

Agenda
City of Dunnellon
Planning Commission
Tuesday, June 21, 2022, 5:30 p.m.
Join Zoom

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pwd=WDRkVkVGYzB1T1FoQVgxekZmZis5UT09](https://dunnellon.zoom.us/j/83102761150?pwd=WDRkVkVGYzB1T1FoQVgxekZmZis5UT09)

Webinar ID: 831 0276 1150

Public Comment

Anyone who wishes to provide public comment will be able to do so by participating in the Planning Commission meeting in person, or via the Zoom "AUDIO ONLY" platform and/or telephone, by speaking during public comment portions of the meeting when recognized per the instructions below or by submitting written comments, evidence and/or written testimony in advance of the meeting via email to the Community Development Manager at gcid@dunnellon.org

For the convenience of our citizens and the public, we livestream Planning Commission meetings on Zoom and YouTube. If the livestream is interrupted or compromised due to technical or other issues, the meeting may continue as normal and will not be paused or postponed. If you wish to ensure your ability to access the meeting to provide public comment, please attend the meeting in person.

Members of the public who would like to participate are encouraged to register in advance by Noon on Tuesday, June 21, 2022. Please see instructions below on how to register.

A three (3) minute time limit will be administered during public comment.

Instructions on How to Listen and/or Participate in the Meeting

Attachment: [Meeting Instructions PC](#)

One or more City Council members may attend this meeting and may speak.

Call to Order

Pledge of Allegiance

Roll Call

Proof of Publication: The Agenda was posted on City's website and City Hall bulletin board on Tuesday, June 14, 2022.

Public Comment:

1. Approval Of Minutes
Regular Meeting May 17, 2022

Documents:

[May 17 2022 Meeting Minutes.pdf](#)

2. Review Of Proposed Ordinance #ORD2022-07, Non-Conforming Signs

Documents:

[Summary Form For Ordinance ORD2022-07, Non-Conforming Signs.pdf](#)
[ORD2022-07, Non-Conforming Signs_Draft 1.Pdf](#)

3. Discussion On Public Meetings For Vision Statement

Any Person Requiring a Special Accommodation at This Hearing Because of a Disability or Physical Impairment Should Contact the City Clerk at (352) 465-8500 at Least 48 Hours Prior to the Proceeding. If a Person Desires to Appeal Any Decision with Respect to Any Matter Considered at the Above Meeting or Hearing, He or She Will Need a Record of the Proceeding, and for Such Purpose, He or She May Need to Ensure That a Verbatim Record of the Proceedings Is Made, Which Includes the Testimony and Evidence Upon Which the Appeal Is to Be Based. The City Is Not Responsible for Any Mechanical Failure of Recording Equipment.

**Minutes
City of Dunnellon
Planning Commission
May 17, 2022, 5:30 p.m.
Zoom**

<https://dunnellon.zoom.us/j/83862688572?pwd=eGdndTIjMUVRK3JYK3EyWlkzMitNUT09>

Webinar ID: 838 6268 8572

Chairwoman D'Arville called the meeting to order at 5:31 p.m. and led the Pledge of Allegiance.

Roll Call

Members Present:

Brenda D'Arville, Chairwoman
John Pierpont, Commissioner
Dusty Walters, Commissioner
Kathy Dunn, Commissioner
Lisa Sheffield, 1st Alternate

Members Absent:

Mary Ann Hilton, Commissioner – present but asked not to participate

Staff Present:

Georgina Cid, Community Development Manager
Kelly Wyen, Planning Assistant
Patrick Brackins, Assistant City Attorney – via zoom
Bill White, Mayor
Louise Kenny, Councilwoman
Chief McQuaig, Police Department

Proof of Publication

The agenda was posted on the City of Dunnellon's website and City Hall bulletin board on Tuesday, May 10, 2022 and amended on May 16, 2022 to add item #4.

1. Approval Of Minutes

March 15, 2022 – Regular Meeting

Member Dusty Walters motioned to approve the March 15, 2022 minutes as amended. Lisa Sheffield seconded the motion. A vote was taken and the motion passed 5-0.

2. Discussion – Proposed Ordinance #ORD2022-05 Short Term Rental Properties

Ms. Cid read the agenda summary for item #2 describing the content of the proposed ordinance. Member Walters asked if there is a limit on how many vacation rentals by owner (VRBO) can be limited in a neighborhood or particular street. Atty. Brackins cited FS 509.032(7b), stating that

the legislature has limited city authority to regulate the frequency of rentals or to prohibit the rentals. Member Dunn asked if HOAs can have control over vacation rentals. Atty. Brackins answered yes. Chairwoman D'Arville stated she believes the owners would be registering with the Florida Department of Revenue and not the Department of Business and Professional Services (as stated in the proposed ordinance). Chairwoman D'Arville asked that Ms. Cid and Atty. Brackins verify that information. Member Dunn asked who an owner should appoint to manage the property if the owner lives out of state. Atty. Brackins stated that the ordinance will require the owner to designate someone, such as a property management company, to manage the property. Member Pierpont asked what the registration fee would be and whether it be one time or annually. Ms. Cid replied the topic has not yet been addressed. Member Pierpont clarified the purpose of this ordinance is to control noise and other violations potentially created by renters and he asked if there has been any thought about how this would be enforced. Ms. Cid said this ordinance is a work in progress and this is the beginning stage of developing the ordinance. Member Dunn said this effort should be applauded because VRBOs are changing the complexion of our neighborhoods. Member Dunn would like to require permits for VRBOs, collecting a bed tax and limiting the number of permits issued in a year. Chairwoman D'Arville said limiting the number would be challenging since the rental websites would not know the limits set by Dunnellon. Atty. Brackins stated that any type of tax and regulations for public lodging establishments is expressly preempted to the State. Member Dunn said the Comprehensive Plan, Section 1.5 (b) states transient lodging should be limited to eight units per gross acre and would like to limit the number of people in a home at one time. Atty. Brackins stated that the State overrides the Comprehensive Plan.

Member Dunn motioned to approve the recommendation to present the proposed ordinance to City Council without any changes. Member Walters seconded the motion. A vote was taken and the motion passed 5-0.

3. Discussion – Code & Site Plan Review – Commissioner Dunn

Member Dunn stated the city codes need review. People drive larger vehicles now, have boats and RVs. Member Dunn said the Planning Commission needs to come up with a plan to revise the code and presented photos from her neighborhood and around the city as examples of what she believes would be remedied with a revised code. She showed a picture of Dunnellon Laundromat with a dumpster in the front parking lot. She showed a picture of a Historic District home with a box truck parked in the yard, a home with household appliances and trash in the yard, a large jeep filled with trash parked in the front yard and several more pictures of dilapidated properties. She showed a picture of her home with an RV in the driveway, for which she previously received a violation courtesy notice and stated that her type of violation shouldn't be the focus of Code Enforcement efforts.

Member Walters asked when the city code was last revised and nobody could provide an answer. Chairwoman D'Arville asked Atty. Brackins what the proper way to address code review would be. Atty. Brackins said that the Planning Commission's responsibilities and roles are outlined in Chapter 94 of the Code within the City's Comprehensive Plan, Quasi-Judicial hearings, site plan review and is limited to new developments of certain size and scope (ex: replats, small

development...). Under Chapter 94, Planning Commission does not have authority to review or propose modifications to the city code. When the Planning Commission reviews the Comprehensive Plan, they can also verify the land development code is consistent with any changes the Commission made to the Comprehensive Plan.

