI.
- (3) Fire department connection location shall be approved by the AHJ during plan review.
- (4) All fire protection system components such as riser, fire department connection shall be painted red.

**Sec. 38-36. - Enforcement of fire codes.**

The fire codes shall be enforced by the fire department of the city and the city manager.

**Sec. 38-37. - Violations; penalties.**

- (a) Any person who shall violate any of the provisions of the codes hereby adopted by reference in section 38-31, or fail to comply with any order made under such codes or who shall build in violation of any detailed statement of the specifications or plans submitted and approved under such codes, or any certificate of permit issued under such codes and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction within the time fixed in this article shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor punishable as provided in section 1-15 of this Code of Ordinances.

The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

- (b) The applications of the penalty in subsection (a) of this section shall not be held to prevent the enforced removal of prohibited conditions.

**Sec. 38-38. - Mercantile, commercial and industrial establishments to comply.**

All commercial, mercantile or industrial establishments hereafter erected or buildings in existence permitted for renovation, repairs, alterations, reconstruction, change of occupancy and additions to buildings shall conform to and meet the standards of the fire code and the requirement of any special fire districts as may be established hereafter.

**Sec. 38-39. - Interference with inspector.**

It shall be unlawful for any person to hinder or interfere with a fire inspector in the discharge of his duties under the provisions of the fire code.

**Sec. 38-40. - Property maintenance.**

No property, irrespective of zoning, shall be so maintained as to constitute a hazard to fire, health, safety and welfare of the community or be maintained in such manner as to interfere unreasonably with the fire department.

**Sec. 38-41. - Interference with fire hydrants.**

It shall be unlawful for any person, unless properly authorized, other than an employee of the city or a member of the fire department in the performance of his duty, to take off or unscrew the cap from any city water hydrant in the city or interfere or meddle with such hydrant in any manner or obstruct access to such hydrant in any way.

**Sec. 38-42. - Open burning.**

Any open burning not specifically allowed by this section is prohibited.

- (a) No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning.
- (b) No person shall use or operate any outdoor heating device or burn an unapproved fuel for cold or frost protection except as provided in this article.
- (c) The AHJ (Fire Department) shall have the legal authority to prohibit any and all open fires when atmospheric conditions or local circumstances make such fire hazardous.
- (d) Permitted open burning.
  - (1) A campfire or other fire will be allowed that is used solely for recreational purposes, ceremonial occasions, outdoor noncommercial preparation of food or on cold days for warming of outdoor workers, as long as excessive visible emissions are not emitted and a permit is obtained.
  - (2) Open burning for the flaring of waste gases is allowed for reasons of safety, as long as excessive visible emissions are not emitted.
  - (3) Open burning is allowed for the instruction and training of organized firefighters or industrial employees under the supervision of the appropriate public control official.

**Sec. 38-43. - Lands in city exempt from county ordinance on open burning.**

The city commission hereby exempts all lands within the city from the county Ordinance pertaining to open burning regulations.

**Sec 38-44. - Approved Access Box**

An Approved Access Box (e.g. Knox accessible) shall be provided in all commercial buildings equipped with a fire alarm or a fire suppression system as well as gated subdivisions or developments. In addition, any commercial building over 10,000 square feet, regardless of fire safety equipment, will also be required to install an Approved Access Box.

New commercial buildings requiring an Approved Access Box must be installed during the construction phase on right side of the main entry door and all required keys or other opening device must be placed inside box prior to occupancy.

Application can be picked up at the Dunedin Fire Administration office.

**Secs. 38-45—38-80. - Reserved.**

**ARTICLE III FIRE PUBLIC SAFETY FACILITIES IMPACT FEE**

**Sec. 38-81. - Required; exception.**

As a condition of the issuance of a certificate of occupancy following the initial construction of or substantial reconstruction of a building, the person constructing such residential, commercial, manufacturing, public assembly or institutional building, or addition thereto, shall pay to the city, the fire public safety facilities impact fee as set forth in the Land Development Code. The only exception for the payment of such fee shall be for additions to existing residential structures not creating another dwelling unit.

**Sec. 38-82. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fire public safety facilities capital improvements* means the land, building, facilities, vehicles and equipment necessary for the fire department of the city to provide firefighting and fire protection services to the public.

*Institutional unit or building* means a structure occupied by a group, cooperative, board, agency or organization created for the purposes of carrying on functions of a public or semipublic nature, such as hospitals or schools or congregate-care living facilities (unless separate dwelling units are occupied having cooking and separate bathroom facilities).

*Public assembly unit or building* means the types of buildings used for the gathering together of persons for purposes, such as civic, social or religious functions, or for recreation or for food or drink consumption or for awaiting transportation. Public assembly buildings shall include, among others, the following: auditoriums, churches, gymnasiums, restaurants, motion picture theaters, museums, passenger depots, public assembly halls, recreation halls, stadiums and theaters.

**Sec. 38-83. - Amount.**

The fire public safety facilities impact fee is set forth in the Land Development Code.

**Sec. 38-84. - Refunds and fee for special needs.**

- (a) Refunds of fire public safety facilities impact fee paid under the Land Development Code may be allowed upon application therefor when it is determined that no construction has occurred and the building permit issued for such construction has expired or otherwise been cancelled.
- (b) If any structure has special fire safety needs because of size or type of construction or use, a special fire public safety facilities impact fee shall be paid to the city. Such fee shall be an amount necessary to permit the acquisition of any equipment or other capital asset necessary for the safe provision of fire protection services to the structure. Such fee shall be in addition to any other fee imposed under the Land Development Code and shall be paid prior to the issuance of a building permit for such structure. Alternatively, the owner or developer of such construction may provide to the city the piece of equipment or capital assets as determined to be needed because of such construction.

**Sec. 38-85. - Use of proceeds.**

The funds accumulated by reason of the collection of the fire public safety facilities impact fee shall be used only for the purchase of fire capital improvements consisting of land, buildings, vehicles and equipment for firefighting and fire protection services.

**Sec. 38-86. - Trust funds established.**

All fire public safety facilities impact fees received by the city shall be deposited in an appropriate trust fund referred to in this article as the "fire capital improvement trust fund," to be held separately and to be used only for the purposes referred to in section 38-85. Funds from this trust fund may be disbursed in the customary manner in accordance with appropriate law and with the added requirement that the disbursement of such funds shall require the written approval of the city manager upon a finding that the fire capital expenditure is in accordance with the terms of this section. Any funds on deposit in such trust account which are not immediately necessary for

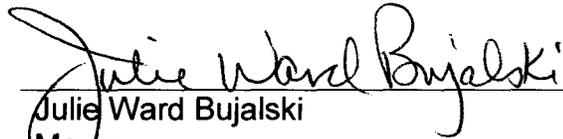
expenditure may be invested by the city, and all income derived from such investment shall be deposited in the trust fund.

**Sec. 38-87. - Waiver of fee.**

Any occupancy not required under the current fire prevention code to have a fire protection sprinkler system may have the fire public safety facilities impact fee waived upon application for such waiver, if a sprinkler system meeting either NFPA 13, 13D or 13R standards is installed in the structure.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 20th day of November, 2014.**

  
\_\_\_\_\_  
Julie Ward Bujalski  
Mayor

ATTEST:

  
\_\_\_\_\_  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED:	<u>October 9, 2014</u>
READ SECOND TIME AND PASSED:	<u>October 23, 2014</u>
READ THIRD TIME AND ADOPTED	<u>November 20, 2014</u>

## ORDINANCE 14-29

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO ALCOHOLIC BEVERAGES, BY AMENDING SEC. 6-31 *DISTANCE FROM SCHOOLS AND CHURCHES* TO REPLACE THE WORD "INTOXICATING" WITH "ALCOHOLIC" AND DELETE THE WORDS "BEER, WINE AND ALCOHOL", TO REPLACE "SECTION 134-2" WITH "APPENDIX A", AND TO ESTABLISH LOCATION PARAMETERS OF RESTAURANT ESTABLISHMENTS IN THE DOWNTOWN CORE "DC" ZONING DISTRICT THAT ARE PERMITTED TO HAVE ON-SITE CONSUMPTION OF ALCOHOLIC BEVERAGES, IN PROXIMITY TO CHURCH AND SCHOOL PROPERTIES AND TO OTHER BAR ESTABLISHMENTS; BY AMENDING SEC. 6-32 *HOURS OF SALE* TO REMOVE REFERENCE TO ALCOHOLIC BEVERAGES CONTAINING MORE THAN ONE PERCENT OF ALCOHOL BY WEIGHT AND ADD AS DEFINED BY THE STATE BEVERAGE LAW; BY AMENDING SEC. 6-33, SUBSECTION (a) TO REPLACE "GRANT FIELD" WITH "CITY FACILITIES"; BY AMENDING SUBSECTION (d)(1) TO PROVIDE THE MEANING OF "ALCOHOLIC BEVERAGE" AS DEFINED BY THE STATE BEVERAGE LAW; BY AMENDING SEC. 6-51, SUBSECTION (b) *DEFINITIONS*, TO PROVIDE THE MEANING OF "ALCOHOLIC BEVERAGE" AS DEFINED BY THE STATE BEVERAGE LAW, AND BY ADDING THE TERMS "BAR" AND "TAVERN" AND THE DEFINITIONS THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the City Commission seeks to amend Chapter 6 to bring it into compliance with state and national standards along with flexibility to meet the city needs; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 6 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

### CHAPTER 6 ALCOHOLIC BEVERAGES

#### DIVISION 1. GENERALLY.

**Sec. 6-31. - Distance from schools and churches.**

It shall be unlawful to sell or offer for sale alcoholic beverages as defined by the State Beverage Law, or to locate or maintain any store, club, establishment or place of business dealing in alcoholic beverages, within 300 feet, in any direction, of a public school or church, which distance shall be measured in a straight line from the entrance or exit of the school or church nearest to the entrance of the place dealing in the alcoholic beverages, except restaurants as defined in Appendix A of this Code may be located not less than 175 feet, in any direction, of a public school or church, measured as set forth in this section. If a church elects to establish its location within a commercial zone district that permits establishments that offer for sale alcoholic beverages, then the above-noted separation requirements shall not apply.