Member Dunn asked if the Planning Commission can recommend to City Council that the codes get reviewed as a group, as it carries more weight than it would from an individual citizen. Atty. Brackins said they are certainly not prohibited from making general recommendations to the City Council. Member Walters asked how they can access the code. Ms. Cid said the code is available on the city's website. Chairwoman D'Arville verified with Atty. Brackins that they can, as citizens, review on their own time and provide a markup to the Community Development Manager.

4. Discussion – Proposed Police Facility

Ms. Cid presented the six properties being considered for the new police facility location. After the presentation, Member Pierpont asked why an RFP isn't issued for this; indicating that developers get creative with options the city may not have thought about. Ms. Cid stated that an RFP would be the second step, but a decision on what property to use needs to be made first. Member Pierpont said there may be something a developer sees that the city doesn't and that optioning the properties could be done during the RFP process to keep the properties available during the RFP process. Chairwoman D'Arville asked Chief McQuaig to speak about his opinion on the best site. Chief McQuaig said the goals are to save money and to build the best building to meet the Police Department requirements and standards. Chief McQuaig explained the existing Police Department site and property on either side would be the most beneficial, as the funds are available, and the city already owns the existing Police Department lot. That location allows a 5,000 SF building to be built. Also, money would not have to be borrowed. Member Walters said it's a great option. Chairwoman D'Arville commented there has been talk about a need for a police station since 2004, so it has been a long time coming.

Member Dunn asked where the estimates came from for building costs that were presented. Ms. Cid said those are estimates which had been received in the past and after reaching out to those contractors, updated costs were provided. Ms. Cid advised her the presentation only gave ideas and that it is up to Council to make the decision on what type of structure and which location will be best suited for a new police facility.

5. Public Comment

David Raulerson, 19601 E Pennsylvania Ave., said he is a commercial and residential owner. He commented he had big plans four years ago to start a rental business. Mr. Raulerson discussed various ideas and parking issues at Blue Run. He voiced his concern of feeling dismissed when he mentions the word "kayak" when he comes to City Hall to discuss a business license. Chairwoman D'Arville thanked him for coming out and encouraged Mr. Raulerson to work with Community Development to get the proper approvals for his requests.

Mayor White stated the sale of the former Souls Harbor Church is being finalized. He said the city captured the two southern lots of the property and those lots will be available if and when

the City Council sees a need for its use. City Council is also focusing on where they can build a new police site, which will be on the next Council agenda along with other items such as boat ramp fees. Mayor White stated most municipalities charge boat ramp or parking fees for boat ramp use. The Council has control of the boat ramp and will continue to work on the proposed ordinance. He then spoke about a joint letter done by the DCBA and two other Chambers regarding the Northern Turnpike Extension. He said Council will be inviting the DCBA to its next meeting to discuss.

Mayor White added the Little League field is a public park and is open to anyone who wants to use it. He said because the league leases it, the league can set up rules and regulations for the field use and they have first right of refusal for use. He commented 72-hour notice is required if a travel team wants to use the field and a usage fee may apply.

Mayor White remarked Marion County has agreed to provide \$425,000 for a new restroom facility at Blue Run Park and an additional \$25,000 for a weather shelter. He said the city will budget an additional \$150,000 in FY22/23 to cover additional costs. He commented this park is a connection to the entire State's trail system.

Mayor White further commented the Blue Run Park Ordinance was put into place on April 1, 2022. He said this puts all the Management Plan Agreements into ordinance form to allow the police to enforce citations. He stated the ordinance also shuts down commercial activity in the park. He said other than Rainbow River Kayak Adventure, which is the County's hired shuttle service, no other kayak service is permitted to use the park.

Mayor White said with regard to Code Enforcement, there is so much that needs to be fixed from years of not having Code Enforcement. He commented as we move forward with Code Enforcement, pushback is expected as things have been allowed to happen over a period of time. He stated as you look around the city, there are obvious examples of code violation that need to be dealt with. Mayor White said he doesn't believe waiting for the city code revisions is feasible before enforcing the code. He stated we should enforce the obvious violations to help clean the city's appearance.

Finally, Mayor White said the city is also preparing to repave Cedar Street and Ohio Street, which has been a goal for quite some time.

Ms. Cid stated the city is working on the RFP for wayfinding signs. She said the design of the signs was previously presented to and approved by Council. She commented the RFP is strictly for the manufacturing of the signs and eventually the signs will be a standard throughout the city. However, due to budget constraints, the signs will be initiated in the Historic District only.

Member Walters asked about the status of the vision statement revision for the city. Ms. Cid stated public meetings have to be scheduled for the revisions and we are currently focused on other areas, primarily Code Enforcement. She said there have been 43 Code Enforcement notices sent to date this year. The city will continue to enforce the Code and work on Code revisions.

Ms. Cid stated the city is now a member of Main Street and she will continue working toward establishing a 14-member board/committee/panel. She said nearly all positions are filled currently. Ms. Cid also indicated Code violations should be emailed to a staff member of Community Development at City Hall.

6. Adjournment:

A motion to adjourn was made by Chairwoman D'Arville and seconded by Member Pierpont. There being no further comments, Chairwoman D'Arville gavelled down and adjourned the meeting at 7:34 p.m.

Penned Signature of
Brenda D'Arville
Chairwoman

Penned Signature of
Georgina Cid
Community Development Manager

**City of Dunnellon
Planning Commission
Agenda Summary Form**

Item Number 2

Meeting Date: June 21, 2022

Responsible Dept.: Community Development **Board Action:** Review

Subject: ORD2022-07 Non-Conforming Signs

Request for Approval Summary Explanation & Background:

The purpose of this ordinance is to address non-conforming signs to amend and clarify their definition and provide the following:

1. amortization of existing billboards,
2. regulations for non-conforming signs,
3. maintenance requirements for signage,
4. remedies for general violations of signage regulations,
5. removal of unsafe signs,
6. removal of abandoned signs, and
7. removal of signs erected without a permit

It will provide provisions pertaining to prohibited signs, prohibition on billboards and conflicts, codification and an effective date.

*The complete backup package will be emailed to all board members and is available electronically to the public upon request to (352) 465-8500 x1010. For printed copies, please contact the Clerk's office, (352) 465-8500, press 1. Applicable per page fees will apply.