In the Downtown Core "DC" Zoning District, restaurant establishments that are permitted to have on-site consumption of alcoholic beverages shall not locate closer than 50 feet to the property of a church or school. Bar establishments that are permitted to have on-site consumption of alcoholic beverages shall not locate closer than 300 feet to the property of a church or school. Furthermore, bar establishments shall not locate any closer than 300 feet to another bar establishment. The method of measuring such distances shall be a straight line from the nearest point of the property of one such establishment to the nearest point of the property of the other establishment, or of the church or school.

**Sec. 6-32. - Hours of sale.**

The sale and distribution of alcoholic beverages, as defined by the State Beverage Law, within the city on weekdays, including Saturdays, between the hours of 3:00 a.m. and 8:00 a.m. and on Sundays between the hours of 3:00 a.m. and 11:00 a.m. is hereby prohibited.

**Sec. 6-33. - Consumption of alcoholic beverages at city parks and recreation facilities and other city lands; permit; special events; licensed properties; private properties; definitions.**

- (a) Consumption of an alcoholic beverage ("consumption") or possession of an alcoholic beverage in an open container ("possession") is unlawful within or upon any park, parking area, street, street right-of-way, recreation facilities, and lands dedicated to or owned by or otherwise under the control and authority of a government or public agency ("public property") unless and until a letter of permission for such consumption or possession shall have been obtained from the city manager or designee or from an authorized representative of the government or public agency using or controlling such property. Consumption or possession of alcoholic beverages on board vessels in the Dunedin Marina and the

sale, possession of open containers and consumption of alcoholic beverages at City facilities purchased from authorized concessionaires at City facilities shall be an exception to this section. The city manager or designee may give permission for the possession of open containers or the consumption of alcoholic beverages at city parks and other city property or recreation facilities or city streets or rights-of-way for special events and may condition such permission as the city manager deems appropriate to protect the public interest.

- (b) During a special event on public property when consumption or possession of alcoholic beverages has been permitted by the city, it shall be unlawful for any person to consume any alcoholic beverage, or to possession alcoholic beverage in an open container on public property beyond the boundaries that are subject to the special use permit. The city may limit or preclude coolers or other containers being brought into special events on public property.
- (c) If the city has leased or licensed city owned or controlled public property to another person or entity, that person or entity may give permission for the consumption of alcoholic beverages or possession of an alcoholic beverage in an open container on that property unless the city manager has denied permission for such consumption or possession or specifically limited the same. If the lease or license or other type of permission for the use of public property is for a period of 72 hours or less and the lease or license or permission is silent on the possession or consumption of alcoholic beverages, no permission for possession or consumption shall be implied.
- (d) It is unlawful for any person to consume an alcoholic beverage, or to possess an alcoholic beverage in an open container within or upon a parking area open to public use or within or upon private property without the consent of the owner, tenant or other person lawfully in possession thereof.
  - (1) The term "alcoholic beverage" is defined by the State Beverage Law.
  - (2) The term "special event" shall mean and include all gatherings, entertainments or other activities that are approved by and permitted by the city to occur on public property, streets or rights-of-way and which may also include private properties within the city and which have been granted a special event permit by the city or have received written authorization for such event by the city manager.
- (e) All provisions of this section may be enforced by all authorized law enforcement officers. Except [as] otherwise provided by law or

ordinance, a person convicted of a violation of this section shall be punished by a fine not to exceed \$500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment.

**Secs. 6-34—6-50. - Reserved.**

## **DIVISION 2 - CONDUCT**

**Sec. 6-51. - Prohibition of certain activities in establishments dealing in alcoholic beverages.**

*(A) Prohibited acts enumerated.*

- (1) It shall be unlawful for any person, male or female, to engage in nude or seminude behavior, activity or entertainment in any alcoholic beverage establishment.
- (2) It shall be unlawful for any female person, while on the premises of an alcoholic beverage establishment, to expose to public view that area of the human female breast at or below the areola thereof or to employ any device or covering which gives the appearance of or simulate such areas of the female breast as described in this section.
- (3) It shall be unlawful for any person, male or female, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage in any alcoholic beverage establishment.
- (4) It shall be unlawful for any person, including any entertainers, performers or employees, male or female, while on the premises of an alcoholic beverage establishment, to dance in such a manner as to simulate sexual activity with any patron, spectator, employee or other person not employed therein.
- (5) It shall be unlawful for any entertainer, performer or employee, while on the premises of an alcoholic beverage establishment, to sit upon or straddle the leg, legs, lap or body of any patron, spectator or other person therein or to lap dance or to engage in or simulate sexual activity while touching or being touched by the patron, spectator or other person.
- (6) It shall be unlawful for any person managing, maintaining or operating an alcoholic beverage establishment to suffer or permit any violations of subsections (a)(1)—(a)(5) of this section or to own

or lease such establishments with knowledge that such violations are occurring.

- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverage*, as defined by the State Beverage Law, means distilled spirits and all beverages containing one-half of one percent or more alcohol by volume. The percentage of alcohol by volume shall be determined by measuring the volume of the standard ethyl alcohol in the beverage and comparing it with the volume of the remainder of the ingredients as though the remainder ingredients were distilled water.

*Alcohol beverage establishment* means any establishment at which alcoholic beverages are sold, dispensed, consumed, possessed or offered for sale or consumption on the premises or which permits the consumption of alcoholic beverages on the premises. The term "alcohol beverage establishment" shall not include private residences.

*Bar:* See "Tavern."

*Buttocks* means the area of the rear of the body which lies between two imaginary lines running parallel to the ground when a person is standing, the first or top such line drawn at the top of the cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom line drawn at the lowest visible point of this cleavage or the lowest point of the curvature of the fleshy protuberance, whichever is lower, and between two imaginary lines on each side of the body, which lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular lines are drawn through the point at which each nate meets the outer side of each leg.

*Nudity* means the exposure of the male or female body where the genital area, pubic area or buttocks are not covered or are covered with less than opaque material or are covered with material that permits the exposure of those areas. In the case of the female body, it shall also mean the exposure of the female breast or any portion thereof at or below the areola with less than opaque covering.

*Seminudity* means the exposure of the female body where one portion (breast, genital, pubic or buttock) may be covered while the other portions are covered with less than opaque material. It shall encompass topless activities where the genital, pubic and/or buttocks areas are covered but the breast areas are not covered by opaque

material. It shall also encompass bottomless activities where the breast areas are covered but the genital, pubic and/or buttocks areas are exposed or covered with less than opaque material.

*Tavern:* Any use in which the primary purpose is the sale of alcoholic beverages for on-premises consumption, which may or may not include dancing.

- (c) *Severability.* If any provision, subsection, sentence, clause or phrase of this section or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this section or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city commission in adopting this section that no portion of this section or provision or regulation contained in this section shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof; and all provisions of this section are declared to be severable for that purpose.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

## ORDINANCE 14-30

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO ANIMALS, BY DELETING SEC. 10-2 IN ITS ENTIRETY AND RENUMBERING SECTIONS 10-3 THROUGH 10-8 ACCORDINGLY; BY AMENDING SEC. 10-6, SUBSECTION (a) TO ADD AS AMENDED FOLLOWING REFERENCE TO 2001 FDA FOOD CODE, AND TO ADD LATEST ADOPTED RULE PRESENTED WITH REFERENCE TO THE FLORIDA ADMINISTRATIVE CODE, AND TO DELETE (2006) FOLLOWING REFERENCE TO THE FLORIDA ADMINISTRATIVE CODE; BY DELETING ARTICLE IV AND SECTIONS 10-141 AND 10-142; BY ADDING ARTICLE IV. *ANIMAL WASTE REMOVAL*, SECTION 10-150 *ANIMAL WASTE REMOVAL*; BY ADDING ARTICLE V. *DEAD ANIMAL DISPOSAL*, SECTION 10-160 *DEAD ANIMALS DISPOSAL*; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the City Commission seeks to amend Chapter 10 to bring it into conformity with the current countywide Ordinance on Animals and to include the latest references to the Florida Administrative Code as it pertains to animals; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 10 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

### CHAPTER 10

#### ARTICLE I. IN GENERAL

**Sec. 10-1. - Application of county code provisions regarding animal control and care.**

Pursuant to county code § 14-28, the county provisions in county code chapter 14 will apply in the city. The county enforces all animal care and control regulations.

**Sec. 10-2. - Squirrels and birds; injuring or killing.**

It shall be unlawful for any person to kill or injure any squirrel or its nest, or to kill or injure any bird protected by the laws of the state, or to interfere with the nest or eggs of the bird within the city.

**Sec. 10-3. - Disturbing or annoying noise or odor from animals or fowl.**

It shall be unlawful for any person to keep or harbor within the city any animal, fowl or bird which habitually utters, causes, emits or creates, by any means and whether at night or during the day, noise or an offensive odor which disturbs or annoys the residents of the immediate neighborhood.

**Sec. 10-4. - Prohibiting acts tending to cause assembly of certain animals and fowl.**

(a) It shall be unlawful within the city for any person to directly or indirectly perform any act which is reasonably certain to cause the assembly or congregation of barnyard, domesticated fowl and animals, including, but not limited to, gallinaceous birds, Muscovy ducks, pigeons (but not including dove or other game species), livestock as defined in section 10-41, and poultry on any public or private property within the city. The following acts causing assembly or congregation of animals and fowl shall be allowed as an exception hereto:

- (1) The feeding of domestic pets contained in the place of residence of the owner.
- (2) Feeding activities in public parks or other public places unless signs prohibiting such activity are posted.
- (3) The assembly of animals and fowl owned by a person for a public event, circus, fair or similar activity otherwise conforming to law.
- (4) The assembly of animals and fowl in an entirely enclosed area constructed to prohibit the escape of such animals and fowl, and owned by the person who so enclosed the animals and fowl and complying with applicable city codes and regulations and not otherwise constituting a nuisance, disturbance or annoyance to abutting property owners or the immediate neighborhood.
- (5) Additional exceptions to the provisions of this section may be allowed by a special permit issued by the city manager upon a finding that a public purpose of property right shall be served thereby and upon a finding that such activity or assembly will not cause any disturbance or annoyance to the abutting property owners or the immediate neighborhood. Such permit may be allowed with such conditions as the city manager deems

appropriate for the protection of the public health, safety and welfare, and may be limited as to the time duration, if appropriate.

- (b) If the assembly of the animals and fowl listed in this section not owned by an identifiable person is causing an annoyance or disturbance to the residents of a neighborhood or otherwise constitutes a danger to the health, safety or welfare of the public, the city manager may remove such animals and fowl as listed in this section from public or private property, except as is otherwise precluded by state or federal law or regulations, by such means as he deems necessary. The city manager and other employees or agents of the city may enter upon private property for such purpose without having received prior permission for such entry in order to carry out the purpose of this section.

**Sec. 10-5. - Animal control; definitions.**

- (a) For the purposes of this section the following definitions shall apply:
  - (1) *Animal*. Any living creatures of the subphylum vertebrata excepting there from Homo sapiens.
  - (2) *Owner*. Any person having a right of property in an animal, or who keeps or harbors an animal, or who has an animal in such person's care or acts as its custodian or who permits such animal to remain on or about any premises occupied or controlled by such person.
  - (3) *Private property*. Property in which the owner of the animal has not proprietary, fee simple, leasehold or other recognized legal interest.
  - (4) *Public property*. Any park, playground area or any other lands owned or controlled by the city or other governmental or public agency, including streets, rights-of-way and medians; whether signage is present or not which precludes unleashed or unrestrained animals.
- (b) No owner of an animal shall permit such animal to go on public property unless such animal is firmly secured by a substantial leash or other restraining device having the same effect as a leash for animals not appropriate for leash restraint, held by the owner, such leash or other restraining device not to exceed six feet in length, a retractable leash mechanism not greater than 16 feet in length, or unless such animal is enclosed in a cage sufficient to prohibit its escape therefrom.
- (c) No owner shall permit such animal to go on private property without the consent of the owner or occupant of the private property.
- (d) No owner of an animal shall allow such animal to deposit excrement on public property or on private property of another unless such owner immediately removes such excrement.

- (e) No owner of an animal shall allow such animal to run unconfined on public property except where specific signage allows such activity and in enclosed public lands specified for such purpose.
- (f) As an exception to the animal confinement restrictions set forth in this section, seeing-eye or guide pets and non-human primates of the genus *Cebus* specially trained for the purpose of providing personal care services to individuals with disabilities shall be permitted on public property, if under the control of the owner.
- (g) The owner of an animal is at all times responsible for its behavior and actions.
- (h) No owner of an animal shall allow such animal, whether confined or restrained or not, to enter into or be on the protective surface of a playground or other areas designated by the city manager.
- (i) As an exception to the animal confinement restrictions in this section, the city manager may designate at his/her discretion designated animals to be unleashed or unrestrained on certain specified public property for the purpose of special events, unique occasions or for other reasons deemed to be in the public interest by the city manager for such limited time periods as the city manager shall deem appropriate and as confirmed in writing.

**Sec. 10-6. - Dogs in public food service establishments.**

- (a) *Authority.* The Dixie Cup Clary Local Control Act, F.S. § 509.233, grants the city the authority to provide exceptions from section 6-501.115, 2001 FDA Food Code, as amended, adopted and incorporated by the Division of Hotels and Restaurants ("Division" in Chapter 61C-4.010 (6), latest adopted rule presented in the Florida Administrative Code). In the event that F.S. § 509.233 is sunseted or is amended to eliminate the exception necessary for this ordinance to allow dogs in the outdoor portion of public food service establishments, then the exception herein provided shall conform to the then statutory standards or, alternatively, this section shall be void.
- (b) *Purpose.* The purpose of this section is to allow dogs in public food service establishments in a manner consistent with the three-year pilot program approved by state statute. The procedure adopted pursuant to this section provides an exception, for those public food service establishments which have received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.
  - (1) No dogs shall be in a public food service establishment unless allowed by state law and the public food service establishment has

received and maintains an unexpired permit pursuant to this section allowing dogs in designated outdoor areas of the establishment.

- (2) As used in this section, a public food service establishment shall mean eating and drinking establishments and sidewalk cafes. The term "employee" or "employees" shall include, but is not limited to, the owner or owners of the public food service establishment.
- (c) *Application requirements.* Public food service establishments must apply for and receive a permit from the planning and development department before dogs are allowed on the premises. The city may establish a fee to cover the cost of processing the initial application and renewals. The application for a permit shall require such information from the applicant as is deemed reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:
- (1) Name, location, mailing address and division of hotel and restaurants issued license number of the public food service establishment.
  - (2) Name, mailing address, and telephone contact information of the permit applicant. The name, mailing address, and telephone contact information of the owner of the public food service establishment shall be provided if the owner is not the permit applicant.
  - (3) A diagram and description of the outdoor dining area which is requested to be designated as available to patrons with dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas not available for patrons with dogs; any fences or including sidewalks, common pathways and alleyways; and such other information as is deemed necessary by the city.
  - (4) The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.
  - (5) A description of the days of the week and hours of operation that the patrons with dogs will be permitted in the designated outdoor area.
- (d) *Regulations.* Public food service establishments that receive a permit for a designated outdoor area pursuant to this section which shall require that:

- (1) Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.
- (2) Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.
- (3) Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor areas.
- (4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
- (6) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operation.
- (7) Employees and patrons shall not allow any part of a dog to be on chairs, tables, or other furnishings.
- (8) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.
- (8) Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table.
- (9) Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated outdoor area.
- (10) Employees and patrons shall not permit dogs to be in, or to travel through, indoor or non-designated outdoor portions of the public food service establishment.
- (11) A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons with dogs shall be posted in a conspicuous manner that places the public on notice.
- (12) A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the city.

- (13) A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the city.
  - (14) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or non-designated outdoor portions of the public food service establishment.
  - (15) The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.
  - (16) Employees and patrons shall not allow any dog to be in the designated outdoor area of the public food service establishment if the public food service establishment is in violation of any of the requirements of this section.
  - (17) Permits shall be conspicuously displayed in the designated outdoor area.
  - (18) It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a public food service establishment without a permit is a separate violation.
  - (19) Dogs in the public food service establishment which bark or otherwise create a disturbance or a nuisance condition for patrons of the establishment or the public shall be required by the employees to be immediately removed from the establishment.
- (e) *Expiration and revocation.* A permit issued pursuant to this section shall expire automatically upon the sale or transfer of a lease to a new lessee, including sale of the stock of a corporate entity or other transfer of control of the public food service establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this section if the subsequent owner wishes to continue to allow dogs in a designated outdoor area of the public food service establishment.
- (1) Permits expire on September 30 of each year.
  - (2) A permit may be revoked by the city if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this section. If the grounds for revocation are a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.