40 **WHEREAS**, as far back as 1954, the United States Supreme Court recognized that “the
41 concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as
42 well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature
43 “to determine that the community should be beautiful as well as healthy, spacious as well as clean,
44 well balanced as well as carefully patrolled.” Justice Douglas in *Berman v. Parker*, 348 U.S. 26,
45 33 (1954); and

46
47 **WHEREAS**, the Florida Constitution provides that it shall be the policy of the State of
48 Florida to conserve and protect its scenic beauty; and

49
50 **WHEREAS**, the regulation of signage for purposes of aesthetics directly serves the policy
51 of this state by conserving and protecting its scenic beauty; and

52
53 **WHEREAS**, the City Council finds and determines that aesthetics is a valid basis for
54 zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be
55 based upon aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65
56 So.2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So.2d 236 (Fla. 1957); *Kuvin v. City of Coral*
57 *Gables*, 62 So. 3d 625 (Fla. 3d DCA 2010) E.B. *Elliott Advertising Co. v. Metropolitan Dade*
58 *County*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed. 400 U.S. 878 (1970)]; and

59
60 **WHEREAS**, the City Council finds and determines that public policy and the public
61 interest favor the eventual elimination of nonconforming signs; and

62
63 **WHEREAS**, the City Council finds and determines that the size, height, and other
64 characteristics of signs can magnify their adverse impacts on both traffic safety and aesthetics; and

65
66 **WHEREAS**, the City Council finds and determines that this ordinance will lessen
67 hazardous situations, as well as confusion and visual clutter otherwise caused by the proliferation,
68 improper placement, excessive height, excessive size, and distracting characteristics of signs
69 which compete for the attention of pedestrian and vehicular traffic; and

70
71 **WHEREAS**, the Florida Constitution states that it shall be the policy of the State to
72 conserve and protect its scenic beauty, and the City Council finds and determines that the
73 prohibition of the construction of billboards and certain other sign types, as well as the
74 establishment and continuation of height, size and other standards for on-premise signs, is
75 consistent with this policy; and

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77 **WHEREAS**, the City Council finds and determines that this ordinance will enhance the
78 attractiveness and economic well-being of the City as a place to live, visit, and conduct business;
79 and

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WHEREAS, the City Council finds and determines that billboards detract from the natural and manmade beauty of the City; and

WHEREAS, the City Council finds and determines that the preservation of the City’s scenic beauty promotes tourism by establishing a visual attractiveness for the City and promoting its general economic and cultural development consistent with the City’s interest in beauty; and

WHEREAS, the City Council agrees with the American Society of Landscape Architects’ determination that billboards tend to deface nearby scenery, whether natural or built, rural or urban; and

WHEREAS, the City Council agrees with the courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or altered by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [see E.B. Elliott Adv. Co. v. Metropolitan Dade County, 425 F.2d 1141 (5th Cir. 1970), cert. denied, 400 U.S. 878 (1970); John Donnelly & Sons, Inc. v. Outdoor Advertising Bd., 339 N.E. 2nd 709, 720 (Mass. 1975)]; and

WHEREAS, the City Council recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [see Packer v. Utah, 285 U.S. 105 (1932); and General Outdoor Advertising Co. v. Department of Public Works, 289 Mass. 149, 193 N.E. 99 (1935)], and the City Council acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area [see Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 509-510 (1981); and National Advertising Co. v. City & County of Denver, 912 F.2d 405, 409 (10th Cir. 1990); and Outdoor Systems, Inc. v. City of Lenexa, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999); and Interstate Outdoor Adver., L.P. v. Zoning Bd. of Mt. Laurel, 706 F.3d 527 (3d Cir. 2013)]; and

WHEREAS, the City Council hereby finds and determines that anything beside the street which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [see In re Opinion of the Justices, 103 N.H. 268, 169 A.2d 762 (1961); Newman Signs, Inv. C. Hjelle, 268 N.W. 2d 741 (N.D. 1978)]; and

119 **WHEREAS**, the City Council finds and determines that municipalities may separately
120 classify offsite and on-site advertising signs in taking steps to minimize visual pollution [see City
121 of Austin v. Reagan Nat’l Adver. of Austin, LLC, 142 S. Ct. 1464 (2021); and City of Lake Wales
122 v. Lamar Advertising Association of Lakeland, Florida, 414 So.2d 1030, 1032 (Fla. 1982)]; and
123

124 **WHEREAS**, the City Council recognizes that on-site business signs are considered to be
125 part of the business itself, as distinguished from off-site outdoor advertising signs, and finds and
126 determines that it is well-recognized that the unique nature of outdoor advertising and the
127 nuisances fostered by billboard signs justify the separate classification of such structures for the
128 purposes of governmental regulation and restrictions [see E.B. Elliott Adv. Co. v. Metropolitan
129 Dade County, 425 F.2d 1141, 1153 (5th Cir. 1970), cert. denied, 400 U.S. 878, 91 S.Ct. 12, 27
130 L.Ed. 2d 35 (1970), quoting United Advertising Corp. v. Borough of Raritan, 11N.J. 144, 93 A.2d
131 362, 365 (1952); Clear Channel Outdoor, Inc. v. City of Los Angeles, 340 F.3d 810, 814 (9th Cir.
132 2003); and City of Austin v. Reagan Nat’l Adver. of Austin, LLC, 142 S. Ct. 1464 (2021)]; and
133

134 **WHEREAS**, the City Council finds and determines that billboard signs are public
135 nuisances given their adverse impact on both traffic safety and aesthetics; and
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137 **WHEREAS**, the City Council finds and determines that billboards are a traffic hazard and
138 impair the beauty of the surrounding area, and the prohibition of the construction of billboards will
139 reduce these harms [see Outdoor Systems, Inc. v. Cite of Lenexa, 67 F.Supp.2d 1231, 1239 (D.
140 Kan. 1999)]; and
141

142 **WHEREAS**, the City Council finds and determines that the presence of billboards along
143 the federal interstate and the federal-aid primary highway systems have prevented public property
144 in other jurisdictions from being used for beautification purposes due to view zones established by
145 state administrative rule; and
146

147 **WHEREAS**, Scenic America, Inc. recommends improvements in the scenic character of
148 a community’s landscape and appearance by prohibiting the construction of billboards, and by
149 setting height, size and other standards for on-premise signs [see Scenic America’s Seven
150 Principles for Scenic Conservation, Principle #5]; and
151

152 **WHEREAS**, more than a hundred Florida communities have adopted ordinances
153 prohibiting the construction of billboards in their communities in order to achieve aesthetic,
154 beautification, traffic safety, and/or other related goals; and
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156 **WHEREAS**, Vermont, Alaska, Maine, and Hawaii have prohibited the construction of
157 billboards in their states and are now billboard-free in an effort to promote aesthetics and their
158 natural scenic beauty; and

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WHEREAS, the City Council finds and determines that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to continue to regulate billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City Council finds and determines that the continued prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and keep open areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions; and

WHEREAS, the City Council finds and determines that the City has consistently adopted and enacted severability provisions in connection with its Code provisions and that the City Council wishes to ensure that severability provisions apply to its Code of Ordinances, including its sign regulations; and

WHEREAS, the City Council finds and determines that off-site signs, also known and commonly referred to as “billboards,” are not compatible with adjacent areas and are not an approved land use within any of the City’s zoning districts; and

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

WHEREAS, the City Council finds and determines that the following amendments will not result in incompatible land uses; and

WHEREAS, the City Council finds and determines that the City’s sign regulations are concerned with the secondary effects of speech including, but not limited to, aesthetics and traffic safety, and that they are not intended to regulate viewpoints or censor speech, and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a “prior restraint” analysis; and

WHEREAS, the City Council recognizes that frivolous challenges to its provisions regulating signage might be advanced under the pretext that the City is unconstitutionally restraining free speech, and the City Council desires to amend and modify the Code to codify

199 current practice and, to the fullest extent possible, ensure that a prior restraint claim cannot be
200 advanced in good faith against the City’s sign regulations; and