- (3) If a public food service establishment permit is revoked, no new permit may be approved for the establishment until expiration of 180 days following the date of revocation.

(f) *Complaints and reporting.*

- (1) Complaints may be made in writing to the city. Complaints will be forwarded to the planning and development department which shall accept, document, and respond to all written complaints and shall report to the division of hotels and restaurants all complaints and the response to such complaints.
- (2) The planning and development department shall provide the division of hotels and restaurants with a copy of all approved applications and permits issued.

**Secs. 10-7—10-40. - Reserved.**

**ARTICLE II. LIVESTOCK**

**Sec. 10-41. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Fence* means a substantial barrier not less than five feet high, whether constructed with rails, logs, posts and railing, iron, steel, or other material. Such fence shall be substantial enough to enclose and prevent the escape of any type of livestock enclosed thereby.

*Livestock* means any and all animals, singular or plural, of the bovine or swine class, including goats, sheep, hogs, cattle and other grazing animals.

**Sec. 10-42. - Running at large.**

No livestock shall be permitted to run at large in the city, nor shall any livestock be staked out on any lot or property in the city which is not enclosed by a fence.

**Sec. 10-43. - Impounding animals running at large.**

Upon finding any livestock running at large in the city or staked out on property not enclosed by a fence, any law enforcement officer of the city shall impound the animal. For the purpose of impounding, holding or boarding such animal, such officer may deputize any authorized member or employee of the Society for Prevention of Cruelty to Animals, any veterinary or his agent or employee where such veterinary provides facilities for boarding of animals or any person willing to impound, keep and board such animals.

**Sec. 10-44. - Notice to owners of impoundment.**

Upon the impounding of any livestock, the law enforcement officer impounding or ordering the livestock impounded shall forthwith notify the owner, if known, advising such owner of the location or place where the livestock is being held and impounded, the amount due by reason of such impounding, and unless such livestock be redeemed the animal shall be disposed of.

**Sec. 10-45. - Fences generally.**

No livestock shall be kept or maintained within the city except on property completely enclosed by a substantial fence so constructed as to preclude the escape of such livestock, and the owner of the livestock shall at all times keep such fence in repair.

**Sec. 10-46. - Driving animals over streets; prohibition and exception.**

It shall be unlawful to drive or transport any livestock over or upon the streets of the city except in a truck, van or trailer so constructed as to allow such transportation without the escape of such animal.

**Sec. 10-47. - Saddle and cart horses excepted.**

Nothing in this article shall be construed to prohibit the riding of saddle horses upon the streets or avenues of the city or the drawing of vehicles through or upon such streets or avenues by horses or mules when accompanied by a driver.

**Secs. 10-48—10-80. - Reserved.**

**ARTICLE III. FOWL**

**Sec. 10-81. - Running at large a nuisance.**

The running at large of any chickens, geese, turkeys or other domestic fowl within any of the streets, parks, or other public places of the city or upon the premises of any person other than the owner of such fowls shall be deemed a nuisance.

**Sec. 10-82. - Law enforcement officers to notify owners.**

When it shall come to the knowledge of a law enforcement officer that any fowl are running at large, or when any citizen shall make complaint to a law enforcement officer of any such fowl so running at large, it shall be the duty of the law enforcement officer to immediately ascertain, if possible, the name of the owner of such fowl and forthwith to notify such owner who shall be required to take such steps as may be necessary to prevent the running at large of any such fowl within four hours after receiving such notice.

**Sec. 10-83. - Failure to comply with notice; penalty.**

Any owner of fowl running at large who shall fail or refuse to comply with the notice required by section 10-82, and who shall allow or prevent any such fowl to run at large after the lapse of 24 hours after receiving notice from the law enforcement officer shall be deemed guilty of maintaining a public nuisance and shall, upon conviction, be punished as provided in section 1-15 of this Code.

**Sec. 10-84. - Continuing offenses.**

Each day any owner of any such fowl shall permit the fowl to run at large after the expiration of the time fixed by this article after notice shall be deemed a separate and distinct offense.

**Secs. 10-85—10-149. - Reserved.**

**ARTICLE IV. ANIMAL WASTE REMOVAL**

**Section 10-150. - Animal Waste Removal**

- (a) The owner or person who has custody or control of any animal shall be responsible for the immediate removal of any excreta deposited by his/her animal on public walks, recreation areas, public streets, or other public or private property other than the premises of the owner of the animal. Disposal shall occur by placing the waste in designated waste containers.
- (b) The owner of any animal shall remove animal waste from his or her property if it poses a threat to the health, safety, or well-being of any animals, persons or waterways.
- (c) Individuals and places of business treating, handling, keeping, or breeding animals shall dispose of animal waste in accordance with this section irrespective of property ownership.
- (d) This section shall not apply to disabled persons accompanied by a service animal used for assistance in accordance with the law.
- (e) Violators of this section shall be guilty of a civil infraction and punishable pursuant to section 1-15 of this Code.

**ARTICLE V. DEAD ANIMAL DISPOSAL**

**Section 10-160 - Dead Animals Disposal**

- (a) Dead animals in the corporate limits of the City not in excess of 50 pounds in weight shall be collected by the Solid Waste Division, but in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a

**ARTICLE V. DEAD ANIMAL DISPOSAL**

**Section 10-160 - Dead Animals Disposal**

- (a) Dead animals in the corporate limits of the City not in excess of 50 pounds in weight shall be collected by the Solid Waste Division, but in no event shall any person having a dead animal on premises occupied or under the control of such person allow it to remain undisposed of for a period of longer than 12-hours. If the dead animal must be disposed of on a day other than the regular designated collection day, the Solid Waste Division shall be notified. Dead animals under 50-pounds shall be enclosed in a box, garbage can, garbage bag, or similar container in such a manner that the dead animal may not be seen prior to collection. All animals above 50-pounds shall be removed within 12-hours by the owner. It shall be unlawful for any person to throw or put into the streets, lanes, alleys, parkways, rights-of-way, or on any public property any dead animals.
  
- (b) It shall be the duty of places of business making a business of treating, handling, keeping, breeding, or disposing of animals to remove all dead animals from their premises to a proper disposal site.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 18th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED:	<u>November 20, 2014</u>
READ SECOND TIME AND POSTPONED:	<u>December 04, 2014</u>
READ SECOND TIME AND ADOPTED:	<u>December 18, 2014</u>

## ORDINANCE 14-31

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO CODE ENFORCEMENT BY AMENDING SEC. 22-1 *INTENT OF CHAPTER*, BY CHANGING THE ADMINISTRATIVE BOARD TO A VOLUNTEER ADMINISTRATIVE BOARD; BY AMENDING SEC. 22-2 *CODE ENFORCEMENT OFFICERS*, TO ADD BUILDING INSPECTORS AS DESIGNATED CODE ENFORCEMENT OFFICERS; BY AMENDING SEC. 22-3 *SUPPLEMENTAL NATURE OF CHAPTER PROVISIONS*, TO ADD SUBSECTION (B) TO PROVIDE THE APPOINTMENT BY THE CITY OF A SPECIAL MAGISTRATE(S) TO HOLD HEARINGS AND ASSESS FINES AGAINST VIOLATORS OF CITY ORDINANCES, TO SPECIFY WHO SHALL BE A SPECIAL MAGISTRATE , AND TO OUTLINE THE POWERS AND DUTIES OF THE SPECIAL MAGISTRATE; BY AMENDING SEC. 22-42 *DEFINITIONS*, TO REPLACE UNIFORM DEVELOPMENT WITH LAND DEVELOPMENT IN THE DEFINITION OF "CODE" AND TO CAPITALIZE "TECHNICAL CODES" THEREIN; BY AMENDING SEC. 22-74 *SERIOUS THREATS TO PUBLIC HEALTH, SAFETY AND WELFARE*, TO ADD "OR CONDITION" TO VIOLATION; BY AMENDING SEC. 22-79 TO DELETE "ADMINISTRATIVE" FROM THE TITLE; BY AMENDING SEC. 22-80 *DETERMINATION OF FINE AMOUNT; FACTORS TO CONSIDER*, TO ADD SUBSECTION (4) REGARDING THE COURTESY AND COOPERATION OF THE VIOLATOR TOWARDS THE CODE ENFORCEMENT OFFICER AS FACTORS IN THE CODE ENFORCEMENT BOARD'S DETERMINATION OF FINE AMOUNT, IF ANY; BY AMENDING SEC. 22-81 *RECORDING OF ORDERS IMPOSING FINES AND LIENS*, TO DELETE SUBSECTION (B) IN ITS ENTIRETY; BY AMENDING SEC. 22-84 *NOTICES*, TO DELETE SUBSECTION (A)(1) AND REPLACE IT WITH LANGUAGE REGARDING ADDRESSES TO SEND TAX NOTICES TO PROPERTY OWNERS BY CERTIFIED MAIL OR TO PROVIDE NOTICES BY POSTING; BY AMENDING SEC. 22-105 *PENALTY FOR VIOLATION OF CHAPTER*, SUBSECTION (A) TO REPLACE "MAY" WITH "WILL" REGARDING FINDINGS OF VIOLATIONS, AND TO DELETE "IN THE DISCRETION OF THE COURT" REGARDING UNCONTESTED VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

**WHEREAS**, the City Commission seeks to amend Chapter 22 to bring it into compliance with state and national standards along with flexibility to meet the city needs; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 22 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

**Chapter 22**

**Code Enforcement**

**Article I. In General**

**Sec. 22-1. - Intent of chapter.**

It is the intent of this chapter to promote, protect, and improve the health, safety, and welfare of the citizens of the city by creating a volunteer administrative board with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in the city, where a pending or repeated violation continues to exist.