201
202 **WHEREAS**, the City Council finds and determines that the Code’s severability clauses
203 were adopted with the intent of upholding and sustaining as much of the City’s regulations,
204 including its sign regulations, as possible in the event that any portion thereof (including any
205 section, sentence, clause or phrase) be held invalid or unconstitutional by any court of competent
206 jurisdiction; and

207
208 **WHEREAS**, the City Council finds and determines that under Florida law, whenever a
209 portion of a statute or ordinance is declared unconstitutional the remainder of the act will be
210 permitted to stand provided (1) the unconstitutional provisions can be separated from the
211 remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be
212 accomplished independently of those which are void, (3) the good and the bad features are not so
213 inseparable in substance that it can be said that the legislative body would have passed the one
214 without the other, and (4) an act complete in itself remains after the invalid provisions are stricken
215 [see, e.g., Waldrup v. Dugger, 562 So.2d 687 (Fla. 1990)]; and

216
217 **WHEREAS**, the City Council has determined that there have been several judicial
218 decisions where courts have not given full effect to severability clauses that applied to sign
219 regulations and where the courts have expressed uncertainty over whether the legislative body
220 intended that severability would apply to certain factual situations despite the presumption that
221 would ordinarily flow from the presence of a severability clause; and

222
223 **WHEREAS**, the City Council is aware that the failure of some courts to uphold
224 severability clauses has led to an increase in litigation by developers seeking to strike down sign
225 ordinances in their entirety so as to argue that the developers’ applications to erect billboards and
226 signs must be granted; and

227
228 **WHEREAS**, the City Council desires that the prohibition on billboards continue in effect
229 regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City’s
230 sign regulations, other ordinance or Code provisions, or other laws, for any reason(s) whatsoever;
231 and

232 **WHEREAS**, the City Council desires that there be an ample record that it intends that each
233 prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or
234 even all other, provisions of the City’s sign regulations, other ordinance or Code provisions, or
235 other laws, for any reason(s) whatsoever; and

236
237 **WHEREAS**, the City Council is aware that billboard developers seeking to attack a sign
238 ordinance have often advanced an argument that the developer has a “vested” right to erect the

239 billboards described in their permit applications, and argue that if they are successful in obtaining
240 a judicial decision finding that the City’s entire sign ordinance is unconstitutional, it follows that
241 they are entitled to build any sign described in the permit applications submitted under the
242 “unconstitutional” ordinance, and argue that this result is mandated because when they applied for
243 their permits there was no valid constitutional ordinance in place; and
244

245 **WHEREAS**, the City Council desires to make it clear that billboards are not a compatible
246 land use within the City and that there can be no good faith reliance by any prospective billboard
247 developer under Florida “vested rights,” or any other theory or law in connection with the
248 prospective erection or construction of billboards within the jurisdictional limits of the City; and
249

250 **WHEREAS**, the City Council has determined that the purpose and intent provisions of its
251 signage regulations should be even more detailed than they are now so as to further describe the
252 beneficial aesthetic and other effects of the City’s sign regulations, and to reaffirm that the sign
253 regulations are concerned with the secondary effects of speech and are not designed to censor
254 speech or regulate the viewpoint of the speaker; and
255

256 **WHEREAS**, limitations on and regulations regarding various types of signs are also
257 related to the zoning for the properties on which they are located and/or the land use of the
258 properties on which the sign-types and signs are located; and
259

260 **WHEREAS**, the City Council finds and determines that limitations on various types of
261 signs are also related to the zoning districts for the properties on which they are located; and
262

263 **WHEREAS**, the City Council finds and determines that the sign prohibitions and
264 regulations adopted herein still allow adequate alternative means of communications; and
265

266 **WHEREAS**, alternative method of communications in lieu of signs exist through vehicular
267 navigational systems, guidebooks, newspapers, radio, television, telephone and the internet.
268

269
270 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
271 Dunnellon Code of Ordinances, ~~strike through~~ constitutes deletions from the original, and asterisks
272 (***) indicate an omission from the existing text which is intended to remain unchanged.
273

274 **NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
275 **OF DUNNELLO, FLORIDA AS FOLLOWS:**
276

277 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
278 Council.
279

280 **SECTION 2: Appendix A - Zoning**, Article XI – ‘Signs’ of the City’s Code of Ordinances is
281 hereby amended as follows:

283 ARTICLE XI. - SIGNS

284 Section 11.1 - Scope.

285 The provisions of this article shall govern the number, sizes, location and character of all signs
286 which may be permitted as a main or accessory use under the terms of the zoning code. No signs
287 shall be permitted on a lot either as a main or accessory use except in accordance with the
288 provisions of this article.

289
290 Section 11.2 - Definitions.

291 The following words, terms and phrases, when used in this appendix, shall have the meanings
292 ascribed to them in this section, except where the context clearly indicates a different meaning:

293 *Abandoned sign:* A sign that no longer correctly directs or exhorts any person, or advertises a
294 bona fide business, lessor, owner, product or activity conducted or product available on the
295 premises where such sign is displayed.

296 *Advertising sign:* Any sign which directs attention to a business, commodity, service, product
297 or activity conducted, sold, offered or available off the premises where the sign is located that is
298 permitted under the procedures, requirements, and standards of Section 11.14 of this Article for a
299 business within the city where such business has less than twenty (20) feet of street frontage.

300 *Animated sign:* Animated sign means an on-site sign depicting or involving action, motion,
301 light, or color changes through electrical or mechanical means. This type of signage is not only
302 recognized by type but also may be recognized by its display, which may be regulated by city
303 code, zoning regulations, or other agreements. Animated signs may contain lists of specific
304 products and auxiliary services. Animated signs are not identified as illuminated signs. An
305 animated sign's display shall be limited to four differing levels of regulation which are defined as
306 such:

- 307 (a) Level 1 static display only, i.e., the messages are changed with no transitions.
- 308 (b) Level 2 static display with "fade" or "dissolve" transitions, or similar subtle transitions
309 and frame effects that do not have the appearance of moving text.
- 310 (c) Level 3 static display with "fade," "dissolve," "travel," or "scrolling" transitions, or
311 similar transitions and frame effects that have text or animated images that appear to move
312 or change in size, or be revealed sequentially rather than all at once.
- 313 (d) Level 4 full animation, flashing and video.

314 *Area of sign:* The total surface of a sign including the background and frame but not structural
315 supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters,
316 or symbols applied to a frame or to a background which is not a structural part of the sign, the area
317 of the sign shall be the smallest rectangle, triangle or circle which will include the display. Where

318 a sign is built with two faces back to back, the area of the sign shall be the larger of the areas of
319 the two faces computed as hereinbefore specified.

320 *Awning:* A temporary shelter supported entirely from the exterior wall of a building and
321 composed of nonrigid materials except for the supporting framework.

322 *Banner:* means any sign with characters, letters, illustrations or other ornamentation applied
323 to or integrated in any cloth, paper, fabric, plastic or similar material that is not permanently
324 attached to a solid backing wood, metal or masonry.

325 *Billboard:* A sign other than an advertising sign that advertises a business, use or service not
326 carried on within the parcel on which the sign is placed.

327 *Bulletin:* A sign, bulletin board or message board erected by or on behalf of a governmental
328 entity which communicates information of a public service nature, such as public meeting dates,
329 upcoming school or community events, activities, programs, services, election dates and other
330 similar information of general interest to the public.

331 *Business identity flag:* A flag that advertises only the name or logo of a business located on
332 the premises where the flag is flown.

333 *Canopy:* A permanent roof-like shelter extending from part or all of a building face over a
334 public right-of-way and constructed of some durable material.

335 *Changeable copy:* A sign or portion thereof on which the copy or symbols change either
336 manually, or through mechanical means, changing the placement of letters or symbols on a panel
337 mounted in or on a track system. Changeable copy signs may contain lists of specific products and
338 auxiliary services.

339 *Construction sign:* A sign announcing and identifying the construction project scheduled or
340 underway on the site where the sign is located.

341 *Directional sign:* Any sign used to indicate the direction to entrances, exits, parking areas,
342 restrooms or other non-business-related facilities on the site. *Sign, directional.* A sign indicating
343 the direction or location of some facility or service incidental to a use and not advertising the use
344 itself in any way.

345 *Directory sign:* A sign which gives the names of the businesses or individuals located in the
346 building or complex where the sign is located. A directory sign shall be of a unified design and
347 common material, and shall allow for a uniform size sign for each business or unit of space in the
348 development. Directory signs shall be limited to the name and type of business and its location
349 within the building or complex. This could take the form of a ground sign, wall sign or monument
350 sign.

351 *Double-faced sign:* A sign with two faces which are no more than three feet apart at their
352 closest point, and which describe an internal angle between the face planes extended of no more
353 than 60 degrees.

354 *Fascia sign:* A sign located on the fascia of a roof or canopy, including signs that extend the
355 plane of the structural fascia such that the vertical dimension of the sign is no more than one-third
356 the distance from the ground to the bottom of the fascia, and where no lateral supports are used.

357 *Flag:* Means any cloth, paper, fabric, plastic or similar material, usually rectangular in shape,
358 whether or not the material displays characters, ornamentation or letters, attached to any staff,

359 cord, building or other structure, that hangs loosely for the primary purpose of attracting attention
360 to its site. The official flags of the United States and the state are exempt from the provisions of
361 this article.

362 *Freestanding sign:* (This would include any ground sign, directory or pylon sign.) A sign
363 erected on a freestanding frame, mast or pole and not attached to any building.

364 *Frontage:* The length of the property line of any one premise, which parallels to and along
365 each public right-of-way it borders.

366 *Ground sign:* means the total square footage of a sign where the bottom of the sign face either:
367 1) rests upon the ground; 2) extends above the ground with vertical supports a maximum of four
368 feet; or rests upon a base that is embellished to conceal all structural vertical supports. A monument
369 sign is considered a ground sign.

370 *Hanging sign:* A sign that hangs beneath a marquee, canopy, or awning and is perpendicular
371 to the building face.

372 *Height of sign:* for on-site signs, the distance between the top of a sign and the average grade
373 elevation below it. For off-site signs, height of sign means the distance between the top of the sign,
374 excluding embellishments, and the roadway centerline grade perpendicular to that point of the sign
375 closest to the road right-of-way.

376 *Identification sign:* A sign, which is limited to the name, address and number of a building,
377 institution or person and to the activity carried on in the building or institution, or the occupancy
378 of the person.

379 *Illuminated:* A sign which has characters, letters, figures, designs, or outlines illuminated by
380 electric lights or luminous tubes designed and provided for such illumination.

381 *Indirectly illuminated sign:* Any sign which reflects light from a source intentionally directed
382 upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted
383 fluorescent light fixtures.

384 *Instructional sign:* A sign conveying nonadvertising information relating to the use of the
385 premises, including such signs as no parking, no trespassing, and warning signs. These shall be
386 regulated as directional signs.

387 *Logo:* A distinctive trademark or symbol of a company, publication, etc.

388 *Marquee:* A permanent roof-like shelter extending from part or all of the building face over a
389 public right-of-way and constructed of some durable material such as metal, glass or plastic.

390 *Membership sign:* A sign identifying affiliation with a travel club, business association, credit
391 card company or professional association.

392 *Monument sign:* A freestanding sign where the base of the sign structure is on the ground or
393 a maximum of 12 inches above the adjacent grade.

394 *Nameplate:* A sign indicating the name and/or profession of a person or persons residing on
395 the premises or legally occupying the premises, or indicating a home occupation legally existing
396 on the premises.

397 *Noncommercial flag:* Any flag other than a business identify flag or commercial flag
398 including, without limitation, a flag of any governmental, religious, charitable, fraternal or political
399 organization or cause.

400 ~~*Nonconforming sign (legal):* Any structure or sign which was lawfully erected and maintained~~
401 ~~prior to such time as it came within the preview of this code and any amendments thereto, and~~
402 ~~which fails to conform to all applicable regulations and restrictions of this code, or a~~
403 ~~nonconforming sign for which a special permit has been issued.~~ Any sign that was lawful when it
404 was erected but does not meet the requirements of this article at the time of its effective date.

405 *Nuisance sign:* Any sign that has not received a permit, whether permanent or temporary, shall
406 be considered a nuisance sign, and shall be considered unlawful.

407 ~~*Off-site advertising sign:* Any sign which directs attention to a business, commodity, service,~~
408 ~~product or activity not conducted, sold, offered or available on the premises where such sign is~~
409 ~~located or to which it is affixed.~~

410 *On-site sign:* A sign that identifies or advertises only goods, services, facilities, events or
411 attractions available on the premises where the sign is located.

412 *Political sign.* A temporary sign erected by a political candidate, group or agent thereof, for
413 the purpose of advertising a candidate or stating a position regarding an issue upon which the
414 voters of the city shall vote.

415 *Projecting sign:* A sign supported by a wall of a building, projecting away from that wall 12
416 inches or more, designed with a face reading at an angle to that wall.

417 *Pylon sign:* a sign that is supported by two or more uprights, poles, or braces in or upon the
418 ground that are not a part of a building or enclosed within the exterior walls of a building and are
419 separated from any other structures by a distance of at least six inches.

420 *Real estate development sign:* A temporary sign (with permit required) placed on the premises
421 of a subdivision or real estate development to indicate a proposed start or to inform relative to
422 availability.

423 *Real estate sign:* A temporary sign (without permit required) placed upon a property
424 advertising that particular property for sale, for rent or for lease.

425 *Sign, real estate:* A sign which advertises the sale, rental or development of the premises upon
426 which it is located.

427 *Roof sign:* a sign located on the roof of a building and primarily supported by that roof
428 structure, which extends above the top of the parapet or ridge line in the area where the sign is
429 located, except fascia signs.

430 *Setback:* The setbacks for signs specified in this appendix shall be measured horizontally from
431 the vertical plane of the property line to the closest point of the sign.

432 *Sign:* Any letters, numbers, symbols, graphics, pictures or figures, or combination thereof,
433 which are erected, constructed, placed, attached or painted on a structure or the ground, which
434 identify, advertise or direct attention to a product, business, institution, place, person or event,
435 which can be seen from the public right-of-way. When not modified by the term "structure" or
436 "face," the term "sign" shall include all parts of the sign and its supporting structure. Unless context
437 requires a different interpretation, sign refers to a digital, static or tri-vision sign.