**Sec. 22-2. - Code enforcement officers.**

- (a) As used in this section, the term "code enforcement officer" means any designated employee or agent of the city.
- (b) The city may designate certain of its employees or agents as code enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the city. Employees or agents who may be designated as code enforcement officers may include, but are not limited to, code inspectors, building inspectors, law enforcement officers, or fire safety inspectors. Designation as a code enforcement officer does not provide the code enforcement officer with the power of arrest or subject the code enforcement officer to the provisions of F.S. §§ 943.085—943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

**Sec. 22-3. - Supplemental nature of chapter provisions.**

- (a) It is the legislative intent of this chapter to provide an additional or supplemental means of obtaining compliance with city codes and ordinances. Nothing contained in this chapter shall prohibit the city from enforcing its codes and ordinances by any other means provided by law.
- (b) The City may by ordinance appoint a special magistrate(s) designated by the local governing body, the authority to hold hearing and assess

finer against violators of the respective city ordinances. A special magistrate(s) shall have the same status as a code enforcement board under this chapter. Reference in this chapter to an enforcement board, except in s. 22-43, 22-44, 22-45, 22-46 and 22-47 shall include a special magistrate if the context permits.

1. The special magistrate shall serve at the pleasure of the city commission.
2. The special magistrate shall be an attorney and shall be experienced in the fields of zoning, building control and code enforcement.
3. The special magistrate shall not be a city employee, but may be compensated at a rate established by resolution of the city commission based upon recommendation of the city manager and city attorney. The code special magistrate may be reimbursed for such travel, mileage, and per diem as may be authorized by the city commission.
4. The city commission shall provide such clerical and administrative personnel as the city commission shall deem is reasonably required to support the activities of the special magistrate for the proper performance of his (or) her duties. The special magistrate shall not be authorized to engage, hire, or use any person, except those provided or authorized by the city commission, to assist him in the performance of his duties.
5. The special magistrate shall have the following powers and duties.
  - (a) Establish rules of procedure for the conduct of hearings.
  - (b) Issue subpoenas for records, surveys, plats, documentary materials or any other evidence.
  - (c) Subpoena witnesses to appear at its hearings.
  - (d) Take testimony under oath.
  - (e) Issue orders having the force and effect of law which can command such steps as are necessary to bring a violation into compliance with the code or ordinance that has been violated.
  - (f) Order the payment of fines and other costs as is provided in Section 22-79.

#### **Sec. 22-4. - Transfer of property ownership.**

If the owner of property which is subject to an enforcement proceeding before the code enforcement board or court transfers ownership of such property

between the time the initial pleading was served and the time of the hearing, such owner shall:

- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
- (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.
- (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
- (4) File a notice with the code enforcement officer of the transfer of the property, with the identity and address of the new owner and copies of the disclosures.

**Secs. 22-5—22-40. - Reserved.**

## **ARTICLE II. ENFORCEMENT BOARD**

**Sec. 22-41. - Creation.**

There is hereby created a code enforcement board whose duties will be to hold hearings and make findings and impose fines for violations, all as provided in this chapter.

**Sec. 22-42. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City attorney* means the legal counselor for the city.

*Code* means a compilation of regulations, standards, rules and/or ordinances, such as any of the several chapters of the city Code or its ordinances, the Land Development Code, or any other codes or Technical Codes of the city.

*Code enforcement board* means the city code enforcement board.

*Code enforcement officer* means any authorized agent or employee of the city whose duty it is to ensure code compliance, including law enforcement officers (see section 2-91 of this Code of Ordinances).

*Repeat violation* means a violation of a provision of a code or ordinance by a person who has been previously found by the code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occurring at different locations.

**Sec. 22-43. - Composition; alternates; residency requirement.**

The code enforcement board shall consist of seven regular members and two alternate members appointed by the city commission. Alternate members shall serve on the board in the absence of regular members. Members of the code enforcement board shall be residents of the city.

**Sec. 22-44. - Appointments; membership skills.**

Appointments to the code enforcement board shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter and jurisdiction of the code enforcement board in the sole discretion of the city commission. The membership of the code enforcement board shall, whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.

**Sec. 22-45. - Terms; vacancies.**

- (a) Any appointment shall be made for a term of three years. A member may be reappointed by the city commission. An appointment to fill any vacancy on the code enforcement board shall be for the remainder of the unexpired term of office.
  
- (b) If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the code enforcement board shall declare the member's office vacant, and the city commission shall promptly fill such vacancy. The members shall serve in accordance with the ordinances of the city and may be suspended and/or removed as provided in such ordinances for removal of members of boards.

**Sec. 22-46. - Election of chair and vice-chair; quorum; compensation.**

The members of the code enforcement board shall elect a chair and vice-chair, who shall be voting members, from among the members of the code enforcement board. The presence of four or more members or alternate members shall constitute a quorum of the code enforcement board. Members of the code enforcement board shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the city commission.

**Sec. 22-47. - Legal counsel.**

The city attorney shall act as counsel to the code enforcement board.

**Sec. 22-48. - Jurisdiction.**

The code enforcement board shall have the jurisdiction to hear and decide alleged violations of the codes and ordinances in force in the city, including amendments to such codes and ordinances.

**Secs. 22-49—22-70. - Reserved.**

**ARTICLE III. ENFORCEMENT PROCEDURE**

**Sec. 22-71. - Initiation of proceedings.**

It shall be the duty of a code enforcement officer to initiate enforcement proceedings of the various codes and ordinances. No members of the code enforcement board shall have the power to initiate such enforcement proceedings.

**Sec. 22-72. - Notice of violation; corrections; hearing.**

Except as provided in sections 22-73 and 22-74, if a violation of the codes or ordinances is found, the code enforcement officer shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue past the time specified for correction, the code enforcement officer shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in section 22-84 to the violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in section 22-84. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code enforcement officer, the case may be presented to the code enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.

**Sec. 22-73. - Repeat violations.**

- (a) If a repeat violation is found, the code enforcement officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code enforcement officer, upon notifying the violator of a repeat violation, shall notify the code enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to section 22-84. The case may be presented to the enforcement board

even if the repeat violation has been corrected prior to the board hearing, the automatic fine shall be levied, and the notice shall so state.

- (b) If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his rights to this hearing and pay the costs as determined by the code enforcement board.

**Sec. 22-74. - Serious threats to public health, safety and welfare.**

If the code enforcement officer has reason to believe a violation or condition presents a serious threat to the public health, safety and welfare, or if the violation or condition is irreparable or irreversible in nature, the code enforcement officer shall make a reasonable effort to notify the violator and may immediately notify the code enforcement board and request a hearing.

**Sec. 22-75. - Conduct of hearing.**

- (a) Upon request of the code enforcement officer, or at such other times as may be necessary, the chair of the code enforcement board may call a hearing of the code enforcement board. A hearing also may be called by written notice signed by at least three members of the code enforcement board.
- (b) Minutes shall be kept of all hearings by the code enforcement board, and all hearings and proceedings shall be open to the public. The city commission shall provide clerical and administrative personnel as may be reasonably required by the code enforcement board for the proper performance of its duties.
- (c) Each case before the code enforcement board shall be presented by a member of the administrative staff of the city as designated by the city manager.
- (d) If the city commission prevails in prosecuting a case before the code enforcement board, it shall be entitled to recover all costs incurred in prosecuting the case before the code enforcement board, and such costs may be included in the lien authorized under section 22-81.
- (e) The code enforcement board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The code enforcement board shall take testimony from the code enforcement officer, alleged violator, and any witnesses. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

- (f) At the conclusion of the hearing, the code enforcement board shall issue findings of fact, based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted by this chapter. The finding shall be by motion approved by a majority of those members present and voting, except that at least four members of the code enforcement board must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed and, under the conditions specified in section 22-79, the cost of repairs may be included along with the fine if the order is not complied with by such date.

**Sec. 22-76. - Recording of certified copy of order.**

A certified copy of the order may be recorded in the public records and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be finding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the code enforcement board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

**Sec. 22-77. - Evidence; questioning of witnesses.**

- (a) Irrelevant, immaterial, and unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of this state. The burden of proof shall be upon the code enforcement officer to show, by a preponderance of the evidence, that a violation exists.
- (b) Any members of the code enforcement board, the person presenting the city's case, or the city attorney, may inquire of any witness before the code enforcement board. The alleged violator or his attorney shall be permitted to inquire of any witness before the code enforcement board and to present brief opening and closing statements.

**Sec. 22-78. - Powers of the code enforcement board.**

The code enforcement board shall have the power to:

- (1) Adopt rules for the conduct of its hearings.

- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff or any deputy sheriff of the county or any law enforcement officer.
- (3) Subpoena evidence to its hearings.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.
- (6) Levy, adjust or excuse a fine for violations.

**Sec. 22-79. - Fines; liens.**

- (a) The code enforcement board, upon notification by a code enforcement officer that an order of the code enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the code enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice to the violator of the repeat violation.
- (b) In addition, if the violation is a violation described in section 22-74, the code enforcement board shall notify the city commission, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the city commission to make further repairs or to maintain the property and does not create any liability against the city commission for any damages to the property if such repairs were completed in good faith.
- (c) If a finding of a violation or a repeat violation has been made as provided in this article, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, the code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (d) of this section.
- (d) A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (b) of this section. However, if the code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.

**Sec. 22-80. - Determination of fine amount; factors to consider.**

- (a) In determining the amount of the fine, if any, the code enforcement board shall consider the following factors:
  - (1) The gravity of the violation;
  - (2) Any actions taken by the violator to correct the violation; and
  - (3) Any previous violations committed by the violator.
  - (4) The courtesy and cooperation the violator extends to the code enforcement officer.
- (b) The code enforcement board may reduce a fine imposed pursuant to section 22-79

**Sec. 22-81. - Recording of orders imposing fines and liens.**

A certified copy of an order imposing a fine may be recorded in the public records of the county and thereafter such order shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. The lien shall be superior to all other liens or encumbrances against the property, except taxes, including the liens of mortgages or other encumbrances against the property recorded subsequent or prior to the recording of this lien in the public records of the county. Upon petition to circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this article shall continue to accrue until the violator comes into compliance or until a judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever comes first. After three months from the filing of any such lien which remains unpaid, the code enforcement board may authorize the city attorney to foreclose on the lien. No lien created pursuant to the provisions of this chapter may be foreclosed on real property which is a homestead under section 4, article X of the state constitution.

**Sec. 22-82. - Duration of lien.**

No lien provided under the Local Government Code Enforcement Boards Act shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action is commenced pursuant to section 22-81 in a court of competent jurisdiction. In an action to foreclose on a lien or for a money judgment, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the action. The city commission shall be entitled to collect all costs incurred in recording and satisfying a valid lien. The continuation of the lien

effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

**Sec. 22-83. - Appeals.**

An aggrieved party, including the city commission, may appeal a final administrative order of the code enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the code enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

**Sec. 22-84. - Notices.**

- (a) All notices required by this part shall be provided to the alleged violator by:
- (1) Certified mail to the address listed in the tax collector's office for tax notices, or to any other address provided by the property owner in writing to the city commission for the purpose of receiving notices. For property owned by a corporation notices may be provided by certified mail to the registered agent of the corporation. If any notice sent by certified mail is not signed as received within 30 days after the date of mailing, notice may be provided by posting as described in subsections (b)(3) and (b)(4) of this section.
  - (2) Hand delivery by the sheriff or other law enforcement officer, code inspector, or other person designated by the city commission;
  - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice; or
  - (4) In the case of commercial premises, leaving the notice with the manager or other person in charge.
- (b) In addition to providing notice as set forth in subsection (a) of this section, at the option of the code enforcement board, notice may also be served by publication or posting, as follows:
- (1) Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements.

- (2) Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051. In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted at least ten days prior to the hearing, or prior to the expiration of any deadline contained in the notice, in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the city hall.
  - (3) Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
  - (4) Notice by publication or posting may run concurrently with, or may follow, an attempt to provide notice by hand delivery or by mail as required under subsection (a) of this section.
- (c) Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this part have been met, without regard to whether or not the alleged violator actually received such notice.

**Secs. 22-85—22-100. - Reserved.**

#### **ARTICLE IV. CITATION SYSTEM PROCEDURE**

##### **Sec. 22-101. - Issuance; filing; notice.**

- (a) A code enforcement officer is authorized to issue a citation to a person when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of a duly enacted code or ordinance. The citation will be filed and heard in the county court.
- (b) Prior to issuing a citation, a code enforcement officer shall provide notice to the person that the person has committed a violation of a code or ordinance and shall give such person a reasonable time period within which to correct the violation. Such time period shall be no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within such time period, a code enforcement officer may issue a citation to the person who has committed the violation. A code enforcement officer does not have to provide the person with a reasonable time period to correct the violation prior to issuing a citation and may immediately issue a citation if the code enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or if the violation is irreparable or irreversible.

**Sec. 22-102. - Form and content of citation.**

A citation issued by a code enforcement officer shall be in a form prescribed by the city, and shall contain:

- (1) The date and time of issuance.
- (2) The name and address of the person to whom the citation is issued.
- (3) The date and time the civil infraction was committed.
- (4) The facts constituting reasonable cause.
- (5) The number or section of the code or ordinance violated.
- (6) The name and authority of the code enforcement officer.
- (7) The procedure for the person to follow in order to pay the civil penalty or to contest the citation.
- (8) The applicable civil penalty if the person elects to contest the citation.
- (9) The applicable civil penalty if the person elects not to contest the citation.
- (10) A conspicuous statement that if the person fails to pay the civil penalty within the time allowed, or fails to appear in court to contest the citation, he shall be deemed to have waived his right to contest the citation and that, in such case, judgment may be entered against the person for an amount up to the maximum civil penalty.

**Sec. 22-103. - Deposit of citation with county court; refusal to sign and accept.**

- (a) After issuing a citation to an alleged violator, a code enforcement officer shall deposit the original citation and one copy of the citation with the county court.
- (b) Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

**Sec. 22-104. - Application of article provisions; violations prosecuted as misdemeanors.**

- (a) The provisions of this section shall not apply to the enforcement pursuant to F.S. §§ 553.79 and 553.80 of building codes adopted

pursuant to F.S. § 553.73 as they apply to construction, provided that a building permit is either not required or has been issued by the city. For the purposes of this subsection, the term "building codes" means only those codes adopted pursuant to F.S. § 553.73.

- (b) The violation of this chapter shall be a civil infraction and shall be prosecuted in the county court in the same manner as misdemeanors are prosecuted. The jurisdiction of the county court is provided by F.S. § 34.01.

**Sec. 22-105. - Penalty for violation of chapter.**

- (a) Findings of violations will subject the violator to a maximum fine of \$500.00. Uncontested violations may result in a lower fine.
- (b) Any person charged with a violation of an ordinance in county court may appear and contest the citation, and if found to be in violation, may appeal such finding as provided in Florida Rules of Court Civil Proceedings.
- (c) The county court may assess costs, service charges and attorney's fees in addition to any fine levied.

**Sec. 22-106. - Notice to appear.**

- (a) Notwithstanding F.S. § 34.07, a code enforcement officer, designated pursuant to this chapter, may issue a notice to appear at any hearing conducted by a county court if the officer, based upon personal investigation, has reasonable cause to believe that the person has violated a code or ordinance. A notice to appear means a written order issued by a code enforcement officer in lieu of physical arrest requiring a person accused of violating the law to appear in a designated court or governmental office at a specified date and time. If a person issued a notice to appear under this section refuses to sign such notice, the code enforcement officer has no authority to arrest such person.
- (b) Prior to issuing a notice to appear, a code enforcement officer shall provide written notice to the person that the person has committed a violation of a code or ordinance and shall establish a reasonable time period within which the person must correct the violation. Such time period shall be no fewer than five days and no more than 30 days. If, upon personal investigation, a code enforcement officer finds that the person has not corrected the violation within the prescribed time period, a code enforcement officer may issue a notice to appear to the person who has committed the violation. A code enforcement officer is not required to provide the person with a reasonable time period to correct the violation prior to issuing a notice to appear and may immediately issue a notice to appear if a repeat violation is found, or if the code

enforcement officer has reason to believe that the violation presents a serious threat to the public health, safety, or welfare, or that the violator is engaged in violations of an itinerant or transient nature, as defined by local code or ordinance within the jurisdiction, or if the violation is irreparable or irreversible.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