438 *Sign.* Any structure, or part thereof, or any device attached to a structure or applied to any
439 surface or object, for visual communication, embodying letters, numerals, symbols, figures or
440 designs in the nature of an announcement, direction, or advertisement, directing attention to an
441 object, product, place, activity, service, person, institution, organization, or business and which is
442 visible from any public street, alley, waterway, or public place. This definition of a sign shall not
443 include any flag, notice, badge, or ensign of any government or governmental authority.

444 *Sign structure:* Any structure, which is designed specifically for the purpose of supporting a
445 sign, has supported or is capable of supporting a sign. This definition shall include any decorative
446 covers, braces, wires, supports, or components attached to or placed around the sign structure.

447 *Temporary sign:* A sign used to advertise or identify transitory events of two weeks or less
448 duration, unless specifically permitted for a longer period by this chapter. A temporary sign is not
449 permanently mounted. Temporary signs allowed in the R-1, R-1A, R-1B and R-2 shall include
450 only real estate signs, estate sale signs and garage/yard sale signs. Non-commercial message signs
451 shall be allowed only as temporary signs for up to 30 days in a 12-month period, shall not require
452 a permit and shall be limited to one sign per parcel.

453 *Wall sign:* A sign attached to or founded against the wall of a building with the face in a
454 parallel plane to the plane of the building wall.

455 *Wayfinding signage:* noncommercial signs, landmarks or other visual graphic communication
456 that are part of a city-sponsored and coordinated program for the purpose of directing pedestrian
457 and vehicular traffic to local destinations open to the public. Typical wayfinding signs include:
458 gateways, vehicular directional, destinations (parks, downtown and neighborhoods), murals,
459 parking lot identification, parking trailblazer, pedestrian directional, vehicular directional and
460 pedestrian kiosk.

461 *Window sign:* A sign installed inside a window for purposes of viewing from outside the
462 premises. This term does not include merchandise located in a window.

463 ***

464 Section 11.7 - Signs in NBR and B-2 districts.

465 (a) The following signs shall be permitted on a lot in NBR and B-2 districts:

- 466 (1) Signs as permitted in section 11.5.
- 467 (2) Wall, ground, and pylon signs.
- 468 (3) Marquee signs.
- 469 (4) Advertising signs as provided in section 11.14.
- 470 (5) Projecting signs.
- 471 (6) Roof signs.

472 Section 11.8 - Signs in B-3 districts.

473 (a) The following signs shall be permitted on a lot in a B-3 district:

- 474 (1) Signs as permitted in section 11.5.

- 475 (2) Wall, ground, and pylon signs.
- 476 (3) Marquee signs.
- 477 (4) Advertising signs as provided in section 11.14.
- 478 (5) Projecting signs
- 479 (6) Roof signs.

480 (b) Advertising signs in B-3 shall be regulated exclusively by section 11.14. All other signs shall
481 meet the following requirements:

- 482 (1) The aggregate area of all signs on any building premises shall not exceed three square feet
483 in area for each foot of frontage of the building displaying such signs, or one square foot
484 for each foot of frontage of the property occupied by such building or devoted to such
485 use, whichever may be greater.
- 486 (2) Hotel and motel signs shall not exceed those sizes specified in section 11.5.
- 487 (3) No signs shall be placed within 25 feet of any residentially zoned property. No ground
488 signs shall extend 12 feet in overall height above the ground.

489 ***

490 Section 11.10 - Signs in the historical district.

491 (a) The following provisions shall be applicable to the properties located within the historical
492 district:

493 (1) *Purpose.* The purpose and intent of this section is to establish regulations for the
494 fabrication, erection and use of signs and outdoor advertising displays within the historic
495 district of Dunnellon. These regulations create the legal framework for commercial sign
496 regulations that is intended to facilitate and easy and recognizable means of
497 communication. It recognizes the need for a well-maintained and attractive appearance in
498 the community and the need for adequate business identification, advertising and
499 communication. This code recognizes that aesthetics and design quality cannot be
500 satisfactorily legislated, as individual options vary and general public opinions vary from
501 one era to another. It is recognized, however, that a great percentage of that which is
502 unattractive can be eliminated by sensitive quality control, through adequate maintenance
503 and inspection and by reasonable guidelines formulated to minimize clutter.

504 (2) *Definitions.*

505 *Abandoned sign:* A sign that no longer correctly directs or exhorts any person, or advertises a
506 bona fide business, lessor, owner, product or activity conducted or product available on the
507 premises where such sign is displayed.

508 *Administrator:* The public services department/community development office or designated
509 representative.

510 *Area of sign:* The area of the largest single face of the sign within a perimeter which forms
511 the outside shape including any frame, or forms an integral part of the display, but excluding the
512 necessary supports or uprights on which the sign may be placed. If the sign consists of more than
513 one section or module, all areas will be totaled.

514 *Awning:* A temporary shelter supported entirely from the exterior wall of a building and
515 composed of nonrigid materials except for the supporting framework.

516 *Banner:* A temporary sign composed of lightweight material enclosed or not enclosed in a
517 rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the
518 atmosphere. This does not include flag banners.

519 *Billboard:* A sign other than an advertising sign that advertises a business, use or service not
520 carried on within the parcel on which the sign is placed.

521 *Building frontage:* The linear length of a building facing the right-of-way or the linear length
522 of the right-of-way facing the building, whichever is smaller.

523 *Canopy:* A permanent roof-like shelter extending from part or all of a building face over a
524 public right-of-way and constructed of some durable material such as metal, glass or plastic.

525 *Entrance sign:* Any sign, which serves solely to designate the location or direction or any
526 place or area.

527 *Flag:* Means any cloth, paper, fabric, plastic or similar material, usually rectangular in shape,
528 whether or not the material displays characters, ornamentation or letters, attached to any staff,
529 cord, building or other structure, that hangs loosely for the primary purpose of attracting attention
530 to its site. The official flags of the United States and the state are exempt from the provisions of
531 this article.

532 *Freestanding sign:* (This would include any ground sign, directory, or detached sign.) A sign
533 erected on a freestanding frame, mast or pole and not attached to any building.

534 *Frontage:* The length of the property line of any one premise, which parallels to and along
535 each public right-of-way it borders.

536 *Height of sign:* The vertical distance measured from the adjacent street grade or upper surface
537 of the nearest street curb other than an elevated roadway, which permits the greatest height to the
538 highest point of said sign.

539 *Identification sign:* A sign, which is limited to the name, address and number of a building,
540 institution or person and to the activity carried on in the building or institution, or the occupancy
541 of the person.

542 *Illuminated sign:* Any sign that emanates light either by means of illumination transmitted
543 through the sign faces.

544 *Indirectly illuminated sign:* Any sign which reflects light from a source intentionally directed
545 upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted
546 fluorescent light fixtures.

547 *Marquee:* A permanent roof-like shelter extending from part or all of the building face over a
548 public right-of-way and constructed of some durable material such as metal, glass or plastic.

549 *Nonconforming sign (legal):* ~~Any structure or sign which was lawfully erected and maintained~~
550 ~~prior to such time as it came within the preview of this code and any amendments thereto, and~~
551 ~~which fails to conform to all applicable regulations and restrictions of this code, or a~~
552 ~~nonconforming sign for which a special permit has been issued.~~ Any sign that was lawful when it
553 was erected but does not meet the requirements of this article at the time of its effective date.