## ORDINANCE 14-32

AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 62 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO SALES, BY AMENDING SEC. 62-32, SUBSECTION (3) TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER"; BY AMENDING SEC. 62-33 TO REQUIRE THAT AN I.D. CARD BE OBTAINED BY ANY PEDDLER, SOLICITOR OR CANVASSER, AND TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER"; BY AMENDING SUBSECTION (1) TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER"; BY DELETING SUBSECTION 5(i) IN ITS ENTIRETY; BY DELETING SUBSECTION (6) IN ITS ENTIRETY; BY AMENDING SEC. 62-34, SUBSECTION (a) TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER" AND TO DELETE REFERENCE TO THE NAME AND ADDRESS OF THE SURETY; BY AMENDING SEC. 62-36 TO DELETE "*RULES AND REGULATIONS*" FROM THE TITLE; BY DELETING SUBSECTION (A) IN ITS ENTIRETY; TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER"; BY AMENDING SEC. 62-38 TO ADD "OR HIS DESIGNEE" FOLLOWING "CITY MANAGER" IN SUBSECTIONS (a) AND (b); BY AMENDING ARTICLE III *GARAGE SALES* TO DELETE THE TITLE *DIVISION 1. GENERALLY*; BY RENUMBERING SEC. 62-94 AS SEC. 62-72 AND AMEND SAID SECTION TO REPLACE "PERMITS ISSUED" WITH GARAGE SALES; BY RENUMBERING 62-73 AND TO DELETE PUNISHMENT IN ACCORDANCE WITH SECTION 1-15 AND TO ADD SUBJECT TO THE CITY'S CODE ENFORCEMENT PROCESS; BY DELETING *DIVISION 2. PERMIT* AND SECTIONS 62-91 THROUGH 62-95 IN THEIR ENTIRETY; BY AMENDING SEC. 62-101 *DEFINITIONS*, SUBSECTION (3), TO PROVIDE AN EXCEPTION FOR AN ADMISSION FEE AND TO DELETE THE REFERENCE THAT NOTHING CONTAINED IN THE SUBSECTION SHALL BE DEEMED TO AUTHORIZE ANY MEETING, THEATRICAL PERFORMANCE, EXHIBITION OR EVENTS OF ANY KIND WITHOUT A LICENSE WHERE SUCH LICENSE IS REQUIRED; BY AMENDING SEC. 62-102 TO ADD *AND I.D. CARD* TO THE TITLE (*LICENSE AND I.D. CARD REQUIRED; FEES*); BY AMENDING SUBSECTION (a) TO ADD THE REQUIREMENTS OF AN I.D. CARD; BY AMENDING SUBSECTION (b) TO PROVIDE THAT APPLICATION FOR A LICENSE AND I.D. CARD SHALL BE MADE TO THE PLANNING & DEVELOPMENT DIRECTOR AND DELETE FROM THE CITY CLERK OR OTHER OFFICER; BY DELETING THE REQUIREMENT FOR APPLICANT TO MAKE WRITTEN APPLICATION TO THE CITY CLERK AND THE USE OF FORMS PROVIDED BY THE CITY CLERK; BY DELETING THE REQUIREMENT TO PROVIDE NOTICE OF CHANGES IN NAME AND ADDRESS IN WRITING TO CITY CLERK OR MUNICIPAL OFFICER; BY DELETING THE NECESSITY OF A PERSON DESIRING TO DISTRIBUTE COMMERCIAL HANDBILLS TO MAKE APPLICATION FOR LICENSE PER THE TERMS OF THIS SUBSECTION; BY

**AMENDING SUBSECTION (d)(1)a. TO CHANGE THE FEE FROM \$50.00 TO \$250.00; BY AMENDING SUBSECTION (d)(1)b. TO CHANGE THE FEE FROM \$25.00 TO \$125.00; BY AMENDING SUBSECTION (d)(1)c. TO CHANGE THE FEE FROM \$10.00 TO \$50.00; BY DELETING SECTION 62-103 IN ITS ENTIRETY AND RENUMBERING SECTIONS 62-104 THROUGH 62-110; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 62 to bring it into compliance with state and national standards along with flexibility to meet the city needs; and (d)(1)c.

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Chapter 62 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

**CHAPTER 62 SALES**

**ARTICLE I. IN GENERAL**

**Secs. 62-1—62-30. - Reserved.**

**ARTICLE II. - PEDDLERS, SOLICITORS AND CANVASSERS**

**Sec. 62-31. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canvasser* means any individual going from house to house or street to street for the purpose of soliciting orders or to determine opinions or sentiments, without the express invitation, oral or written, of the inhabitant of the premises and otherwise not an exception to the provisions of this article under the terms of this article.

*Peddler* means any person, traveling by foot, wagon, automotive vehicle, motor truck, or any other type of conveyance from house to house or from street to street carrying, conveying or transporting goods, wares and merchandise, offering and exposing them for sale or making sales or delivering articles to purchasers or who by traveling from house to house shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck or other vehicle or conveyance; one who solicits orders and as a separate transaction makes deliveries to purchasers as a part of the

scheme or design to evade the provisions of this article shall be deemed a peddler subject to the provisions of this article.

*Solicitor* means any individual traveling either by foot, wagon, automobile, motor truck or any other type of conveyance from house to house or from street to street taking or attempting to take orders for the sale of goods, wares or merchandise, real property, subscriptions, personal property of any nature whatsoever for future delivery or for services to be furnished or performed in the future whether or not such individual has, carries or exposes for sale a sample of merchandise or whether he is collecting advance payments on such sales and whether for present or future delivery.

**Sec. 62-32. - Persons excluded from provisions of article.**

The terms and provisions of this article shall not apply to:

- (1) Bona fide agents, business representatives or salesmen making calls or soliciting orders at the usual place of business of the customer.
- (2) Solicitors, salesmen or agents making a call or business visit upon the express invitation, oral or written, of the inhabitant of the premises.
- (3) Solicitors of charitable, educational, religious institutions or persons soliciting votes for a political candidate or a political issue who notify the city manager or his designee of such activities and provide reasonable details concerning the solicitation activities as the city manager or his designee may require.

**Sec. 62-33. - Registration certificates required; qualifications and conditions for issuance.**

No peddler, solicitor or canvasser shall engage in the sale or solicitation for order or anything of value or go from house to house within the geographical limits of the city involved in peddling, soliciting or canvassing activity without having obtained a valid registration certificate and I.D. Card. Registration certificates shall be issued by the city manager or his designee upon establishment of the following qualifications:

- (1) Driver's license or other proof satisfactory to the city manager or his designee for the establishment of identification.
- (2) Proof of agency or authority to represent the individual, firm or corporation selling the goods or filling the order.
- (3) That such person has not been guilty of abuse or violations involving forfeiture of previous permits issued by the city by reason of misconduct or violation.

- (4) That the applicant has paid all fees due the city.
- (5) The signing of an affidavit setting forth the following items of information:
  - a. The name, permanent business address and local business address of the applicant.
  - b. The home address of the applicant.
  - c. If the applicant is employed, the name and address of the employer.
  - d. A brief description of the nature of the business and the goods to be sold or services to be performed or canvass to be conducted.
  - e. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor or violation of any municipal ordinance, including traffic violations, the nature of the offense and the punishment or penalty assessed.
  - f. The length of time the applicant intends to do business in the city.
  - g. If a vehicle is to be used, a description of the same, together with the license number or other means of identification.
  - h. The place where the goods or property proposed to be sold or orders taken for the sale thereof, are manufactured or produced, where the goods or products are located at the time such application is filed and the proposed method of delivery.

**Sec. 62-34. - Record of holder and surety; registration certificate fees.**

- (a) The city manager or his designee shall ensure that a record shall be kept showing the name and address of the holder of the registration certificate and his employer, and the date and time the registration certificate was issued. The date of expiration of the registration certificate shall not be longer than one year from the date of issuance or the date that the solicitation, peddling or canvassing activity will be concluded, whichever is shorter.
- (b) A fee established by resolution of the city commission shall be charged for the issuance of each registration certificate and shall be paid to the cashier prior to the issuance of such certificate. The expiration date of the certificate shall be prominently displayed upon its face.

**Sec. 62-35. - Occupational license and fees required.**

Before being issued a registration certificate, the applicant shall first obtain the appropriate occupational license and pay the fees therefor.

**Sec. 62-36. - Revocation of certificate.**

When any holder of a registration certificate shall have violated the terms and conditions of his permit, the rules or this article, then the city manager or his designee may revoke the permit at any time.

**Sec. 62-37. - Solicitation under false pretenses; request to leave; no soliciting signs.**

- (a) It shall be unlawful for any person to solicit alms, aid, or funds for a charitable institution or for any institution, enterprise, business or project under any false or fraudulent pretense or who falsely or fraudulently represents himself to be the agent, solicitor or representative of any person, firm, corporation, business or institution for trade, business or other purposes.
- (b) No person shall remain in or upon any residential premises after the owner or occupant has requested any such person to leave.
- (c) No person shall enter upon any residential or business premises for soliciting or peddling when the owner or occupant of such premises has displayed a "No Soliciting" sign on such premises.

**Sec. 62-38. - Appeals.**

- (a) Should any person feel aggrieved by an administrative ruling of the city manager or his designee under any by virtue of the terms of this article or promulgated rules under this article, such person may file a written complaint in duplicate with the city manager or his designee not later than 15 days prior to a regularly scheduled meeting of the city commission and set forth therein briefly the grievance complained of. The city manager or his designee upon receipt of such complaint shall place the matter on the agenda for hearing at the next ensuing meeting of the commission.
- (b) If such complaint is adjudged well-founded, the commission shall make such recommendations and amendments as it deems proper; otherwise, the ruling of the city manager or his designee shall be final.

**Secs. 62-39—62-70. - Reserved.**

## **ARTICLE III. GARAGE SALES**

### **Sec. 62-71. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Garage sale* means the display and sale of personal property from the actual residence of the seller and shall include only used items of personal property then owned by the seller and displayed for sale in the yard, garage, driveway, porch, patio or other portion of the residence of the seller in such a manner that the articles are visible to the general public. Garage sales shall not include the sale or offering for sale of any goods on consignment or any goods specifically purchased for resale. The term "garage sale" shall not apply to the isolated and casual sale of single items of personal property, such as an automobile, bicycle, lawn furniture or items of a similar nature. The term "garage sale" does not include sales commonly referred to as "flea market" sales or an operation conducted by more than one owner or operator. The provisions of this section shall not apply to sales of personal property made pursuant to a valid order of a court of competent jurisdiction.

### **Sec. 62-72. - Number per location; duration.**

No more than two garage sales shall be permitted at any location (during any calendar year) unless a change in ownership has occurred. There shall be a 90-day minimum interval between garage sales. No garage sale shall be conducted for a period of greater than 48 hours.

### **Sec. 62-73. - Penalty for violation of article.**

Any person who conducts a garage sale or owns the property on which a garage sale is conducted in violation of the terms of this article shall be subject to the Code Enforcement process of the City of Dunedin.

### **Secs. 62-74—62-100. – Reserved.**

## **ARTICLE IV. - HANDBILLS**

### **Sec. 62-101. - Definitions.**

The following words, terms and phrases, when used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial handbill* means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet,

or any other printed or otherwise reproduced original or copies of any matter or literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;
- (2) Which directs attention to any business or mercantile, or commercial establishment, or other activity for the purpose of either directly or indirectly promoting the interests thereof by sales;
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. Exception: An admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency; good morals, public peace, safety and good order; or
- (4) Which, while containing reading matter other than advertising matter, is predominantly and essentially advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

*Handbill distributor* means and includes any person engaging or engaged in the business for hire or gain of distributing commercial or noncommercial handbills, other than newspapers distributed to subscribers thereof, and any person receiving compensation directly or indirectly for the distribution of such handbills.

*Newspaper* means and includes any newspaper of general circulation as defined by F.S. §§ 50.011 and 50.031, and any newspaper duly entered or qualified to be admitted and entered as second class matter with the United States post office in accordance with federal statute or regulation.

*Noncommercial handbill* means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original in the aforesaid definitions of a commercial handbill, or a newspaper.

*Private premises* means and includes any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk,

driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

*Public place* means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

**Sec. 62-102. - License and I.D. Card required; fees.**

- (a) It shall be unlawful for any person to engage in the business of a handbill distributor for hire, or for any person to distribute commercial or noncommercial handbills, without first complying with the terms of this article and all other relevant laws and regulations; provided, that nothing contained in this section shall apply to any person advertising his business or activity upon his own premises, if such business or activity is regularly established at a definite location in such city, and also if a license and I.D. Card have been obtained therefor, if such license and I.D. Card is required under the terms of any applicable law or ordinance.
- (b) Any person desiring to engage, as principal, in the business of distributing commercial or noncommercial handbills for hire, shall make application to and receive from the planning & development director a license and I.D. Card in the manner and for the period prescribed by the terms of this article and by all relevant provisions of the municipal Code.
- (c) Without excluding other just grounds for revocation, the city commission, or official so empowered by law, may revoke any license obtained under an application containing a false or fraudulent statement knowingly made by the applicant with intent to obtain a license by means of false or fraudulent representations, or for violation of this article or any other grounds specified by law. Such application shall be accompanied by the fee provided for in subsection (d) of this section. No license issued under this article shall be transferable; and, if any such license shall be surrendered by the licensee therein named, or shall be revoked for cause, neither the licensee names in such license, nor any other person, shall be entitled to any refund of any part of such fee.
- (d) Fees:
  - (1) License fees under the terms of this article, and for any such purpose, shall be as follows:
    - a. For a period of one year, the sum of \$250.00.
    - b. For a period of three months, the sum of \$125.00.
    - c. For a period of one week, the sum of \$50.00.
    - d. For a period of one day, the sum of \$5.00.

- (2) Provided that persons acting for licensees, as agents or employees, in the posting or distributing of any such handbills, shall not be required to obtain a license or pay a fee, but each such person shall comply with each and all of the other provisions of this article, and be subject thereto.

**Sec. 62-103. - Provisions not applicable to U.S. mail or newspapers.**

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, nor to newspapers as defined in this article.

**Sec. 62-104. - Depositing and/or distributing commercial handbills; prohibited in public places.**

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial handbill in or upon any public place within the city; and it shall also be unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

**Sec. 62-105. - Depositing and/or distributing prohibited on automobiles or other vehicles.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

**Sec. 62-106. - Depositing and/or distributing prohibited on vacant premises.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

**Sec. 62-107. - Depositing and/or distributing prohibited if requested not to do so; signs posted.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises.

**Sec. 62-108. - Distribution by licensed persons.**

No person licensed under the provisions of this article, or any other person, shall distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this article, the aforesaid licensed or other person unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be so used when so prohibited by federal postal laws or regulations.

**Sec. 62-109. - Penalty for violation of this section.**

Any violation of this section will be brought to the Dunedin Code Enforcement Board using the process outlined in Chapter 22 – Code Enforcement.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 4th day of December, 2014.**

  
Julie Ward Bujalski  
Mayor

ATTEST:

  
Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: November 20, 2014

READ SECOND TIME AND ADOPTED: December 4, 2014

## **ORDINANCE 14-33**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DUNEDIN AMENDING SECTION 74-209 OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN TO PROVIDE FOR A GOLF CART CROSSING OF ALTERNATE U.S. 19 AT JACKSON STREET; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.**

**WHEREAS**, the City Commission of the City of Dunedin has legislatively determined that the operation of golf carts, pursuant to Chapter 316.212, Florida Statutes, may be safely operated on certain designated streets within the City, and specifically finds that golf carts may safely travel on or across the public roads or streets as designated in Ordinance 2011-04; and

**WHEREAS**, the City of Dunedin sought, and the Florida Department of Transportation has approved, a golf cart crossing of Alternate U.S. 19 at Jackson Street; and

**WHEREAS**, it is necessary to revise Section 74-209 to authorize the golf cart crossing of Alternate U.S. 19 at Jackson Street; now, therefore,

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** That Section 74-209 of Chapter 74 of the Code or Ordinances of the City of Dunedin is amended to read as follows:

Section 74-209 Areas of Legal Operation.

The portions of the City of Dunedin in which golf carts may be lawfully operated consist of a Northside Golf Cart Zone and a Southside Golf Cart Zone.

(a) The Northside Golf Cart Zone shall consist of the following areas:

Northside golf cart zone is bounded by and does not include:

- Curlew Road on the north
- CR 1 on the east
- State Road 580 on the south
- Alternate U.S. 19 on the west – however, the Harbor View Villas and Dunedin Shores subdivisions on the west side of Alternate U.S. 19 are included with an existing Alternate U.S. 19 golf cart crossing at Palm Boulevard.

There shall be one permitted crossing of Alternate U.S. 19 within the Northside Golf Cart Zone to connect with the Southside Golf Cart Zone at Jackson Street.

(b) Southside Golf Cart Zone is bounded by and does not include:

- State Road 580 on the north
- Keene Road (C.R. 1) on the east
- Union Street on the south
- Alternate U.S. 19 on the west - however, the area from the City marina to Weaver park on the west side of Alternate U.S. 19 is included with and Alternate U.S. 19 crossing at Monroe Street

The Southside Golf Cart Zone includes all streets within the boundary excluding the following with traffic volumes of 5,000 vehicles per day or more or with posted speed limits over 35 miles per hour:

- Virginia Street between Milwaukee Avenue and Keene Road (C.R.1)
- Patricia Avenue between Union Street and Main Street

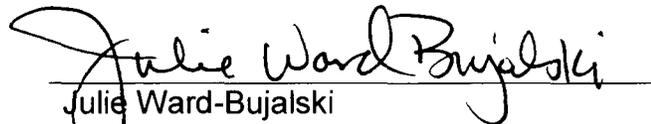
Permitted crossings of the above-excluded streets within the Southside Golf Cart Zone, during such times that the appropriate state or county authority has permitted such crossings, are:

- Virginia Street at New York Avenue
- Patricia Avenue at Manor Drive South and Knollwood Drive

There shall be one permitted crossing of Alternate U.S. 19 within the Southside Golf Cart Zone to connect with the Northside Golf Cart Zone at Jackson Street.

**Section 2:** This Ordinance shall become effective upon final passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, THIS 8th day of January, 2015.**

  
Julie Ward-Bujalski  
Mayor

ATTEST:

  
Denise Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: December 18, 2014

READ SECOND TIME AND ADOPTED: January 08, 2015