554 *Sign:* Any identification, description, illustration or device illuminated or nonilluminated
555 which is visible from any public place or is located on private property and exposed to the public
556 and which directs attention to a product, service, place, activity, person, institution, business or
557 solicitation, including any permanently installed or situated merchandise; or any emblem, designed
558 to advertise, identify or convey information, with the exception of window displays and national
559 flags. For the purpose of removal, signs shall also include all sign structures.

560 *Sign structure:* Any structure that supports, has supported, or is capable of supporting a sign,
561 including decorative cover.

562 *Wall sign:* A sign attached to or erected against the wall of a building with the face in a parallel
563 plane to the plane of the building wall.

564 *Window sign:* A sign installed inside a window for purposes of viewing from outside the
565 premises. This term does not include merchandise located in a window.

566 (3) *General sign criteria.*

- 567 a. One main business freestanding identification sign per frontage.
- 568 b. No sign should cover architectural detailing on historic buildings.
- 569 c. Signs shall not be internally illuminated unless approved by the historic preservation
570 board.
- 571 d. Lettering styles shall be in accordance with the lettering styles on file in the
572 community development office at city hall.
- 573 e. All signs to be constructed by in accordance with the rules and regulations set forth
574 by the Uniform Building Code.
- 575 f. No signs will be allowed above the eaves of the building or structures.
- 576 g. The historic preservation board must approve neon signs.
- 577 h. Billboards are prohibited.
- 578 i. A total of three signs shall be permitted per building face.

579 (4) *Freestanding signs.*

- 580 a. Maximum sign area:
 - 581 1. One business on site: 12 square feet maximum allowed.
 - 582 2. Two businesses on site: 18 square feet maximum allowed.
 - 583 3. Three or more businesses on site: 24 square feet maximum allowed.
- 584 b. Maximum width: Four feet; maximum height: seven feet.
- 585 c. One freestanding sign allowed for every 50 feet frontage of property.

586 Example:

587 50-foot lot:

588 One 12 square foot (SF) freestanding sign.

- 589 100-foot lot:
- 590 (One business): One 12 SF freestanding sign.
- 591 (Two businesses): Either one 18 SF freestanding sign or two 12 SF freestanding
592 signs.
- 593 (Three businesses): Either one 24 SF freestanding sign or two 12 SF freestanding
594 signs.
- 595 150-foot lot:
- 596 (One business): One 12 SF freestanding sign.
- 597 (Two businesses): Either one 24 SF freestanding sign or three 12 SF freestanding
598 signs.
- 599 d. Height restrictions: seven feet maximum height from the ground.
- 600 e. Located a minimum of three feet from the right-of-way line.
- 601 f. Freestanding signs cannot be internally illuminated, unless approved by the history
602 preservation board. Freestanding signs may, however, be indirectly illuminated.
- 603 g. One freestanding sign will be allowed for each building having frontage on a public
604 right-of-way (example: corner lots will be allowed one sign fronting each roadway).
- 605 (5) *Hanging signs.*
- 606 a. Maximum size: Four square feet.
- 607 b. Height restrictions: Seven feet minimum height above grade.
- 608 (6) *Window signs.*
- 609 a. Maximum size: 25 percent of window area or by approval of the historic preservation
610 board.
- 611 b. If tenant occupies a building that depends solely on its window space for
612 advertisement, the window sign will be limited to one per space, shall not exceed 25
613 percent of the window area.
- 614 c. Multiple tenant occupancy. Window signs will be limited to one per space and 25
615 percent of the primary frontage of the tenant space.
- 616 d. Window signs shall be maintained to original condition.
- 617 (7) *Wall signs.*
- 618 a. Maximum size: 12 square feet.
- 619 b. One wall sign allowed or one freestanding sign per building frontage.
- 620 c. Multiple tenant occupancy: Wall signs will be limited to one per space.
- 621 (8) *Canopy/marquee and awning and awning valence.*
- 622 a. Shall not exceed 25 percent of the face vertically or horizontally.

- 623 b. Similar color and style on different signs on same building.
- 624 (9) *Temporary signs.*
- 625 a. Promotional posters for civic events shall be permitted on private property seven
626 days prior to event and must be removed within 24 hours after event.
- 627 b. Yard sale signs: 72 hours.
- 628 c. Business openings: 30 days per year.
- 629 d. Banners: 30 days per year (excluded from size requirements).
- 630 e. Holiday signs are allowed 30 days prior to the holiday and must be removed within
631 14 days after the holiday.
- 632 (10) *Murals and flag banners.*
- 633 a. These are considered alternative signage and must be approved by the historic
634 preservation board.
- 635 b. The historic preservation board shall have the authority to review and approve
636 proposed signage that does not comply with these regulations.

637 ***

638 Section 11.12 - Billboards.

- 639 (a) Billboards are prohibited. Except as provided for baseball scoreboards, all billboards not
640 otherwise authorized by federal, state or county laws and regulations are prohibited in the city.
- 641 (b) All billboards that are legal nonconforming signs are subject to the amortization procedure as
642 described in this section. The City Clerk is authorized to contact billboard owners for the
643 purpose of entering into agreements per the incentive parameters below, whereby the owner
644 of a billboard that is a legal nonconforming sign agrees that the billboard must be demolished,
645 removed, or made to conform by [insert date] which is ten (10) years from the
646 adoption of this amortization provision or as otherwise directed by City Council. As incentive
647 to enter such an agreement, the agreement may guarantee that the billboard will be treated as
648 an authorized use until such date and thereby allow temporary reconstruction of the billboard
649 notwithstanding other limitations on nonconforming signs and uses.

650 ***

651 Section 11.14 - Advertising signs.

- 652 (a) Advertising signs shall be permitted for a business located within Dunnellon where such
653 business has less than 20 feet of street frontage, subject to the following standards:
- 654 (1) Advertising signs shall be permitted in B-3, B-4 and B-5 zones as regulated by the
655 following:
- 656 a. Each qualifying business may be permitted one advertising sign in the city.
- 657 b. Advertising signs shall comply with the locational and regulatory standards
658 applicable to ground signs as permitted in the applicable zoning district.
- 659 c. The following construction and maintenance standards shall be observed:

- 660 1. All advertising signs shall be constructed under the standards of the Florida
661 Building Code.
- 662 2. The wood framing for all signs shall be of treated material; all wood material
663 under the surface of the ground shall be of pressure-treated material.
- 664 3. The backs of all signs, where visible, shall be painted or treated with a material
665 suitable for the preservation of the appearance of such signs.
- 666 4. All signs shall be maintained front and back in a constant state of good repair.
667 Standards for good repair shall include:
- 668 (i) Paint shall not be peeling or flaked.
- 669 (ii) The sign shall be legible at a distance of 100 feet at all times.
- 670 (iii) Signs shall be kept in a vertical, upright position at all times.
- 671 d. The provisions of this section may be altered or waived by the city council, if, in the
672 opinion of the city council, special circumstances warrant it and provided that the
673 spirit and purpose of this code is fulfilled.
- 674 (b) Advertising signs shall be permitted as temporary structures in A-1 districts provided that
675 all of the following regulations and restrictions are fulfilled:
- 676 (1) Location standards. The following standards apply:
- 677 a. In an A-1 district no advertising sign shall be placed closer than 300 linear feet on
678 the same side of a common right-of-way to any other sign.
- 679 b. Advertising signs may be placed back to back provided the distance between such
680 signs, measured at the apex, shall not exceed 20 feet.
- 681 c. In one location a series of sign faces or messages may be placed end to end provided
682 that all such signs are tied together structurally and provided the overall length shall
683 not exceed 60 feet, nor shall a single sign exceed 60 feet in overall length.
- 684 d. No advertising sign shall be located nearer than 500 feet to any existing residence
685 without the written consent of the person actually residing in such residence. In no
686 case shall the sign be closer than 100 feet to an existing residence measured from the
687 nearest point of the residence to the nearest point of the sign.
- 688 (2) The following setbacks shall be observed:
- 689 a. Persons desiring permits for the construction of any advertising sign shall have the
690 option of choosing a permanent or temporary permit. All advertising signs
691 constructed or erected or reconstructed under a permanent permit shall meet all of
692 the setback requirements as established by this zoning code. All advertising signs
693 erected, constructed, or reconstructed under a temporary permit may be installed
694 according to the existing state law governing the placement of signs alongside of
695 state highways, but in no case less than 15 feet setback from the right-of-way. These
696 temporary permits will become void and the sign shall be moved 30 days after
697 notification, if any of the following shall occur:

- 698 1. If the property on which the sign is located or any property within 300 feet of
699 said sign along a common right-of-way is changed in zoning classification from
700 agricultural A-1 to any other zoning classification.
- 701 2. If in the opinion of the community development manager subject to review by
702 the planning commission said sign blocks the view or in any way impedes or
703 injures the value of any business or residence adjacent to said sign.
- 704 b. Construction and maintenance standards as set forth in this section shall be followed.

705 ***

706 Section 11.17 – Nonconforming Signs.

- 707 (a) No additions or enlargements shall be made to a nonconforming sign except those additions
708 or enlargements that are required by law.
- 709 (b) A nonconforming sign that is modified by being moved, replaced or structurally altered shall
710 be brought into conformance with this Article.
- 711 (c) A nonconforming sign that is damaged shall not be repaired if the estimated cost to repair the
712 sign exceeds 50 percent of its replacement value immediately prior to the date of destruction
713 of the damaged sign; replacement value shall mean either the replacement value for property
714 tax purposes, updated as necessary by the increase in consumer price index since the date of
715 last valuation, or the valuation determined by a professionally recognized appraiser. A
716 damaged nonconforming sign that cannot be repaired shall be removed within 30 days of the
717 date the sign was damaged.
- 718 (d) Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is fifty
719 (50) percent or less of its replacement value immediately prior to the date of destruction of
720 the damaged sign, before the sign was damaged, it may be repaired and restored to the
721 condition it was in before it was damaged and may continue to be used as a nonconforming
722 sign, provided that such repairs and restoration are started within ninety (90) days of the date
723 the sign was damaged and are diligently pursued thereafter.
- 724 (e) Whenever repairs and restoration of a damaged nonconforming sign are not started within
725 ninety (90) days of the date the sign was damaged or are diligently pursued once started, the
726 sign shall be deemed abandoned. An abandoned sign shall be removed as provided by this
727 article.
- 728 (f) All nonconforming signs shall be properly maintained. Any nonconforming sign that is
729 determined by the city to be an unsafe sign shall be removed as provided for by this article.
- 730 (g) Nothing in this section shall be deemed to prevent the maintenance of any sign or manual
731 changes of sign copy on a nonconforming sign.
- 732 The casual, illegal, or temporary use of any sign shall not be sufficient to establish the
733 existence of a non-conforming use or to create any rights in the continuance of such use.

734

735 Section 11.18 – Maintenance.

- 736 (a) All visible portions of a sign and its supporting structure shall be maintained in safe condition
737 and neat appearance. If the sign is a lighted sign, all lights shall be maintained in working
738 order and functioning in a safe manner. All elements of the sign structure and face should be
739 in good repair and not discolored, peeling, cracked, bent, crumbling or broken. All signs shall
740 be kept in such manner as to constitute a complete sign at all times. The area immediately
741 surrounding ground signs shall be kept clear of all vegetation or debris.
- 742 (b) All signs for which a permit is required, together with all supports, braces, guys, anchors, sign
743 faces, and other structural and nonstructural members, shall be maintained in good condition
744 and appearance and in compliance with applicable codes. Examples of unacceptable
745 maintenance and repair include, but are not limited to, the following:
- 746 (1) Cracked, ripped, or peeling materials present on the surface area of a sign;
 - 747 (2) Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other
748 appendages;
 - 749 (3) Partial illumination for more than fourteen (14) days; and
 - 750 (4) Obstruction of sign face by weeds, vines, tree branches, or other vegetative matter.

751

752 Section 11.19 – General Violations.

753 Signs installed in violation of this article shall be removed or brought into compliance with the
754 requirements of this article. The sign owner, the owner of the property on which the sign is placed
755 and the sign contractor shall each be held responsible for adherence to this article and any other
756 applicable laws or regulations. This article may be enforced through code enforcement proceedings
757 or by any equitable or legal remedy available to the city.

758

759 Section 11.20 – Immediate Removal of Unsafe Signs.

760 If the city finds that when any sign is in violation of this article or other applicable regulations or
761 State law or and by reason of its violation presents an immediate and serious danger to the public,
762 the city may, without prior written notice, order the immediate removal or repair of the sign within
763 a specified period. The City may remove or authorize others to remove the sign in the event that
764 the owner for such sign cannot be found or if that person, after notification, refuses to repair or
765 remove it. The owner of the building, structure, or premises on which the sign is located, are jointly
766 and severally liable for the cost of removing such sign. The city shall have the right to recover
767 from the owner or person placing such sign the cost of removal and disposal of such sign.

768

769 Section 11.20 – Removal of Abandoned Signs.

770 The owner of an abandoned sign shall remove the abandoned sign within thirty (30) days of the
771 date of the city's order to remove the sign. A sign need not be removed when a successor tenant,
772 or business or property owner, agrees to maintain the sign as provided in this article, by filing a
773 letter of intent with the city no later than thirty (30) days after receiving notice to do so from the
774 city.

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Section 11.21 – Removal of Signs Erected Without a Permit.

The city may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this article.

Sec. 11.22. - Severability.

(a) General. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, this Code, or any adopting ordinance is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

(b) Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth in this Article, Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) Severability of prohibition on billboards. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this article and Code.

SECTION 3. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

SECTION 4. SEVERABILITY. If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

811 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
812 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
813 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
814 “Ordinance,” or similar words, may be changed to “Section,” “Article,” or other appropriate word.
815 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

816 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on _____,
817 **2022.**

818
819 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the first reading
820 on the _____ day of _____ 2022.

821
822 **Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and
823 final reading on the _____ day of _____ 2022.

824
825 Ordinance Posted on the City’s website on _____, 2022. Public hearing advertised on the
826 City’s website on _____ and advertised in the Riverland News on _____.

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829

830 _____
831 William P. White, Mayor

832 Attest:
833 _____
834 Amanda L. Odom, CMC
835 City Clerk